

111TH CONGRESS
1ST SESSION

S. _____

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 —, 2009

Mr. ROCKEFELLER (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on

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.

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 “Federal Surface Trans-
5 portation Policy and Planning Act of 2009”.

1 **SEC. 2. ESTABLISHMENT OF A NATIONAL SURFACE TRANS-**
2 **PORTATION POLICY AND PLAN.**

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

5 (1) by redesignating sections 304 through 309
6 as sections 307 through 312;

7 (2) by redesignating sections 303 and 303a as
8 sections 305 and 306, respectively; and

9 (3) by inserting after section 302, the following:

10 **“§ 303. National surface transportation policy**

11 “(a) POLICY.—It is the policy of the United States
12 to develop a comprehensive national surface transpor-
13 tation system that advances the national interest and de-
14 fense, interstate and foreign commerce, the efficient and
15 safe interstate mobility of people and goods, and the pro-
16 tection of the environment. The system shall be built,
17 maintained, managed, and operated as a partnership be-
18 tween the Federal, State, and local governments and the
19 private sector and shall be coordinated with the overall
20 transportation system of the United States, including the
21 Nation’s air, rail, pipeline, and water transportation sys-
22 tems. The Secretary of Transportation shall be responsible
23 for carrying out this policy and for defining the Federal
24 government’s role in the system.

25 “(b) OBJECTIVES.—The objectives of the policy shall
26 be to facilitate and advance—

1 “(1) the efficient connectivity of persons and
2 goods within and between nations, regions, states,
3 and metropolitan areas;

4 “(2) the safety and health of the public;

5 “(3) the security of the nation and the public;

6 “(4) environmental protection and enhance-
7 ment, including the reduction of carbon-related emis-
8 sions;

9 “(5) energy conservation and security, including
10 reducing transportation-related energy use;

11 “(6) international and interstate freight move-
12 ment, trade enhancement, job creation, and eco-
13 nomic development;

14 “(7) responsible land use and sustainable devel-
15 opment;

16 “(8) the preservation and adequate performance
17 of system-critical transportation assets, as defined
18 by the Secretary;

19 “(9) reasonable access to the national surface
20 transportation system for all system users, including
21 rural communities;

22 “(10) sustainable, balanced, and adequate fi-
23 nancing of the national surface transportation sys-
24 tem; and

1 “(11) innovation in transportation services, in-
2 frastructure, and technology.

3 “(c) GOALS.—

4 “(1) IN GENERAL.—The goals of the policy
5 shall be—

6 “(A) to reduce national per capita motor
7 vehicle miles traveled on an annual basis;

8 “(B) to reduce national motor vehicle-re-
9 lated fatalities by 50 percent by 2030;

10 “(C) to reduce national surface transpor-
11 tation-generated carbon dioxide levels by 40
12 percent by 2030;

13 “(D) to reduce national surface transpor-
14 tation delays per capita on an annual basis;

15 “(E) to increase the percentage of system-
16 critical surface transportation assets, as defined
17 by the Secretary, that are in a state of good re-
18 pair by 20 percent by 2030;

19 “(F) to increase the total usage of public
20 transportation, intercity passenger rail services,
21 and non-motorized transportation on an annual
22 basis;

23 “(G) to increase the proportion of national
24 freight transportation provided by non-highway
25 or multimodal services by 10 percent by 2020;

1 “(H) to reduce passenger and freight
2 transportation delays and congestion at inter-
3 national points of entry on an annual basis;

4 “(I) to ensure adequate transportation of
5 domestic energy supplies; and

6 “(J) to maintain or the reduce the percent-
7 age of gross domestic product consumed by
8 transportation costs.

9 “(2) BASELINES.—Within 1 year after the date
10 of enactment of the National Surface Transportation
11 Policy and Planning Act of 2009, the Secretary shall
12 develop baselines for the goals and shall determine
13 appropriate methods of data collection to measure
14 the attainment of the goals.

15 “(d) REQUIREMENTS.—The Secretary, consistent
16 with the plan developed under section 304 and notwith-
17 standing any other provision of law in effect as of the date
18 of enactment of the National Surface Transportation Pol-
19 icy and Planning Act of 2009, shall—

20 “(1) develop appropriate performance criteria
21 and data collections systems for each Federal sur-
22 face transportation program in order to evaluate:

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

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

4 “(2) using the criteria developed under para-
5 graph (1), annually evaluate each such program and
6 provide the results to the public;

7 “(3) based on the evaluation performed under
8 paragraph (2), make any necessary changes or im-
9 provements to such programs to ensure such consist-
10 ency and effectiveness;

11 “(4) align the availability and award of Federal
12 surface transportation funding to meet the policy,
13 objectives, goals, and performance criteria estab-
14 lished by this section, consistent with the evaluation
15 performed under paragraph (2);

16 “(5) carry out this section in a manner that is
17 consistent with sections 302, 5503, 10101, and
18 13101 of this title and section 101 of title 23 to the
19 extent that such sections do not conflict with the
20 policy, objectives, and goals established by this sec-
21 tion;

22 “(6) review, update, and reissue all relevant
23 surface transportation planning requirements to en-
24 sure that such requirements require that regional,
25 State, and local surface transportation planning ef-

1 forts funded with Federal funds are consistent with
2 the policy, objectives, and goals established by this
3 section; and

4 “(7) require recipients of Federal surface trans-
5 portation funds to annually report on the use of
6 such funds, including a description of—

7 “(A) which projects and priorities were
8 funded with such funds;

9 “(B) the rationale and method employed
10 for apportioning such funds to the projects and
11 priorities; and

12 “(C) how the obligation of such funds is
13 consistent with or advances the policy, objec-
14 tives, and goals established by this section.

15 “(e) AUTHORITY.—

16 “(1) IN GENERAL.—Notwithstanding any other
17 provision of law in effect as of the date of enactment
18 of the National Surface Transportation Policy and
19 Planning Act of 2009, the Secretary may, through
20 a process of public notice and comment and with
21 reasonable prior notice to the Senate Committee on
22 Commerce, Science, and Transportation and the
23 House of Representatives Committee on Transpor-
24 tation and Infrastructure preceding any significant
25 change, consistent with the public interest, amend

1 the goals under subsection (c) or develop additional
2 goals to effectively meet the policy and objectives set
3 forth in this section.

4 “(2) The Secretary may also make rec-
5 ommendations to those Committees for reorganizing
6 the Department of Transportation, as necessary and
7 consistent with the requirements of section
8 304(b)(6), in order to achieve the policy, objectives,
9 and goals established by this section.

10 **“§ 304. National surface transportation performance**
11 **plan**

12 “(a) DEVELOPMENT.—Within 2 years after the date
13 of enactment of the National Surface Transportation Pol-
14 icy and Planning Act of 2009, the Secretary of Transpor-
15 tation shall develop and implement a National Surface
16 Transportation Performance Plan to achieve the policy,
17 objectives, and goals set forth in section 303.

18 “(b) CONTENTS.—The plan shall include—

19 “(1) an assessment of the current performance
20 of the national surface transportation system and an
21 analysis of the system’s ability to achieve the policy,
22 objectives, and goals set forth in section 303;

23 “(2) an analysis of emerging and long-term pro-
24 jected trends that will impact the performance,

1 needs, and uses of the national surface transpor-
2 tation system;

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

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

10 “(5) initiatives to improve transportation mod-
11 eling, research, data collection, and analysis; and

12 “(6) a plan for any reorganization of the De-
13 partment of Transportation or its agencies necessary
14 to meet the policy, objectives, and goals set forth in
15 section 303.

16 “(c) CONSULTATION.—In developing the plan re-
17 quired by subsection (a), the Secretary shall—

18 “(1) consult with local, State, and tribal gov-
19 ernments, public and private transportation pro-
20 viders and carriers, non-profit organizations rep-
21 resenting transportation employees, appropriate for-
22 eign governments, and other interested parties; and

23 “(2) provide public notice and hearings and so-
24 licit public comments on the plan.

1 “(d) SUBMITTAL.—The Secretary shall submit the
2 completed plan to the Senate Committee on Commerce,
3 Science, and Transportation and the House of Represent-
4 atives Committee on Transportation and Infrastructure.

5 “(e) PROGRESS REPORTS.—The Secretary shall sub-
6 mit biennial progress reports on the implementation of the
7 plan beginning 2 years after the date of submittal of the
8 plan under subsection (d) to the Committees. The progress
9 report shall—

10 “(1) describe progress made toward fully imple-
11 menting the plan and achieving the policies, objec-
12 tives, and goals established under section 303;

13 “(2) describe challenges and obstacles to full
14 implementation;

15 “(3) describe updates to the plan necessary to
16 reflect changed circumstances or new developments;
17 and

18 “(4) make policy and legislative recommenda-
19 tions the Secretary believes are necessary and appro-
20 priate to fully implement the plan.

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

1 “(g) FUNDING.—The Secretary may use such sums
2 as may be necessary from any funds provided to the De-
3 partment of Transportation for surface transportation
4 programs for the purpose of completing and updating the
5 plan and developing and issuing the progress reports pur-
6 suant to this section.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 302a) of title 49, United States
9 Code, is amended by striking “10101 and 13101”
10 and inserting “303, 10101, and 13101”.

11 (2) Section 308, as redesignated, of title 49,
12 United States Code, is amended by striking “sec-
13 tions 301—304” and inserting “sections 301
14 through 307”.

15 (3) The table of contents for chapter 3 of title
16 49, United States Code, is amended—

17 (A) by redesignating the items relating to
18 sections 303 through 309 as relating to sections
19 305 through 312; and

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

“303. National surface transportation policy
“304. National surface transportation performance plan”.

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