

(E) access to major areas for manufacturing, agriculture, or natural resources;

(F) access to energy exploration, development, installation, and production areas;

(G) intermodal links and intersections that promote connectivity;

(H) freight choke points and other impediments contributing to significant measurable congestion, delay in freight movement, or inefficient modal connections;

(I) impacts on all freight transportation modes and modes that share significant freight infrastructure;

(J) facilities and transportation corridors identified by a multi-State coalition, a State, a State freight advisory committee, or a metropolitan planning organization, using national or local data, as having critical freight importance to the region;

(K) major distribution centers, inland intermodal facilities, and first- and last-mile facilities; and

(L) the significance of goods movement, including consideration of global and domestic supply chains.

(3) **CONSIDERATIONS.**—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall—

(A) use, to the extent practicable, measurable data to assess the significance of goods movement, including the consideration of points of origin, destinations, and linking components of the United States global and domestic supply chains;

(B) consider—

(i) the factors described in paragraph (2); and

(ii) any changes in the economy that affect freight transportation network demand; and

(C) provide the States with an opportunity to submit proposed designations in accordance with paragraph (4).

(4) **STATE INPUT.**—

(A) **IN GENERAL.**—Each State that proposes additional designations for the National Multimodal Freight Network shall—

(i) consider nominations for additional designations from metropolitan planning organizations and State freight advisory committees, as applicable, within the State;

(ii) consider nominations for additional designations from owners and operators of port, rail, pipeline, and airport facilities; and

(iii) ensure that additional designations are consistent with the State transportation improvement program or freight plan.

(B) **CRITICAL RURAL FREIGHT FACILITIES AND CORRIDORS.**—As part of the designations under subparagraph (A), a State may designate a freight facility or corridor within the borders of the State as a critical rural freight facility or corridor if the facility or corridor—

(i) is a rural principal arterial;

(ii) provides access or service to energy exploration, development, installation, or production areas;

(iii) provides access or service to—

(I) a grain elevator;

(II) an agricultural facility;

(III) a mining facility;

(IV) a forestry facility; or

(V) an intermodal facility;

(iv) connects to an international port of entry;

(v) provides access to a significant air, rail, water, or other freight facility in the State; or

(vi) has been determined by the State to be vital to improving the efficient movement of freight of importance to the economy of the State.

(C) **LIMITATION.**—

(i) **IN GENERAL.**—A State may propose additional designations to the National Multimodal Freight Network in the State in an amount that is not more than 20 percent of the total mileage designated by the Under Secretary in the State.

(ii) **DETERMINATION BY UNDER SECRETARY.**—The Under Secretary shall determine how to apply the limitation under clause (i) to the components of the National Multimodal Freight Network.

(D) **SUBMISSION AND CERTIFICATION.**—A State shall submit to the Under Secretary—

(i) a list of any additional designations proposed to be added under this paragraph; and

(ii) a certification that—

(I) the State has satisfied the requirements of subparagraph (A); and

(II) the designations referred to in clause (i) address the factors for designation described in this subsection.

(d) **REDESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.**—Not later than 5 years after the initial designation under subsection (c), and every 5 years thereafter, the Under Secretary, using the designation factors described in subsection (c), shall redesignate the National Multimodal Freight Network.

(Added Pub. L. 114–94, div. A, title VIII, § 8001(a), Dec. 4, 2015, 129 Stat. 1607.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subssecs. (b)(1) and (c)(1), is the date of enactment of Pub. L. 114–94, which was approved Dec. 4, 2015.

PRIOR PROVISIONS

A prior section 70103 was transferred and renumbered as section 50903 of Title 51, National and Commercial Space Programs.

Prior sections 70104 to 70121 were transferred and renumbered as sections 50904 to 50923 of Title 51, National and Commercial Space Programs.

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.

CHAPTER 702—MULTIMODAL FREIGHT TRANSPORTATION PLANNING AND INFORMATION

Sec.

70201. State freight advisory committees.

Sec.	
70202.	State freight plans.
70203.	Transportation investment data and planning tools.
70204.	Savings provision.

§ 70201. State freight advisory committees

(a) IN GENERAL.—The Secretary of Transportation shall encourage each State to establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, the freight industry workforce, the transportation department of the State, and local governments.

(b) ROLE OF COMMITTEE.—A freight advisory committee of a State described in subsection (a) shall—

- (1) advise the State on freight-related priorities, issues, projects, and funding needs;
- (2) serve as a forum for discussion for State transportation decisions affecting freight mobility;
- (3) communicate and coordinate regional priorities with other organizations;
- (4) promote the sharing of information between the private and public sectors on freight issues; and
- (5) participate in the development of the freight plan of the State described in section 70202.

(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.

§ 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 statewide 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