

**Public Law 109-59 – August 10, 2005**  
**Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users**  
**(SAFETEA-LU)**

**As Amended by**  
**Public Law 110-244 – June 6, 2008**  
**SAFETEA-LU Technical Corrections Act of 2008**

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## **Title I – Federal-Aid Highways**

### **SEC. 1122. DEFINITIONS.**

(h) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED.— Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

“(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

“(A) IN GENERAL.—The term ‘transportation systems management and operations’ means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

“(B) INCLUSIONS.—The term ‘transportation systems management and operations’ includes—

“(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

“(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.”<sup>1</sup>

### **SEC. 1702. PROJECT AUTHORIZATIONS.**

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(16) of this Act) for fiscal years 2005 through 2009 to carry out each such project:

No.	State	Project Description	Highway Projects	
			High Priority Projects	
			Amount	
3891	DE	Hydrogen Storage Research at Delaware State University in Dover	\$2,000,000	
4591	NY	For research at the Rochester Institute of Technology Alternative Fuels and Life-Cycle Engineering	\$4,000,000	

<sup>1</sup> §101(h); clarifies eligibility of use of Federal-Aid funding to include ITS deployment and intermodal/multi-modal projects and operations. See also SAFETEA-LU §5310(8), “Definitions” for ITS Research.

**Section 1801 (e) National Ferry Database.—**

(1) Establishment.--The Secretary, acting through the Bureau of Transportation Statistics, shall establish and maintain a national ferry database.

(2) Contents.--The database shall contain current information regarding ferry systems, including information regarding routes, vessels, passengers and vehicles carried, funding sources and such other information as the Secretary considers useful.

(3) Update report.--Using information collected through the database, the Secretary shall periodically modify as appropriate the report submitted under section 1207(c) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 185-186).

(4) Requirements.--The Secretary shall—

(A) compile the database not later than 1 year after the date of enactment of this Act and update the database every 2 years thereafter;

(B) ensure that the database is easily accessible to the public; and

(C) make available, from the amounts made available for the Bureau of Transportation Statistics by section 5101 of this Act, not more than \$500,000 for each of fiscal years 2006 through 2009 to establish and maintain the database.

**Title III – Public Transportation**

**SEC. 3036. AUTHORIZATIONS.**

Section 5338 is amended to read as follows:

“(a) FISCAL YEAR 2005.—

**(6) UNIVERSITY TRANSPORTATION RESEARCH.—**

“(A) TRUST FUND.—For fiscal year 2005, \$5,208,000 shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5505.

“(B) GENERAL FUND.—In addition to amounts made available under subparagraph (A), there is authorized to be appropriated \$744,000 for fiscal year 2005 to carry out section 5505.

“(C) ALLOCATION OF FUNDS.—Of the amounts made available or appropriated under this paragraph—

“(i) \$1,984,000 shall be available for grants under section 5505(d) to the center identified in section 5505(j)(4)(A), as in effect on the day before the date of enactment of the Federal Public Transportation Act of 2005; and

“(ii) \$1,984,000 shall be available for grants under section 5505(d) to the center identified in section 5505(j)(4)(F), as in effect on the day before the date of enactment of the Federal Public Transportation Act of 2005.

“(D) SPECIAL RULE.—Nothing in this paragraph shall be construed to limit the transportation research conducted by the centers receiving financial assistance under this section.

**“(d) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—**

“(1) IN GENERAL.—There is authorized to be appropriated to carry out transit cooperative research programs under section 5313, the National Transit Institute under section 5315, university research centers under section 5506, and national research programs under sections 5312, 5313, 5314, and 5322 \$58,000,000 for fiscal year 2006, \$61,000,000 for fiscal year 2007, \$65,500,000 for fiscal year 2008, and \$69,750,000 for fiscal year 2009, of which—

“(C) \$7,000,000 shall be allocated for each fiscal year to carry out the university centers program under section 5506.

**“(2) UNIVERSITY CENTERS PROGRAM.—**

“(A) ALLOCATION.—Of the amounts allocated under paragraph (1)(C), the following amounts shall be available to provide transportation research, training, and curriculum development:

“(i) \$2,000,000 for each of fiscal years 2006 through 2009 for the University of Tennessee—Knoxville National Transportation Research Center.

“(ii) \$1,500,000 for each of fiscal years 2006 through 2009 for Texas A&M University—Texas Transportation Institute.

“(iii) \$1,000,000 for each of fiscal years 2006 through 2009 for Morgan State University.

“(iv) \$400,000 for each of fiscal years 2006 and 2007 for the Small Urban and Rural Transit Center at North Dakota State University.

“(v) \$550,000 for each of fiscal years 2006 and 2007 and \$650,000 for each of fiscal years 2008 and 2009 for the University Transportation Center at the University of Alabama.

“(vi) \$450,000 for each of fiscal years 2006 and 2007 and \$550,000 for each of fiscal years 2008 and 2009 for the Injury Control Research Center at the University of Alabama Birmingham.

“(vii) \$550,000 for each of fiscal years 2006 and 2007 and \$650,000 for each of fiscal years 2008 and 2009 for the Jackson State University Intermodal Transportation Institute at the Jackson State University.

“(viii) \$550,000 for each of fiscal years 2006 and 2007 and \$650,000 for each of fiscal years 2008 and 2009 for the University Transportation Center at the University of Denver/Mississippi State University.

“(B) REQUIREMENTS.—The universities specified in subparagraph (A) shall be considered to be university transportation centers under section 5506 and shall be subject to the requirements of subsections (b), (h), (i), (k), (l), and (m) of such section.

## Title IV – Motor Carrier Safety

### SEC. 4149. OFFICE OF INTERMODALISM.

Section 5503 of title 49, United States Code, is amended—

- (1) in subsection (e) by inserting “Amounts reserved under section 5504(d) not awarded to States as grants may be used by the Director to provide technical assistance under this subsection.” after “organizations.”;
- (2) by redesignating subsection (f) as subsection (h); and
- (3) by inserting after subsection (e) the following:

#### **“(f) National Intermodal System Improvement Plan.--**

“(1) In general.--The Director, in consultation with the advisory board established under section 5502 and other public and private transportation interests, shall develop a plan to improve the national intermodal transportation system. The plan shall include—

- “(A) an assessment and forecast of the national intermodal transportation system's impact on mobility, safety, energy consumption, the environment, technology, international trade, economic activity, and quality of life in the United States;
- “(B) an assessment of the operational and economic attributes of each passenger and freight mode of transportation and the optimal role of each mode in the national intermodal transportation system;
- “(C) a description of recommended intermodal and multimodal research and development projects;
- “(D) a description of emerging trends that have an impact on the national intermodal transportation system;
- “(E) recommendations for improving intermodal policy, transportation decision-making, and financing to maximize mobility and the return on investment of Federal spending on transportation;
- “(F) an estimate of the impact of current Federal and State transportation policy on the national intermodal transportation system; and
- “(G) specific near and long-term goals for the national intermodal transportation system.

“(2) Progress reports.--The Director shall submit an initial report on the plan to improve the national intermodal transportation system 2 years after the date of enactment of the Surface Transportation Safety Improvement Act of 2005, and a follow-up report 2 years after that, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The progress report shall--

- “(A) describe progress made toward achieving the plan's goals;
- “(B) describe challenges and obstacles to achieving the plan's goals;
- “(C) update the plan to reflect changed circumstances or new developments; and
- “(D) make policy and legislative recommendations the Director believes are necessary and appropriate to achieve the goals of the plan.

“(3) Plan development funding.--Such sums as may be necessary from the administrative expenses of the Research and Innovative Technology Administration shall be reserved by the Secretary of Transportation each year for the purpose of completing and updating the plan to improve the national intermodal transportation plan.

“(g) **Impact Measurement Methodology; Impact Review.**—

The Director and the Director of the Bureau of Transportation Statistics shall jointly—  
“(1) develop, in consultation with the modal administrations, and State and local planning organizations, common measures to compare transportation investment decisions across the various modes of transportation; and

“(2) formulate a methodology for measuring the impact of intermodal transportation on--  
“(A) the environment;  
“(B) public health and welfare;  
“(C) energy consumption;  
“(D) the operation and efficiency of the transportation system;  
“(E) congestion, including congestion at the Nation's ports; and  
“(F) the economy and employment.

“(h) Authorization of Appropriations.--There is authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal years 2006 through 2009 to carry out this chapter.”.

## **Title V – Research**

### **Subtitle A—Funding**

#### **SEC. 5101. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEPLOYMENT PROGRAM.—To carry out sections 502, 503, 506, 507, 509, and 510 of title 23, United States Code, and sections 5201, 5203, 5204, 5309, 5501, 5502, 5503, 5504, 5506, 5511, 5512, and 5513 of this title \$196,400,000 for each of fiscal years 2005 through 2009 shall be available.

(2) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, and section 5502 of this Act \$26,700,000 for each of fiscal years 2005 through 2009.

(3) BUREAU OF TRANSPORTATION STATISTICS.—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, \$27,000,000 for each of fiscal years 2005 through 2009.

(4) UNIVERSITY TRANSPORTATION RESEARCH.—To carry out sections 5505 and 5506 of title 49, United States Code, ‘\$40,400,000 for fiscal year 2005, \$69,700,000 for fiscal year 2006, \$76,400,000 for each of fiscal years 2007 and 2008, and \$78,900,000 for fiscal year 2009.’<sup>2</sup>

(5) INTELLIGENT TRANSPORTATION SYSTEMS (ITS) RESEARCH.—To carry out subtitle C of this title, and section 511 of title 23, United States Code, \$110,000,000 for each of fiscal years 2005 through 2009.

(6) ITS DEPLOYMENT.—To carry out sections 5208 and 5209 of the Transportation Equity Act for the 21st Century (112 Stat. 458; 112 Stat. 460), \$122,000,000 for fiscal year 2005.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of a project or activity carried out using such funds shall be 50 percent, unless otherwise expressly provided

**Section 5201 (m) Biobased Transportation Research.—**

Of the amounts made available by section 5101(a)(1) of this Act, \$12,500,000 for each of fiscal years 2006 through 2009, equally divided and available, shall be available to carry out biobased research of national importance at the National Biodiesel Board and at research centers identified in section 9011 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109).

**SEC. 5208. TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLANNING.**

(a) In General.--Section 508 of title 23, United States Code, is amended to read as follows:  
“Sec. 508. Transportation research and development strategic planning

“(a) In General.—

“(1) Development.--Not later than 1 year after the date of enactment of the SAFETEA-LU, the Secretary shall develop a 5-year transportation research and development strategic plan to guide Federal transportation research and development activities. This plan shall be consistent with section 306 of title 5, sections 1115 and 1116 of title 31, and any other research and development plan within the Department of Transportation.

“(2) Contents.--The strategic plan developed under paragraph (1) shall--

“(A) describe the primary purposes of the transportation research and development program, which shall include, at a minimum—

“(i) reducing congestion and improving mobility;

“(ii) promoting safety;

“(iii) promoting security;

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<sup>2</sup> §111(b)(1)(B); correlates UTC funding with annualized authorizations in §5401-5402; no change in total program authorization.



- ``(iv) protecting and enhancing the environment;
- ``(v) preserving the existing transportation system; and
- ``(vi) improving the durability and extending the life of transportation infrastructure;

``(B) for each purpose, list the primary research and development topics that the Department intends to pursue to accomplish that purpose, which may include the fundamental research in the physical and natural sciences, applied research, technology development, and social science research intended for each topic; and

``(C) for each research and development topic, describe—

- ``(i) the anticipated annual funding levels for the period covered by the strategic plan; and
- ``(ii) the additional information the Department expects to gain at the end of the period covered by the strategic plan as a result of the research and development in that topic area.

``(3) Considerations.--In developing the strategic plan, the Secretary shall ensure that the plan—

- ``(A) reflects input from a wide range of stakeholders;
- ``(B) includes and integrates the research and development programs of all the Department's operating administrations, including aviation, transit, rail, and maritime; and
- ``(C) takes into account how research and development by other Federal, State, private sector, and nonprofit institutions contributes to the achievement of the purposes identified under paragraph (2)(A), and avoids unnecessary duplication with these efforts.

``(4) Performance plans and reports.--In reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

- ``(A) a summary of the Federal transportation research and development activities for the previous fiscal year in each topic area;
- ``(B) the amount of funding spent in each topic area;
- ``(C) a description of the extent to which the research and development is meeting the expectations set forth in paragraph (2)(C)(ii); and
- ``(D) any amendments to the strategic plan.

``(b) Annual Report.--The Secretary shall submit to appropriate committees of Congress an annual report, in conjunction with the President's annual budget request as set forth in section 1105 of title 31, describing the amount spent in the last completed fiscal year on transportation research and development and the amount proposed in the current budget for transportation research and development.

``(c) National Research Council Review.--The Secretary shall enter into an agreement for the review by the National Research Council of the details of each--

- ``(1) strategic plan under this section;

- “(2) performance plan required under section 1115 of title 31; and
- “(3) program performance report required under section 1116 of title 31, with respect to transportation research and development.”.

(b) Conforming Amendment.--The analysis for chapter 5 of such title is amended by striking the item relating to section 508 and inserting the following:

“508. Transportation research and development strategic planning.”

## **SEC. 5209. NATIONAL COOPERATIVE FREIGHT TRANSPORTATION RESEARCH PROGRAM.**

(a) In General.--Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

“Sec. 509. National cooperative freight transportation research program

“(a) Establishment.--The Secretary shall establish and support a national cooperative freight transportation research program.

“(b) Agreement.--The Secretary shall enter into an agreement with the National Academy of Sciences to support and carry out administrative and management activities relating to the governance of the national cooperative freight transportation research program.

“(c) Advisory Committee.--The National Academy of Sciences shall select an advisory committee consisting of a representative cross-section of freight stakeholders, including the Department of Transportation, other Federal agencies, State transportation departments, local governments, nonprofit entities, academia, and the private sector.

“(d) Governance.--The national cooperative freight transportation research program established under this section shall include the following administrative and management elements:

“(1) National research agenda.--The advisory committee, in consultation with interested parties, shall recommend a national research agenda for the program. The agenda shall include a multiyear strategic plan.

“(2) Involvement.--Interested parties may—

“(A) submit research proposals to the advisory committee;

“(B) participate in merit reviews of research proposals and peer reviews of research products; and

“(C) receive research results.

“(3) Open competition and peer review of research proposals.--The National Academy of Sciences may award research contracts and grants under the program through open competition and merit review conducted on a regular basis.

“(4) Evaluation of research.—

“(A) Peer review.--Research contracts and grants under the program may allow peer review of the research results.

- “(B) Programmatic evaluations.--The National Academy of Sciences may conduct periodic programmatic evaluations on a regular basis of research contracts and grants.
- “(5) Dissemination of research findings.--The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, the World Wide Web, publications for the general public, and other appropriate means.
- “(e) Contents.--The national research agenda required under subsection (d)(1) shall include research in the following areas:
  - “(1) Techniques for estimating and quantifying public benefits derived from freight transportation projects.
  - “(2) Alternative approaches to calculating the contribution of truck and rail traffic to congestion on specific highway segments.
  - “(3) The feasibility of consolidating origins and destinations for freight movement.
  - “(4) Methods for incorporating estimates of international trade into landside transportation planning.
  - “(5) The use of technology applications to increase capacity of highway lanes dedicated to truck-only traffic.
  - “(6) Development of physical and policy alternatives for separating car and truck traffic.
  - “(7) Ways to synchronize infrastructure improvements with freight transportation demand.
  - “(8) The effect of changing patterns of freight movement on transportation planning decisions relating to rest areas.
  - “(9) Other research areas to identify and address emerging and future research needs related to freight transportation by all modes.
- “(f) Funding.—
  - “(1) Federal share.--The Federal share of the cost of an activity carried out under this section shall be up to 100 percent
  - “(2) Use of non-federal funds.--In addition to using funds authorized for this section, the National Academy of Sciences may seek and accept additional funding sources from public and private entities capable of accepting funding from the Department of Transportation, States, local governments, nonprofit foundations, and the private sector.
  - “(3) Period of availability.--Amounts made available to carry out this section shall remain available until expended.”.
- (b) Funding.--Of the amounts made available by section 5101(a)(1) of this Act, \$3,75,000 for each of fiscal years 2006 through 2009 shall be available to carry out section 509 of such title.
- (c) Conforming Amendment.--The analysis for such chapter is further amended by adding at the end the following:
  - “509. National cooperative freight transportation research program.”.

## Subtitle C—Intelligent Transportation System Research

### SEC. 5301. NATIONAL ITS PROGRAM PLAN.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is further amended by adding at the end the following:

“§ 512. National ITS program plan

“(a) IN GENERAL.—

“(1) UPDATES.—Not later than 1 year after the date of enactment of the SAFETEA—LU, the Secretary, in consultation with interested stakeholders (including State transportation departments) shall develop a 5-year National Intelligent Transportation System (in this section referred to as ‘ITS’) program plan.

“(2) SCOPE.—The National ITS program plan shall—

“(A) specify the goals, objectives, and milestones for the research and deployment of intelligent transportation systems in the contexts of—

“(i) major metropolitan areas;

“(ii) smaller metropolitan and rural areas; and

“(iii) commercial vehicle operations;

“(B) specify the manner in which specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (A), including consideration of a 5-year timeframe for the goals and objectives;

“(C) identify activities that provide for the dynamic development, testing, and necessary revision of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish standards; and

“(D) establish a cooperative process with State and local governments for—

“(i) determining desired surface transportation system performance levels; and

“(ii) developing plans for accelerating the incorporation of specific intelligent transportation system capabilities into surface transportation systems.

“(b) REPORTING.—The National ITS program plan shall be submitted and biennially updated as part of the transportation research and development strategic plan developed under section 508.”.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

“512. National ITS Program Plan.”.

### SEC. 5302. USE OF FUNDS.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is further amended by adding at the end the following:

“§ 513. Use of funds for ITS activities

“(a) IN GENERAL.—For each fiscal year, not more than \$250,000 of the funds made available to carry out this subtitle C of title V of the SAFETEA–LU shall be used for intelligent transportation system outreach, public relations, displays, tours, and brochures.

“(b) APPLICABILITY.—Subsection (a) shall not apply to intelligent transportation system training, scholarships, or the publication or distribution of research findings, technical guidance, or similar documents.”.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

“513. Use of funds for ITS activities.”.

### **SEC. 5303. GOALS AND PURPOSES.**

(a) GOALS.—The goals of the intelligent transportation system program include—

- (1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and other transaction costs to public agencies and system users;
- (2) achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles and improved emergency response to a crash, with particular emphasis on decreasing the number and severity of collisions;
- (3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;
- (4) accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger motor vehicles, motorcycles, bicycles and pedestrians, including individuals with disabilities; and
- (5) improvement of the Nation’s ability to respond to security-related or other manmade emergencies and natural disasters and enhancement of national defense mobility.

(b) PURPOSES.—The Secretary shall implement activities under the intelligent system transportation program to, at a minimum—

- (1) expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;
- (2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for consideration in the transportation planning process;
- (3) improve regional cooperation and operations planning for effective intelligent transportation system deployment;
- (4) promote the innovative use of private resources;
- (5) facilitate, in cooperation with the motor vehicle industry, the introduction of vehicle-based safety enhancing systems;

- (6) support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;
- (7) develop a workforce capable of developing, operating, and maintaining intelligent transportation systems; and
- (8) provide continuing support for operations and maintenance of intelligent transportation systems.

#### **SEC. 5304. INFRASTRUCTURE DEVELOPMENT.**

Funds made available to carry out this subtitle for operational tests—

- (1) shall be used primarily for the development of intelligent transportation system infrastructure; and
- (2) to the maximum extent practicable, shall not be used for the construction of physical highway and public transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

#### **SEC. 5305. GENERAL AUTHORITIES AND REQUIREMENTS.**

(a) **SCOPE.**—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing intelligent transportation system program to research, develop, and operationally test intelligent transportation systems and to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States.

(b) **POLICY.**—Intelligent transportation system research projects and operational tests funded pursuant to this subtitle shall encourage and not displace public-private partnerships or private sector investment in such tests and projects.

(c) **COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.**—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the private sector firms of the United States, the Federal laboratories, and colleges and universities, including historically Black colleges and universities and other minority institutions of higher education.

(d) **CONSULTATION WITH FEDERAL OFFICIALS.**—In carrying out the intelligent transportation system program, the Secretary shall consult with the heads of other Federal departments and agencies, as appropriate.

(e) **TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.**—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

(f) **TRANSPORTATION PLANNING.**—The Secretary may provide funding to support adequate consideration of transportation systems management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

(g) INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall—

(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subtitle (including the amendments made by this subtitle); and

(B) make, on request, that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) AGREEMENT.—

(A) IN GENERAL.—The Secretary may enter into an agreement with a third party for the maintenance of the repository for technical and safety data under paragraph (1)(A).

(B) FEDERAL FINANCIAL ASSISTANCE.—If the Secretary enters into an agreement with an entity for the maintenance of the repository, the entity shall be eligible for Federal financial assistance under this section.

(3) AVAILABILITY OF INFORMATION.—Information in the repository shall not be subject to sections 552 and 555 of title 5, United States Code.

(h) ADVISORY COMMITTEE.— Establishment.

(1) IN GENERAL.—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this subtitle.

(2) MEMBERSHIP.—The Advisory Committee shall have no more than 20 members, be balanced between metropolitan and rural interests, and include, at a minimum—

(A) a representative from a State highway department;

(B) a representative from a local highway department who is not from a metropolitan planning organization;

(C) a representative from a State, local, or regional transit agency;

(D) a representative from a metropolitan planning organization;

(E) a private sector user of intelligent transportation system technologies;

(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues;

(G) an academic researcher who is a civil engineer;

(H) an academic researcher who is a social scientist with expertise in transportation issues;

(I) a representative from a nonprofit group representing the intelligent transportation system industry;

(J) a representative from a public interest group concerned with safety;

(K) a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and

(L) members with expertise in planning, safety, and operations.

(3) DUTIES.—The Advisory Committee shall, at a minimum, perform the following duties:

(A) Provide input into the development of the Intelligent Transportation System aspects of the strategic plan under section 508 of title 23, United States Code.

(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—

(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems;

(ii) whether the intelligent transportation system technologies are likely to be deployed by users, and if not, to determine the barriers to deployment; and

(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered.

(4) REPORT.—Not later than February 1 of each year after the date of enactment of this Act, the Secretary shall transmit to the Congress a report including—

(A) all recommendations made by the Advisory Committee during the preceding calendar year;

(B) an explanation of how the Secretary has implemented those recommendations; and

(C) for recommendations not implemented, the reasons for rejecting the recommendations.

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(i) REPORTING.—

(1) GUIDELINES AND REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the reporting and evaluation of operational tests and deployment projects carried out under this subtitle.

(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish reporting funding levels based on the size and scope of each test or project that ensure adequate reporting of the results of the test or project.

(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the reporting of any test, deployment project, or program assessment activity under this subtitle shall not be subject to chapter 35 of title 44, United States Code.

## **SEC. 5306. RESEARCH AND DEVELOPMENT.**

(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent vehicles and intelligent infrastructure systems and other similar activities that are necessary to carry out this subtitle.



(b) **PRIORITY AREAS.**—Under the program, the Secretary shall give higher priority to funding projects that—

- (1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products;
- (2) utilize interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;
- (3) address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems with goals of—
  - (A) reducing metropolitan congestion by not less than 5 percent by 2010;
  - (B) ensuring that a national, interoperable 5–1–1 system, along with a national traffic information system that includes a user-friendly, comprehensive website, is fully implemented for use by travelers throughout the United States by September 30, 2010; and
  - (C)
    - (i) improving incident management response, particularly in rural areas, so that rural emergency response times are reduced by an average of 10 minutes; and
    - (ii) improving communication between emergency care providers and trauma centers;
- (4) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates;
- (5) enhance intermodal use of intelligent transportation systems for diverse groups, including for emergency and health-related services;
- (6) enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; and
- (7) facilitate the integration of intelligent infrastructure, vehicle, and control technologies.

(c) **FEDERAL SHARE.**—The Federal share of the cost of operational tests and demonstrations under subsection (a) shall not exceed 80.

## **SEC. 5307. NATIONAL ARCHITECTURE AND STANDARDS.**

(a) **IN GENERAL.**—

- (1) **DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.**—Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.
- (2) **INTEROPERABILITY AND EFFICIENCY.**—To the maximum extent practicable, the national architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall use the services of such standards development organizations as the Secretary determines to be appropriate.

(4) USE OF EXPERT PANEL.—

(A) DESIGNATION.—The Secretary shall designate a panel of experts to recommend ways to expedite and streamline the process for developing the standards and protocols to be developed pursuant to paragraph (1).

(B) NONAPPLICABILITY OF ADVISORY COMMITTEE ACT.—

The expert panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(C) DEADLINE FOR RECOMMENDATION.—Not later than September 30, 2007, the expert panel shall provide the Secretary with a recommendation relating to such standards development.

(b) PROVISIONAL STANDARDS.—

(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard, after consultation with affected parties, using, to the extent practicable, the work product of appropriate standards development organizations.

(2) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

(c) CONFORMITY WITH NATIONAL ARCHITECTURE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

(2) SECRETARY'S DISCRETION.—The Secretary may authorize exceptions to paragraph (1) for—

(A) projects designed to achieve specific research objectives outlined in the national intelligent transportation system program plan or the surface transportation research and development strategic plan developed under section 508 of title 23, United States Code; or

(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this Act if the Secretary determines that the upgrade or expansion—

- (i) would not adversely affect the goals or purposes of this subtitle;
- (ii) is carried out before the end of the useful life of such system; and
- (iii) is cost-effective as compared to alternatives that would meet the conformity requirement of paragraph (1).

(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this Act.

## **SEC. 5308. ROAD WEATHER RESEARCH AND DEVELOPMENT PROGRAM.**

(a) ESTABLISHMENT.—The Secretary shall establish a road weather research and development program to—

- (1) maximize use of available road weather information and technologies;
- (2) expand road weather research and development efforts to enhance roadway safety, capacity, and efficiency while minimizing environmental impacts; and
- (3) promote technology transfer of effective road weather scientific and technological advances.

(b) STAKEHOLDER INPUT.—In carrying out this section, the Secretary shall consult with the National Oceanic and Atmospheric Administration, the National Science Foundation, the American Association of State Highway and Transportation Officials, nonprofit organizations, and the private sector.

(c) CONTENTS.—The program established under this section shall solely carry out research and development called for in the National Research Council’s report entitled ‘‘A Research Agenda for Improving Road Weather Services’’. Such research and development includes—

- (1) integrating existing observational networks and data management systems for road weather applications;
- (2) improving weather modeling capabilities and forecast tools, such as the road surface and atmospheric interface;
- (3) enhancing mechanisms for communicating road weather information to users, such as transportation officials and the public; and
- (4) integrating road weather technologies into an information infrastructure.

(d) ACTIVITIES.—In carrying out this section, the Secretary shall—

- (1) enable efficient technology transfer;
- (2) improve education and training of road weather information users, such as State and local transportation officials and private sector transportation contractors; and
- (3) coordinate with transportation weather research programs in other modes, such as aviation.

(e) FUNDING.—

- (1) IN GENERAL.—In awarding funds under this section, the Secretary shall give preference to applications with significant matching funds from non-Federal sources.
- (2) FUNDS FOR ROAD WEATHER RESEARCH AND DEVELOPMENT.— Of the amounts made available by section 5101(a)(5) of this Act, \$5,000,000 for each of fiscal years 2006 through 2009 shall be available to carry out this section.

## SEC. 5310. DEFINITIONS.

In this subtitle, the following definitions apply:

- (1) INCIDENT.—The term “incident” means a crash, a natural disaster, workzone activity, special event, or other emergency road user occurrence that adversely affects or impedes the normal flow of traffic.
- (2) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term “intelligent transportation infrastructure” means fully integrated public sector intelligent transportation system components, as defined by the Secretary.
- (3) INTELLIGENT TRANSPORTATION SYSTEM.—The term “intelligent transportation system” means electronics, photonics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.
- (4) NATIONAL ARCHITECTURE.—The term “national architecture” means the common framework for interoperability that defines—
  - (A) the functions associated with intelligent transportation system user services;
  - (B) the physical entities or subsystems within which the functions reside;
  - (C) the data interfaces and information flows between physical subsystems; and
  - (D) the communications requirements associated with the information flows.
- (5) PROJECT.—The term “project” means an undertaking to research, develop, or operationally test intelligent transportation systems or any other undertaking eligible for assistance under this subtitle.
- (6) STANDARD.—The term “standard” means a document that—
  - (A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and
  - (B) may support the national architecture and promote—
    - (i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and
    - (ii) interoperability among intelligent transportation system technologies implemented throughout the States.
- (7) STATE.—The term “State” has the meaning given the term under section 101 of title 23, United States Code.
- (8) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—The term “transportation systems management and operations” has the meaning given the term under section 101(a) of title 23, United States Code.

## **Subtitle D—University Transportation Research; Scholarship Opportunities**

### **SEC. 5401. NATIONAL UNIVERSITY TRANSPORTATION CENTERS.**

(a) IN GENERAL.—Section 5505 of title 49, United States Code, is amended to read as follows:

#### **“SEC. 5505. NATIONAL UNIVERSITY TRANSPORTATION CENTERS.**

“(a) IN GENERAL.—

“(1) ESTABLISHMENT AND OPERATION.—The Secretary of Transportation shall make grants under this section to eligible nonprofit institutions of higher learning to establish and operate national university transportation centers.

“(2) ROLE OF CENTERS.—The role of each center shall be to advance significant transportation research on critical national transportation issues and to expand the workforce of transportation professionals.

“(b) APPLICABILITY OF REQUIREMENTS.—A grant received by an eligible nonprofit institution of higher learning under this section shall be available for the same purposes, and shall be subject to the same terms and conditions, as a grant made to a nonprofit institution of higher learning under section 5506.

“(c) ELIGIBLE NONPROFIT INSTITUTION OF HIGHER LEARNING DEFINED.—In this section, the term ‘eligible nonprofit institution of higher learning’ means each of the following:

“(1) University of Alaska.

“(2) Marshall University, West Virginia, on behalf of a consortium of West Virginia colleges and universities.

“(3) University of Minnesota.

“(4) University of Missouri, Rolla.

“(5) Northwestern University.

“(6) Oklahoma Transportation Center.

“(7) Portland State University, in partnership with the University of Oregon, Oregon State University, and the Oregon Institute of Technology.

“(8) University of Vermont.

“(9) Western Transportation Institute at Montana State University.

“(10) University of Wisconsin.

“(d) GRANTS.—The Secretary shall make a grant under this section to each eligible nonprofit institution of higher learning in an amount \$2,000,000 in fiscal year 2005 and \$3,500,000 in each of fiscal years 2006 through 2009 to carry out this section.”.

(b) FUNDING.—Of the amounts made available by section 5101(a)(4) of this Act, \$20,000,000 for fiscal year 2005 and \$35,000,000 for each of fiscal years 2006 through 2009 shall be available to carry out section 5505 of such title.

(c) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by striking the item relating to section 5505 and inserting the following:

“5505. National university transportation centers.”.

## **SEC. 5402. UNIVERSITY TRANSPORTATION RESEARCH.**

(a) IN GENERAL.—Section 5506 of title 49, United States Code, is amended to read as follows:

### **“SEC. 5506. UNIVERSITY TRANSPORTATION RESEARCH.**

“(a) IN GENERAL.—The Secretary of Transportation shall make grants under this section to nonprofit institutions of higher learning to establish and operate university transportation centers.

“(b) OBJECTIVES.—Grants received under this section shall be used by nonprofit institutions of higher learning to advance significantly the state-of-the-art in transportation research and expand the workforce of transportation professionals through the following programs and activities:

“(1) RESEARCH.—Basic and applied research, the products of which are judged by peers or other experts in the field of transportation to advance the body of knowledge in transportation.

“(2) EDUCATION.—An education program relating to transportation that includes multidisciplinary course work and participation in research.

“(3) TECHNOLOGY TRANSFER.—An ongoing program of technology transfer that makes transportation research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

### **“(c) REGIONAL, TIER I, AND TIER II CENTERS.—**

“(1) REGIONAL AND TIER I CENTERS.—For each of fiscal years 2005 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate—

“(A) 10 regional university transportation centers; and

“(B) 10 Tier I university transportation centers.

“(2) TIER II CENTERS.—

“(A) For each of fiscal years 2006 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate 22 Tier II university transportation centers.

“(B) The Tier II centers consist of the following:<sup>3</sup>

“(i) University of Arkansas, Mack-Blackwell Rural Transportation Center.

“(ii) University of California, Davis.

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<sup>3</sup> §111(g)(3)(A); typo correction.

- “(iii) California State University, San Bernardino.
- “(iv) Cleveland State University, Work Zone Safety Institute.
- “(v) University of Connecticut.
- “(vi) University of Delaware in Newark.
- “(vii) University of Detroit Mercy (including the coalition partners of the university).
- “(viii) George Mason University.
- “(ix) Hampton University, Eastern Seaboard Intermodal Transportation Applications Center (ESITAC).
- “(x) Kansas State University.
- “(xi) Louisiana State University, LTRC-TTEC.
- “(xii) University of Massachusetts Amherst.
- “(xiii) Michigan Technological University.
- “(xiv) University of Nevada Las Vegas.
- “(xv) North Carolina State University, Center for Transportation and the Environment.
- “(xvi) Northwestern University.
- “(xvii) Ohio Higher Education Transportation Consortium – University of Akron.
- “(xviii) University of Rhode Island.
- “(xix) University of Toledo.
- “(xx) Utah State University.
- “(xxi) Youngstown State University.
- “(xxii) University of Memphis.

“(3) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

“(4) LIMITATION.—A nonprofit institution of higher learning may not directly receive a grant under this section for a fiscal year for more than one university transportation center.

**“(d) COMPETITIVE SELECTION PROCESS.—**

“(1) APPLICATIONS.—In order to be eligible to receive a grant under subsection (c)(1), a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

“(2) GENERAL SELECTION CRITERIA.—Except as otherwise provided by this section, the Secretary shall select each recipient of a grant under subsection (c)(1) through a competitive process on the basis of the following:

“(A) The demonstrated research and extension resources available to the recipient to carry out this section.

“(B) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

“(C) The recipient’s demonstrated commitment of at least \$400,000 each year in regularly budgeted institutional amounts to support ongoing transportation research and education programs.

“(D) The recipient’s demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

“(E) The strategic plan the recipient proposes to carry out under the grant.

**“(e) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—**

“(1) COMPETITION.—Not later than March 31, 2006, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 regional university transportation centers referred to in subsection (c)(1)(A).

“(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

“(A) the criteria described in subsection (d)(2);

“(B) the location of the center within the Federal region to be served; and

“(C) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) demonstrates that it has a well-established, nationally recognized program in transportation research and education, as evidenced by—

“(i) not less than \$2,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years;

“(ii) not less than 10 graduate degrees awarded in professional fields closely related to highways and public transportation each year for each of the preceding 5 years; and

“(iii) not less than 5 tenured or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation who, as a group, have published a total at least 50 refereed journal publications on highway or public transportation research during the preceding 5 years.

“(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a regional university transportation center in each of the first 4 fiscal years beginning after the date of the competition.



“(4) SPECIAL RULE FOR FISCAL YEARS 2005 AND 2006.—For fiscal years 2005 and 2006, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grants by the Secretary under this section in July 1999 to operate regional university transportation centers.

“(5) AMOUNT OF GRANTS.—The Secretary shall make a grant to a nonprofit institution of higher learning to establish and operate a regional university transportation center of—

“(A) \$1,000,000 for fiscal year 2005;

“(B) \$2,000,000 for each of fiscal years 2006 through 2008; and

“(C) \$2,250,000 for fiscal year 2009.<sup>4</sup>

**“(f) TIER I UNIVERSITY TRANSPORTATION CENTERS.—**

“(1) COMPETITION.—Not later than June 30, 2006, and not later than June 30 of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 Tier I university transportation centers referred to in subsection (c)(1)(B).

“(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

“(A) the criteria described in subsection (d)(2); and

“(B) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) can demonstrate that it has an established, recognized program in transportation research and education, as evidenced by—

“(i) not less than \$1,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years or not less than \$6,000,000 in such expenditures during the 5 preceding years;

“(ii) not less than 5 graduate degrees awarded in professional fields closely related to highways and public transportation each year for each of the preceding 5 years; and

“(iii) not less than 3 tenured or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation who, as a group, have published a total at least 20 refereed journal publications on highway or public transportation research during the preceding 5 years.

“(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and

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<sup>4</sup> §116; increases FY09 authorized funding for regional UTCs to \$2.250M/UTC.

operate a Tier I university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

“(4) SPECIAL RULE FOR FISCAL YEARS 2005 AND 2006.—For fiscal years 2005 and 2006, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grant awards by the Secretary under this section in May 2002 to operate university transportation centers (other than regional centers).

“(5) AMOUNT OF GRANTS.—The Secretary shall make a grant of \$1,000,000 for each of fiscal years 2005 through 2009 to a nonprofit institution of higher learning to establish and operate a Tier I university transportation center.

**“(g) TIER II UNIVERSITY TRANSPORTATION CENTERS.—**

“(1) SELECTION.—The Secretary shall make grants to the nonprofit institutions of higher learning to establish and operate the 22 Tier II university transportation centers referred to in subsection (c)(2)(B).

“(2) AMOUNT OF GRANTS.—The Secretary shall make a grant of \$500,000 for each of fiscal years 2006 through 2009 to a nonprofit institution of higher learning to establish and operate a Tier II university transportation center.

**“(h) SUPPORT OF NATIONAL STRATEGY FOR SURFACE TRANSPORTATION RESEARCH.—**In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall provide assurances satisfactory to the Secretary that the research and education activities of its university transportation center will support the national strategy for surface transportation research, as identified by—

“(1) the report of the National Highway Research and Technology Partnership entitled ‘Highway Research and Technology: The Need for Greater Investment’, dated April 2002; and

“(2) the programs of the National Research and Technology Program of the Federal Transit Administration.

**“(i) MAINTENANCE OF EFFORT.—**

**“(1) IN GENERAL. – In order to** be eligible to receive a grant under this section, a nonprofit institution of higher learning shall enter into an agreement with the Secretary to ensure that the institution will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

“(2) SPECIAL RULE – Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution.”<sup>5</sup>

“(j) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section shall be 50 percent of such costs. The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23.

“(k) PROGRAM COORDINATION.—

“(1) COORDINATION.—The Secretary shall coordinate the research, education, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse to disseminate the results of the research.

“(2) ANNUAL REVIEW AND EVALUATION.—At least annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall review and evaluate programs of grant recipients.

“(3) MANAGEMENT AND OVERSIGHT.—For each of fiscal years 2008 and 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section to carry out management and oversight of the centers receiving assistance under this section and section 5505.<sup>6</sup>

“(l) PROGRAM ADMINISTRATION.—The Secretary shall carry out this section acting through the Administrator of the Research and Innovative Technology Administration.

“(m) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this section shall remain available for obligation by the Secretary for a period of 2 years after the last day of the fiscal year for which such funds are authorized.”

(b) FUNDING.—Of the amounts made available by section 5101(a)(4) of this Act, the following amounts shall be available to carry out section 5506 of such title.

- (1) \$20,400,000 for fiscal year 2005.
- (2) \$41,400,000 for each of fiscal years 2006 through 2008.
- (3) \$43,900,000 for fiscal year 2009.

(c) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 55 of such title is amended by striking the item relating to section 5506 and inserting the following:

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<sup>5</sup> §111(g)(3)(B); exempts Tier II UTCs from needing to maintain expenditures in excess of grant value [the URI/George Mason fix].

<sup>6</sup> §111(g)(3)(c) increases the UTC management and oversight authorization to no more than 1.5% of funding made available.

“5506. University transportation research.”.

**SEC. 5506. COMMERCIAL REMOTE SENSING PRODUCTS AND SPATIAL INFORMATION TECHNOLOGIES.**

(a) IN GENERAL.—The Secretary shall establish and carry out a program to validate commercial remote sensing products and spatial information technologies for application to national transportation infrastructure development and construction.

(b) PROGRAM.—

(1) NATIONAL POLICY.—The Secretary shall establish and maintain a national policy for the use of commercial remote sensing products and spatial information technologies in national transportation infrastructure development and construction.

(2) POLICY IMPLEMENTATION.—The Secretary shall develop new applications of commercial remote sensing products and spatial information technologies for the implementation of the national policy established and maintained under paragraph (1).

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with a consortium of university research centers.

(d) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act, \$7,750,000 for each of fiscal years 2006 through 2009 shall be available to carry out this section.

**SEC. 5513. RESEARCH GRANTS.**

*[The grants in section 5513 were assigned variously to FHWA, FMCSA, NHTSA, and RITA.]*

(c) Technology Transfer Grant.—

(1) Grant.--The Secretary shall make grants to the Argonne National Laboratory-Advanced Transportation Technology Center for the purpose of conducting transportation research and demonstration projects that would lead to the exchange of research results with the private sector and collaboration with universities at a centralized location conducive for technology transfer.

(2) Funding.--Of the amounts made available under section 5101(a)(1) of this Act, \$4,000,000 in each of fiscal years 2006 through 2009 shall be available to carry out this subsection.

(d) Appalachian Regional Commission.—

(1) Grant.--The Secretary shall make a grant to the Appalachian Regional Commission to conduct a feasibility study for the creation of a system of inland ports and distribution centers in Appalachia.

(2) Funding.--Of the amounts made available under section 5101(a)(1) of this Act, \$500,000 in fiscal year 2006 shall be available to carry out this subsection.

(g) Rural Transportation Research Initiative.—

(1) Grants.--For each of fiscal years 2006 through 2009, the Secretary shall provide a grant to the Upper Great Plains Transportation Institute at North Dakota State University for use in carrying out the Rural Transportation Research Initiative.

(2) Funding.--

(A) In general.--Of the amounts made available by section 5101(a)(1) of this Act, \$500,000 for each of fiscal years 2006 through 2009 shall be available to carry out this subsection, and shall remain available until expended.

(B) Cost-sharing.--

(i) Federal share.--The Federal share of the cost of the activities carried out under this subsection shall be 80 percent.

(ii) Non-federal share.--The fair market value of any materials or services provided by the non-Federal project sponsor for any activity under this subsection shall be credited to the non-Federal share.

(h) Hydrogen-Powered Transportation Research Initiative.—

(1) Grants.--For each of fiscal years 2006 through 2009, the Secretary shall provide a grant to the University of Montana for use in carrying out the Hydrogen-Powered Transportation Research Initiative.

(2) Funding.--

(A) In general.--Of the amounts made available by section 5101(a)(1) of this Act, \$750,000 for each of fiscal years 2006 through 2009 shall be available to carry out this subsection, and shall remain available until expended.

(B) Cost-sharing.—

(i) Federal share.--The Federal share of the cost of the activities carried out under this subsection shall be 80 percent.

(ii) Non-federal share.--The fair market value of any materials or services provided by the non-Federal project sponsor for an activity under this subsection shall be credited to the non-Federal share.

(i) Cold Region and Rural Transportation Research, Maintenance, and Operations.—

(1) Grants.--The Secretary shall provide grants to the Western Transportation Institute at Montana State University, for use in developing a research facility in Lewistown, Montana, for basic and applied research and testing on surface transportation issues facing rural and cold regions.

(2) Funding.--

(A) In general.--Of the amounts made available by section 5101(a)(1) of this Act, \$1,000,000 for each of fiscal years 2006 through 2009 shall be available to carry out this subsection, to remain available until expended.

(B) Cost-sharing.--

(i) Federal share.--The Federal share of the cost of the activities carried out under this subsection shall be 80 percent.

(ii) Non-federal share.--The fair market value of any materials or services provided by the non-Federal project sponsor for an activity under this section shall be credited to the non-Federal share.

(j) Advanced Vehicle Technology.—

(1) Grant.--The Secretary shall make a grant to the University of Kansas Transportation Research Institute for research and development of advanced vehicle technology concepts, focused on vehicle emissions, fuel cells and catalytic processes, and intelligent transportation systems.

(2) Funding.--Of the amounts made available under section 5101(a)(1) of this Act, \$2,500,000 in each of fiscal years 2006 through 2009 shall be available to carry out this subsection.

(k) Asphalt Research Consortium.--

(1) Grant.--The Secretary shall make a grant to the asphalt research consortium lead by the Western Research Institute to research flexible pavement and extending the life-cycle of asphalts.

(2) Funding.--Of the amounts made available under section 5101(a)(1) of this Act, \$7,500,000 in each of fiscal years 2006 through 2009 shall be available to carry out this subsection.

(l) Renewable Transportation Systems Research.--

(1) Grants.--The Secretary shall make grants to the University of Vermont for research, development and field testing of hydrogen fuel cell and biofuel transportation technology.

(2) Funding.--

(A) In general.--Of the amounts made available for section 5101(a)(1) of this Act, \$1,000,000 for fiscal year 2006 to remain available until expended.

(B) Cost-sharing.--

(i) Federal share.--The Federal Share of the cost of activities carried out under this section shall be 80 percent.

(ii) Non-federal share.--The fair market value of any materials or services provided by the non-Federal sponsor for activities under this section shall be credited to the non-Federal share.

- (m) Federal Share.--The Federal share of the cost of activities carried out in accordance with this section shall be 80 percent unless otherwise expressly provided by this section or otherwise determined by the Secretary.

## **Subtitle F—Bureau of Transportation Statistics**

### **SEC. 5601. BUREAU OF TRANSPORTATION STATISTICS.**

- (a) IN GENERAL.—Section 111 of title 49, United States Code, is amended to read as follows:

#### **“§ 111. Bureau of Transportation Statistics**

**“(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration a Bureau of Transportation Statistics.**

**“(b) DIRECTOR.—**

**“(1) APPOINTMENT.—The Bureau shall be headed by a Director who shall be appointed in the competitive service by the Secretary of Transportation.**

**“(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.**

**“(c) RESPONSIBILITIES.—The Director of the Bureau shall serve as the Secretary’s senior advisor on data and statistics and shall be responsible for carrying out the following duties:**

**“(1) PROVIDING DATA, STATISTICS, AND ANALYSIS TO TRANSPORTATION DECISIONMAKERS.—Ensuring that the statistics compiled under paragraph (5) are designed to support transportation decisionmaking by the Federal Government, State and local governments, metropolitan planning organizations, transportation-related associations, the private sector (including the freight community), and the public.**

**“(2) COORDINATING COLLECTION OF INFORMATION.—Working with the operating administrations of the Department to establish and implement the Bureau’s data programs and to improve the coordination of information collection efforts with other Federal agencies.**

**“(3) DATA MODERNIZATION.—Continually improving surveys and data collection methods to improve the accuracy and utility of transportation statistics.**

**“(4) ENCOURAGING DATA STANDARDIZATION.—Encouraging the standardization of data, data collection methods, and data management and storage technologies for data collected by the Bureau, the operating**

administrations of the Department of Transportation, States, local governments, metropolitan planning organizations, and private sector entities.

“(5) TRANSPORTATION STATISTICS.—Collecting, compiling, analyzing, and publishing a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—

- “(A) productivity in various parts of the transportation sector;
- “(B) traffic flows for all modes of transportation;
- “(C) other elements of the intermodal transportation database established under subsection (e);
- “(D) travel times and measures of congestion;
- “(E) vehicle weights and other vehicle characteristics;
- “(F) demographic, economic, and other variables influencing traveling behavior, including choice of transportation mode and goods movement;
- “(G) transportation costs for passenger travel and goods movement;
- “(H) availability and use of mass transit (including the number of passengers served by each mass transit authority) and other forms of for-hire passenger travel;
- “(I) frequency of vehicle and transportation facility repairs and other interruptions of transportation service;
- “(J) safety and security for travelers, vehicles, and transportation systems;
- “(K) consequences of transportation for the human and natural environment;
- “(L) the extent, connectivity, and condition of the transportation system, building on the national transportation atlas database developed under subsection (g); and
- “(M) transportation-related variables that influence the domestic economy and global competitiveness.

“(6) NATIONAL SPATIAL DATA INFRASTRUCTURE.—Building and disseminating the transportation layer of the National Spatial Data Infrastructure developed under Executive Order No. 12906, including coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data and collecting geospatial data that is not being collected by others.

“(7) ISSUING GUIDELINES.—Issuing guidelines for the collection of information by the Department required for statistics to be compiled under paragraph (5) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis.

“(8) REVIEW SOURCES AND RELIABILITY OF STATISTICS.—Reviewing and reporting to the Secretary on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (Public Law 103–62;107 Stat. 285), and the



amendments made by such Act, and carrying out such other reviews of the sources and reliability of other data collected or statistical information published by the heads of the operating administrations of the Department as shall be requested by the Secretary.

“(9) MAKING STATISTICS ACCESSIBLE.—Making the statistics published under this subsection readily accessible to the public.

**“(d) INFORMATION NEEDS ASSESSMENT.—**

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of the SAFETEA-LU, the Secretary shall enter into an agreement with the National Research Council to develop and publish a National transportation information needs assessment (referred to in this subsection as the ‘assessment’). The assessment shall be submitted to the Secretary and the appropriate committees of Congress not later than 24 months after such agreement is entered into.

“(2) CONTENT.—The assessment shall—

“(A) identify, in order of priority, the transportation data that is not being collected by the Bureau, operating administrations of the Department, or other Federal, State, or local entities, but is needed to improve transportation decisionmaking at the Federal, State, and local levels and to fulfill the requirements of subsection (c)(5);

“(B) recommend whether the data identified in subparagraph (A) should be collected by the Bureau, other parts of the Department, or by other Federal, State, or local entities, and whether any data is of a higher priority than data currently being collected;

“(C) identify any data the Bureau or other Federal, State, or local entity is collecting that is not needed;

“(D) describe new data collection methods (including changes in surveys) and other changes the Bureau or other Federal, State, or local entity should implement to improve the standardization, accuracy, and utility of transportation data and statistics; and

“(E) estimate the cost of implementing any recommendations.

“(3) CONSULTATION.—In developing the assessment, the National Research Council shall consult with the Department’s Advisory Council on Transportation Statistics and a representative cross-section of transportation community stakeholders as well as other Federal agencies, including the Environmental Protection Agency, the Department of Energy, and the Department of Housing and Urban Development.

“(4) REPORT TO CONGRESS.—Not later than 180 days after the date on which the National Research Council submits the assessment under paragraph (1), the Secretary shall submit a report to Congress that describes—

“(A) how the Department plans to fill the data gaps identified under paragraph (2)(A);

“(B) how the Department plans to stop collecting data identified under paragraph (2)(C);

“(C) how the Department plans to implement improved data collection methods and other changes identified under paragraph (2)(D);

“(D) the expected costs of implementing subparagraphs (A), (B), and (C) of this paragraph;

“(E) any findings of the assessment under paragraph (1) with which the Secretary disagrees, and why; and

“(F) any proposed statutory changes needed to implement the findings of the assessment under paragraph (1).

**“(e) INTERMODAL TRANSPORTATION DATABASE.—**

“(1) IN GENERAL.—In consultation with the Under Secretary for Policy, the Assistant Secretaries, and the heads of the operating administrations of the Department, the Director shall establish and maintain a transportation database for all modes of transportation.

“(2) USE.—The database shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

“(3) CONTENTS.—The database shall include—

“(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations and by relevant classification;

“(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations and by relevant classification;

“(C) information on the location and connectivity of transportation facilities and services; and

“(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

**“(f) NATIONAL TRANSPORTATION LIBRARY.—**

“(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

“(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(9).

“(3) COORDINATION.—The Director shall work with other transportation libraries and transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

**“(g) NATIONAL TRANSPORTATION ATLAS DATABASE.—**

“(1) IN GENERAL.—The Director shall develop and maintain a national transportation atlas database that is comprised of geospatial databases that depict—

“(A) transportation networks;

“(B) flows of people, goods, vehicles, and craft over the networks; and

“(C) social, economic, and environmental conditions that affect or are affected by the networks.

“(2) INTERMODAL NETWORK ANALYSIS.—The databases shall be able to support intermodal network analysis.

**“(h) MANDATORY RESPONSE AUTHORITY FOR FREIGHT DATA COLLECTION.—**Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge of any freight corporation, company, business, institution, establishment, or organization of any nature whatsoever, neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau, to answer completely and correctly to the best of the individual’s knowledge all questions relating to the corporation, company, business, institution, establishment, or other organization, or to make available records or statistics in the individual’s official custody, contained in a data collection request prepared and submitted under the authority of subsection (c)(1), shall be fined not more than \$500; but if the individual willfully gives a false answer to such a question, the individual shall be fined not more than \$10,000.

**“(i) RESEARCH AND DEVELOPMENT GRANTS.—**The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

“(1) investigation of the subjects specified in subsection (c)(5) and research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

“(2) demonstration programs by States, local governments, and metropolitan planning organizations to coordinate data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

“(3) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (f); and

“(4) development and improvement of methods for sharing geographic data, in support of the database under subsection (g) and the National Spatial Data Infrastructure.

**“(j) LIMITATIONS ON STATUTORY CONSTRUCTION.—**Nothing in this section shall be construed—

“(1) to authorize the Bureau to require any other department or agency to collect data; or

“(2) to reduce the authority of any other officer of the Department to collect and disseminate data independently.

**“(k) PROHIBITION ON CERTAIN DISCLOSURES.—**

“(1) IN GENERAL.—An officer, employee, or contractor of the Bureau may not—

“(A) make any disclosure in which the data provided by an individual or organization under subsection (c) can be identified;

“(B) use the information provided under subsection (c) for a nonstatistical purpose; or

“(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c).

“(2) COPIES OF REPORTS.—

“(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c) with the Bureau or retained by an individual respondent.

“(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

“(i) shall be immune from legal process; and

“(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

“(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

“(3) INFORMING RESPONDENT OF USE OF DATA.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent who is requested or required to supply the data or information of the nonstatistical purpose.

**“(l) TRANSPORTATION STATISTICS ANNUAL REPORT.**—The Director shall submit to the President and Congress a transportation statistics annual report which shall include information on items referred to in subsection (c)(5), documentation of methods used to obtain and ensure the quality of the statistics presented in the report, and recommendations for improving transportation statistical information.

**“(m) DATA ACCESS.**—The Director shall have access to transportation and transportation-related information in the possession of any Federal agency, except information—

“(1) the disclosure of which to another Federal agency is expressly prohibited by law; or

“(2) the disclosure of which the agency possessing the information determines would significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

**“(n) PROCEEDS OF DATA PRODUCT SALES.**—Notwithstanding section 3302 of title 31, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

**“(o) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.**—

“(1) ESTABLISHMENT.—The Director shall establish an advisory council on transportation statistics.

“(2) FUNCTION.—The function of the advisory council established under this subsection is to—

“(A) advise the Director on the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department;

“(B) provide input to and review the report to Congress under subsection (d)(4); and

“(C) advise the Director on methods to encourage cooperation and interoperability of transportation data collected by the Bureau, the operating administrations of the Department, States, local governments, metropolitan planning organizations, and private sector entities.

“(3) MEMBERSHIP.—The advisory council established under this subsection shall be composed of not fewer than 9 and not more than 11 members appointed by the Director, who are not officers or employees of the United States. Each member shall have expertise in transportation data collection or analysis or application; except that 1 member shall have expertise in economics, 1 member shall have expertise in statistics, and 1 member shall have experience in

transportation safety. At least 1 member shall be a senior official of a State department of transportation. Members shall include representation of a cross-section of transportation community stakeholders.

“(4) TERMS OF APPOINTMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), members of the advisory council shall be appointed to staggered terms not to exceed 3 years. A member may be renominated for 1 additional 3-year term.

“(B) CURRENT MEMBERS.—Members serving on the Advisory Council on Transportation Statistics as of the date of enactment of the SAFETEA-LU shall serve until the end of their appointed terms.

“(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to the advisory council established under this subsection, except that section 14 of such Act shall not apply.”.

## **Title VII – Hazardous Materials Transportation**

### **Subtitle C—Research and Innovative Technology Administration**

#### **SEC. 7301. ADMINISTRATIVE AUTHORITY.**

Section 112 is amended by adding at the end the following:

“(e) **ADMINISTRATIVE AUTHORITIES.**—The Administrator may enter into grants and cooperative agreements with Federal agencies, State and local government agencies, other public entities, private organizations, and other persons—

“(1) to conduct research into transportation service and infrastructure assurance;  
and

“(2) to carry out other research activities of the Administration.”