

One Hundred Twelfth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,
the third day of January, two thousand and twelve*

An Act

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

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

SECTION 1. SHORT TITLE; ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Moving Ahead for Progress in the 21st Century Act” or the “MAP-21”.

(b) DIVISIONS.—This Act is organized into 8 divisions as follows:

(1) Division A—Federal-aid Highways and Highway Safety Construction Programs.

(2) Division B—Public Transportation.

(3) Division C—Transportation Safety and Surface Transportation Policy.

(4) Division D—Finance.

(5) Division E—Research and Education.

(6) Division F—Miscellaneous.

(7) Division G—Surface Transportation Extension.

(8) Division H—Budgetary Effects.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; organization of Act into divisions; table of contents.

Sec. 2. Definitions.

Sec. 3. Effective date.

DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Authorization of appropriations.

Sec. 1102. Obligation ceiling.

Sec. 1103. Definitions.

Sec. 1104. National Highway System.

Sec. 1105. Apportionment.

Sec. 1106. National highway performance program.

Sec. 1107. Emergency relief.

Sec. 1108. Surface transportation program.

Sec. 1109. Workforce development.

Sec. 1110. Highway use tax evasion projects.

Sec. 1111. National bridge and tunnel inventory and inspection standards.

Sec. 1112. Highway safety improvement program.

Sec. 1113. Congestion mitigation and air quality improvement program.

Sec. 1114. Territorial and Puerto Rico highway program.

Sec. 1115. National freight policy.

Sec. 1116. Prioritization of projects to improve freight movement.

Sec. 1117. State freight advisory committees.

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- Sec. 1118. State freight plans.
- Sec. 1119. Federal lands and tribal transportation programs.
- Sec. 1120. Projects of national and regional significance.
- Sec. 1121. Construction of ferry boats and ferry terminal facilities.
- Sec. 1122. Transportation alternatives.
- Sec. 1123. Tribal high priority projects program.

Subtitle B—Performance Management

- Sec. 1201. Metropolitan transportation planning.
- Sec. 1202. Statewide and nonmetropolitan transportation planning.
- Sec. 1203. National goals and performance management measures.

Subtitle C—Acceleration of Project Delivery

- Sec. 1301. Declaration of policy and project delivery initiative.
- Sec. 1302. Advance acquisition of real property interests.
- Sec. 1303. Letting of contracts.
- Sec. 1304. Innovative project delivery methods.
- Sec. 1305. Efficient environmental reviews for project decisionmaking.
- Sec. 1306. Accelerated decisionmaking.
- Sec. 1307. Assistance to affected Federal and State agencies.
- Sec. 1308. Limitations on claims.
- Sec. 1309. Accelerating completion of complex projects within 4 years.
- Sec. 1310. Integration of planning and environmental review.
- Sec. 1311. Development of programmatic mitigation plans.
- Sec. 1312. State assumption of responsibility for categorical exclusions.
- Sec. 1313. Surface transportation project delivery program.
- Sec. 1314. Application of categorical exclusions for multimodal projects.
- Sec. 1315. Categorical exclusions in emergencies.
- Sec. 1316. Categorical exclusions for projects within the right-of-way.
- Sec. 1317. Categorical exclusion for projects of limited Federal assistance.
- Sec. 1318. Programmatic agreements and additional categorical exclusions.
- Sec. 1319. Accelerated decisionmaking in environmental reviews.
- Sec. 1320. Memoranda of agency agreements for early coordination.
- Sec. 1321. Environmental procedures initiative.
- Sec. 1322. Review of State environmental reviews and approvals for the purpose of eliminating duplication of environmental reviews.
- Sec. 1323. Review of Federal project and program delivery.

Subtitle D—Highway Safety

- Sec. 1401. Jason's law.
- Sec. 1402. Open container requirements.
- Sec. 1403. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
- Sec. 1404. Adjustments to penalty provisions.
- Sec. 1405. Highway worker safety.

Subtitle E—Miscellaneous

- Sec. 1501. Real-time ridesharing.
- Sec. 1502. Program efficiencies.
- Sec. 1503. Project approval and oversight.
- Sec. 1504. Standards.
- Sec. 1505. Justification reports for access points on the Interstate System.
- Sec. 1506. Construction.
- Sec. 1507. Maintenance.
- Sec. 1508. Federal share payable.
- Sec. 1509. Transferability of Federal-aid highway funds.
- Sec. 1510. Idle reduction technology.
- Sec. 1511. Special permits during periods of national emergency.
- Sec. 1512. Tolling.
- Sec. 1513. Miscellaneous parking amendments.
- Sec. 1514. HOV facilities.
- Sec. 1515. Funding flexibility for transportation emergencies.
- Sec. 1516. Defense access road program enhancements to address transportation infrastructure in the vicinity of military installations.
- Sec. 1517. Mapping.
- Sec. 1518. Buy America provisions.
- Sec. 1519. Consolidation of programs; repeal of obsolete provisions.
- Sec. 1520. Denali Commission.
- Sec. 1521. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 amendments.
- Sec. 1522. Extension of public transit vehicle exemption from axle weight restrictions.

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- Sec. 1523. Use of debris from demolished bridges and overpasses.
- Sec. 1524. Use of youth service and conservation corps.
- Sec. 1525. State autonomy for culvert pipe selection.
- Sec. 1526. Evacuation routes.
- Sec. 1527. Consolidation of grants.
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- Sec. 1529. Engineering judgment.
- Sec. 1530. Transportation training and employment programs.
- Sec. 1531. Notice of certain grant awards.
- Sec. 1532. Budget justification.
- Sec. 1533. Prohibition on use of funds for automated traffic enforcement.
- Sec. 1534. Public-private partnerships.
- Sec. 1535. Report on Highway Trust Fund expenditures.
- Sec. 1536. Sense of Congress on harbor maintenance.
- Sec. 1537. Estimate of harbor maintenance needs.
- Sec. 1538. Asian carp.
- Sec. 1539. Rest areas.

Subtitle F—Gulf Coast Restoration

- Sec. 1601. Short title.
- Sec. 1602. Gulf Coast Restoration Trust Fund.
- Sec. 1603. Gulf Coast natural resources restoration and economic recovery.
- Sec. 1604. Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology program.
- Sec. 1605. Centers of excellence research grants.
- Sec. 1606. Effect.
- Sec. 1607. Restoration and protection activity limitations.
- Sec. 1608. Inspector General.

TITLE II—AMERICA FAST FORWARD FINANCING INNOVATION

- Sec. 2001. Short title.
- Sec. 2002. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.

DIVISION B—PUBLIC TRANSPORTATION

- Sec. 20001. Short title.
- Sec. 20002. Repeals.
- Sec. 20003. Policies and purposes.
- Sec. 20004. Definitions.
- Sec. 20005. Metropolitan transportation planning.
- Sec. 20006. Statewide and nonmetropolitan transportation planning.
- Sec. 20007. Urbanized area formula grants.
- Sec. 20008. Fixed guideway capital investment grants.
- Sec. 20009. Mobility of seniors and individuals with disabilities.
- Sec. 20010. Formula grants for rural areas.
- Sec. 20011. Research, development, demonstration, and deployment projects.
- Sec. 20012. Technical assistance and standards development.
- Sec. 20013. Private sector participation.
- Sec. 20014. Bus testing facilities.
- Sec. 20015. Human resources and training.
- Sec. 20016. General provisions.
- Sec. 20017. Public Transportation Emergency Relief Program.
- Sec. 20018. Contract requirements.
- Sec. 20019. Transit asset management.
- Sec. 20020. Project management oversight.
- Sec. 20021. Public transportation safety.
- Sec. 20022. Alcohol and controlled substances testing.
- Sec. 20023. Nondiscrimination.
- Sec. 20024. Administrative provisions.
- Sec. 20025. National transit database.
- Sec. 20026. Apportionment of appropriations for formula grants.
- Sec. 20027. State of good repair grants.
- Sec. 20028. Authorizations.
- Sec. 20029. Bus and bus facilities formula grants.
- Sec. 20030. Technical and conforming amendments.

DIVISION C—TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION
POLICY

TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF
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- Sec. 31001. Short title.

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Sec. 31002. Definition.

Subtitle A—Highway Safety

Sec. 31101. Authorization of appropriations.
Sec. 31102. Highway safety programs.
Sec. 31103. Highway safety research and development.
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Sec. 31107. Agency accountability.
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Subtitle B—Enhanced Safety Authorities

Sec. 31201. Definition of motor vehicle equipment.
Sec. 31202. Permit reminder system for non-use of safety belts.
Sec. 31203. Civil penalties.
Sec. 31204. Motor vehicle safety research and development.
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Sec. 31207. Extend prohibitions on importing noncompliant vehicles and equipment to defective vehicles and equipment.
Sec. 31208. Conditions on importation of vehicles and equipment.
Sec. 31209. Port inspections; samples for examination or testing.

Subtitle C—Transparency and Accountability

Sec. 31301. Public availability of recall information.
Sec. 31302. National Highway Traffic Safety Administration outreach to manufacturer, dealer, and mechanic personnel.
Sec. 31303. Public availability of communications to dealers.
Sec. 31304. Corporate responsibility for National Highway Traffic Safety Administration reports.
Sec. 31305. Passenger motor vehicle information program.
Sec. 31306. Promotion of vehicle defect reporting.
Sec. 31307. Whistleblower protections for motor vehicle manufacturers, part suppliers, and dealership employees.
Sec. 31308. Anti-revolving door.
Sec. 31309. Study of crash data collection.
Sec. 31310. Update means of providing notification; improving efficacy of recalls.
Sec. 31311. Expanding choices of remedy available to manufacturers of replacement equipment.
Sec. 31312. Recall obligations and bankruptcy of manufacturer.
Sec. 31313. Repeal of insurance reports and information provision.
Sec. 31314. Monroney sticker to permit additional safety rating categories.

Subtitle D—Vehicle Electronics and Safety Standards

Sec. 31401. National Highway Traffic Safety Administration electronics, software, and engineering expertise.
Sec. 31402. Electronic systems performance.

Subtitle E—Child Safety Standards

Sec. 31501. Child safety seats.
Sec. 31502. Child restraint anchorage systems.
Sec. 31503. Rear seat belt reminders.
Sec. 31504. Unattended passenger reminders.
Sec. 31505. New deadline.

Subtitle F—Improved Daytime and Nighttime Visibility of Agricultural Equipment
Sec. 31601. Rulemaking on visibility of agricultural equipment.

TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY ENHANCEMENT ACT OF 2012

Sec. 32001. Short title.
Sec. 32002. References to title 49, United States Code.

Subtitle A—Commercial Motor Vehicle Registration

Sec. 32101. Registration of motor carriers.
Sec. 32102. Safety fitness of new operators.
Sec. 32103. Reincarnated carriers.

SEC. 31305. PASSENGER MOTOR VEHICLE INFORMATION PROGRAM.

(a) DEFINITION.—Section 32301 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘crash avoidance’ means preventing or mitigating a crash;”;

(3) in paragraph (2), as redesignated, by striking the period at the end and inserting “; and”.

(b) INFORMATION INCLUDED.—Section 32302(a) of title 49, United States Code, is amended—

(1) in paragraph (2), by inserting “, crash avoidance, and any other areas the Secretary determines will improve the safety of passenger motor vehicles” after “crashworthiness”; and

(2) by striking paragraph (4).

SEC. 31306. PROMOTION OF VEHICLE DEFECT REPORTING.

Section 32302 of title 49, United States Code, is amended by adding at the end the following:

“(d) MOTOR VEHICLE DEFECT REPORTING INFORMATION.—

“(1) RULEMAKING REQUIRED.—Not later than 1 year after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, the Secretary shall prescribe regulations that require passenger motor vehicle manufacturers—

“(A) to affix, in the glove compartment or in another readily accessible location on the vehicle, a sticker, decal, or other device that provides, in simple and understandable language, information about how to submit a safety-related motor vehicle defect complaint to the National Highway Traffic Safety Administration;

“(B) to prominently print the information described in subparagraph (A) within the owner’s manual; and

“(C) to not place such information on the label required under section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

“(2) APPLICATION.—The requirements under paragraph (1) shall apply to passenger motor vehicles manufactured in any model year beginning more than 1 year after the date on which a final rule is published under paragraph (1).”.

SEC. 31307. WHISTLEBLOWER PROTECTIONS FOR MOTOR VEHICLE MANUFACTURERS, PART SUPPLIERS, AND DEALERSHIP EMPLOYEES.

(a) IN GENERAL.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§ 30171. Protection of employees providing motor vehicle safety information

“(a) DISCRIMINATION AGAINST EMPLOYEES OF MANUFACTURERS, PART SUPPLIERS, AND DEALERSHIPS.—No motor vehicle manufacturer, part supplier, or dealership may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because

the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or the Secretary of Transportation information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

“(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

“(3) testified or is about to testify in such a proceeding;

“(4) assisted or participated or is about to assist or participate in such a proceeding; or

“(5) objected to, or refused to participate in, any activity that the employee reasonably believed to be in violation of any provision of chapter 301 of this title, or any order, rule, regulation, standard, or ban under such provision.

“(b) COMPLAINT PROCEDURE.—

“(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may file (or have any person file on his or her behalf), not later than 180 days after the date on which such violation occurs, a complaint with the Secretary of Labor (hereinafter in this section referred to as the ‘Secretary’) alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

“(2) INVESTIGATION; PRELIMINARY ORDER.—

“(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary’s findings. If the Secretary concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary’s findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to

stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

“(B) REQUIREMENTS.—

“(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(3) FINAL ORDER.—

“(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

“(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

“(i) to take affirmative action to abate the violation;

“(ii) to reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

“(iii) to provide compensatory damages to the complainant.

“(C) ATTORNEYS’ FEES.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys’ and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, bringing the complaint upon which the order was issued.

“(D) FRIVOLOUS COMPLAINTS.—If the Secretary determines that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorney’s fee not exceeding \$1,000.

“(E) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to the action, be tried by the court with a jury. The action shall be governed by the same legal burdens of proof specified in paragraph (2)(B) for review by the Secretary.

“(4) REVIEW.—

“(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

“(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(5) ENFORCEMENT OF ORDER BY SECRETARY.—Whenever any person fails to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory damages.

“(6) ENFORCEMENT OF ORDER BY PARTIES.—

“(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order.

The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

“(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

“(c) MANDAMUS.—Any nondiscretionary duty imposed under this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

“(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a motor vehicle manufacturer, part supplier, or dealership who, acting without direction from such motor vehicle manufacturer, part supplier, or dealership (or such person’s agent), deliberately causes a violation of any requirement relating to motor vehicle safety under this chapter.”.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the whistleblower protections established by law with respect to this program, and update its study of other such programs administered by the Secretary of Transportation; and

(2) submit to Congress a report of the results of the study under paragraph (1), including—

(A) an identification of the differences between the provisions applicable to different programs, the number of claims brought pursuant to each provision, and the outcome of each claim; and

(B) any recommendations for program changes that the Comptroller General considers appropriate based on the study under paragraph (1).

(c) CONFORMING AMENDMENT.—The table of sections for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30170 the following:

“30171. Protection of employees providing motor vehicle safety information.”.

SEC. 31308. ANTI-REVOLVING DOOR.

(a) STUDY OF DEPARTMENT OF TRANSPORTATION POLICIES ON OFFICIAL COMMUNICATION WITH FORMER MOTOR VEHICLE SAFETY ISSUE EMPLOYEES.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Transportation shall—

(1) review the Department of Transportation’s policies and procedures applicable to official communication with former employees concerning motor vehicle safety compliance matters for which they had responsibility during the last 12 months of their tenure at the Department, including any limitations on the ability of such employees to submit comments, or otherwise communicate directly with the Department, on motor vehicle safety issues; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains