

ment note under section 5313 of Title 5, Government Organization and Employees.

### § 70202. State freight plans

(a) **IN GENERAL.**—Each State that receives funding under section 167 of title 23 shall develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

(b) **PLAN CONTENTS.**—A State freight plan described in subsection (a) shall include, at a minimum—

(1) an identification of significant freight system trends, needs, and issues with respect to the State;

(2) a description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;

(3) when applicable, a listing of—

(A) multimodal critical rural freight facilities and corridors designated within the State under section 70103 of this title; and

(B) critical rural and urban freight corridors designated within the State under section 167 of title 23;

(4) a description of how the plan will improve the ability of the State to meet the national multimodal freight policy goals described in section 70101(b) of this title and the national highway freight program goals described in section 167 of title 23;

(5) a description of how innovative technologies and operational strategies, including freight intelligent transportation systems, that improve the safety and efficiency of freight movement, were considered;

(6) in the case of roadways on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of the roadways, a description of improvements that may be required to reduce or impede the deterioration;

(7) an inventory of facilities with freight mobility issues, such as bottlenecks, within the State, and for those facilities that are State owned or operated, a description of the strategies the State is employing to address the freight mobility issues;

(8) consideration of any significant congestion or delay caused by freight movements and any strategies to mitigate that congestion or delay;

(9) a freight investment plan that, subject to subsection (c)(2), includes a list of priority projects and describes how funds made available to carry out section 167 of title 23 would be invested and matched; and

(10) consultation with the State freight advisory committee, if applicable.

(c) **RELATIONSHIP TO LONG-RANGE PLAN.**—

(1) **INCORPORATION.**—A State freight plan described in subsection (a) may be developed separately from or incorporated into the state-wide strategic long-range transportation plan required by section 135 of title 23.

(2) **FISCAL CONSTRAINT.**—The freight investment plan component of a freight plan shall

include a project, or an identified phase of a project, only if funding for completion of the project can reasonably be anticipated to be available for the project within the time period identified in the freight investment plan.

(d) **PLANNING PERIOD.**—A State freight plan described in subsection (a) shall address a 5-year forecast period.

(e) **UPDATES.**—

(1) **IN GENERAL.**—A State shall update a State freight plan described in subsection (a) not less frequently than once every 5 years.

(2) **FREIGHT INVESTMENT PLAN.**—A State may update a freight investment plan described in subsection (b)(9) more frequently than is required under paragraph (1).

(Added Pub. L. 114–94, div. A, title VIII, § 8001(a), Dec. 4, 2015, 129 Stat. 1610.)

#### 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.

### § 70203. Transportation investment data and planning tools

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation shall—

(1) begin development of new tools and improvement of existing tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including—

(A) methodologies for systematic analysis of benefits and costs on a national or regional basis;

(B) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, urban and rural access, environmental sustainability, and system condition in the project selection process;

(C) improved methods for data collection and trend analysis;

(D) encouragement of public-private collaboration to carry out data sharing activities while maintaining the confidentiality of all proprietary data; and

(E) other tools to assist in effective transportation planning;

(2) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

(3) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

(b) **CONSULTATION.**—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data described in subsection (a).

(Added Pub. L. 114–94, div. A, title VIII, § 8001(a), Dec. 4, 2015, 129 Stat. 1611.)