

(4) EXECUTIVE DIRECTOR.—The Executive Director of the National Surface Transportation and Innovative Finance Bureau shall serve as a nonvoting member of the Council.

(c) DUTIES.—The Council shall—

(1) review applications for assistance submitted under the programs referred to in subparagraphs (A), (B), and (C) of section 116(d)(1);

(2) review applications for assistance submitted under the program referred to in section 116(d)(1)(D), as determined appropriate by the Secretary;

(3) make recommendations to the Secretary regarding the selection of projects to receive assistance under such programs;

(4) review, on a regular basis, projects that received assistance under such programs; and

(5) carry out such additional duties as the Secretary may prescribe.

(Added Pub. L. 114–94, div. A, title IX, §9002(a), Dec. 4, 2015, 129 Stat. 1618.)

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 118. Office of Multimodal Freight Infrastructure and Policy

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term “Department” means the Department of Transportation.

(2) FREIGHT OFFICE.—The term “Freight Office” means the Office of Multimodal Freight Infrastructure and Policy established under subsection (b).

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) ESTABLISHMENT.—The Secretary shall establish within the Department an Office of Multimodal Freight Infrastructure and Policy.

(c) PURPOSES.—The purposes of the Freight Office shall be—

(1) to carry out the national multimodal freight policy described in section 70101;

(2) to administer and oversee certain multimodal freight grant programs within the Department in accordance with subsection (d);

(3) to promote and facilitate the sharing of information between the private and public sectors with respect to freight issues;

(4) to conduct research on improving multimodal freight mobility, and to oversee the freight research activities of the various agencies within the Department;

(5) to assist cities and States in developing freight mobility and supply chain expertise;

(6) to liaise and coordinate with other Federal departments and agencies; and

(7) to carry out other duties, as prescribed by the Secretary.

(d) ADMINISTRATION OF POLICIES AND PROGRAMS.—The Freight Office shall—

(1) develop and manage—

(A) the national freight strategic plan described in section 70102; and

(B) the National Multimodal Freight Network established under section 70103;

(2)(A) oversee the development and updating of the State freight plans described in section 70202; and

(B) provide guidance or best practices relating to the development and updating of State freight plans under that section;

(3)(A) administer multimodal freight grant programs, including multimodal freight grants established under section 117 of title 23; and

(B) establish procedures for analyzing and evaluating applications for grants under those programs;

(4) assist States in the establishment of—

(A) State freight advisory committees under section 70201; and

(B) multi-State freight mobility compacts under section 70204; and

(5) provide to the Bureau of Transportation Statistics input regarding freight data and planning tools.

(e) ASSISTANT SECRETARY.—

(1) IN GENERAL.—The Freight Office shall be headed by an Assistant Secretary for Multimodal Freight, who shall—

(A) be appointed by the President, by and with the advice and consent of the Senate; and

(B) have professional standing and demonstrated knowledge in the field of freight transportation.

(2) DUTIES.—The Assistant Secretary shall—

(A) report to the Under Secretary of Transportation for Policy;

(B) be responsible for the management and oversight of the activities, decisions, operations, and personnel of the Freight Office;

(C) work with the modal administrations of the Department to encourage multimodal collaboration; and

(D) carry out such additional duties as the Secretary may prescribe.

(f) CONSOLIDATION AND ELIMINATION OF DUPLICATIVE OFFICES.—

(1) CONSOLIDATION OF OFFICES AND OFFICE FUNCTIONS.—The Secretary may consolidate into the Freight Office any office or office function within the Department that the Secretary determines has duties, responsibilities, resources, or expertise that support the purposes of the Freight Office.

(2) ELIMINATION OF OFFICES.—The Secretary may eliminate any office within the Department if the Secretary determines that—

(A) the purposes of the office are duplicative of the purposes of the Freight Office;

(B) the office or the functions of the office have been substantially consolidated with the Freight Office pursuant to paragraph (1);

(C) the elimination of the office will not adversely affect the requirements of the Secretary under any Federal law; and

(D) the elimination of the office will improve the efficiency and effectiveness of the programs and functions conducted by the office.

(g) STAFFING AND BUDGETARY RESOURCES.—

(1) IN GENERAL.—The Secretary shall ensure that the Freight Office is adequately staffed and funded.

(2) STAFFING.—

(A) TRANSFER OF POSITIONS TO FREIGHT OFFICE.—Subject to subparagraph (B), the Secretary may transfer to the Freight Office any position within any other office of the Department if the Secretary determines that the position is necessary to carry out the purposes of the Freight Office.

(B) REQUIREMENT.—If the Secretary transfers a position to the Freight Office pursuant to subparagraph (A), the Secretary, in coordination with the appropriate modal administration of the Department, shall ensure that the transfer of the position does not adversely affect the requirements of the modal administration under any Federal law.

(3) BUDGETARY RESOURCES.—

(A) TRANSFER OF FUNDS FROM CONSOLIDATED OR ELIMINATED OFFICES.—

(i) IN GENERAL.—To carry out the purposes of the Freight Office, the Secretary may transfer to the Freight Office from any office or office function that is consolidated or eliminated under subsection (f) any funds allocated for the consolidated or eliminated office or office function.

(ii) RETRANSFER.—Any portion of any funds or limitations of obligations transferred to the Freight Office pursuant to clause (i) may be transferred back to, and merged with, the original account.

(B) TRANSFER OF FUNDS ALLOCATED FOR ADMINISTRATIVE COSTS.—

(i) IN GENERAL.—The Secretary may transfer to the Freight Office any funds allocated for the administrative costs of the programs referred to in subsection (d)(3).

(ii) RETRANSFER.—Any portion of any funds or limitations of obligations transferred to the Freight Office pursuant to clause (i) may be transferred back to, and merged with, the original account.

(h) WEBSITE.—

(1) DESCRIPTION OF FREIGHT OFFICE.—The Secretary shall make publicly available on the website of the Department a description of the Freight Office, including a description of—

(A) the programs managed or made available by the Freight Office; and

(B) the eligibility requirements for those programs.

(2) CLEARINGHOUSE.—The Secretary may establish a clearinghouse for tools, templates, guidance, and best practices on a page of the website of the Department that supports the purposes of this section.

(i) NOTIFICATION TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and not less frequently than once every 180 days thereafter until the date on which the Secretary determines that the requirements of this section have been met, the Secretary 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 notification that—

(1) describes—

(A) the programs and activities administered or overseen by the Freight Office; and

(B) the status of those programs and activities;

(2) identifies—

(A) the number of employees working in the Freight Office as of the date of the notification;

(B) the total number of employees expected to join the Freight Office to support the programs and activities described in paragraph (1); and

(C) the total number of positions that, as a result of the consolidation of offices under this section, were—

(i) eliminated; or

(ii) transferred, assigned, or joined to the Freight Office;

(3)(A) indicates whether the Secretary has consolidated into the Freight Office any office or office function pursuant to subsection (f)(1); and

(B) if the Secretary has consolidated such an office or function, describes the rationale for the consolidation;

(4)(A) indicates whether the Secretary has eliminated any office pursuant to subsection (f)(2); and

(B) if the Secretary has eliminated such an office, describes the rationale for the elimination;

(5) describes any other actions carried out by the Secretary to implement this section; and

(6) describes any recommendations of the Secretary for legislation that may be needed to further implement this section.

(j) SAVINGS PROVISIONS.—

(1) EFFECT ON OTHER LAW.—Except as otherwise provided in this section, nothing in this section alters or affects any law (including regulations) with respect to a program referred to in subsection (d).

(2) EFFECT ON RESPONSIBILITIES OF OTHER AGENCIES.—Except as otherwise provided in this section, nothing in this section abrogates the responsibilities of any agency, operating administration, or office within the Department that is otherwise charged by law (including regulations) with any aspect of program administration, oversight, or project approval or implementation with respect to a program or project subject to the responsibilities of the Freight Office under this section.

(3) EFFECT ON PENDING APPLICATIONS.—Nothing in this section affects any pending application under a program referred to in subsection (d) that was received by the Secretary on or before the date of enactment of the Surface Transportation Investment Act of 2021.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

(2) CERTAIN ACTIVITIES.—Authorizations under subsections (f) and (g) are subject to appropriations.

(Added Pub. L. 117–58, div. B, title I, §21101(a), Nov. 15, 2021, 135 Stat. 652.)

### Editorial Notes

#### REFERENCES IN TEXT

The date of enactment of this section and the date of enactment of the Surface Transportation Investment Act of 2021, referred to in subsecs. (i) and (j)(3), are the date of enactment of div. B of Pub. L. 117–58, which was approved Nov. 15, 2021.

### § 119. Advanced Research Projects Agency–Infrastructure

(a) DEFINITIONS.—In this section:

(1) ARPA–I.—The term “ARPA–I” means the Advanced Research Projects Agency–Infrastructure established by subsection (b).

(2) DEPARTMENT.—The term “Department” means the Department of Transportation.

(3) DIRECTOR.—The term “Director” means the Director of ARPA–I appointed under subsection (d).

(4) ELIGIBLE ENTITY.—The term “eligible entity” means—

- (A) a unit of State or local government;
- (B) an institution of higher education;
- (C) a commercial entity;
- (D) a research foundation;
- (E) a trade or industry research collaborative;
- (F) a federally funded research and development center;
- (G) a research facility owned or funded by the Department;
- (H) a collaborative that includes relevant international entities; and
- (I) a consortia of 2 or more entities described in any of subparagraphs (A) through (H).

(5) INFRASTRUCTURE.—

(A) IN GENERAL.—The term “infrastructure” means any transportation method or facility that facilitates the transit of goods or people within the United States (including territories).

(B) INCLUSIONS.—The term “infrastructure” includes—

- (i) roads;
- (ii) highways;
- (iii) bridges;
- (iv) airports;
- (v) rail lines;
- (vi) harbors; and
- (vii) pipelines.

(6) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) ESTABLISHMENT.—There is established within the Department an agency, to be known as the “Advanced Research Projects Agency–Infrastructure”, to support the development of science and technology solutions—

- (1) to overcome long-term challenges; and
- (2) to advance the state of the art for United States transportation infrastructure.

(c) GOALS.—

(1) IN GENERAL.—The goals of ARPA–I shall be—

(A) to advance the transportation infrastructure of the United States by developing innovative science and technology solutions that—

(i) lower the long-term costs of infrastructure development, including costs of planning, construction, and maintenance;

(ii) reduce the lifecycle impacts of transportation infrastructure on the environment, including through the reduction of greenhouse gas emissions;

(iii) contribute significantly to improving the safe, secure, and efficient movement of goods and people; and

(iv) promote the resilience of infrastructure from physical and cyber threats; and

(B) to ensure that the United States is a global leader in developing and deploying advanced transportation infrastructure technologies and materials.

(2) RESEARCH PROJECTS.—ARPA–I shall achieve the goals described in paragraph (1) by providing assistance under this section for infrastructure research projects that—

(A) advance novel, early-stage research with practicable application to transportation infrastructure;

(B) translate techniques, processes, and technologies, from the conceptual phase to prototype, testing, or demonstration;

(C) develop advanced manufacturing processes and technologies for the domestic manufacturing of novel transportation-related technologies; and

(D) accelerate transformational technological advances in areas in which industry entities are unlikely to carry out projects due to technical and financial uncertainty.

(d) DIRECTOR.—

(1) APPOINTMENT.—ARPA–I shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Director shall be an individual who, by reason of professional background and experience, is especially qualified to advise the Secretary regarding, and manage research programs addressing, matters relating to the development of science and technology solutions to advance United States transportation infrastructure.

(3) RELATIONSHIP TO SECRETARY.—The Director shall—

(A) be located within the Office of the Assistant Secretary for Research and Technology; and

(B) report to the Secretary.

(4) RELATIONSHIP TO OTHER PROGRAMS.—No other program within the Department shall report to the Director.

(5) RESPONSIBILITIES.—The responsibilities of the Director shall include—

(A) approving new programs within ARPA–I;

(B) developing funding criteria, and assessing the success of programs, to achieve the goals described in subsection (c)(1) through the establishment of technical milestones;

(C) administering available funding by providing to eligible entities assistance to