

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.

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## 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

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## 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 302(a) 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 through  
 14 307”.

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.”.

