

S 1036 IS

111th CONGRESS

1st Session

**S. 1036**

To amend title 49, United States Code, to establish national purposes and goals for Federal surface transportation activities and programs and create a national surface transportation plan.

**IN THE SENATE OF THE UNITED STATES****May 14, 2009**

Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. LAUTENBERG)) 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 establish national purposes and goals for Federal surface transportation activities and programs and create a national surface transportation plan.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Federal Surface Transportation Policy and Planning Act of 2009'.

**SEC. 2. ESTABLISHMENT OF A NATIONAL SURFACE TRANSPORTATION POLICY AND PLAN.**

(a) IN GENERAL- Chapter 3 of title 49, United States Code, is amended--

- (1) by redesignating sections 304 through 309 as sections 307 through 312;
- (2) by redesignating sections 303 and 303a as sections 305 and 306, respectively; and
- (3) by inserting after section 302, the following:

**Sec. 303. National surface transportation policy**

(a) POLICY- It is the policy of the United States to develop a comprehensive national surface transportation system that advances the national interest and defense, interstate and foreign commerce, the efficient and safe interstate mobility of people and goods, and

the protection of the environment. The system shall be built, maintained, managed, and operated as a partnership between the Federal, State, and local governments and the private sector and shall be coordinated with the overall transportation system of the United States, including the Nation's air, rail, pipeline, and water transportation systems. The Secretary of Transportation shall be responsible for carrying out this policy and for defining the Federal Government's role in the system.

` (b) OBJECTIVES- The objectives of the policy shall be to facilitate and advance--

- ` (1) the efficient connectivity of persons and goods within and between nations, regions, States, and metropolitan areas;
- ` (2) the safety and health of the public;
- ` (3) the security of the Nation and the public;
- ` (4) environmental protection and enhancement, including the reduction of carbon-related emissions;
- ` (5) energy conservation and security, including reducing transportation-related energy use;
- ` (6) international and interstate freight movement, trade enhancement, job creation, and economic development;
- ` (7) responsible land use and sustainable development;
- ` (8) the preservation and adequate performance of system-critical transportation assets, as defined by the Secretary;
- ` (9) reasonable access to the national surface transportation system for all system users, including rural communities;
- ` (10) sustainable, balanced, and adequate financing of the national surface transportation system; and
- ` (11) innovation in transportation services, infrastructure, and technology.

` (c) Goals-

` (1) IN GENERAL- The goals of the policy shall be--

- ` (A) to reduce national per capita motor vehicle miles traveled on an annual basis;
- ` (B) to reduce national motor vehicle-related fatalities by 50 percent by 2030;
- ` (C) to reduce national surface transportation-generated carbon dioxide levels by 40 percent by 2030;
- ` (D) to reduce national surface transportation delays per capita on an annual basis;

- ˘ (E) to increase the percentage of system-critical surface transportation assets, as defined by the Secretary, that are in a state of good repair by 20 percent by 2030;
- ˘ (F) to increase the total usage of public transportation, intercity passenger rail services, and non-motorized transportation on an annual basis;
- ˘ (G) to increase the proportion of national freight transportation provided by non-highway or multimodal services by 10 percent by 2020;
- ˘ (H) to reduce passenger and freight transportation delays and congestion at international points of entry on an annual basis;
- ˘ (I) to ensure adequate transportation of domestic energy supplies; and
- ˘ (J) to maintain or the reduce the percentage of gross domestic product consumed by transportation costs.

˘ (2) BASELINES- Within 1 year after the date of enactment of the National Surface Transportation Policy and Planning Act of 2009, the Secretary shall develop baselines for the goals and shall determine appropriate methods of data collection to measure the attainment of the goals.

˘ (d) REQUIREMENTS- The Secretary, consistent with the plan developed under section 304 and notwithstanding any other provision of law in effect as of the date of enactment of the National Surface Transportation Policy and Planning Act of 2009, shall--

˘ (1) develop appropriate performance criteria and data collections systems for each Federal surface transportation program in order to evaluate:

˘ (A) whether such programs are consistent with the policy, objectives, and goals established by this section; and

˘ (B) how effective such programs are in contributing to the achievement of the policy, objectives, and goals established by this section;

˘ (2) using the criteria developed under paragraph (1), annually evaluate each such program and provide the results to the public;

˘ (3) based on the evaluation performed under paragraph (2), make any necessary changes or improvements to such programs to ensure such consistency and effectiveness;

˘ (4) align the availability and award of Federal surface transportation funding to meet the policy, objectives, goals, and performance criteria established by this section, consistent with the evaluation performed under paragraph (2);

˘ (5) carry out this section in a manner that is consistent with sections 302, 5503, 10101, and 13101 of this title and section 101 of title 23 to the extent that such sections do not conflict with the policy, objectives, and goals established by this section;

˘ (6) review, update, and reissue all relevant surface transportation planning requirements to ensure that such requirements require that regional, State, and

local surface transportation planning efforts funded with Federal funds are consistent with the policy, objectives, and goals established by this section; and

` (7) require recipients of Federal surface transportation funds to annually report on the use of such funds, including a description of--

` (A) which projects and priorities were funded with such funds;

` (B) the rationale and method employed for apportioning such funds to the projects and priorities; and

` (C) how the obligation of such funds is consistent with or advances the policy, objectives, and goals established by this section.

` (e) Authority-

` (1) IN GENERAL- Notwithstanding any other provision of law in effect as of the date of enactment of the National Surface Transportation Policy and Planning Act of 2009, the Secretary may, through a process of public notice and comment and with reasonable prior notice to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure preceding any significant change, consistent with the public interest, amend the goals under subsection (c) or develop additional goals to effectively meet the policy and objectives set forth in this section.

` (2) The Secretary may also make recommendations to those Committees for reorganizing the Department of Transportation, as necessary and consistent with the requirements of section 304(b)(6), in order to achieve the policy, objectives, and goals established by this section.

#### ` **Sec. 304. National surface transportation performance plan**

` (a) DEVELOPMENT- Within 2 years after the date of enactment of the National Surface Transportation Policy and Planning Act of 2009, the Secretary of Transportation shall develop and implement a National Surface Transportation Performance Plan to achieve the policy, objectives, and goals set forth in section 303.

` (b) CONTENTS- The plan shall include--

` (1) an assessment of the current performance of the national surface transportation system and an analysis of the system's ability to achieve the policy, objectives, and goals set forth in section 303;

` (2) an analysis of emerging and long-term projected trends that will impact the performance, needs, and uses of the national surface transportation system;

` (3) a description of the major impediments to effectively meeting the policy, objectives, and goals set forth in section 303 and recommended actions to address such impediments;

` (4) a comprehensive strategy and investment plan to meet the policy, objectives, and goals set forth in section 303;

` (5) initiatives to improve transportation modeling, research, data collection, and analysis; and

` (6) a plan for any reorganization of the Department of Transportation or its agencies necessary to meet the policy, objectives, and goals set forth in section 303.

` (c) CONSULTATION- In developing the plan required by subsection (a), the Secretary shall--

` (1) consult with local, State, and tribal governments, public and private transportation providers and carriers, non-profit organizations representing transportation employees, appropriate foreign governments, and other interested parties; and

` (2) provide public notice and hearings and solicit public comments on the plan.

` (d) SUBMITTAL- The Secretary shall submit the completed plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

` (e) PROGRESS REPORTS- The Secretary shall submit biennial progress reports on the implementation of the plan beginning 2 years after the date of submittal of the plan under subsection (d) to the Committees. The progress report shall--

` (1) describe progress made toward fully implementing the plan and achieving the policies, objectives, and goals established under section 303;

` (2) describe challenges and obstacles to full implementation;

` (3) describe updates to the plan necessary to reflect changed circumstances or new developments; and

` (4) make policy and legislative recommendations the Secretary believes are necessary and appropriate to fully implement the plan.

` (f) DATA- The Secretary shall have the authority to conduct studies, gather information, and require the production of data necessary to develop or update this plan, consistent with Federal privacy standards.

` (g) FUNDING- The Secretary may use such sums as may be necessary from any funds provided to the Department of Transportation for surface transportation programs for the purpose of completing and updating the plan and developing and issuing the progress reports pursuant to this section.'

(b) Conforming Amendments-

(1) Section 302(a) of title 49, United States Code, is amended by striking ` 10101 and 13101' and inserting ` 303, 10101, and 13101'.

(2) Section 308, as redesignated, of title 49, United States Code, is amended by striking ` sections 301-304' and inserting ` sections 301 through 307'.

(3) The table of contents for chapter 3 of title 49, United States Code, is amended--

(A) by redesignating the items relating to sections 303 through 309 as relating to sections 305 through 312; and

(B) by inserting after the item relating to section 302 the following:

` 303. National surface transportation policy.

` 304. National surface transportation performance plan.'.

*END*