

“(6) intelligent transportation systems represent the best near-term technology for improving surface transportation for public benefit by providing equipment which can improve traffic flow and provide for enhanced safety;

“(7) research and development programs related to surface transportation are fragmented and dispersed throughout government and need to be strengthened and incorporated in an integrated framework within which a consensus on the goals of a national surface transportation research and development program must be developed;

“(8) the inability of government agencies to cooperate effectively, the difficulty of obtaining public support for new systems and rights-of-way, and the high cost of capital financing discourage private firms from investing in the development of new transportation equipment and systems; therefore, the Federal Government should sponsor and coordinate research and development of new technologies to provide safer, more convenient, and affordable transportation systems for use in the future; and

“(9) an effective high technology applied research and development program should be implemented quickly by strengthening the Department of Transportation research and development staff and by contracting with private industry for specific development projects.

“(b) SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT PLAN.—

“(1) DEVELOPMENT.—The Secretary shall develop an integrated national surface transportation research and development plan (hereinafter in this subsection referred to as the ‘plan’).

“(2) FOCUS.—The plan shall focus on surface transportation systems needed for urban, suburban, and rural areas in the next decade.

“(3) CONTENTS.—The plan shall include the following:

“(A) Details of the Department’s surface transportation research and development programs, including appropriate funding levels and a schedule with milestones, preliminary cost estimates, appropriate work scopes, personnel requirements, and estimated costs and goals for the next 3 years for each area of research and development.

“(B) A 10-year projection of long-term programs in surface transportation research and development and recommendations for the appropriate source or mechanism for surface transportation research and development funding, taking into account recommendations of the Research and Development Coordinating Council of the Department of Transportation and the plan of the National Council on Surface Transportation Research.

“(C) Recommendations on changes needed to assure that Federal, State, and local contracting procedures encourage the adoption of advanced technologies developed as a consequence of the research programs in this Act [Pub. L. 102-240, see Tables for classification].

“(4) OBJECTIVES.—The plan shall provide for the following:

“(A) The development, within the shortest period of time possible, of a range of technologies needed to produce convenient, safe, and affordable modes of surface transportation to be available for public use beginning in the mid-1990’s.

“(B) Maintenance of a long-term advanced research and development program to provide for next generation surface transportation systems.

“(5) COOPERATION WITH INDUSTRY.—A primary component of the plan shall be cooperation with industry in carrying out this part [part A (§§ 6001-6024) of title VI of Pub. L. 102-240, enacting sections 325 and 326 of this title, sections 3711b and 3711c of Title 15, Commerce and Trade, section 111 of Title 49, Transportation, and section 1625 of former Title 49, Transportation, amending sections 204, 307, and 321 of this title, section 5316 of Title 5, Government Organiza-

tion and Employees, sections 3708 and 3712 to 3715 of Title 15, sections 101 and 301 of Title 49, and sections 1607c and 1608 of former Title 49, enacting provisions set out as notes under sections 101, 112, and 307 of this title and sections 111 and 301 of Title 49, and amending provisions set out as notes under section 1608 of former Title 49] and strengthening the manufacturing capabilities of United States firms in order to produce products for surface transportation systems.

“(6) CONFORMANCE WITH PLAN.—All surface transportation research and development within the Department of Transportation shall be included in the plan and shall be evaluated in accordance with the plan.

“(7) COORDINATION.—In developing the plan and carrying out this part, the Secretary shall consult with and, where appropriate, use the expertise of other Federal agencies and their laboratories.

“(8) TRANSMITTAL.—On or before January 15, 1993, and annually thereafter, the Secretary shall transmit the plan to Congress, together with the Secretary’s comments and recommendations. The Secretary shall review and update the plan before each transmittal under this paragraph.

“(9) RECOMMENDATIONS FOR ALTERNATIVES.—In the event a different technology or alternative program can be identified that would accomplish the same or better results than those described in this part, the Secretary may make recommendations for an alternative, and shall promptly report such alternative recommendations to Congress.”

[§ 509. Repealed. Pub. L. 112-141, div. E, title II, § 52008(a), July 6, 2012, 126 Stat. 882]

Section, added Pub. L. 109-59, title V, § 5209(a), Aug. 10, 2005, 119 Stat. 1800, related to national cooperative freight transportation research program.

A prior section 509, added Pub. L. 90-495, § 30, Aug. 23, 1968, 82 Stat. 833, related to relocation assistance programs on Federal highway projects, prior to repeal by Pub. L. 91-646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

§ 510. Future strategic highway research program

(a) ESTABLISHMENT.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials, shall establish and carry out, acting through the National Research Council of the National Academy of Sciences, the future strategic highway research program.

(b) COOPERATIVE AGREEMENTS.—The Secretary may make grants to, and enter into cooperative agreements with, the American Association of State Highway and Transportation Officials and the National Academy of Sciences to carry out such activities under this section as the Secretary determines are appropriate.

(c) PROGRAM PRIORITIES.—

(1) PROGRAM ELEMENTS.—The program established under this section shall be based on the National Research Council Special Report 260, entitled “Strategic Highway Research: Saving Lives, Reducing Congestion, Improving Quality of Life” and the results of the detailed planning work subsequently carried out in 2002 and 2003 to identify the research areas through National Cooperative Research Program

Project 20–58. The research program shall include an analysis of the following:

(A) Renewal of aging highway infrastructure with minimal impact to users of the facilities.

(B) Driving behavior and likely crash causal factors to support improved countermeasures.

(C) Reducing highway congestion due to nonrecurring congestion.

(D) Planning and designing new road capacity to meet mobility, economic, environmental, and community needs.

(2) DISSEMINATION OF RESULTS.—The research results of the program, expressed in terms of technologies, methodologies, and other appropriate categorizations, shall be disseminated to practicing engineers for their use, as soon as practicable.

(d) PROGRAM ADMINISTRATION.—In carrying out the program under this section, the National Research Council shall ensure, to the maximum extent practicable, that—

(1) projects and researchers are selected to conduct research for the program on the basis of merit and open solicitation of proposals and review by panels of appropriate experts;

(2) State department of transportation officials and other stakeholders, as appropriate, are involved in the governance of the program at the overall program level and technical level through the use of expert panels and committees;

(3) the Council acquires a qualified, permanent core staff with the ability and expertise to manage the program and multiyear budget; and

(4) there is no duplication of research effort between the program and any other research effort of the Department.

(e) REPORT ON IMPLEMENTATION OF RESULTS.—

(1) REPORT.—The Transportation Research Board of the National Research Council shall complete a report on the strategies and administrative structure to be used for implementation of the results of the future strategic highway research program.

(2) COMPONENTS.—The report under paragraph (1) shall include with respect to the program—

(A) an identification of the most promising results of research under the program (including the persons most likely to use the results);

(B) a discussion of potential incentives for, impediments to, and methods of, implementing those results;

(C) an estimate of costs of implementation of those results; and

(D) recommendations on methods by which implementation of those results should be conducted, coordinated, and supported in future years, including a discussion of the administrative structure and organization best suited to carry out those recommendations.

(3) CONSULTATION.—In developing the report, the Transportation Research Board shall consult with a wide variety of stakeholders, including—

(A) the Federal Highway Administration;

(B) the National Highway Traffic Safety Administration; and

(C) the American Association of State Highway and Transportation Officials.

(4) SUBMISSION.—Not later than February 1, 2009, the report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(f) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using amounts made available under a grant or cooperative agreement under this section shall be 100 percent, and such funds shall remain available until expended.

(2) ADVANCE PAYMENTS.—The Secretary may make advance payments as necessary to carry out the program under this section.

(g) LIMITATION OF REMEDIES.—

(1) SAME REMEDY AS IF UNITED STATES.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission by employees and individuals described in paragraph (3) arising from activities conducted under or in connection with this section. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of title 28.

(2) EXCLUSIVENESS OF REMEDY.—The remedy referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

(3) TREATMENT.—Employees of the National Academy of Sciences and other individuals appointed by the president of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this section shall be treated as if they are employees of the Federal Government under section 2671 of title 28 for purposes of a civil action or proceeding with respect to a claim described in paragraph (1). The civil action or proceeding shall proceed in the same manner as any proceeding under chapter 171 of title 28 or action against the United States filed pursuant to section 1346(b) of title 28 and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

(4) SOURCES OF PAYMENTS.—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in paragraph (1) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this section, and then from sums made available under section 1304

of title 31. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28. The Secretary may establish a reserve of funds to carry out this section for making payments under this paragraph.

(h) IMPLEMENTATION.—Notwithstanding any other provision of this section, the Secretary may use funds made available to carry out this section for implementation of research products related to the future strategic highway research program, including development, demonstration, evaluation, and technology transfer activities.

(Added Pub. L. 109-59, title V, §5210(a), Aug. 10, 2005, 119 Stat. 1801; amended Pub. L. 111-322, title II, §2203(d), Dec. 22, 2010, 124 Stat. 3526.)

PRIOR PROVISIONS

A prior section 510, added Pub. L. 91-605, title I, §117(b), Dec. 31, 1970, 84 Stat. 1724, related to construction of replacement housing, prior to repeal by Pub. L. 91-646, title II, §220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

Another prior section 510 was renumbered section 511 of this title and subsequently repealed.

AMENDMENTS

2010—Subsec. (h). Pub. L. 111-322 added subsec. (h).

§ 511. Multistate corridor operations and management

(a) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements to promote regional cooperation, planning, and shared project implementation for programs and projects to improve transportation system management and operations.

(b) INTERSTATE ROUTE 95 CORRIDOR COALITION TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—The Secretary shall make grants under this subsection to States to continue intelligent transportation system management and operations in the Interstate Route 95 corridor coalition region initiated under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(Added Pub. L. 109-59, title V, §5211(a), Aug. 10, 2005, 119 Stat. 1804.)

REFERENCES IN TEXT

The Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (b), is Pub. L. 102-240, Dec. 18, 1991, 105 Stat. 1914, as amended. For complete classification of this Act to the Code, see Short Title of 1991 Amendment note set out under section 101 of Title 49, Transportation, and Tables.

PRIOR PROVISIONS

A prior section 511, formerly 510, added Pub. L. 90-495, §30, Aug. 23, 1968, 82 Stat. 834; renumbered §511, Pub. L. 91-605, title I, §117(a), Dec. 31, 1970, 84 Stat. 1724, related to authority of Secretary, prior to repeal by Pub. L. 91-646, title II, §220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

Another prior section 511 was renumbered section 512 of this title and subsequently repealed.

§ 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.

(Added Pub. L. 109-59, title V, §5301(a), Aug. 10, 2005, 119 Stat. 1804.)

REFERENCES IN TEXT

The date of enactment of the SAFETEA-LU, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

PRIOR PROVISIONS

A prior section 512, formerly 511, added Pub. L. 90-495, §30, Aug. 23, 1968, 82 Stat. 834; renumbered §512, Pub. L. 91-605, title I, §117(a), Dec. 31, 1970, 84 Stat. 1724, related to definitions for chapter, prior to repeal by Pub. L. 91-646, title II, §220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

INTELLIGENT TRANSPORTATION SYSTEM PROGRAM

Pub. L. 109-59, title V, §§5303-5310, Aug. 10, 2005, 119 Stat. 1806-1813, provided that:

“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