

“(C) FACTORS TO BE CONSIDERED IN SELECTION.—Selection of the detailed design under this paragraph shall be based on consideration of the following factors, among others:

“(i) The project shall be capable of utilizing Interstate highway rights-of-way along or above a significant portion of its route, and may also use railroad rights-of-way along or above any portion of the railroad route.

“(ii) The total length of guideway shall be at least 19 miles and allow significant full-speed operations between stops.

“(iii) The project shall be constructed and ready for operational testing within 3 years after the award of the contract or grant.

“(iv) The project shall provide for the conversion of the prototype to commercial operation after testing and technical evaluation is completed.

“(v) The project shall be located in an area that provides a potential ridership base for future commercial operation.

“(vi) The project shall utilize a technology capable of being applied in commercial service in most parts of the contiguous United States.

“(vii) The project shall have at least 1 switch.

“(viii) The project shall be intermodal in nature connecting a major metropolitan area with an airport, port, passenger rail station, or other transportation mode.

“(D) ADDITIONAL FACTORS FOR CONSIDERATION.—In awarding a grant or contract under this paragraph, the Secretary shall encourage the development of domestic manufacturing capabilities. In selecting among eligible applicants, the Secretary shall consider existing railroads and equipment manufacturers with excess production capacity, including railroads that have experience in advanced technologies (including self-propelled cars).

“(5) LICENSING.—

“(A) PROPRIETARY RIGHTS.—No trade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of title 5, United States Code, which is obtained from a United States business, research, or education entity as a result of activities under this subsection shall be disclosed.

“(B) COMMERCIAL INFORMATION.—The research, development, and use of any technology developed pursuant to an agreement reached pursuant to this subsection, including the terms under which any technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701–3714). In addition, the Secretary and the Assistant Secretary may require any grant or contract recipient to assure that research and development be performed substantially in the United States and that the products embodying the inventions made under any agreement pursuant to this subsection or produced through the use of such inventions be manufactured substantially in the United States.

“(6) REPORTS.—The Secretary and the Assistant Secretary shall provide periodic reports to Congress on progress made under this subsection.

“(7) ELIGIBLE APPLICANT DEFINED.—For purposes of this subsection, the term ‘eligible applicant’ means a United States private business, United States public or private education and research organization, Federal laboratory, or a consortium of such businesses, organizations, and laboratories.”

### § 310. Aligning Federal environmental reviews

(a) COORDINATED AND CONCURRENT ENVIRONMENTAL REVIEWS.—Not later than 1 year after the date of enactment of this section, the Department of Transportation, in coordination with the heads of Federal agencies likely to have substantive review or approval responsibilities

under Federal law, shall develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (in this section referred to as “NEPA”).

(b) CONTENTS.—The coordinated and concurrent environmental review and permitting process developed under subsection (a) shall—

(1) ensure that the Department of Transportation and agencies of jurisdiction possess sufficient information early in the review process to determine a statement of a transportation project’s purpose and need and range of alternatives for analysis that the lead agency and agencies of jurisdiction will rely on for concurrent environmental reviews and permitting decisions required for the proposed project;

(2) achieve early concurrence or issue resolution during the NEPA scoping process on the Department of Transportation’s statement of a project’s purpose and need, and during development of the environmental impact statement on the range of alternatives for analysis, that the lead agency and agencies of jurisdiction will rely on for concurrent environmental reviews and permitting decisions required for the proposed project absent circumstances that require reconsideration in order to meet an agency of jurisdiction’s obligations under a statute or Executive order; and

(3) achieve concurrence or issue resolution in an expedited manner if circumstances arise that require a reconsideration of the purpose and need or range of alternatives considered during any Federal agency’s environmental or permitting review in order to meet an agency of jurisdiction’s obligations under a statute or Executive order.

(c) ENVIRONMENTAL CHECKLIST.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation and Federal agencies of jurisdiction likely to have substantive review or approval responsibilities on transportation projects shall jointly develop a checklist to help project sponsors identify potential natural, cultural, and historic resources in the area of a proposed project.

(2) PURPOSE.—The purpose of the checklist shall be to—

(A) identify agencies of jurisdiction and cooperating agencies;

(B) develop the information needed for the purpose and need and alternatives for analysis; and

(C) improve interagency collaboration to help expedite the permitting process for the lead agency and agencies of jurisdiction.

(d) INTERAGENCY COLLABORATION.—

(1) IN GENERAL.—Consistent with Federal environmental statutes, the Secretary of Transportation shall facilitate annual interagency collaboration sessions at the appropriate jurisdictional level to coordinate business plans and facilitate coordination of workload planning and workforce management.

(2) PURPOSE OF COLLABORATION SESSIONS.—The interagency collaboration sessions shall ensure that agency staff is—

- (A) fully engaged;
- (B) utilizing the flexibility of existing regulations, policies, and guidance; and
- (C) identifying additional actions to facilitate high quality, efficient, and targeted environmental reviews and permitting decisions.

(3) FOCUS OF COLLABORATION SESSIONS.—The interagency collaboration sessions, and the interagency collaborations generated by the sessions, shall focus on methods to—

- (A) work with State and local transportation entities to improve project planning, siting, and application quality; and
- (B) consult and coordinate with relevant stakeholders and Federal, tribal, State, and local representatives early in permitting processes.

(4) CONSULTATION.—The interagency collaboration sessions shall include a consultation with groups or individuals representing State, tribal, and local governments that are engaged in the infrastructure permitting process.

(e) PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation, in coordination with relevant Federal agencies, shall establish a program to measure and report on progress toward aligning Federal reviews and reducing permitting and project delivery time as outlined in this section.

(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 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.

(Added Pub. L. 114-94, div. A, title I, §1313(a), Dec. 4, 2015, 129 Stat. 1400.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (a), (c)(1), (e), and (f)(1), (2), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.

The National Environmental Policy Act of 1969, referred to in subsec. (a), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

SUBCHAPTER II—ADMINISTRATIVE

§ 321. Definitions

In this subchapter, “aeronautics”, “air commerce”, and “air navigation facility” have the same meanings given those terms in section 40102(a) of this title.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2422; Pub. L. 98-216, §2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 103-272, §5(m)(8), July 5, 1994, 108 Stat. 1376; Pub. L. 103-429, §6(2), Oct. 31, 1994, 108 Stat. 4378.)

HISTORICAL AND REVISION NOTES  
PUB. L. 97-449

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
321 .....	(no source).	

A number of the source provisions of the subchapter are taken from 49:ch. 20. The text of 49:ch. 20 contains general definitions, some of which are used in those source provisions. The section includes those definitions from 49:ch. 20 that are used in the source provisions included in the subchapter.

PUB. L. 103-429

This makes a clarifying amendment to 49:321.

AMENDMENTS

1994—Pub. L. 103-429 struck out “, respectively” after “of this title”.

Pub. L. 103-272 substituted “section 40102(a) of this title” for “section 101(2), (4), and (8) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301(2), (4), (8))”.

1984—Pub. L. 98-216 substituted “49 App. U.S.C.” for “49 U.S.C.”.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-429, §9, Oct. 31, 1994, 108 Stat. 4391, provided that: “The amendments made by sections 6(2)–(15), (19)–(35), (37)–(39), (41), (44)–(52), (54)–(62), (65), (66)(B), (70), (73)–(76), and (78)–(81) of this Act [enacting section 41312 of this title and amending this section and sections 5103, 5104, 5115, 5125, 5307, 5318, 5320, 5323, 5326, 5327, 5331, 5337, 5565, 20136, 22108, 24501, 24904, 30141, 30165, 30166, 30308, 31501, 32101, 32304, 32309, 32505, 32703, 32705, 32706, 32908 to 32910, 32913, 33101, 33106, 40102, 40104, 40110, 41103, 41110, 41734, 44502, 44701, 44711, 44937, 45105, 45302, 46301, 46310, 46502, 47101, 47113, 47114, 47128, 47531, 47532, 60109, and 60112 of this title] shall take effect on July 5, 1994.”

§ 322. General powers

(a) The Secretary of Transportation may prescribe regulations to carry out the duties and powers of the Secretary. An officer of the Department of Transportation may prescribe regulations to carry out the duties and powers of the officer.

(b) The Secretary may delegate, and authorize successive delegations of, duties and powers of