

Calendar No. 677

115TH CONGRESS }
2d Session }

SENATE

{ REPORT
115-390

DEPARTMENT OF TRANSPORTATION
REPORTS HARMONIZATION ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 3367



NOVEMBER 27, 2018.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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DEPARTMENT OF TRANSPORTATION REPORTS HARMONIZATION ACT

NOVEMBER 27, 2018.—Ordered to be printed

Mr. THUNE, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 3367]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 3367) to amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, and for other purposes, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

The purpose of S. 3367 is to promote transparency and reduce reporting burdens by requiring the Department of Transportation (DOT) to make certain reports publicly available online, eliminating and streamlining certain DOT-related reporting requirements, and sunseting certain Federal advisory councils and committees that are, or will be, no longer active.

BACKGROUND AND NEEDS

DOT, with its surface and maritime transportation administrations, currently prepares a significant number of reports to be submitted to Congress or otherwise made available. For some of these reports, greater public benefit could be provided by requiring that such reports, or the information contained in them, be made available online—rather than simply sent to Congress—to facilitate greater access to DOT-related information and data. Further, while

many of these reports are valuable for congressional oversight and decision-making, some are duplicative, unnecessary, or outdated, and DOT staff resources could be better spent on other duties, including addressing safety issues.

In the Government-wide Burden Reduction Fiscal Year 2019 Report,¹ DOT identifies a number of duplicative, unnecessary, or outdated reports, making recommendations as to the whether the reports should be eliminated or otherwise modified. S. 3367 would address some of the reports identified by DOT, as well as other reports found to benefit from streamlining or consolidation. S. 3367 also would update reporting requirements, making valuable reports publicly available instead of being submitted to Congress.

Moreover, pursuant to the Federal Advisory Committee Act,² DOT also has a number of Federal advisory councils and committees, some of which are inactive, defunct, or will be unnecessary after certain objectives are achieved. By providing sunsets for these Federal advisory councils and committees, DOT could sharpen its focus and save resources that otherwise would be expended managing such councils and committees. S. 3367 would provide such sunset dates.

In short, S. 3367 initially could save DOT nearly \$500,000, or approximately 5,000 hours, following enactment through the elimination or streamlining of duplicative, unnecessary, or outdated reports and the sunset of Federal advisory councils and committees. Over the next 10 years, S. 3367 would be expected to save approximately \$2 million in DOT staff resources and other costs.

SUMMARY OF PROVISIONS

If enacted, S. 3367 would do the following:

- Increase transparency and ensure that the public has greater access to information compiled by DOT by requiring DOT to make certain reports publicly available online that DOT currently is required to submit to Congress.
- Improve staff resource allocation by reducing certain DOT reporting requirements by reducing the frequency of reports, eliminating reports altogether if that information is otherwise made publicly available or is deemed unnecessary, or consolidating reporting requirements where appropriate.
- Help sharpen agency focus and save resources by setting sunset dates for certain DOT-related Federal advisory councils and committees that are, or will be, no longer active.

LEGISLATIVE HISTORY

S. 3367 was introduced on August 22, 2018, by Senator Thune and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On September 5, 2018, the Committee met in open Executive Session and by voice vote ordered S. 3367 to be reported favorably with an amendment (in the nature of a substitute).

¹The Burden Reduction FY 2019 Report (https://www.performance.gov/elimination/Final_Burden_Reduction_FY2019_Report.pdf).

²5 U.S.C. App.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 3367—Department of Transportation Reports Harmonization Act

S. 3367 would require various agencies within the Department of Transportation (DOT) to make numerous reports that they already produce for the Congress publicly available on DOT's website. The bill also would require the Federal Rail Administration (FRA) within DOT to complete a new analysis on the use of federal funds for eliminating hazards where highways and railroads intersect.

Using information from DOT, CBO estimates that the department would incur costs of about \$50,000 to make the reports available on its website. CBO also estimates that it would cost FRA about \$100,000 a year for the equivalent of one full-time employee to produce the required report. As a result, CBO estimates that enacting S. 3367 would have no significant cost over the 2019–2023 period.

Enacting S. 3367 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 3367 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 3367 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Sarah Puro. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 3367, as reported, would not create any new programs or impose any new regulatory requirements and therefore would not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

S. 3367, as reported, is not expected to have a negative impact on the Nation's economy.

PRIVACY

S. 3367, as reported, is not expected to have an adverse impact on the personal privacy of individuals.

PAPERWORK

S. 3367, as reported, would largely reduce paperwork requirements for DOT because it would streamline, eliminate, or consolidate certain reports.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section would provide that the bill may be cited as the “Department of Transportation Reports Harmonization Act.”

Section 2. Effective date.

This section would establish the effective date for sections 6, 8, and 12 of the bill as January 1, 2019. Otherwise, the effective date of the bill would be the date of enactment.

Section 3. Public availability of charges and fees for attendance at United States Merchant Marine Academy.

This section would require the Secretary of Transportation to post on a publicly available website, and to present at the next meeting of the Board of Visitors, changes to charges and fees for attendance at the United States Merchant Marine Academy. This section would ensure that the public and the Board of Visitors, which includes members of the public as well as Members of Congress, has direct access to this information. Given that this information would be made publicly available, this section also would eliminate the requirement for the separate notification of Congress.

Section 4. Public availability of information on aligning Federal environmental reviews.

This section would require the Secretary of Transportation to make publicly available on DOT’s website its biennial report to Congress describing progress on aligning Federal environmental reviews and accelerating the environmental review and permitting process. This section would ensure greater transparency to the public on progress made in achieving these objectives.

Section 5. Public availability of information on University Transportation Centers program.

This section would require the Secretary of Transportation to make publicly available on DOT’s website its report describing the overall process for selecting recipients of grants for the University Transportation Centers program, as well as its annual report reviewing and evaluating the program. This section would ensure public availability of the selection process for such grants and the evaluations of funded programs. Given that this information would be made publicly available, this section also would eliminate the

requirement that the Secretary submit to Congress annual reports reviewing and evaluating the program.

Section 6. Public availability of reports by Inspector General of Department of Transportation.

This section would require the following: (1) the Secretary of Transportation to make publicly available a list of statutory mandates, regarding pipeline safety or hazardous materials safety that have not yet been implemented, by either posting the list on DOT's website or including the list in the regulatory flexibility agenda or a regulatory planning document; and (2) the Inspector General to make publicly available on its website a list of its relevant open safety recommendations. This section also would eliminate the requirement that the Secretary of Transportation submit a report to Congress on the actions taken to implement DOT Office of Inspector General and National Transportation Safety Board (NTSB) safety recommendations, which would be available online. It also would eliminate a reporting requirement on unmet statutory mandates, given that the Secretary of Transportation already is required to make publicly available on DOT's website the status of final rules for certain outstanding regulations, and notify Congress once such rules are published,³ and include in its public regulatory planning documents a list of regulatory actions under development.

Section 7. Public availability of Secretary of Transportation's responses to safety recommendations.

This section would require NTSB to make its recommendations, the Secretary of Transportation's responses to these recommendations, and the status of implementation of each recommendation publicly available on NTSB's website. Current law only requires NTSB to make each recommendation and response available to the public at reasonable cost. Given that this information would be publicly available, largely tracking with NTSB's current practices, this section would eliminate the requirement that the Secretary of Transportation report to Congress and NTSB on the status of each recommendation on NTSB's "Most Wanted List." This section also would clarify that the annual report on NTSB activities—including a list of open recommendations from the prior year that still require a response from the Secretary and the most recent observed response from the Secretary—may be submitted as part of the agency's budget request or in a report to Congress.

Section 8. Consistency in response requirements to NTSB safety recommendations.

This section would eliminate the requirement that the Secretary of Transportation, Administrator of Pipeline and Hazardous Materials Safety Administration, or Director of the Office of Pipeline Safety submit responses to NTSB's recommendations related to pipeline safety from the prior year in a report to Congress. As explained above, section 7 would require NTSB to make such responses publicly available on its website, thus eliminating the need for this information to be provided in a report to Congress.

³Section 3 of the PIPES Act of 2016 (P.L. 114–183; 130 Stat. 514).

Section 9. Streamlined Reporting for National Maritime Heritage Grants Program.

This section would require the Secretary of Interior to include in the Department of the Interior annual budget a description of the National Maritime Heritage Grants program and would eliminate a requirement that the Secretary of Interior submit an annual report to Congress providing the same.

Section 10. Periodic updates to highway-rail crossings reports and plans.

This section would require the Administrator of the Federal Railroad Administration, in consultation with the Federal Highway Administration, to report to Congress every 5 years on the progress being made by States to improve railway-highway crossings. This section would consolidate under section 20167 of title 49, United States Code, reporting requirements from section 130 of title 23, United States Code, and section 11401 of the Fixing America's Surface Transportation Act.⁴

Section 11. Updates to hazardous materials grant programs and reports.

This section would require the Secretary of Transportation to make information on hazardous materials grant programs publicly available on DOT's website and would eliminate a requirement that the Secretary submit a report to Congress on such matters.

This section also would require the Secretary of Transportation to make publicly available on DOT's website the following: (1) a statistical compilation of accidents and casualties; (2) information on special permits; and (3) a list and summary of Government regulations, criteria, orders, guidance and special permits relating to the transportation of hazardous materials. Currently, DOT is required to prepare, and make publicly available on its website, a report to be updated every 2 years that includes this information. This section also would expand the information reported by DOT related to guidance—which, for example, could include policy statements, non-confidential letters, frequently asked questions, written interpretations, and third-party standards developed under DOT delegated authority—and would eliminate the requirement that the Secretary prepare a specific report containing this information.

Finally, this section would require the Secretary of Transportation to include certain information on enforcement and outstanding problems related to the transportation of hazardous materials in DOT's annual budget instead of including this information in the report mentioned above.

Section 12. Eliminating unnecessary reporting requirements for the Regional Infrastructure Accelerator Demonstration Program.

This section would make the requirement that the Secretary of Transportation report to Congress on the Regional Infrastructure Accelerator Program contingent upon funds being made available to carry out the program.

⁴ 49 U.S.C. 24407 note.

Section 13. Consolidated reporting on statutory mandates and recommendations.

This section would require the Secretary of Transportation to make publicly available online, or in the regulatory flexibility agenda or in a regulatory planning document, a description of the actions taken to implement unmet statutory mandates on railroad safety. Given that regulatory progress would be captured in these public regulatory planning documents, or otherwise be made available to the public, this section would eliminate the requirement that the Secretary submit a report to Congress describing such actions, as well as information on open safety recommendations made by NTSB's or DOT's Office of Inspector General, which would be made available online pursuant to sections 6 and 7.

Section 14. Reporting on the Northeast Corridor.

This section would require Amtrak, which controls the infrastructure on most of the Northeast Corridor main line and operates over such line, to include in its annual grant request for the Northeast Corridor an update on the status of efforts to improve safety and security on the Northeast Corridor main line. This section would accordingly eliminate the requirement that the Secretary of Transportation submit a report to Congress providing this information.

Section 15. In-vehicle alcohol detection device research report.

This section would require the Administrator of the National Highway Traffic Safety Administration to provide a biennial report to the appropriate committees of Congress on the research effort on in-vehicle technology to prevent alcohol-impaired driving. Since the program is transitioning from the research stage to on-road pilots and deployment, an annual report focused on research is no longer necessary.

Section 16. Highway safety programs report to Congress.

This section would eliminate the requirement that the Secretary of Transportation report biennially to Congress on each State's highway safety plan and instead require the Secretary to make more updated information about each State's performance publicly available online. This section also would direct the Comptroller General of the United States to conduct a review of the highway safety programs and submit a report of its findings to the relevant committees.

Section 17. Waiver notification and annual reports.

This section would require the Secretary of Transportation to make available on DOT's website an annual report on any waivers granted under the Buy America requirements.

Section 18. Cessation of certain advisory councils and advisory committees.

This section would sunset the Advisory Council on Transportation Statistics and the National Rail Cooperative Research Program Oversight Committee on January 1, 2019. This section also would sunset the Northeast Corridor Safety Committee on the date the Secretary of Transportation makes a determination that posi-

tive train control has been fully implemented along the Northeast Corridor.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 23. HIGHWAYS

CHAPTER 1. FEDERAL-AID HIGHWAYS

§ 130. Railway-highway crossings

(a) * * *

[(g) ANNUAL REPORT.—Each State shall report to the Secretary not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary shall submit a report to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation, of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, not later than April 1, 2006, and every 2 years thereafter., on the progress being made by the State in implementing projects to improve railway-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (d) and include recommendations for future implementation of the railroad highway crossings program.]

(g) ANNUAL REPORT.—

(1) *IN GENERAL.*—Not later than December 30 of each year, each State shall submit to the Administrator of the Federal Highway Administration a report on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements.

(2) *CONTENTS.*—Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations.

(3) *COORDINATION.*—The Administrator of the Federal Highway Administration shall make available to the Administrator of the Federal Railroad Administration each report submitted under paragraph (1).

(h) *USE OF FUNDS FOR MATCHING.*—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available which may only be spent when the local gov-

ernment produces matching funds for the improvement of railway-highway crossings.

(i) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING CLOSURES.—

(1) IN GENERAL.—Notwithstanding any other provision of this section and subject to paragraphs (2) and (3), a State may, from sums available to the State under this section, make incentive payments to local governments in the State upon the permanent closure by such governments of public at-grade railway-highway crossings under the jurisdiction of such governments.

(2) INCENTIVE PAYMENTS BY RAILROADS.—A State may not make an incentive payment under paragraph (1) to a local government with respect to the closure of a crossing unless the railroad owning the tracks on which the crossing is located makes an incentive payment to the government with respect to the closure.

(3) AMOUNT OF STATE PAYMENT.—The amount of the incentive payment payable to a local government by a State under paragraph (1) with respect to a crossing may not exceed the lesser of—

(A) the amount of the incentive payment paid to the government with respect to the crossing by the railroad concerned under paragraph (2); or

(B) \$7,500.

(4) USE OF STATE PAYMENTS.—A local government receiving an incentive payment from a State under paragraph (1) shall use the amount of the incentive payment for transportation safety improvements.

(j) BICYCLE SAFETY.—In carrying out projects under this section, a State shall take into account bicycle safety.

(k) EXPENDITURE OF FUNDS.—Not more than 2 percent of funds apportioned to a State to carry out this section may be used by the State for compilation and analysis of data in support of activities carried out under subsection (g).

(l) NATIONAL CROSSING INVENTORY.—

(1) INITIAL REPORTING OF CROSSING INFORMATION.—Not later than 1 year after the date of enactment of the Rail Safety Improvement Act of 2008 or within 6 months of a new crossing becoming operational, whichever occurs later, each State shall report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported public crossing located within its borders.

(2) PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning not later than 2 years after the date of enactment of the Rail Safety Improvement Act of 2008 and on or before September 30 of every year thereafter, or as otherwise specified by the Secretary, each State shall report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each public crossing located within its borders.

CHAPTER 4. HIGHWAY SAFETY

§ 402. Highway safety programs

(a) * * *

[(n) BIENNIAL REPORT TO CONGRESS.—Not later than October 1, 2015, and biennially thereafter, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that contains—

[(1) an evaluation of each State’s performance with respect to the State’s highway safety plan under subsection (k) and performance targets set by the States in such plans; and

[(2) such recommendations as the Secretary may have for improvements to activities carried out under subsection (k).]

(n) PUBLIC TRANSPARENCY.—The Secretary shall publicly release on its website information that contains each State’s performance with respect to the State’s highway safety plan under subsection (k) and performance targets set by the States in such plans. Such information shall be posted on the website within 45 calendar days of approval of a State’s highway safety plan.

§ 403. Highway safety research and development

(a) * * *

(f) COOPERATIVE RESEARCH AND EVALUATION.—

(1) ESTABLISHMENT AND FUNDING.—Notwithstanding the apportionment formula set forth in section 402(c)(2), \$2,500,000 of the total amount available for apportionment to the States for highway safety programs under **[subsection 402(c)] section 402(c)** in each fiscal year ending before October 1, 2015, and \$443,989 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on December 4, 2015, shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

(2) ADMINISTRATION.—The program established under paragraph (1)—

(A) shall be administered by the Administrator of the National Highway Traffic Safety Administration; and

(B) shall be jointly managed by the Governors Highway Safety Association and the National Highway Traffic Safety Administration.

(g) INTERNATIONAL COOPERATION.—The Administrator of the National Highway Traffic Safety Administration may participate and cooperate in international activities to enhance highway safety.

(h) IN-VEHICLE ALCOHOL DETECTION DEVICE RESEARCH.—

(1) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall carry out a collaborative research effort under chapter 301 of title 49 on in-vehicle technology to prevent alcohol-impaired driving.

(2) FUNDING.—The Secretary shall obligate from funds made available to carry out this section for the period covering fiscal

years 2017 through 2020 not more than \$21,248,000 to conduct the research described in paragraph (1).

(3) PRIVACY PROTECTION.—The Administrator shall not develop requirements for any device or means of technology to be installed in an automobile intended for retail sale that records a driver’s blood alcohol concentration.

(4) REPORTS.—The Administrator shall [submit an annual report] *submit a biennial report* to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and Committee on Science, Space, and Technology of the House of Representatives that—

(A) describes the progress made in carrying out the collaborative research effort; and

(B) includes an accounting for the use of Federal funds obligated or expended in carrying out that effort.

(5) DEFINITIONS.—In this subsection:

(A) ALCOHOL-IMPAIRED DRIVING.—The term “alcohol-impaired driving” means the operation of a motor vehicle (as defined in section 30102(a)(6) of title 49) by an individual whose blood alcohol content is at or above the legal limit.

(B) LEGAL LIMIT.—The term “legal limit” means a blood alcohol concentration of 0.08 percent or greater (as set forth in section 163(a)) or such other percentage limitation as may be established by applicable Federal, State, or local law.

(i) LIMITATION ON DRUG AND ALCOHOL SURVEY DATA.—The Secretary shall establish procedures and guidelines to ensure that any person participating in a program or activity that collects data on drug or alcohol use by drivers of motor vehicles and is carried out under this section is informed that the program or activity is voluntary.

(j) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out under this section may be not more than 100 percent.

TITLE 46. SHIPPING

SUBTITLE V. MERCHANT MARINE

PART B. MERCHANT MARINE SERVICE

CHAPTER 513. UNITED STATES MERCHANT MARINE ACADEMY

§ 51314. Limitation on charges and fees for attendance

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the United States Merchant Marine Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and Coast Guard license fees. The Secretary of Transportation [shall notify

Congress of] *shall present at the next meeting of the Board of Visitors, and post on a publicly available website*, any change made by the Academy in the amount of a charge or fee authorized under this subsection. Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses.

TITLE 49. TRANSPORTATION

SUBTITLE I. DEPARTMENT OF TRANSPORTATION

CHAPTER 3. GENERAL DUTIES AND POWERS

SUBCHAPTER I. DUTIES OF THE SECRETARY OF TRANSPORTATION

§ 310. Aligning Federal environmental reviews

(a) * * *

(f) REPORTS.—

(1) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section and biennially thereafter, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(A) progress in aligning Federal environmental reviews under this section; and

(B) the impact this section has had on accelerating the environmental review and permitting process.

(2) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of this section, the Inspector General of the Department of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, *and make publicly available on the Department of Transportation website*, a report that describes—

(A) progress in aligning Federal environmental reviews under this section; and

(B) the impact this section has had on accelerating the environmental review and permitting process.

(g) SAVINGS PROVISION.—This section shall not apply to any project subject to section 139 of title 23.

SUBTITLE II. OTHER GOVERNMENT AGENCIES

CHAPTER 11. NATIONAL TRANSPORTATION SAFETY BOARD

SUBCHAPTER II. ORGANIZATION AND ADMINISTRATIVE

§ 1117. Annual report

[The National Transportation Safety Board shall submit a report to Congress on July 1 of each year. The report shall include—

【(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the prior calendar year;

【(2) a survey and summary of the recommendations made by the Board to reduce the likelihood of recurrence of those accidents together with the observed response to each recommendation;

【(3) a detailed appraisal of the accident investigation and accident prevention activities of other departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities having responsibility for those activities under a law of the United States or a State;

【(4) a description of the activities and operations of the National Transportation Safety Board Academy during the prior calendar year;

【(5) a list of accidents, during the prior calendar year, that the Board was required to investigate under section 1131 but did not investigate and an explanation of why they were not investigated; and

【(6) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation.】

§ 1117. Annual report

(a) *IN GENERAL.*—*The National Transportation Safety Board shall submit the information described in subsection (b)—*

(1) in a report to Congress on July 1 of each year; or

(2) as part of its annual budget.

(b) *CONTENTS.*—*The information described in this subsection includes—*

(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the prior calendar year;

(2)(A) a survey and summary of the recommendations made by the Board to reduce the likelihood of recurrence of those accidents together with the observed response to each recommendation; and

(B) an appendix that includes, for each recommendation that was made by the Board, remains open, and requires a response from the Secretary, the most recent observed response from the Secretary to such recommendation;

(3) a detailed appraisal of the accident investigation and accident prevention activities of other departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities having responsibility for those activities under a law of the United States or a State;

(4) a description of the activities and operations of the National Transportation Safety Board Academy during the prior calendar year;

(5) a list of accidents, during the prior calendar year, that the Board was required to investigate under section 1131 but did not investigate and an explanation of why they were not investigated; and

(6) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation.

SUBCHAPTER III. AUTHORITY

§ 1135. Secretary of Transportation's responses to safety recommendations

[(a) GENERAL.—When the National Transportation Safety Board submits a recommendation about transportation safety to the Secretary of Transportation, the Secretary shall give to the Board a formal written response to each recommendation not later than 90 days after receiving the recommendation. The response shall indicate whether the Secretary intends—

[(1) to carry out procedures to adopt the complete recommendation;

[(2) to carry out procedures to adopt a part of the recommendation; or

[(3) to refuse to carry out procedures to adopt the recommendation.]

(a) SAFETY TRANSPORTATION RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date that the Secretary of Transportation receives a recommendation about transportation safety from the National Transportation Safety Board, the Secretary shall submit to the Board a formal written response to the recommendation.

(2) CONTENTS.—Each response under paragraph (1) shall indicate whether the Secretary intends—

(A) to carry out procedures to adopt the complete recommendation;

(B) to carry out procedures to adopt a part of the recommendation; or

(C) to refuse to carry out procedures to adopt the recommendation.

[(b) TIMETABLE FOR COMPLETING PROCEDURES AND REASONS FOR REFUSALS.—A response under subsection (a)(1) or (2) of this section shall include a copy of a proposed timetable for completing the procedures. A response under subsection (a)(2) of this section shall detail the reasons for the refusal to carry out procedures on the remainder of the recommendation. A response under subsection (a)(3) of this section shall detail the reasons for the refusal to carry out procedures.]

(b) TIMETABLE FOR COMPLETING PROCEDURES AND REASONS FOR REFUSALS.—A response under—

(1) subparagraph (B) or subparagraph (C) of subsection (a)(2) shall include a copy of a proposed timetable for completing the procedures;

(2) subsection (a)(2)(B) shall detail the reasons for the refusal to carry out procedures on the remainder of the recommendation; and

(3) subsection (a)(2)(C) shall detail the reasons for the refusal to carry out procedures.

(c) PUBLIC AVAILABILITY.—The Board shall make [a copy of each recommendation and response available to the public at reasonable

cost] a response under subparagraph (B) or subparagraph (C) of subsection (a)(2).

(d) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

(B) any recommendation for which the Secretary, in the preceding year, has issued [a response under subsection (a)(2) or (a)(3)] a response under subparagraph (B) or subparagraph (C) of subsection (a)(2) refusing to carry out all or part of the procedures to adopt the recommendation.

(3) CONTENTS.—

(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

(i) a description of the recommendation;

(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

(iii) the proposed date for completing the procedures; and

(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

(i) a description of the recommendation; and

(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.

[(e) REPORTING REQUIREMENTS.—

[(1) ANNUAL SECRETARIAL REGULATORY STATUS REPORTS.—On February 1 of each year, the Secretary shall submit a report to Congress and the Board containing the regulatory status of each recommendation made by the Board to the Secretary (or to an Administration within the Department of Transportation) that is on the Board's "most wanted list". The Secretary shall continue to report on the regulatory status of each such recommendation in the report due on February 1 of subsequent years until final regulatory action is taken on that recommendation or the Secretary (or an Administration within the Department) determines and states in such a report that no action should be taken.

【(2) FAILURE TO REPORT.—If on March 1 of each year the Board has not received the Secretary’s report required by this subsection, the Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the Secretary’s failure to submit the required report.

【(3) COMPLIANCE REPORT WITH RECOMMENDATIONS.—Within 90 days after the date on which the Secretary submits a report under this subsection, the Board shall review the Secretary’s report and transmit comments on the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.】

SUBTITLE III. GENERAL AND INTERMODAL PROGRAMS

CHAPTER 51. TRANSPORTATION OF HAZARDOUS MATERIAL

§ 5116. **Planning and training grants, monitoring, and review**

(a) * * *

【(j) REPORTS.—The Secretary shall submit an annual report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and make available the report to the public. The report submitted under this subsection shall include information on the allocation and uses of the planning and training grants under subsection (a) and grants under subsection (i) of this section and under subsections (e) and (i) of section 5107. The report submitted under this subsection shall identify the ultimate recipients of such grants and include—

【(1) a detailed accounting and description of each grant expenditure by each grant recipient, including the amount of, and purpose for, each expenditure;

【(2) the number of persons trained under the grant program, by training level;

【(3) an evaluation of the efficacy of such planning and training programs; and

【(4) any recommendations the Secretary may have for improving such grant programs.】

(j) *LIST OF GRANTS.*—

(1) *IN GENERAL.*—*Not later than 120 days after the date of enactment of the Department of Transportation Reports Harmonization Act, and annually thereafter, the Secretary shall—*

(A) *compile a list of the grants made—*

(i) *under subsections (a) and (i) of this section; and*

(ii) *under subsections (e) and (i) of section 5107; and*

(B) *make the list publicly available on the Department of Transportation website, including—*

(i) *the identity of all final recipients of such grants;*

(ii) *the allocation and uses of such grants; and*

(iii) *information on the effects of such grants, such as the number of persons trained, by training level.*

§ 5117. Special permits and exclusions

(a) * * *

[(g) DISCLOSURE OF FINAL ACTION.—The Secretary shall periodically, but at least every 120 days—

[(1) publish in the Federal Register notice of the final disposition of each application for a new special permit, modification to an existing special permit, or approval during the preceding quarter; and

[(2) make available to the public on the Department of Transportation's Internet Web site notice of the final disposition of any other special permit during the preceding quarter.]

(g) DISCLOSURE OF AGENCY ACTION.—The Secretary shall—

(1) periodically, but at least every 120 days—

(A) publish in the Federal Register notice of the final disposition of each application for a new special permit, modification to an existing special permit, or approval during the preceding quarter; and

(B) make available to the public on the Department of Transportation website—

(i) notice of the final disposition of any other special permit during the preceding quarter;

(ii) a list of special permits in effect; and

(iii) a summary of the basis for each special permit; and

(2) make available to the public on the Department of Transportation website, and update at least biennially, a list and summary of applicable Government regulations, criteria, orders, guidance, and special permits relating to the transportation of hazardous materials.

§ 5121. Administrative

(a) * * *

[(h) REPORT.—The Secretary shall, once every 2 years, prepare and make available to the public on the Department of Transportation's Internet Web site a comprehensive report on the transportation of hazardous materials during the preceding 2 calendar years. The report shall include—

[(1) a statistical compilation of accidents and casualties related to the transportation of hazardous material;

[(2) a list and summary of applicable Government regulations, criteria, orders, and special permits;

[(3) a summary of the basis for each special permit;

[(4) an evaluation of the effectiveness of enforcement activities relating to a function regulated by the Secretary under section 5103(b)(1) and the degree of voluntary compliance with regulations;

[(5) a summary of outstanding problems in carrying out this chapter in order of priority; and

[(6) recommendations for appropriate legislation.]

(h) COMPILATION OF ACCIDENTS AND CASUALTIES.—The Secretary shall make publicly available on the Department of Transportation website, and update at least biennially, a statistical compilation of accidents and casualties related to the transportation of hazardous material.

(i) *BUDGET SUBMISSION.*—The Secretary shall include in the annual budget submission of the Department of Transportation—

(1) an evaluation of the effectiveness of enforcement activities relating to a function regulated by the Secretary under section 5103(b)(1); and

(2) a summary of outstanding problems in carrying out this chapter, in order of priority.

CHAPTER 55. INTERMODAL TRANSPORTATION

SUBCHAPTER I. GENERAL

§ 5505. University transportation centers program

(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—

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

(2) ROLE OF CENTERS.—The role of each university transportation center referred to in paragraph (1) shall be—

(A) to advance transportation expertise and technology in the varied disciplines that comprise the field of transportation through education, research, and technology transfer activities;

(B) to provide for a critical transportation knowledge base outside of the Department of Transportation; and

(C) to address critical workforce needs and educate the next generation of transportation leaders.

(b) COMPETITIVE SELECTION PROCESS.—

(1) APPLICATIONS.—To receive a grant under this section, a consortium of nonprofit institutions of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

(2) RESTRICTION.—

(A) LIMITATION.—A lead institution of a consortium of nonprofit institutions of higher education, as applicable, may only receive 1 grant per fiscal year for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (c).

(B) EXCEPTION FOR CONSORTIUM MEMBERS THAT ARE NOT LEAD INSTITUTIONS.—Subparagraph (A) shall not apply to a nonprofit institution of higher education that is a member of a consortium of nonprofit institutions of higher education but not the lead institution of such consortium.

(3) COORDINATION.—The Secretary shall solicit grant applications for national transportation centers, regional transportation centers, and Tier 1 university transportation centers with identical advertisement schedules and deadlines.

(4) GENERAL SELECTION CRITERIA.—

(A) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the research priorities identified in chapter 65.

(B) CRITERIA.—The Secretary, in consultation with the Assistant Secretary for Research and Technology and the

Administrator of the Federal Highway Administration and other modal administrations as appropriate, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

(I) degree-granting programs or programs that provide other industry-recognized credentials; and

(II) outreach activities to attract new entrants into the transportation field, including women and underrepresented populations;

(vi) the demonstrated ability of the recipient to disseminate results and spur the implementation of transportation research and education programs through national or statewide continuing education programs;

(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

(viii) the strategic plan submitted by the recipient describing the proposed research to be carried out by the recipient and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

(5) TRANSPARENCY.—

(A) IN GENERAL.—The Secretary shall provide to each applicant, upon request, any materials, including copies of reviews (with any information that would identify a reviewer redacted), used in the evaluation process of the proposal of the applicant.

(B) REPORTS.—The Secretary shall submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate, *and make publicly available on the Department*

of *Transportation website*, a report describing the overall review process under paragraph (4) that includes—

- (i) specific criteria of evaluation used in the review;
- (ii) descriptions of the review process; and
- (iii) explanations of the selected awards.

(6) OUTSIDE STAKEHOLDERS.—The Secretary shall, to the maximum extent practicable, consult external stakeholders, including the Transportation Research Board of the National Research Council of the National Academies, to evaluate and competitively review all proposals.

(c) GRANTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall select grant recipients under subsection (b) and make grant amounts available to the selected recipients.

(2) NATIONAL TRANSPORTATION CENTERS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide grants to 5 consortia that the Secretary determines best meet the criteria described in subsection (b)(4).

(B) RESTRICTIONS.—

(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall be not greater than \$4,000,000 and not less than \$2,000,000 per recipient.

(ii) FOCUSED RESEARCH.—A consortium receiving a grant under this paragraph shall focus research on 1 of the transportation issue areas specified in section 6503(c).

(C) MATCHING REQUIREMENT.—

(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

- (I) section 504(b) of title 23; or
- (II) section 505 of title 23.

(3) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled “Standard Federal Regions” and dated April 1974 (circular A-105).

(B) SELECTION CRITERIA.—In conducting a competition under subsection (b), the Secretary shall provide grants to 10 consortia on the basis of—

- (i) the criteria described in subsection (b)(4);
- (ii) the location of the lead center within the Federal region to be served; and
- (iii) whether the consortium of institutions demonstrates that the consortium has a well-established,

nationally recognized program in transportation research and education, as evidenced by—

(I) recent expenditures by the institution in highway or public transportation research;

(II) a historical track record of awarding graduate degrees in professional fields closely related to highways and public transportation; and

(III) an experienced faculty who specialize in professional fields closely related to highways and public transportation.

(C) RESTRICTIONS.—For each fiscal year, a grant made available under this paragraph shall be not greater than \$3,000,000 and not less than \$1,500,000 per recipient.

(D) MATCHING REQUIREMENTS.—

(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

(I) section 504(b) of title 23; or

(II) section 505 of title 23.

(E) FOCUSED RESEARCH.—The Secretary shall make a grant to 1 of the 10 regional university transportation centers established under this paragraph for the purpose of furthering the objectives described in subsection (a)(2) in the field of comprehensive transportation safety, congestion, connected vehicles, connected infrastructure, and autonomous vehicles.

(4) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

(A) IN GENERAL.—The Secretary shall provide grants of not greater than \$2,000,000 and not less than \$1,000,000 to not more than 20 recipients to carry out this paragraph.

(B) MATCHING REQUIREMENT.—

(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 50 percent of the amounts made available under the grant.

(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

(I) section 504(b) of title 23; or

(II) section 505 of title 23.

(C) FOCUSED RESEARCH.—In awarding grants under this section, consideration shall be given to minority institutions, as defined by section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.

(d) PROGRAM COORDINATION.—

(1) IN GENERAL.—The Secretary shall—

(A) coordinate the research, education, and technology transfer activities carried out by grant recipients under this section; and

(B) disseminate the results of that research through the establishment and operation of a publicly accessible online information clearinghouse.

(2) ANNUAL REVIEW AND EVALUATION.—Not less frequently than annually, and consistent with the plan developed under section 6503, the Secretary shall—

(A) review and evaluate the programs carried out under this section by grant recipients; and

[(B) submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate a report describing that review and evaluation.]

(B) make publicly available on the Department of Transportation website a description of that review and evaluation.

(3) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2016 through 2020, the Secretary shall expend not more than 1 and a half percent of the amounts made available to the Secretary to carry out this section for any coordination, evaluation, and oversight activities of the Secretary under this section.

(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

(f) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.

CHAPTER 63. BUREAU OF TRANSPORTATION STATISTICS

§ 6305. Advisory council on transportation statistics

(a) IN GENERAL.—The Director shall establish and consult with an advisory council on transportation statistics.

(b) FUNCTION.—The advisory council established under this section shall advise the Director on—

(1) the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department; and

(2) 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.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The advisory council shall be composed of not fewer than 9 and not more than 11 members appointed by the Director.

- (2) **SELECTION.**—In selecting members for the advisory council, the Director shall appoint individuals who—
- (A) are not officers or employees of the United States;
 - (B) possess expertise in—
 - (i) transportation data collection, analysis, or application;
 - (ii) economics; or
 - (iii) transportation safety; and
 - (C) represent a cross section of transportation stakeholders, to the greatest extent possible.
- (d) **TERMS OF APPOINTMENT.**—
- (1) **IN GENERAL.**—Except as provided in paragraph (2), members of the advisory council shall be appointed to staggered terms not to exceed 3 years.
 - (2) **ADDITIONAL TERMS.**—A member may be renominated for 1 additional 3-year term.
 - (3) **CURRENT MEMBERS.**—A member serving on an advisory council on transportation statistics on the day before the date of enactment of the Transportation Research and Innovative Technology Act of 2012 shall serve until the end of the appointed term of the member.
- (e) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the advisory council established under this section, except that section 14 of that Act shall not apply.
- (f) **SUNSET.**—*The advisory council established under this section ceases to exist effective January 1, 2019.*

SUBTITLE V. RAIL PROGRAMS

PART A. SAFETY

CHAPTER 201. GENERAL

SUBCHAPTER II. PARTICULAR ASPECTS OF SAFETY

§ 20167. Reports on highway-rail grade crossing safety

(a) **REPORT.**—*Not later than 2 years after the deadline for States to submit State highway-rail grade crossing action plans under section 11401(b) of the Fixing America's Surface Transportation Act (49 U.S.C. 24407 note), the Administrator of the Federal Railroad Administration, in consultation with the Administrator of the Federal Highway Administration, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the State highway-rail grade crossing action plans, including—*

- (1) *an analysis and evaluation of each State railway-highway crossings program under section 130 of title 23, including—*
 - (A) *compliance with section 11401 of the Fixing America's Surface Transportation Act (49 U.S.C. 24407 note) and section 130(g) of title 23; and*
 - (B) *the specific strategies identified by each State to improve safety at highway-rail grade crossings, including crossings with multiple accidents or incidents;*
- (2) *the progress of each State in implementing its State highway-rail grade crossing action plan;*

(3) the number of projects undertaken under section 130 of title 23, including their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

(4) each State that is not in compliance with its schedule of projects under section 130(d) of title 23; and

(5) any recommendations for future implementation of the railroad highway crossings program under section 130 of title 23.

(b) *UPDATES.*—Not later than 5 years after the date the report under subsection (a) is submitted, the Administrator of the Federal Railroad Administration, in consultation with the Administrator of the Federal Highway Administration, shall—

(1) update the report based on the State reports submitted under section 130(g) of title 23 and any other information obtained by or available to the Administrator of the Federal Railroad Administration; and

(2) submit the updated report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) *DEFINITIONS.*—In this section:

(1) *HIGHWAY-RAIL GRADE CROSSING.*—The term “highway-rail grade crossing” means a location within a State, other than a location where 1 or more railroad tracks cross 1 or more railroad tracks at grade, where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses 1 or more railroad tracks either at grade or grade-separated.

(2) *STATE.*—The term “State” means a State of the United States or the District of Columbia.

PART C. PASSENGER TRANSPORTATION

CHAPTER 243. AMTRAK

§ 24319. Grant process

(a) *PROCEDURES FOR GRANT REQUESTS.*—Not later than 90 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation shall establish and transmit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives substantive and procedural requirements, including schedules, for grant requests under this section.

(b) *GRANT REQUESTS.*—Amtrak shall transmit to the Secretary grant requests for Federal funds appropriated to the Secretary of Transportation for the use of Amtrak.

(c) CONTENTS.—A grant request under subsection (b) shall, as applicable—

(1) describe projected operating and capital costs for the upcoming fiscal year for Northeast Corridor activities, including train services and infrastructure, and National Network activities, including State-supported routes and long-distance routes, in comparison to prior fiscal year actual financial performance;

(2) describe the capital projects to be funded, with cost estimates and an estimated timetable for completion of the projects covered by the request【; and】;

(3) assess Amtrak’s financial condition【.】; and

(4) describe the status of efforts to improve safety and security on the Northeast Corridor main line, including a description of any efforts to implement recommendations of relevant railroad safety advisory committees.

(d) * * *

CHAPTER 249. NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

§ 24905. Northeast Corridor Commission; Safety Committee

(a) * * *

(e) NORTHEAST CORRIDOR SAFETY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety Committee composed of members appointed by the Secretary. The members shall be representatives of—

(A) the Department of Transportation, including the Federal Railroad Administration;

(B) Amtrak;

(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

(D) commuter rail agencies;

(E) rail passengers;

(F) rail labor; and

(G) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

【(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least two times per year to consider safety and security matters on the main line and meet annually with the Commission on the topic of Northeast Corridor safety and security.】

(2) SUNSET.—*The Committee established under this subsection ceases to exist on the date that the Secretary determines positive train control, as required by section 20157, is fully implemented along the Northeast Corridor.*

【(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety and security recommendations of the Committee and the comments of the Secretary on those recommendations.】

§ 24910. Rail cooperative research program

(a) * * *

(c) ADVISORY BOARD.—

(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

(2) MEMBERSHIP.—The advisory board shall include—

(A) representatives of State transportation agencies;

(B) transportation and environmental economists, scientists, and engineers; and

(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

(3) SUNSET.—*The advisory board established under this subsection ceases to exist effective January 1, 2019.*

(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$5,000,000 for each of fiscal years 2010 through 2013 for carrying out this section.

TITLE 54. NATIONAL PARK SERVICE AND RELATED PROGRAMS

SUBTITLE III. NATIONAL PRESERVATION PROGRAMS

PART B. ORGANIZATIONS AND PROGRAMS

SUBPART 1. ADMINISTERED BY NATIONAL PARK SERVICE

CHAPTER 3087. NATIONAL MARITIME HERITAGE

(a) * * *

[(j) REPORT TO CONGRESS.—The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Armed Services of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives an annual report on the Program, including—

[(1) the total number of grant applications submitted and approved under the Program in the period covered by the report;

[(2) a detailed description of each project funded under the Program in the period covered by the report;

[(3) the results or accomplishments of each such project; and

[(4) recommended priorities for achieving the policy set forth in section 308701 of this title.]

(j) *STATUS REPORTS.*—The Secretary shall include in the annual budget submission of the Department of the Interior a description of the current status of the Program, including—

(1) the total number of grant applications submitted and approved under the Program in the prior fiscal year;

(2) a description, including any results or any accomplishments, of each project funded under the Program in the prior fiscal year; and

(3) recommended priorities for achieving the policy set forth in section 308701 of this title.

PIPELINE SAFETY IMPROVEMENT ACT OF 2002

[Public Law 107–355; 116 Stat. 2985]

[SEC. 19. NTSB SAFETY RECOMMENDATIONS.

[49 U.S.C. 1135 note]

[(a) **IN GENERAL.**—The Secretary of Transportation, the Administrator of Pipeline and Hazardous Materials Safety Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

[(b) **PUBLIC AVAILABILITY.**—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in subsections (a) and (b) of section 1135, title 49, United States Code.

[(c) **REPORTS TO CONGRESS.**—The Secretary, Administrator, or Director, respectively, shall submit to Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.]

SEC. 19. NTSB SAFETY RECOMMENDATIONS.

The Secretary of Transportation, the Administrator of the Pipeline and Hazardous Materials Safety Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT

[Public Law 108–426; 118 Stat. 2423]

[SEC. 6. REPORTS.

[49 U.S.C. 108 note]

[(a) **REPORTS BY THE INSPECTOR GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit to the Secretary of Transportation and the Administrator of the Pipeline and Hazardous Materials Safety Administration a report containing the following:

[(1) A list of each statutory mandate regarding pipeline safety or hazardous materials safety that has not been implemented.

[(1) A list of each open safety recommendation made by the National Transportation Safety Board or the Inspector General regarding pipeline safety or hazardous materials safety.

[(b) REPORTS BY THE SECRETARY.—

[(1) STATUTORY MANDATES.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter until each of the mandates referred to in subsection (a)(1) has been implemented, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the specific actions taken to implement such mandates.

[(2) NTSB AND INSPECTOR GENERAL RECOMMENDATIONS.—Not later than January 1st of each year, the Secretary shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing each recommendation referred to in subsection (a)(2) and a copy of the Department of Transportation response to each such recommendation.]

SEC. 6. REPORTS.

Not later than 9 months after the date of enactment of the Department of Transportation Reports Harmonization Act—

(1) the Secretary of Transportation shall make publicly available a list of each statutory mandate regarding pipeline safety or hazardous materials safety that has not been implemented by—

(A) posting the list on the website of the Department of Transportation;

(B) including the list in a regulatory flexibility agenda under section 602 of title 5, United States Code; or

(C) providing the list in a regulatory planning document;
and

(2) the Inspector General of the Department of Transportation shall make publicly available on the website of the Office of the Inspector General a list of each open safety recommendation made by the Inspector General regarding pipeline safety or hazardous materials safety.

SAFETEA-LU TECHNICAL CORRECTIONS ACT OF 2008

[Public Law 110–244; 122 Stat. 1572]

SEC. 122. BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS.

(a) WAIVER NOTIFICATION.—

(1) IN GENERAL.—If the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

(b) ANNUAL REPORTS.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall [submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a] *make publicly available on the Department of Transportation website an annual report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings.*

RAIL SAFETY IMPROVEMENT ACT OF 2008

[Public Law 110–432; 122 Stat. 4848]

SEC. 106. REPORTS ON STATUTORY MANDATES AND RECOMMENDATIONS.

[49 U.S.C. 20101 note]

[Not later than December 31, 2008, and annually thereafter, the Secretary shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the specific actions taken to implement unmet statutory mandates regarding railroad safety and each open railroad safety recommendation made by the National Transportation Safety Board or the Department’s Inspector General.]

SEC. 106. REPORTS ON STATUTORY MANDATES AND RECOMMENDATIONS.

The Secretary shall—

(1) not later than 1 year after the date of enactment of the Department of Transportation Reports Harmonization Act, describe the actions the Secretary has taken to implement unmet statutory mandates regarding railroad safety;

(2) update the description under paragraph (1) not less than annually; and

(3) make the description, including any updates thereto, available by—

(A) posting the description on the website of the Department of Transportation;

(B) including the description in the regulatory flexibility agenda under section 602 of title 5, United States Code; or

(C) providing the description in a regulatory planning document.

FIXING AMERICA'S SURFACE TRANSPORTATION ACT

[Public Law 114–94; 129 Stat. 1312]

SEC. 1441. REGIONAL INFRASTRUCTURE ACCELERATOR DEMONSTRATION PROGRAM.

[23 U.S.C. 601 note]

(a) **IN GENERAL.**—The Secretary shall establish a regional infrastructure demonstration program (referred to in this section as the “program”) to assist entities in developing improved infrastructure priorities and financing strategies for the accelerated development of a project that is eligible for funding under the TIFIA program under chapter 6 of title 23, United States Code.

(b) **DESIGNATION OF REGIONAL INFRASTRUCTURE ACCELERATORS.**—In carrying out the program, the Secretary may designate regional infrastructure accelerators that will—

- (1) serve a defined geographic area; and
- (2) act as a resource in the geographic area to qualified entities in accordance with this section.

(c) **APPLICATION.**—To be eligible for a designation under subsection (b), a proposed regional infrastructure accelerator shall submit to the Secretary a proposal at such time, in such manner, and containing such information as the Secretary may require.

(d) **CRITERIA.**—In evaluating a proposal submitted under subsection (c), the Secretary shall consider—

- (1) the need for geographic diversity among regional infrastructure accelerators; and
- (2) the ability of the proposal to promote investment in covered infrastructure projects, which shall include a plan—
 - (A) to evaluate and promote innovative financing methods for local projects, including the use of the TIFIA program under chapter 6 of title 23, United States Code;
 - (B) to build capacity of State, local, and tribal governments to evaluate and structure projects involving the investment of private capital;
 - (C) to provide technical assistance and information on best practices with respect to financing the projects;
 - (D) to increase transparency with respect to infrastructure project analysis and using innovative financing for public infrastructure projects;
 - (E) to deploy predevelopment capital programs designed to facilitate the creation of a pipeline of infrastructure projects available for investment;
 - (F) to bundle smaller-scale and rural projects into larger proposals that may be more attractive for investment; and
 - (G) to reduce transaction costs for public project sponsors.

[(e) ANNUAL REPORT.—Not less frequently than once each year, the Secretary shall submit to Congress a report that describes the findings and effectiveness of the program.]

(e) ANNUAL REPORT.—*Each fiscal year that funds are made available to carry out the program, the Secretary shall submit to Congress, not later than 30 days after the date that fiscal year ends, a report that describes the findings and effectiveness of the program.*

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$12,000,000, of which the Secretary shall use—

- (1) \$11,750,000 for initial grants to regional infrastructure accelerators under subsection (b); and
- (2) \$250,000 for administrative costs of carrying out the program.

SEC. 11401. HIGHWAY-RAIL GRADE CROSSING SAFETY.

[49 U.S.C. 24407 note]

(a) MODEL STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall develop a model of a State-specific highway-rail grade crossing action plan and distribute the plan to each State.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) methodologies, tools, and data sources for identifying and evaluating highway-rail grade crossing safety risks, including the public safety risks posed by blocked highway-rail grade crossings due to idling trains;

(B) best practices to reduce the risk of highway-rail grade crossing accidents or incidents and to alleviate the blockage of highway-rail grade crossings due to idling trains, including strategies for—

(i) education, including model stakeholder engagement plans or tools;

(ii) engineering, including the benefits and costs of different designs and technologies used to mitigate highway-rail grade crossing safety risks; and

(iii) enforcement, including the strengths and weaknesses associated with different enforcement methods;

(C) for each State, a customized list and data set of the highway-rail grade crossing accidents or incidents in that State over the past 3 years, including the location, number of deaths, and number of injuries for each accident or incident, and a list of highway-rail grade crossings in that State that have experienced multiple accidents or incidents over the past 3 years; and

(D) contact information of a Department of Transportation safety official available to assist the State in adapting the model plan to satisfy the requirements under subsection (b).

(b) STATE HIGHWAY-RAIL GRADE CROSSING ACTION PLANS.—

(1) REQUIREMENTS.—Not later than 18 months after the Administrator develops and distributes the model plan under subsection (a), the Administrator shall promulgate a rule that requires—

(A) each State, except the 10 States identified under section 202 of the Rail Safety Improvement Act of 2008 [(49 U.S.C. 22501 note)] (49 U.S.C. 24407 note), to develop and implement a State highway-rail grade crossing action plan; and

(B) each State identified under section 202 of the Rail Safety Improvement Act of 2008 [(49 U.S.C. 22501 note)] (49 U.S.C. 24407 note) to—

(i) update the State action plan under such section; and

(ii) submit to the Administrator—

(I) the updated State action plan; and

(II) a report describing what the State did to implement its previous State action plan under such section and how the State will continue to reduce highway-rail grade crossing safety risks.

(2) CONTENTS.—Each State plan required under this subsection shall—

(A) identify highway-rail grade crossings that have experienced recent highway-rail grade crossing accidents or incidents or multiple highway-rail grade crossing accidents or incidents, or are at high-risk for accidents or incidents;

(B) identify specific strategies for improving safety at highway-rail grade crossings, including highway-rail grade crossing closures or grade separations; and

(C) designate a State official responsible for managing implementation of the State action plan under subparagraph (A) or (B) of paragraph (1), as applicable.

(3) ASSISTANCE.—The Administrator shall provide assistance to each State in developing and carrying out, as appropriate, the State action plan under this subsection.

(4) PUBLIC AVAILABILITY.—Each State shall submit a final State plan under this subsection to the Administrator for publication. The Administrator shall make each approved State plan publicly available on an official Internet Web site.

(5) CONDITIONS.—The Secretary may condition the awarding of a grant to a State under chapter 244 of title 49, United States Code, on that State submitting an acceptable State action plan under this subsection.

(6) REVIEW OF ACTION PLANS.—Not later than 60 days after the date of receipt of a State action plan under this subsection, the Administrator shall—

(A) if the State action plan is approved, notify the State and publish the State action plan under paragraph (4); and

(B) if the State action plan is incomplete or deficient, notify the State of the specific areas in which the plan is deficient and allow the State to complete the plan or correct the deficiencies and resubmit the plan under paragraph (1).

(7) DEADLINE.—Not later than 60 days after the date of a notice under paragraph (6)(B), a State shall complete the plan or correct the deficiencies and resubmit the plan.

(8) FAILURE TO COMPLETE OR CORRECT PLAN.—If a State fails to meet the deadline under paragraph (7), the Administrator shall post on the Web site under paragraph (4) a notice that the State has an incomplete or deficient highway-rail grade crossing action plan.

[(c) REPORT.—Not later than the date that is 3 years after the Administrator publishes the final rule under subsection (b)(1), the

Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

【(1) the specific strategies identified by States to improve safety at highway-rail grade crossings, including crossings with multiple accidents or incidents; and

【(2) the progress each State described under subsection (b)(1)(B) has made in implementing its action plan.】

【(d)】(c) RAILWAY-HIGHWAY CROSSINGS FUNDS.—The Secretary may use funds made available to carry out section 130 of title 23, United States Code, to provide States with funds to develop a State highway-rail grade crossing action plan under subsection (b)(1)(A) or to update a State action plan under subsection (b)(1)(B).

【(e)】(d) DEFINITIONS.—In this section:

(1) HIGHWAY-RAIL GRADE CROSSING.—The term “highway-rail grade crossing” means a location within a State, other than a location where 1 or more railroad tracks cross 1 or more railroad tracks at grade, where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses 1 or more railroad tracks either at grade or grade-separated.

(2) STATE.—The term “State” means a State of the United States or the District of Columbia.