

sist the Committee in carrying out its purpose and activities.

(B) CHAIR.—There shall be a Chair of the Coordinating Board. The Chair of the Coordinating Board shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined by a majority of the voting members of the Committee.

(2) EXECUTIVE DIRECTOR.—The Secretary of Transportation, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce, shall appoint an Executive Director of the Committee.

(3) TRANSFERS.—Notwithstanding any other provision of law, the head of a Federal department or agency who is a member of the Committee may—

(A) provide, on a reimbursable or nonreimbursable basis, facilities, equipment, services, personnel, and other support services to carry out the activities of the Committee; and

(B) transfer funds to another Federal department or agency in order to carry out the activities of the Committee.

(e) MARINE TRANSPORTATION SYSTEM ASSESSMENT AND STRATEGY.—Not later than one year after the date of enactment of this Act and every 5 years thereafter, the Committee shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) steps taken to implement actions recommended in the document titled “National Strategy for the Marine Transportation System: A Framework for Action” and dated July 2008;

(2) an assessment of the condition of the marine transportation system;

(3) a discussion of the challenges the marine transportation system faces in meeting user demand, including estimates of investment levels required to ensure system infrastructure meets such demand;

(4) a plan, with recommended actions, for improving the marine transportation system to meet current and future challenges; and

(5) steps taken to implement actions recommended in previous reports required under this subsection.

(f) CONSULTATION.—In carrying out its purpose and activities, the Committee may consult with marine transportation system-related advisory committees, interested parties, and the public.

(Added Pub. L. 112–213, title III, § 310(a), Dec. 20, 2012, 126 Stat. 1567.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (e), probably means the date of enactment of Pub. L. 112–213, which enacted this section and was approved Dec. 20, 2012.

CHAPTER 556—SHORT SEA TRANSPORTATION

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§ 55601. Short sea transportation program

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion or to promote short sea transportation.

(b) PROGRAM ELEMENTS.—The program shall encourage the use of short sea transportation through the development and expansion of—

- (1) documented vessels;
- (2) shipper utilization;
- (3) port and landside infrastructure; and
- (4) marine transportation strategies by State and local governments.

(c) SHORT SEA TRANSPORTATION ROUTES.—The Secretary shall designate short sea transportation routes as extensions of the surface transportation system to focus public and private efforts to use the waterways to relieve landside congestion along coastal corridors or to promote short sea transportation. The Secretary may collect and disseminate data for the designation and delineation of short sea transportation routes.

(d) PROJECT DESIGNATION.—The Secretary may designate a project to be a short sea transportation project if the Secretary determines that the project uses documented vessels and—

- (1) mitigates landside congestion; or
- (2) promotes short sea transportation.

(e) ELEMENTS OF PROGRAM.—For a short sea transportation project designated under this section, the Secretary may—

- (1) promote the development of short sea transportation services;
- (2) coordinate, with ports, State departments of transportation, localities, other public agencies, and the private sector and on the development of landside facilities and infrastructure to support short sea transportation services; and
- (3) develop performance measures for the short sea transportation program.

(f) MULTISTATE, STATE AND REGIONAL TRANSPORTATION PLANNING.—The Secretary, in consultation with Federal entities and State and local governments, may develop strategies to encourage the use of short sea transportation for transportation of passengers and cargo. The Secretary may—

- (1) assess the extent to which States and local governments include short sea transportation and other marine transportation solutions in their transportation planning;
- (2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate short sea transportation, ferries, and other marine transportation solutions for regional and interstate

transport of freight and passengers in their transportation planning; and

(3) encourage groups of States and multi-State transportation entities to determine how short sea transportation can address congestion, bottlenecks, and other interstate transportation challenges.

(g) GRANTS.—

(1) IN GENERAL.—The Secretary shall establish and implement a short sea transportation grant program to implement projects or components of a project designated under subsection (d).

(2) APPLICATIONS.—In order to receive a grant under the program, an applicant shall—

(A) submit an application to the Secretary, in such form and manner, at such time, and containing such information as the Secretary may require; and

(B) demonstrate to the satisfaction of the Secretary that—

- (i) the project is financially viable;
- (ii) the funds received will be spent efficiently and effectively; and
- (iii) a market exists for the services of the proposed project as evidenced by contracts or written statements of intent from potential customers.

(3) NON-FEDERAL SHARE.—An applicant shall provide at least 20 percent of the project costs from non-Federal sources. In awarding grants under the program, the Secretary shall give a preference to those projects or components that present the most financially viable transportation services and require the lowest percentage Federal share of the costs.

(Added Pub. L. 110-140, title XI, § 1121(a), Dec. 19, 2007, 121 Stat. 1760; amended Pub. L. 111-84, div. C, title XXXV, § 3515, Oct. 28, 2009, 123 Stat. 2724; Pub. L. 112-213, title IV, § 405(a), Dec. 20, 2012, 126 Stat. 1571.)

AMENDMENTS

2012—Subsec. (a). Pub. L. 112-213, § 405(a)(1), substituted “landside congestion or to promote short sea transportation.” for “landside congestion.”

Subsec. (c). Pub. L. 112-213, § 405(a)(2), substituted “coastal corridors or to promote short sea transportation” for “coastal corridors”.

Subsec. (d). Pub. L. 112-213, § 405(a)(3), substituted “that the project uses documented vessels and—” for “that the project may—” in introductory provisions, added pars. (1) and (2), and struck out former pars. (1) and (2) which read as follows:

“(1) offer a waterborne alternative to available landside transportation services using documented vessels; and

“(2) provide transportation services for passengers or freight (or both) that may reduce congestion on landside infrastructure using documented vessels.”

Subsec. (f). Pub. L. 112-213, § 405(a)(4), substituted “may” for “shall” in two places in introductory provisions.

2009—Subsec. (g). Pub. L. 111-84 added subsec. (g).

EFFECTIVE DATE

Chapter effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

REGULATIONS

Pub. L. 110-140, title XI, § 1121(c), Dec. 19, 2007, 121 Stat. 1762, provided that:

“(1) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act [Dec. 19, 2007], the Secretary of Transportation shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5, United States Code, does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

“(2) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary of Transportation shall issue final regulations to implement the program under this section.”

§ 55602. Cargo and shippers

(a) MEMORANDUMS OF AGREEMENT.—The Secretary of Transportation shall enter into memorandums of understanding with the heads of other Federal entities to transport federally owned or generated cargo using a short sea transportation project designated under section 55601 when practical or available.

(b) SHORT-TERM INCENTIVES.—The Secretary shall consult shippers and other participants in transportation logistics and develop proposals for short-term incentives to encourage the use of short sea transportation.

(Added Pub. L. 110-140, title XI, § 1121(a), Dec. 19, 2007, 121 Stat. 1761.)

§ 55603. Interagency coordination

The Secretary of Transportation shall establish a board to identify and seek solutions to impediments hindering effective use of short sea transportation. The board shall include representatives of the Environmental Protection Agency and other Federal, State, and local governmental entities and private sector entities.

(Added Pub. L. 110-140, title XI, § 1121(a), Dec. 19, 2007, 121 Stat. 1761.)

§ 55604. Research on short sea transportation

The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, may conduct research on short sea transportation, regarding—

(1) the environmental and transportation benefits to be derived from short sea transportation alternatives for other forms of transportation;

(2) technology, vessel design, and other improvements that would reduce emissions, increase fuel economy, and lower costs of short sea transportation and increase the efficiency of intermodal transfers; and

(3) solutions to impediments to short sea transportation projects designated under section 55601.

(Added Pub. L. 110-140, title XI, § 1121(a), Dec. 19, 2007, 121 Stat. 1761.)

§ 55605. Short sea transportation defined

In this chapter, the term “short sea transportation” means the carriage by a documented vessel of cargo—

(1) that is—

(A) contained in intermodal cargo containers and loaded by crane on the vessel; or

(B) loaded on the vessel by means of wheeled technology; and

(2) that is—