

114TH CONGRESS
1ST SESSION

H. R. 1308

To amend title 49, United States Code, to establish a Multimodal Freight Funding Formula Program and a National Freight Infrastructure Competitive Grant Program to improve the efficiency and reliability of freight movement in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

Mr. LOWENTHAL (for himself, Mr. ROHRABACHER, Mrs. KIRKPATRICK, and Mrs. LAWRENCE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 49, United States Code, to establish a Multimodal Freight Funding Formula Program and a National Freight Infrastructure Competitive Grant Program to improve the efficiency and reliability of freight movement in 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Economy in Motion:
3 The National Multimodal and Sustainable Freight Infra-
4 structure Act”.

5 **SEC. 2. FREIGHT FUNDING PROGRAMS.**

6 (a) IN GENERAL.—Subchapter I of chapter 55 of title
7 49, United States Code, is amended by adding at the end
8 the following:

9 **“§ 5506. Multimodal Freight Funding Formula Pro-**
10 **gram**

11 “(a) IN GENERAL.—The Secretary of Transportation
12 shall establish a Multimodal Freight Funding Formula
13 Program under which the Secretary shall distribute funds
14 to States to improve the efficiency and reliability of freight
15 movement in the United States.

16 “(b) FORMULA APPORTIONMENT.—Of funds made
17 available to the Secretary for a fiscal year to carry out
18 the Multimodal Freight Funding Formula Program under
19 this section, the Secretary shall calculate the amount
20 available to be apportioned to a State based on the fol-
21 lowing:

22 “(1) 6.25 percent in the ratio that—

23 “(A) the number of ports in each State;
24 bears to

25 “(B) the number of ports in all States.

26 “(2) 6.25 percent in the ratio that—

1 “(A) the number of rail track-miles used
2 for the movement of freight in each State; bears
3 to

4 “(B) the number of such rail track-miles in
5 all States.

6 “(3) 6.25 percent in the ratio that—

7 “(A) the number of cargo-handling air-
8 ports in each State; bears to

9 “(B) the number of such airports in all
10 States.

11 “(4) 6.25 percent in the ratio that—

12 “(A) the number of Interstate system
13 miles in each State; bears to

14 “(B) the number of Interstate system
15 miles in all States.

16 “(5) 37.5 percent in the ratio that—

17 “(A) the tonnage of rail, waterborne, high-
18 way, and airport freight moved in each State;
19 bears to

20 “(B) the tonnage of such freight moved in
21 all States.

22 “(6) 37.5 percent in the ratio that—

23 “(A) the value of rail, waterborne, highway
24 and airport freight moved in each State; bears
25 to

1 “(B) the value of such freight moved in all
2 States.

3 “(c) TIER I ELIGIBILITY.—The Secretary shall pro-
4 vide to a State in a fiscal year 40 percent of the amount
5 of the funds available to the State under subsection (b)
6 for that fiscal year if the State—

7 “(1) has an established freight advisory com-
8 mittee in accordance with section 1117 of MAP–21
9 (Public Law 112–141);

10 “(2) developed any analyses or plans required
11 for the completion of a State freight plan in accord-
12 ance with section 1118 of MAP–21 (Public Law
13 112–141);

14 “(3) has an approved State freight plan;

15 “(4) has conducted a statewide analysis of
16 freight needs and bottlenecks on all modes of trans-
17 portation, including intermodal and last mile needs;

18 “(5) demonstrates use of the statewide analysis
19 of freight needs in prioritizing projects in the State
20 freight plan;

21 “(6) demonstrates that the State will use the
22 funding that it is provided under this paragraph for
23 the highest priority projects identified in the freight
24 investment plan described under section 1118 of
25 MAP–21 (Public Law 112–141); and

1 “(7) demonstrates that the program of projects
2 will use the strategies and contribute to the goals
3 described in the State freight plan to decrease—

4 “(A) greenhouse gas emissions;

5 “(B) local air pollution, including ozone
6 and ozone precursors, nitrogen oxides, sulfur di-
7 oxide, particulate matter, carbon monoxide, and
8 lead;

9 “(C) water runoff and other adverse water
10 impacts; and

11 “(D) wildlife habitat loss.

12 “(d) TIER II ELIGIBILITY.—The Secretary shall pro-
13 vide to a State in a fiscal year 60 percent of the amount
14 of the funds available to the State under subsection (b)
15 for that fiscal year if the State—

16 “(1) has met the eligibility criteria of subsection
17 (e);

18 “(2) has conducted, in cooperation with at least
19 1 other State, a multistate analysis of freight needs
20 and bottlenecks on all modes of transportation, in-
21 cluding intermodal and last mile needs along a
22 multistate freight corridor; and

23 “(3) has developed, in cooperation with at least
24 one other State or a relevant entity in Canada or
25 Mexico, a regional freight investment plan that fo-

1 cuses on the end-to-end investment needs of critical
2 multistate freight corridors based on the multistate
3 analysis of freight needs and bottlenecks on all
4 modes of transportation, including intermodal and
5 last mile needs.

6 “(e) REDISTRIBUTION OF FUNDS.—The Secretary
7 shall make available under the National Freight Infra-
8 structure Competitive Grant Program under section 5507
9 any funds that—

10 “(1) the Secretary calculated under subsection
11 (b) as available to a State for a fiscal year but did
12 not provide to that State for that fiscal year under
13 subsection (c) or subsection (d); or

14 “(2) the Secretary provided to a State under
15 subsection (c) or subsection (d) but remain unobli-
16 gated in that State at the end of the third fiscal
17 year following the fiscal year in which they were pro-
18 vided to the State.

19 “(f) ELIGIBLE USES.—A State may use funds pro-
20 vided under this section only for—

21 “(1) the development of corridor freight plans
22 or regional freight plans; or

23 “(2) one or more phases of capital projects,
24 equipment, or operational improvements on roads,
25 rails, landside infrastructure on ports and airports,

1 and intermodal connectors included in a State
2 freight plan for projects that—

3 “(A) maintain or improve the efficiency
4 and reliability of freight supply chains;

5 “(B) demonstrate public freight benefits;

6 “(C) improve modal components of a
7 multimodal corridor that is critical to a State or
8 region;

9 “(D) address freight needs to facilitate a
10 regionally or nationally significant economic de-
11 velopment issue;

12 “(E) in accordance with the State freight
13 plan, decrease—

14 “(i) greenhouse gas emissions;

15 “(ii) local air pollution, including
16 ozone and ozone precursors, nitrogen ox-
17 ides, sulfur dioxide, particulate matter,
18 carbon monoxide, and lead;

19 “(iii) water runoff and other adverse
20 water impacts; and

21 “(iv) wildlife habitat loss;

22 “(F) are multimodal, multi-jurisdictional,
23 or corridor-based and address freight needs;

24 “(G) relieve freight or non-freight access,
25 congestion, or safety issues; or

1 “(H) address first and last mile connec-
2 tors.

3 “(g) EPA REPORT.—A State that receives funds
4 under this section shall collect data and, beginning 1 year
5 from the date of the completion of each project or project
6 phase that receives such funds, and annually thereafter
7 for 15 years, report to the Secretary and the Adminis-
8 trator of Environmental Protection Agency on progress
9 made toward greenhouse gas emission reductions and local
10 air pollution reductions in accordance with the State
11 freight plan. All relevant data and reporting shall be col-
12 lected and reported in accordance with guidance developed
13 by the Administrator in consultation with the Secretary.

14 “(h) FEDERAL SHARE.—

15 “(1) IN GENERAL.—The Federal share of the
16 cost of a project carried out by a State using funds
17 provided under this section may not be more than
18 80 percent.

19 “(2) ADDITIONAL FEDERAL SHARE.—The Fed-
20 eral share of the cost of a project carried out by a
21 State using funds provided under this section may
22 be increased by 5 percent if the such 5 percent is
23 used for the mitigation of diesel emissions from con-
24 struction activities associated with the project. The
25 Administrator of Environmental Protection Agency,

1 in consultation with the Secretary, shall develop
2 guidance for eligible equipment and activities con-
3 sistent with existing State, local, and nonprofit clean
4 construction guidelines.

5 “(i) RESERVATION OF FUNDS FOR TERRITORIES.—
6 Before making a calculation under subsection (b), the Sec-
7 retary shall withhold funds for distribution to each terri-
8 tory in an amount based on the freight infrastructure need
9 of the territories, as determined by the Secretary. Such
10 funds shall not otherwise be made available for distribu-
11 tion under this section.

12 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated from the Freight Trust
14 Fund to carry out this section an amount equal to 50 per-
15 cent of the receipts of the Freight Trust Fund for each
16 fiscal year beginning in fiscal year 2016.

17 “(k) ADMINISTRATION AND OVERSIGHT COSTS.—
18 The Secretary may retain up to one-half of 1 percent of
19 the amounts available to carry out this section for each
20 fiscal year for the cost of administration and oversight of
21 projects funded under this section.

22 “(l) AVAILABILITY OF FUNDS.—Amounts authorized
23 under subsection (j) shall be—

24 “(1) available for obligation on October 1 of the
25 fiscal year for which they are authorized; and

1 “(2) available until expended.

2 “(m) APPLICATION OF RATE REQUIREMENTS.—The
3 Secretary shall take such action as may be necessary to
4 apply the requirements described under section 113 of title
5 23, as applicable, to any project receiving funds under this
6 section.

7 “(n) DEFINITIONS.—In this section:

8 “(1) STATE.—The term ‘State’ means each of
9 the 50 States, the District of Columbia, and Puerto
10 Rico.

11 “(2) STATE FREIGHT PLAN.—The term ‘State
12 freight plan’ means the State freight plan described
13 under section 1118 of MAP–21 (Public Law 112–
14 141).

15 “(3) TERRITORY.—The term ‘territory’ has the
16 meaning given such term in section 165(c)(1) of title
17 23.

18 **“§ 5507. National Freight Infrastructure Competitive**
19 **Grant Program**

20 “(a) ESTABLISHMENT.—The Secretary of Transpor-
21 tation shall establish a National Freight Infrastructure
22 Competitive Grant Program under which the Secretary
23 shall make grants, on a competitive basis, to designated
24 entities for eligible projects to improve the efficiency and
25 reliability of freight movement in the United States.

1 “(b) PROJECT GOALS.—In carrying out the Program,
2 the Secretary shall prioritize projects that—

3 “(1) improve the efficiency and reliability of
4 freight transportation;

5 “(2) reduce the cost of freight transportation;

6 “(3) improve the safety of freight transpor-
7 tation;

8 “(4) relieve bottlenecks in the freight transpor-
9 tation system;

10 “(5) improve the state of good repair of the
11 freight transportation system;

12 “(6) contribute to the environmental goals de-
13 scribed in the State freight plan; and

14 “(7) reduce the adverse impacts of freight
15 transportation on communities traversed by freight.

16 “(c) GRANT APPLICATIONS.—To be eligible to receive
17 a grant under the Program a designated entity shall sub-
18 mit to the Secretary an application at such time, in such
19 form, and containing such information as the Secretary
20 may require.

21 “(d) ELIGIBLE PROJECT.—A project is eligible for a
22 grant under the Program only if the Secretary determines
23 that the project—

24 “(1) that is—

1 “(A) a capital investment project for a
2 transportation infrastructure facility signifi-
3 cantly used for the movement of freight; or

4 “(B) infrastructure necessary to mitigate
5 the adverse impact of freight transportation on
6 communities traversed by freight, including—

7 “(i) a road, rail, or landside air or
8 water facility;

9 “(ii) an intermodal facility such as a
10 seaport or port on the inland waterway
11 system, an airport, or a highway and rail
12 intermodal facility;

13 “(iii) a facility related to an inter-
14 national border crossing;

15 “(iv) is for an operational improve-
16 ment or equipment of a facility described
17 in this paragraph; or

18 “(v) railway-roadway grade separa-
19 tions and related improvements;

20 “(2) will help to achieve the goals set out in
21 subsection (b);

22 “(3) has non-Federal source or sources of com-
23 mitted financing, along with any Federal funds, suf-
24 ficient to complete the project;

25 “(4) has independent utility;

1 “(5) is included in the State freight plan; and

2 “(6) includes the development of project plans
3 and analysis.

4 “(e) GRANT CRITERIA.—The Secretary shall select
5 eligible projects for funding based on the following cri-
6 teria:

7 “(1) The extent to which the project is likely to
8 advance the goals described in subsection (b).

9 “(2) The likely benefits of the project relative
10 to its costs.

11 “(3) The extent to which the project dem-
12 onstrates the use of innovative technology, strate-
13 gies, and practices.

14 “(4) The extent to which the project uses
15 onroad construction vehicles and nonroad construc-
16 tion equipment that meet the emission standards of
17 the Environmental Protection Agency.

18 “(5) The extent to which the project dem-
19 onstrates effective reductions (in accordance with
20 the State freight plan) in—

21 “(A) greenhouse gas emissions;

22 “(B) local air pollution, including ozone
23 and ozone precursors, nitrogen oxides, sulfur di-
24 oxide, particulate matter, carbon monoxide, and
25 lead;

1 “(C) water runoff and other adverse water
2 impacts; and

3 “(D) wildlife habitat loss.

4 “(6) The likely effect of the project on increas-
5 ing United States exports.

6 “(7) The consistency of the project with the na-
7 tional freight strategic plan described under section
8 5508.

9 “(8) The extent to which the project leverages
10 Federal funds by matching State, territorial, local,
11 tribal, or private funds to the Federal funding re-
12 quested under the Program.

13 “(9) The extent to which funds for the project
14 are not available from other Federal sources.

15 “(f) SPECIAL RULE.—A minimum of 5 percent of
16 funds made available under the Program for a fiscal year
17 shall be provided to zero-emission freight demonstration
18 projects, as defined by the Secretary of Transportation,
19 in consultation with the Administrator of the Environ-
20 mental Protection Agency.

21 “(g) RETROSPECTIVE ANALYSIS.—A grant agree-
22 ment made under the Program shall require that the re-
23 cipient collect data and report to the Secretary, at an ap-
24 propriate time as determined by the Secretary, on—

25 “(1) the actual cost of constructing the project;

1 “(2) the time required to complete the project
2 and put it into service;

3 “(3) the level of usage of the facility built or
4 improved by the project;

5 “(4) the benefits of the project, measured in a
6 way that is consistent with the benefits that were es-
7 timated in the application for funding that was sub-
8 mitted to the Secretary; and

9 “(5) any costs resulting from the project in ad-
10 dition to the costs of constructing the project.

11 “(h) EPA REPORT.—A grant agreement made under
12 the Program shall require that the recipient collect data
13 and, beginning 1 year from the date of the completion of
14 the project and annually thereafter for 15 years, report
15 to the Secretary and the Administrator of Environmental
16 Protection Agency on progress made toward greenhouse
17 gas emission reductions and local air pollution reductions
18 in accordance with the State freight plan. All relevant data
19 and reporting shall be collected and reported in accordance
20 with guidance developed by the Administrator in consulta-
21 tion with the Secretary.

22 “(i) PERIOD OF AVAILABILITY.—In entering into
23 agreements under this section, the Secretary shall ensure
24 that any funds made available for a project that are not
25 obligated or expended before the last day of the third fiscal

1 year following the fiscal year in which the funds are made
2 available are transferred back to the Secretary for making
3 grants under the Program.

4 “(j) REDISTRIBUTION OF FUNDS.—If a designated
5 entity that received a grant under this section has made
6 no obligation of funding with respect to such grant by the
7 end of the third fiscal year following the fiscal year in
8 which the Secretary awarded the grant, the Secretary
9 shall—

10 “(1) withdraw the grant from the designated
11 entity; and

12 “(2) apply the funding to another grant under
13 this section.

14 “(k) FEDERAL SHARE.—

15 “(1) IN GENERAL.—The Federal share of the
16 cost of a project for which a grant is made under
17 the Program, as estimated by the Secretary, shall be
18 not more than 80 percent.

19 “(2) ADDITIONAL FEDERAL SHARE.—The Fed-
20 eral share of the cost of a project carried out by a
21 State using funds provided under this section may
22 be increased by 5 percent if the such 5 percent is
23 used for the mitigation of diesel emissions from con-
24 struction activities associated with the project. The
25 Administrator of Environmental Protection Agency,

1 in consultation with the Secretary, shall develop
2 guidance for eligible equipment and activities con-
3 sistent with existing State, local, and nonprofit clean
4 construction guidelines.

5 “(l) ADMINISTRATION AND OVERSIGHT COSTS.—The
6 Secretary may retain up to one-half of 1 percent of the
7 amounts made available to carry out this section for each
8 fiscal year for the cost of administration and oversight of
9 projects funded under the Program.

10 “(m) AUTHORIZATION AND AVAILABILITY OF
11 FUNDS.—

12 “(1) AUTHORIZATION.—There is authorized to
13 be appropriated from the Freight Trust Fund to
14 carry out this section an amount equal to 50 percent
15 of the receipts of the Freight Trust Fund for each
16 fiscal year beginning in fiscal year 2016.

17 “(2) AVAILABILITY.—Amounts authorized
18 under paragraph (1) shall be—

19 “(A) available for obligation on October 1
20 of the fiscal year for which they are authorized;
21 and

22 “(B) available for obligation until ex-
23 pended.

24 “(n) APPLICATION OF RATE REQUIREMENTS.—The
25 Secretary shall take such action as may be necessary to

1 apply the requirements described under section 113 of title
2 23, as applicable, to any project receiving funds under this
3 section.

4 “(o) DEFINITIONS.—In this section:

5 “(1) DESIGNATED ENTITY.—The term ‘des-
6 ignated entity’ means—

7 “(A) a State;

8 “(B) a unit of local government;

9 “(C) a metropolitan planning organization;

10 “(D) a public transportation authority (in-
11 cluding a port authority);

12 “(E) a tribal government; or

13 “(F) or a consortium of the entities de-
14 scribed in this paragraph.

15 “(2) STATE.—The term ‘State’ means any of
16 the 50 States, the District of Columbia, Puerto Rico,
17 American Samoa, the Commonwealth of the North-
18 ern Mariana Islands, Guam, and the United States
19 Virgin Islands.

20 “(3) STATE FREIGHT PLAN.—The term ‘State
21 freight plan’ means the State freight plan described
22 under section 1118 of MAP–21 (Public Law 112–
23 141).

1 **“§ 5508. National freight policy, network, plan, and**
2 **data**

3 “(a) IN GENERAL.—It is the policy of the United
4 States to improve the condition and performance of the
5 national freight system to ensure that the national freight
6 system provides the foundation for the United States to
7 compete in the global economy and achieve each goal de-
8 scribed in subsection (b).

9 “(b) GOALS.—The goals of the national freight policy
10 are—

11 “(1) to increase the productivity and efficiency
12 of the national freight system so as to enhance the
13 economic competitiveness of the United States;

14 “(2) to improve the safety, security, and resil-
15 ience of freight transportation; and

16 “(3) to improve quality of life by reducing,
17 eliminating or reversing adverse environmental and
18 community impacts of freight projects and goods
19 movement in the United States.

20 “(c) NATIONAL FREIGHT SYSTEM DEFINED.—In
21 this section, the term ‘national freight system’ means the
22 publicly and privately-owned transportation facilities that
23 are used in transporting freight within the United States,
24 including roads, railroads, ports, waterways, locks and
25 dams, airports, airways, warehouses, distribution centers,
26 and intermodal facilities.

1 “(d) MULTIMODAL NATIONAL FREIGHT NET-
2 WORK.—

3 “(1) ESTABLISHMENT.—The Secretary shall es-
4 tablish a multimodal national freight network in ac-
5 cordance with this section to inform public and pri-
6 vate planning, to prioritize for Federal investment,
7 to aid the public and private sector in strategically
8 directing resources, and to support Federal decision
9 making to achieve the national freight policy goals
10 set forth in subsection (b).

11 “(2) NETWORK COMPONENTS.—The national
12 freight network shall consist of such connectors, cor-
13 ridors, and facilities in all freight transportation
14 modes as most critical to the current and future
15 movement of freight within the national freight sys-
16 tem.

17 “(3) INITIAL DESIGNATION OF THE NATIONAL
18 FREIGHT NETWORK.—

19 “(A) DESIGNATION.—The Secretary shall
20 designate a national freight network—

21 “(i) using measurable data to assess
22 the significance of goods movement, includ-
23 ing consideration of points of origin, des-
24 tination, and linking components of the

1 United States global and domestic supply
2 chains;

3 “(ii) fostering network connectivity;
4 and

5 “(iii) reflecting input collected from
6 stakeholders through a public process, in-
7 cluding input from metropolitan planning
8 organizations, and States to identify crit-
9 ical freight facilities that are vital links in
10 national or regionally significant goods
11 movement and supply chains.

12 “(B) FACTORS FOR DESIGNATION.—In
13 designating the national freight network, the
14 Secretary may consider—

15 “(i) volume, tonnage, and value of
16 freight;

17 “(ii) origins and destinations of
18 freight movement in, to, and from the
19 United States;

20 “(iii) land and maritime ports of
21 entry;

22 “(iv) population centers;

23 “(v) economic factors or other inputs
24 determined to be relevant by the Secretary;

1 “(vi) bottlenecks and other impedi-
2 ments contributing to significant measur-
3 able congestion and delay in freight move-
4 ment;

5 “(vii) facilities of future freight im-
6 portance based on input from stakeholders
7 and analysis of projections for future
8 growth and changes to the freight system;
9 and

10 “(viii) elements of the freight system
11 identified and documented by a metropoli-
12 tan planning organization or State using
13 national or local data as having critical
14 freight importance to the region.

15 “(4) REDESIGNATION OF THE NATIONAL
16 FREIGHT NETWORK.—Not later than 5 years after
17 the designation of the national freight network
18 under paragraph (2) and every 5 years thereafter,
19 using the designation factors described in paragraph
20 (1), the Secretary shall redesignate the national
21 freight network.

22 “(e) NATIONAL FREIGHT STRATEGIC PLAN.—

23 “(1) ESTABLISHMENT OF PLAN.—Not later
24 than October 1, 2015, the Secretary shall, in con-
25 sultation with the Secretary of Homeland Security,

1 Secretary of Commerce, Assistant Secretary of the
2 Army for Civil Works, the Administrator of the En-
3 vironmental Protection Agency, State departments
4 of transportation, and other appropriate public and
5 private transportation stakeholders, develop, main-
6 tain, and post on the Department of Transportation
7 public website a national freight strategic plan that
8 includes—

9 “(A) an assessment of the condition and
10 performance of the national freight system;

11 “(B) an identification of bottlenecks on the
12 national freight system that create significant
13 freight congestion problems, based on a quan-
14 titative methodology developed by the Secretary,
15 which shall, at a minimum, include—

16 “(i) information from the Freight
17 Analysis Framework of the Federal High-
18 way Administration; and

19 “(ii) to the maximum extent prac-
20 ticable, an estimate of the cost of address-
21 ing each bottleneck and any operational
22 improvements that could be implemented;

23 “(C) forecasts of freight volumes for 10-
24 year and 20-year periods beginning in the year
25 during which the plan is issued;

1 “(D) an identification of major trade gate-
2 ways and national freight corridors that connect
3 major population centers, trade gateways, and
4 other major freight generators for current and
5 forecasted traffic and freight volumes, the iden-
6 tification of which shall be revised, as appro-
7 priate, in subsequent plans;

8 “(E) an assessment of statutory, regu-
9 latory, technological, institutional, financial,
10 and other barriers to improved freight transpor-
11 tation performance (including opportunities for
12 overcoming the barriers);

13 “(F) an identification of routes providing
14 access to energy exploration, development, in-
15 stallation, or production areas;

16 “(G) best practices for improving the per-
17 formance of the national freight system;

18 “(H) best practices for addressing the im-
19 pacts of freight movement on communities;

20 “(I) a process for addressing multistate
21 projects and encouraging jurisdictions to col-
22 laborate;

23 “(J) strategies to improve freight
24 connectivity between modes of transportation;
25 and

1 “(K) best practices to reduce greenhouse
2 gas emissions, local air pollution, water runoff,
3 and wildlife habitat loss.

4 “(2) UPDATES TO NATIONAL FREIGHT STRA-
5 TEGIC PLAN.—Not later than 5 years after the date
6 of completion of the first national freight strategic
7 plan under paragraph (1), and every 5 years there-
8 after, the Secretary shall update and repost on the
9 Department of Transportation public website a re-
10 vised national freight strategic plan.

11 “(f) FREIGHT TRANSPORTATION CONDITIONS AND
12 PERFORMANCE REPORTS.—Not later than October 1,
13 2015, and biennially thereafter, the Secretary shall pre-
14 pare a report that contains a description of the conditions
15 and performance of the national freight system in the
16 United States.

17 “(g) TRANSPORTATION INVESTMENT DATA AND
18 PLANNING TOOLS.—

19 “(1) IN GENERAL.—The Secretary shall develop
20 new tools and improve existing tools to support an
21 outcome-oriented, performance-based approach to
22 evaluate proposed freight-related and other transpor-
23 tation projects, including—

24 “(A) methodologies for systematic analysis
25 of benefits and costs;

1 “(B) freight forecasting models;

2 “(C) tools for ensuring that the evaluation
3 of freight-related and other transportation
4 projects can consider safety, economic competi-
5 tiveness, environmental sustainability, and sys-
6 tem condition in the project selection process;
7 and

8 “(D) other elements to assist in effective
9 transportation planning.

10 “(2) FREIGHT DATA.—In support of these
11 tools, and to support a broad range of evaluation
12 methods and techniques to assist in making trans-
13 portation investment decisions, the Secretary shall—

14 “(A) direct the collection of appropriate
15 transportation-related data, including data to
16 measure the condition and performance of the
17 national freight system; and

18 “(B) consider any improvements to exist-
19 ing freight data collection efforts that could re-
20 duce identified freight data gaps and defi-
21 ciencies and help improve forecasts of freight
22 transportation demand.

23 “(3) CONSULTATION.—The Secretary shall con-
24 sult with Federal, State, and other stakeholders to

1 develop, improve, and implement the tools and col-
2 lect the data identified pursuant to this subsection.

3 “(4) MULTIMODAL FREIGHT MEASURE.—The
4 Secretary shall evaluate the analyses and plans re-
5 quired under section 5506(c)(2) and consider devel-
6 opment of a national performance measure to assess
7 the efficiency of the multimodal freight network in
8 accordance with the national freight strategic plan.

9 “(h) STATE DEFINED.—In this section, the term
10 ‘State’ means any of the 50 States, the District of Colum-
11 bia, Puerto Rico, American Samoa, the Commonwealth of
12 the Northern Mariana Islands, Guam, and the United
13 States Virgin Islands.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) TABLE OF SECTIONS.—The table of sections
16 for chapter 55 of title 49, United States Code, is
17 amended by adding after the item related to section
18 5505 the following:

“5506. Multimodal Freight Funding Formula Program.

“5507. National Freight Infrastructure Competitive Grant Program.

“5508. National freight policy, network, plan, and data.”.

19 (2) REPEAL.—Section 167 of title 23, United
20 States Code, is repealed.

21 (3) CROSS-REFERENCE.—Section 505(a)(3) of
22 title 23, United States Code, is amended by striking
23 “149, and 167” and inserting “and 149, and section
24 5405 of title 49”.

1 **SEC. 3. STATE FREIGHT ADVISORY COMMITTEE.**

2 Section 1117 of MAP-21 (Public Law 112-141) is
3 amended to read as follows:

4 **“SEC. 1117. STATE FREIGHT ADVISORY COMMITTEES.**

5 “(a) IN GENERAL.—The Secretary shall encourage
6 each State to establish and maintain a freight advisory
7 committee consisting of a representative cross-section of
8 public and private sector freight entities, including—

9 “(1) any modes of freight transportation active
10 in the State, including airports, highways, ports, and
11 rail;

12 “(2) shippers;

13 “(3) carriers;

14 “(4) freight-related associations;

15 “(5) the freight industry workforce;

16 “(6) the transportation department of the
17 State;

18 “(7) metropolitan planning organizations;

19 “(8) local governments;

20 “(9) the environmental protection department
21 of the State, if applicable; and

22 “(10) the air resources board of the State, if
23 applicable.

24 “(b) QUALIFICATIONS.—Members of a committee es-
25 tablished under subsection (a) shall be widely recognized

1 to have qualifications sufficient to represent the interests
2 of their specific stakeholder group, including—

3 “(1) a general business and financial experi-
4 ence;

5 “(2) experience or qualifications in the areas of
6 freight transportation and logistics;

7 “(3) experience in transportation planning;

8 “(4) experience representing employees of the
9 freight industry; or

10 “(5) experience representing a State, local gov-
11 ernment, or metropolitan planning organization.

12 “(c) ROLES OF COMMITTEE.—The freight advisory
13 committee shall—

14 “(1) advise the State on freight-related prior-
15 ities, issues, projects, and funding needs;

16 “(2) serve as a forum for discussion for State
17 transportation decisions affecting freight mobility;

18 “(3) communicate and coordinate regional pri-
19 orities with other organizations;

20 “(4) promote the sharing of information be-
21 tween the private and public sectors on freight
22 issues;

23 “(5) participate in the development of the State
24 freight plan under section 1118, including advising

1 on the development of the freight investment plan;
2 and

3 “(6) approve the State freight plan under sec-
4 tion 1118, including the freight investment plan.

5 “(d) STATE DEFINED.—In this section, the term
6 ‘State’ means any of the 50 States, the District of Colum-
7 bia, Puerto Rico, American Samoa, the Commonwealth of
8 the Northern Mariana Islands, Guam, and the United
9 States Virgin Islands.”.

10 **SEC. 4. STATE FREIGHT PLANS.**

11 Section 1118 of MAP-21 (Public Law 112-141) is
12 amended to read as follows:

13 **“SEC. 1118. STATE FREIGHT PLANS.**

14 “(a) IN GENERAL.—The Secretary shall encourage
15 each State to develop a freight plan that provides a
16 multimodal, comprehensive plan for the immediate and
17 long-range planning activities and investments of the
18 State with respect to freight. The freight plan shall include
19 a strategic, long-term component and a tactical, short-
20 term component.

21 “(b) PLAN CONTENTS.—The freight plan described
22 in subsection (a) shall consider all modes of freight trans-
23 portation in the State and include, at a minimum—

1 “(1) an identification of significant freight sys-
2 tem trends, needs, and issues with respect to a
3 State;

4 “(2) a description of the freight policies, strate-
5 gies, and performance measures that will guide the
6 freight-related transportation investment decisions of
7 the State;

8 “(3) a description of how the plan will improve
9 the ability of the State to meet the national freight
10 goals established under section 5508 of title 49,
11 United States Code;

12 “(4) evidence of consideration of innovative
13 technologies and operational strategies, including in-
14 telligent transportation systems, that improve the
15 safety and efficiency of freight movement;

16 “(5) in the case of routes on which travel of
17 heavy vehicles (including mining, agricultural, en-
18 ergy cargo or equipment, and timber vehicles) is pro-
19 jected to substantially deteriorate the condition of
20 the roadways, a description of improvements that
21 may be required to reduce or impede the deteriora-
22 tion;

23 “(6) an inventory of facilities with freight mo-
24 bility issues, such as truck bottlenecks, within the

1 State, and a description of the strategies the State
2 is employing to address those freight mobility issues;

3 “(7) strategies and goals to decrease—

4 “(A) greenhouse gas emissions;

5 “(B) local air pollution, including ozone
6 and ozone precursors, nitrogen oxides, sulfur di-
7 oxide, particulate matter, carbon monoxide, and
8 lead;

9 “(C) water runoff and other adverse water
10 impacts; and

11 “(D) wildlife habitat loss;

12 “(8) strategies and goals to decrease the ad-
13 verse impact of freight transportation on commu-
14 nities traversed by freight railroads; and

15 “(9) a freight investment plan that includes a
16 list of projects in order of priority and describes how
17 multimodal freight investment funds under the
18 Economy in Motion: The National Multimodal and
19 Sustainable Freight Infrastructure Act would be in-
20 vested and matched.

21 “(c) REQUIREMENT OF ANTICIPATED FULL FUND-
22 ING.—The freight investment plan required under sub-
23 section (b)(8) may only include a project, or an identified
24 phase of a project, if funding for completion of the project
25 can reasonably be anticipated to be available for the

1 project within the time period identified in the freight in-
2 vestment plan.

3 “(d) RELATIONSHIP TO LONG-RANGE PLAN.—The
4 freight plan described in subsection (a) may be developed
5 separate from, or incorporated into, the long-range state-
6 wide transportation plan required under section 135(f) of
7 title 23, United States Code.

8 “(e) CERTIFICATION.—The Secretary shall approve a
9 freight plan if such plan meets the requirements of this
10 section and is consistent with the National freight stra-
11 tegic plan described in section 5508 of title 49, United
12 States Code. The Secretary, in consultation with the Ad-
13 ministrator of the Environmental Protection Agency shall
14 certify any environmental goal or strategy provisions of
15 the plan.

16 “(f) FORECAST PERIOD.—The freight plan described
17 in subsection (a) shall address a 10-year and 20-year fore-
18 cast period.

19 “(g) UPDATES.—A State shall update the freight
20 plan at least every 5 years.

21 “(h) STATE DEFINED.—In this section, the term
22 ‘State’ means any of the 50 States, the District of Colum-
23 bia, Puerto Rico, American Samoa, the Commonwealth of
24 the Northern Mariana Islands, Guam, and the United
25 States Virgin Islands.”.

1 **SEC. 5. FREIGHT TRUST FUND.**

2 (a) IN GENERAL.—Subchapter A of chapter 98 of the
3 Internal Revenue Code of 1986 is amended by adding at
4 the end the following new section:

5 **“SEC. 9512. FREIGHT TRUST FUND.**

6 “(a) CREATION OF TRUST FUND.—There is estab-
7 lished in the Treasury of the United States a trust fund
8 to be known as the ‘Freight Trust Fund’ (hereinafter in
9 this section referred to as the ‘Fund’) consisting of such
10 amounts as may be appropriated or credited to such Fund
11 as provided in this section or section 9602(b).

12 “(b) TRANSFERS TO THE FUND.—There are hereby
13 appropriated to the Fund amounts equivalent to taxes re-
14 ceived in the Treasury under section 4286.

15 “(c) EXPENDITURES FROM FUND.—Amounts in the
16 Fund shall be made available, as provided by appropria-
17 tion Acts, for making expenditures to meet obligations au-
18 thorized to be paid out of the Fund under sections 2 and
19 3 of the Economy in Motion: The National Multimodal
20 and Sustainable Freight Infrastructure Act.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 for subchapter A of chapter 98 of the Internal Revenue
23 Code of 1986 is amended by adding at the end the fol-
24 lowing new item:

“Sec. 9512. Freight Trust Fund.”.

1 **SEC. 6. FREIGHT MOBILITY INFRASTRUCTURE TAX.**

2 (a) IMPOSITION OF TAX.—Chapter 33 of the Internal
3 Revenue Code of 1986 is amended by inserting after sub-
4 chapter C the following new subchapter:

5 **“Subchapter D—Ground Transportation**
6 **Freight Tax**

“Sec. 4286. Imposition of tax.

7 **“SEC. 4286. IMPOSITION OF TAX.**

8 “(a) IN GENERAL.—There is hereby imposed upon
9 taxable ground transportation of property within the
10 United States a tax equal to 1 percent of the amount paid
11 for such transportation.

12 “(b) BY WHOM PAID.—

13 “(1) IN GENERAL.—The tax imposed by sub-
14 section (a) shall be paid—

15 “(A) by the person making the payment
16 subject to tax, or

17 “(B) in the case of transportation by a re-
18 lated person, by the person for whom such
19 transportation is made.

20 “(2) DETERMINATIONS OF AMOUNTS PAID IN
21 CERTAIN CASES.—For purposes of this section, rules
22 similar to the rules of section 4271(c) shall apply.

23 “(c) TRANSPORTATION BY RELATED PERSONS.—In
24 the case of transportation of property by the shipper or
25 a person related to the shipper, the fair market value of

1 such transportation shall be the amount which would be
2 paid for transporting such property if such property were
3 transported by an unrelated person, determined on an
4 arms' length basis.

5 “(d) DEFINITIONS.—For purposes of this sub-
6 chapter—

7 “(1) TAXABLE GROUND TRANSPORTATION.—
8 The term ‘taxable ground transportation’ means
9 transportation of property by—

10 “(A) freight rail, or

11 “(B) truck trailer and semitrailer chassis
12 and bodies, suitable for use with a trailer or
13 semitrailer which has a gross vehicle weight of
14 26,000 pounds or more.

15 For purposes of subparagraph (B), the terms ‘truck
16 trailer’ and ‘semitrailer’ have the same meanings as
17 such terms have in section 4051.

18 “(2) RELATED PERSON.—A person (hereinafter
19 in this paragraph referred to as the ‘related person’)
20 is related to any person if—

21 “(A) the related person bears a relation-
22 ship to such person specified in section 267(b)
23 or 707(b)(1), or

24 “(B) the related person and such person
25 are engaged in trades or businesses under com-

1 mon control (within the meaning of subsections
2 (a) and (b) of section 52).

3 For purposes of the preceding sentence, in applying
4 sections 267(b) and 707(b)(1), ‘10 percent’ shall be
5 substituted for ‘50 percent’ each place it appears.

6 “(e) EXEMPTION FOR UNITED STATES AND POSSES-
7 SIONS AND STATE AND LOCAL GOVERNMENTS.—The tax
8 imposed by subsection (a) shall not apply to amounts paid
9 for transportation of property purchased for the exclusive
10 use of the United States, or any State or political subdivi-
11 sion thereof.”.

12 (b) CREDITS OR REFUNDS TO PERSONS WHO COL-
13 LECTED CERTAIN TAXES.—Section 6415 of such Code is
14 amended by striking “or 4271” each place it appears and
15 inserting “4271, or 4286”.

16 (c) CLERICAL AMENDMENT.—The table of sub-
17 chapters for chapter 33 of the Internal Revenue Code of
18 1986 is amended by inserting after the item relating to
19 subchapter C the following new item:

 “SUBCHAPTER D. GROUND TRANSPORTATION FREIGHT TAX”.

20 (d) REGULATIONS.—Not later than 180 days after
21 the date of the enactment of this Act, the Secretary of
22 the Treasury shall issue regulations to carry out the
23 amendments made by this section.

24 (e) EFFECTIVE DATE.—The amendments made by
25 this section shall apply to transportation beginning on or

- 1 after the last day of the 180-day period beginning on the
- 2 date of the issuance of regulations under subsection (c).

○