

113TH CONGRESS
2D SESSION

S. 2380

To amend title 49, United States Code, to improve the national freight policy of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2014

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to improve the national freight policy of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freight Priorities
5 Act”.

6 **SEC. 2. NATIONAL FREIGHT POLICY.**

7 (a) IN GENERAL.—Subtitle III of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“CHAPTER 64—NATIONAL FREIGHT**
2 **POLICY**

3 **“SEC. 6401. NATIONAL FREIGHT POLICY; MEASURING THE**
4 **PERFORMANCE OF MULTIMODAL FREIGHT**
5 **INFRASTRUCTURE.**

6 “(a) IN GENERAL.—It is the policy of the United
7 States to improve the efficiency, operation, and security
8 of the national freight network by leveraging investments
9 and promoting partnerships that—

10 “(1) advance interstate and foreign commerce;

11 “(2) promote economic competitiveness and job
12 creation;

13 “(3) improve the safe and efficient mobility of
14 goods; and

15 “(4) protect the public health and the environ-
16 ment.

17 “(b) OBJECTIVES; GOALS.—

18 “(1) OBJECTIVES.—The objectives of the na-
19 tional freight policy are—

20 “(A) to target investment in freight trans-
21 portation projects that strengthen the economic
22 competitiveness of the United States with a
23 focus on domestic industries and businesses and
24 the creation of high-value jobs;

1 “(B) to promote and advance energy con-
2 servation and the environmental sustainability
3 of freight movements;

4 “(C) to facilitate and advance the safety
5 and health of the public, including communities
6 adjacent to freight movements;

7 “(D) to provide for systematic and bal-
8 anced investment to improve the overall per-
9 formance and reliability of the national freight
10 network system to move freight, including en-
11 suring trade facilitation and transportation sys-
12 tem improvements are mutually supportive;

13 “(E) to promote partnerships between
14 Federal, State, and local governments, the pri-
15 vate sector, and other transportation stake-
16 holders to leverage investments in freight trans-
17 portation projects; and

18 “(F) to encourage adoption of operational
19 policies, such as intelligent transportation sys-
20 tems, to improve the efficiency of freight-related
21 transportation movements and infrastructure.

22 “(2) GOALS.—The goals of the national freight
23 policy are—

24 “(A) to reduce transportation infrastruc-
25 ture-related delays of goods and commodities

1 entering into and out of international points of
 2 entry on an annual basis;

3 “(B) to increase travel time reliability on
 4 major freight corridors that connect major pop-
 5 ulation centers to freight generators and inter-
 6 national gateways on an annual basis;

7 “(C) to reduce by 10 percent the number
 8 of freight transportation-related fatalities by
 9 2018;

10 “(D) to reduce national freight transpor-
 11 tation-related carbon dioxide levels by 40 per-
 12 cent by 2030;

13 “(E) to reduce freight transportation-re-
 14 lated air, water, and noise pollution and im-
 15 pacts on ecosystems and communities on an an-
 16 nual basis; and

17 “(F) to promote the inclusion of ports in
 18 freight network planning and project selec-
 19 tion.”.

20 (b) CONFORMING AMENDMENT.—The analysis for
 21 subtitle III of title 49, United States Code, is amended
 22 by adding at the end the following:

“CHAPTER 64—NATIONAL FREIGHT POLICY

“Sec.

“6401. National freight policy; measuring the performance of multimodal freight infrastructure.”.

1 **SEC. 3. PARTICIPATION OF PUBLIC PORT AUTHORITIES.**

2 (a) POLICIES AND PURPOSES.—Section 5301(b) of
3 title 49, United States Code, is amended—

4 (1) in paragraph (7), by striking “; and” and
5 inserting a semicolon;

6 (2) in paragraph (8), by striking the period at
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(9) ensure that public port authorities are in-
10 cluded in metropolitan freight transportation plan-
11 ning.”.

12 (b) METROPOLITAN TRANSPORTATION PLANNING.—
13 Section 5303(i)(6)(A) of title 49, United States Code, is
14 amended by inserting “public ports,” before “freight ship-
15 pers,”.

16 (c) NONMETROPOLITAN TRANSPORTATION PLAN-
17 NING.—Section 5304(g)(3) of title 49, United States
18 Code, is amended by inserting “public ports,” before
19 “freight shippers,”.

20 **SEC. 4. MULTIMODAL FREIGHT NETWORK.**

21 (a) IN GENERAL.—Subtitle III of title 49, United
22 States Code (as amended by section 2), is amended by
23 adding at the following:

1 **“CHAPTER 65—MULTIMODAL FREIGHT**
 2 **NETWORK**

3 **“§ 6501. Definitions**

4 “In this chapter:

5 “(1) METROPOLITAN PLANNING ORGANIZA-
 6 TION.—The term ‘metropolitan planning organiza-
 7 tion’ has the meaning given the term in section
 8 134(b) of title 23.

9 “(2) SECRETARY.—The term ‘Secretary’ means
 10 the Secretary of Transportation.

11 “(3) SELECTED ENTITY.—The term ‘selected
 12 entity’ means an entity selected to participate in the
 13 multimodal freight performance pilot program estab-
 14 lished under section 6502(b).

15 “(4) URBANIZED AREA.—The term ‘urbanized
 16 area’ has the meaning given the term in section
 17 134(b) of title 23.

18 **“§ 6502. Multimodal freight network**

19 “(a) ESTABLISHMENT OF PERFORMANCE MEAS-
 20 URES.—The Secretary may, in accordance with the na-
 21 tional freight strategic plan developed under section 167(f)
 22 of title 23, establish measures to assess the performance
 23 of a multimodal freight network.

24 “(b) MULTIMODAL FREIGHT PERFORMANCE PILOT
 25 PROGRAM.—

1 “(1) ESTABLISHMENT.—The Secretary shall es-
 2 tablish a pilot program under which not more than
 3 5 urbanized areas shall develop and deploy 1 or
 4 more pilot measures and targets to improve
 5 multimodal freight movement in densely populated
 6 and congested urban areas.

7 “(2) LOCATIONS.—The Secretary shall select
 8 not more than 5 locations, each of which represents
 9 an urbanized area of more than 1,000,000 individ-
 10 uals for the pilot program.

11 “(3) SELECTION.—The Secretary shall select
 12 entities or a combination of entities to carry out this
 13 subsection, which may include—

- 14 “(A) metropolitan planning organizations;
- 15 “(B) State departments of transportation;
- 16 “(C) multistate planning commissions;
- 17 “(D) freight advisory committees; and
- 18 “(E) other appropriate entities.

19 “(4) ENTITY DESIGNATIONS.—Of the selected
 20 entities, the Secretary shall designate—

- 21 “(A) an entity that has previous successful
- 22 use of freight performance measures and per-
- 23 formance-based planning efforts as a mentor
- 24 grantee; and

“(B) an entity that has limited or no successful previous experience in freight performance measures and performance-based planning efforts as a novice grantee.

“(5) PILOT PROGRAM ACTIVITIES.—

“(A) MULTIMODAL FREIGHT INFRASTRUCTURE PERFORMANCE BASELINE.—Not later than 180 days after the date on which the Secretary selects a pilot program location, the applicable selected entity shall develop a baseline of freight transportation assets within the urbanized area that describes—

“(i) the condition of key highway, rail, seaport, airport, barge, and intermodal facilities that handle freight;

“(ii) bottlenecks in the freight system that cause delays and unreliability in freight movements;

“(iii) the speed, reliability, and costs of moving goods through the metropolitan area;

“(iv) the degree to which transport of freight affects surrounding communities, including public health and air quality; and

1 “(v) the degree to which the inter-
2 modal freight network provides economic
3 opportunities to local communities, includ-
4 ing jobs at ports and other intermodal
5 freight facilities.

6 “(B) PERFORMANCE INDICATORS.—The
7 Secretary shall work with selected entities at
8 pilot locations to implement 1 or more provi-
9 sional indicators to measure improvements
10 against the freight infrastructure performance
11 baseline developed under subparagraph (A).

12 “(C) DATA COLLECTION AND REPORT-
13 ING.—The selected entities shall collect and re-
14 port baseline and annual performance data.

15 “(D) KNOWLEDGE-SHARING.—A selected
16 entity designated as a mentor grantee shall en-
17 gage in knowledge-sharing activities with novice
18 grantees to the maximum extent practicable,
19 which may include peer exchanges and technical
20 assistance, as appropriate to the level of per-
21 formance measurement capacity.

22 “(c) NATIONAL PERFORMANCE MEASURE DEVELOP-
23 MENT ACTIVITIES.—

24 “(1) IN GENERAL.—The Secretary—

1 “(A) shall evaluate the multimodal freight
2 performance measures developed by selected en-
3 tities in pilot locations; and

4 “(B) in accordance with the national
5 freight strategic plan developed under section
6 167(f) of title 23, may establish performance
7 measures to assess the efficiency of the
8 multimodal freight network.

9 “(2) MULTIMODAL FREIGHT MOVEMENT FINAL
10 REPORT.—

11 “(A) IN GENERAL.—At the end of the pilot
12 program under this section, the Secretary shall
13 prepare (including seeking public comment on)
14 a final report describing the results of the pilot
15 program that includes—

16 “(i) recommendations on—

17 “(I) the establishment of 1 or
18 more national multimodal freight in-
19 frastructure performance measures;
20 and

21 “(II) the integration of the meas-
22 ures into the Federal transportation
23 performance management framework;

24 “(ii) a description of actions taken
25 under the pilot program to measure and

1 improve multimodal freight infrastructure
 2 performance; and

3 “(iii) an assessment of—

4 “(I) outcomes and impacts that
 5 may result from the pilot measures;

6 “(II) estimated savings and new
 7 tax revenues to Federal, State and
 8 local governments from improved
 9 freight system performance.

10 “(B) PUBLICATION.—The Secretary shall
 11 publish in the Federal Register the report re-
 12 quired under subparagraph (A).

13 “(3) PERFORMANCE MEASURES AND STAND-
 14 ARDS.—Not later than 2 years after the date of the
 15 publication of the final report required under para-
 16 graph (2), the Secretary (in consultation with State
 17 Departments of Transportation, metropolitan plan-
 18 ning organizations, and other stakeholders) may pro-
 19 mulgate a rule that establishes performance meas-
 20 ures and standards for multimodal freight.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) The analysis for subtitle III of title 49,
 23 United States Code (as amended by section 2), is
 24 amended by adding at the end the following:

“CHAPTER 65—MULTIMODAL FREIGHT NETWORK

“6501. Definitions.

“6502. Multimodal freight network.”.

1 (2) Section 167 of title 23, United States Code,
2 is repealed.

3 (3) Section 505(a)(3) of title 23, United States
4 Code, is amended by striking “149, and 167” and
5 inserting “and 149, and section 6502 of title 49”.

6 **SEC. 5. NATIONAL COOPERATIVE FREIGHT TRANSPOR-**
7 **TATION RESEARCH PROGRAM.**

8 (a) IN GENERAL.—Chapter 5 of title 23, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 519. National cooperative freight transportation**
12 **research program**

13 “(a) IN GENERAL.—The Secretary shall establish
14 and support a national cooperative freight transportation
15 research program.

16 “(b) AGREEMENT.—The Secretary shall offer to
17 enter into an agreement with the Transportation Research
18 Board of the National Research Council of the National
19 Academies (referred to in this section as the ‘National
20 Academies’) to support and carry out administrative and
21 management activities relating to the governance of the
22 national cooperative freight transportation research pro-
23 gram.

1 “(c) ADVISORY COMMITTEE.—The National Acad-
2 emies shall select an advisory committee consisting of a
3 representative cross-section of freight stakeholders, includ-
4 ing representatives of—

5 “(1) the Department of Transportation;

6 “(2) other Federal agencies;

7 “(3) State transportation departments;

8 “(4) local governments;

9 “(5) nonprofit entities;

10 “(6) academic institutions;

11 “(7) private sector carriers and shippers;

12 “(8) port authorities;

13 “(9) air quality organizations; and

14 “(10) other interested parties.

15 “(d) GOVERNANCE.—

16 “(1) IN GENERAL.—The national cooperative
17 freight transportation research program established
18 under this section shall include the administrative
19 and management elements described in this sub-
20 section.

21 “(2) NATIONAL RESEARCH AGENDA.—

22 “(A) IN GENERAL.—The advisory com-
23 mittee, in consultation with interested parties,
24 shall recommend a national research agenda for
25 the program.

1 “(B) COMPONENT.—The agenda shall—

2 “(i) emphasize multimodal goods
3 movement;

4 “(ii) address major freight challenges
5 in urban and rural areas; and

6 “(iii) include a multiyear strategic
7 plan.

8 “(3) INVOLVEMENT.—Interested parties may—

9 “(A) submit research proposals to the advi-
10 sory committee;

11 “(B) participate in merit reviews of re-
12 search proposals and peer reviews of research
13 products; and

14 “(C) receive research results.

15 “(4) OPEN COMPETITION AND PEER REVIEW OF
16 RESEARCH PROPOSALS.—The National Academies
17 may award research contracts and grants under the
18 program established under this section through open
19 competition and merit review conducted on a regular
20 basis.

21 “(5) RESEARCH COORDINATION.—The National
22 Academies shall ensure that research contracts and
23 grants awarded under this section are not duplica-
24 tive of—

1 “(A) research conducted under other coop-
 2 erative transportation research programs gov-
 3 erned by the National Academies; or

4 “(B) research conducted by the Depart-
 5 ment of Transportation or any other Federal,
 6 State, or local agency.

7 “(6) EVALUATION OF RESEARCH.—

8 “(A) PEER REVIEW.—Research contracts
 9 and grants under the program may allow peer
 10 review of the research results.

11 “(B) PROGRAMMATIC EVALUATIONS.—The
 12 National Academies may conduct periodic pro-
 13 grammatic evaluations on a regular basis of re-
 14 search contracts and grants.

15 “(7) DISSEMINATION OF RESEARCH FIND-
 16 INGS.—The National Academies shall disseminate
 17 research findings to researchers, practitioners, and
 18 decisionmakers through—

19 “(A) conferences and seminars;

20 “(B) field demonstrations;

21 “(C) workshops;

22 “(D) training programs;

23 “(E) presentations;

24 “(F) testimony to government officials;

25 “(G) the Internet;

1 “(H) publications for the general public;

2 “(I) collaboration with the National Trans-
3 portation Library; and

4 “(J) other appropriate means.

5 “(e) CONTENTS.—The national research agenda re-
6 quired under subsection (d)(2) shall, at a minimum, in-
7 clude research on—

8 “(1) techniques for estimating and quantifying
9 public benefits derived from freight transportation
10 projects;

11 “(2) the feasibility of consolidating origins and
12 destinations for freight movement;

13 “(3) methods for incorporating estimates of do-
14 mestic and international trade into landside trans-
15 portation planning;

16 “(4) means of synchronizing infrastructure im-
17 provements with freight transportation demand;

18 “(5) the effect of changing patterns of freight
19 movement on transportation planning decisions;

20 “(6) the reduction of impacts on urban commu-
21 nities; and

22 “(7) other research areas to identify and ad-
23 dress emerging and future research needs relating to
24 freight transportation by all modes.

25 “(f) FUNDING.—

1 “(1) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this section such sums as are necessary.

4 “(2) FEDERAL SHARE.—The Federal share of
5 the cost of an activity carried out under this section
6 shall be up to 100 percent, as determined by the
7 Secretary.

8 “(3) ACCEPTANCE OF NON-FEDERAL FUNDS.—
9 In addition to using funds authorized for this sec-
10 tion, the National Academies may seek and accept
11 additional funding sources from—

12 “(A) public and private entities capable of
13 accepting funding from the Department of
14 Transportation;

15 “(B) States and local governments;

16 “(C) nonprofit foundations; and

17 “(D) the private sector.”.

18 (b) CONFORMING AMENDMENT.—The analysis for
19 chapter 5 of title 23, United States Code, is amended by
20 adding at the end the following:

“Sec.

“519. National cooperative freight transportation research program.”.

