

(12) an inventory of commercial ports in the State;

(13) if applicable, consideration of the findings or recommendations made by any multi-State freight compact to which the State is a party under section 70204;

(14) the impacts of e-commerce on freight infrastructure in the State;

(15) considerations of military freight;

(16) strategies and goals to decrease—

(A) the severity of impacts of extreme weather and natural disasters on freight mobility;

(B) the impacts of freight movement on local air pollution;

(C) the impacts of freight movement on flooding and stormwater runoff; and

(D) the impacts of freight movement on wildlife habitat loss; and

(17) consultation with the State freight advisory committee, if applicable.

(c) RELATIONSHIP TO LONG-RANGE PLAN.—

(1) INCORPORATION.—A State freight plan described in subsection (a) may be developed separately from or incorporated into the state-wide strategic long-range transportation plan required by section 135 of title 23.

(2) FISCAL CONSTRAINT.—The freight investment plan component of a freight plan shall include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

(d) PLANNING PERIOD.—A State freight plan described in subsection (a) shall address a 8-year forecast period.

(e) UPDATES.—

(1) IN GENERAL.—A State shall update a State freight plan described in subsection (a) not less frequently than once every 4 years.

(2) FREIGHT INVESTMENT PLAN.—A State may update a freight investment plan described in subsection (b)(9) more frequently than is required under paragraph (1).

(f) COMMERCIAL MOTOR VEHICLE PARKING FACILITIES ASSESSMENTS.—As part of the development or updating, as applicable, of a State freight plan under this section, each State that receives funding under section 167 of title 23, in consultation with relevant State motor carrier safety personnel, shall conduct an assessment of—

(1) the capability of the State, together with the private sector in the State, to provide adequate parking facilities and rest facilities for commercial motor vehicles engaged in interstate transportation;

(2) the volume of commercial motor vehicle traffic in the State; and

(3) whether there exist any areas within the State with a shortage of adequate commercial motor vehicle parking facilities, including an analysis (economic or otherwise, as the State determines to be appropriate) of the underlying causes of such a shortage.

(g) PRIORITY.—Each State freight plan under this section shall include a requirement that the State, in carrying out activities under the State freight plan—

(1) enhance reliability or redundancy of freight transportation; or

(2) incorporate the ability to rapidly restore access and reliability with respect to freight transportation.

(h) APPROVAL.—

(1) IN GENERAL.—The Secretary of Transportation shall approve a State freight plan described in subsection (a) if the plan achieves compliance with the requirements of this section.

(2) SAVINGS PROVISION.—Nothing in this subsection establishes new procedural requirements for the approval of a State freight plan described in subsection (a).

(Added Pub. L. 114–94, div. A, title VIII, § 8001(a), Dec. 4, 2015, 129 Stat. 1610; amended Pub. L. 117–58, div. B, title I, § 21104(a), (c), Nov. 15, 2021, 135 Stat. 658, 659.)

#### Editorial Notes

##### AMENDMENTS

2021—Subsec. (b)(10) to (17). Pub. L. 117–58, § 21104(a)(1), added pars. (10) to (16) and redesignated former par. (10) as (17).

Subsec. (d). Pub. L. 117–58, § 21104(c)(1), substituted “8-year” for “5-year”.

Subsec. (e)(1). Pub. L. 117–58, § 21104(c)(2), substituted “4 years” for “5 years”.

Subsecs. (f) to (h). Pub. L. 117–58, § 21104(a)(2), added subsecs. (f) to (h).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

#### § 70203. Transportation investment data and planning tools

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation shall—

(1) begin development of new tools and improvement of existing tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including—

(A) methodologies for systematic analysis of benefits and costs on a national or regional basis;

(B) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, urban and rural access, environmental sustainability, and system condition in the project selection process;

(C) improved methods for data collection and trend analysis;

(D) encouragement of public-private collaboration to carry out data sharing activities while maintaining the confidentiality of all proprietary data; and

(E) other tools to assist in effective transportation planning;

(2) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist

in making transportation investment decisions; and

(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

(b) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).

(Added Pub. L. 114-94, div. A, title VIII, § 8001(a), Dec. 4, 2015, 129 Stat. 1611.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

#### § 70204. Multi-State freight corridor planning

(a) CONSENT TO MULTI-STATE FREIGHT MOBILITY COMPACTS.—Congress recognizes the right of States, cities, regional planning organizations, federally recognized Indian Tribes, and local public authorities (including public port authorities) that are regionally linked with an interest in a specific nationally or regionally significant multi-State freight corridor to enter into multi-State compacts to promote the improved mobility of goods, including—

- (1) identifying projects along the corridor that benefit multiple States;
- (2) assembling rights-of-way; and
- (3) performing capital improvements.

(b) FINANCING.—A multi-State freight compact established by entities under subsection (a) may provide that, in order to carry out the compact, the relevant States or other entities may—

- (1) accept contributions from a unit of State or local government;
- (2) use any Federal or State funds made available for freight mobility infrastructure planning or construction, including applying for grants;
- (3) subject to such terms and conditions as the States consider to be advisable—
  - (A) borrow money on a short-term basis; and
  - (B) issue—
    - (i) notes for borrowing under subparagraph (A); and
    - (ii) bonds; and
- (4) obtain financing by other means permitted under applicable Federal or State law.

(c) ADVISORY COMMITTEES.—

(1) IN GENERAL.—A multi-State freight compact under this section may establish a multi-

State freight corridor advisory committee, which shall include representatives of State departments of transportation and other public and private sector entities with an interest in freight mobility, such as—

- (A) ports;
- (B) freight railroads;
- (C) shippers;
- (D) carriers;
- (E) freight-related associations;
- (F) third-party logistics providers;
- (G) the freight industry workforce;
- (H) environmental organizations;
- (I) community organizations; and
- (J) units of local government.

(2) ACTIVITIES.—An advisory committee established under paragraph (1) may—

- (A) advise the parties to the applicable multi-State freight compact with respect to freight-related priorities, issues, projects, and funding needs that impact multi-State—
  - (i) freight mobility; and
  - (ii) supply chains;

(B) serve as a forum for States, Indian Tribes, and other public entities to discuss decisions affecting freight mobility;

(C) communicate and coordinate multi-State freight priorities with other organizations;

(D) promote the sharing of information between the private and public sectors with respect to freight issues; and

(E) provide information for consideration in the development of State freight plans under section 70202.

(d) GRANTS.—

(1) ESTABLISHMENT.—The Secretary of Transportation (referred to in this section as the “Secretary”) shall establish a program under which the Secretary shall provide grants to multi-State freight compacts, or States seeking to form a multi-State freight compact, that seek to improve a route or corridor that is a part of the National Multimodal Freight Network established under section 70103.

(2) NEW COMPACTS.—

(A) IN GENERAL.—To incentivize the establishment of multi-State freight compacts, the Secretary may award a grant for operations costs in an amount of not more than \$2,000,000 to—

- (i) a multi-State freight compact established under subsection (a) during the 2-year period beginning on the date of establishment of the multi-State freight compact; or
- (ii) States seeking to form a multi-State freight compact described in that subsection.

(B) ELIGIBILITY.—

(i) NEW MULTI-STATE FREIGHT COMPACTS.—A multi-State freight compact shall be eligible for a grant under this paragraph only during the initial 2 years of operation of the compact.

(ii) STATES SEEKING TO FORM A COMPACT.—States seeking to form a multi-State freight compact shall be eligible for a grant under this paragraph during—