

(3) an identification of major trade gateways and national freight corridors that connect major population centers, trade gateways, and other major freight generators;

(4) an identification of bottlenecks on the National Multimodal Freight Network that create significant freight congestion, based on a quantitative methodology developed by the Assistant Secretary, which shall include, at a minimum—

(A) information from the Freight Analysis Framework of the Federal Highway Administration; and

(B) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

(5) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance, and a description of opportunities for overcoming the barriers;

(6) a process for addressing multistate projects and encouraging jurisdictions to collaborate;

(7) strategies to improve freight intermodal connectivity;

(8) an identification of corridors providing access to energy exploration, development, installation, or production areas;

(9) an identification of corridors providing access to major areas for manufacturing, agriculture, or natural resources;

(10) an identification of best practices for improving the performance of the National Multimodal Freight Network, including critical commerce corridors and rural and urban access to critical freight corridors;

(11) an identification of best practices to mitigate the impacts of freight movement on communities;

(12) best practices for reducing environmental impacts of freight movement (including reducing local air pollution from freight movement, stormwater runoff, and wildlife habitat loss resulting from freight facilities, freight vehicles, or freight activity);

(13) possible strategies to increase the resilience of the freight system, including the ability to anticipate, prepare for, or adapt to conditions, or withstand, respond to, or recover rapidly from disruptions, including extreme weather and natural disasters;

(14) strategies to promote United States economic growth and international competitiveness;

(15) consideration of any potential unique impacts of the national freight system on rural and other underserved and historically disadvantaged communities;

(16) strategies for decarbonizing freight movement, as appropriate; and

(17) consideration of the impacts of e-commerce on the national multimodal freight system.

(c) **UPDATES.**—Not later than 5 years after the date of completion of the national freight strategic plan under subsection (a), and every 5 years thereafter, the Assistant Secretary shall update the plan and publish the updated plan on

the public Internet Web site of the Department of Transportation.

(d) **CONSULTATION.**—The Assistant Secretary shall develop and update the national freight strategic plan—

(1) after providing notice and an opportunity for public comment; and

(2) in consultation with State departments of transportation, metropolitan planning organizations, and other appropriate public and private transportation stakeholders.

(Added Pub. L. 114-94, div. A, title VIII, § 8001(a), Dec. 4, 2015, 129 Stat. 1606; amended Pub. L. 117-58, div. B, title I, §§ 21101(d)(2), 21102, Nov. 15, 2021, 135 Stat. 656, 657.)

Editorial Notes

PRIOR PROVISIONS

A prior section 70102 was transferred and renumbered as section 50902 of Title 51, National and Commercial Space Programs.

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-58, § 21101(d)(2)(A), substituted “The Assistant Secretary for Multimodal Freight (referred to in this section as the ‘Assistant Secretary’)” for “Not later than 2 years after the date of enactment of this section, the Under Secretary of Transportation for Policy” in introductory provisions.

Subsec. (b)(4). Pub. L. 117-58, § 21101(d)(2)(B), substituted “Assistant Secretary” for “Under Secretary” in introductory provisions.

Subsec. (b)(12) to (17). Pub. L. 117-58, § 21102, added pars. (12) to (17).

Subsec. (c). Pub. L. 117-58, § 21101(d)(2)(C), substituted “Assistant Secretary” for “Under Secretary”.

Subsec. (d). Pub. L. 117-58, § 21101(d)(2)(D), substituted “Assistant Secretary” for “Under Secretary” in introductory provisions.

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.

§ 70103. National Multimodal Freight Network

(a) **IN GENERAL.**—The Assistant Secretary for Multimodal Freight (referred to in this section as the “Assistant Secretary”) shall establish a National Multimodal Freight Network in accordance with this section—

(1) to assist States in strategically directing resources toward improved system performance for the efficient movement of freight on the Network;

(2) to inform freight transportation planning;

(3) to assist in the prioritization of Federal investment; and

(4) to assess and support Federal investments to achieve 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.

(b) **DESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.**—

(1) **IN GENERAL.**—The Assistant Secretary, after soliciting input from stakeholders, in-

cluding multimodal freight system users, transportation providers, metropolitan planning organizations, local governments, ports, airports, railroads, and States, through a public process to identify critical freight facilities and corridors, including critical commerce corridors, that are vital to achieve 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, and after providing notice and an opportunity for comment on a draft system, shall designate a National Multimodal Freight Network with the goal of—

(A) improving network and intermodal connectivity; and

(B) using measurable data as part of the assessment of the significance of freight movement, including the consideration of points of origin, destinations, and linking components of domestic and international supply chains.

(2) FACTORS.—In designating or redesignating the National Multimodal Freight Network, the Assistant Secretary shall consider—

(A) origins and destinations of freight movement within, to, and from the United States;

(B) volume, value, tonnage, and the strategic importance of freight;

(C) access to border crossings, airports, seaports, and pipelines;

(D) economic factors, including balance of trade;

(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 Assistant 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 to the States an opportunity to submit proposed designations from the States 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 30 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.

(E) **CONDITION FOR ACCEPTANCE.**—The Secretary shall accept from a State a designation under subparagraph (D) only if the Secretary determines that the designation meets the applicable requirements of subparagraph (A).

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

(Added Pub. L. 114-94, div. A, title VIII, §8001(a), Dec. 4, 2015, 129 Stat. 1607; amended Pub. L. 117-58, div. B, title I, §§21101(d)(3), 21103, Nov. 15, 2021, 135 Stat. 656, 657.)

Editorial Notes

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.

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-58, §21101(d)(3)(A), substituted “Assistant Secretary for Multimodal Freight (referred to in this section as the ‘Assistant Secretary’)” for “Under Secretary of Transportation for Policy” in introductory provisions.

Subsec. (b). Pub. L. 117-58, §21101(d)(3)(D)(i), substituted “Designation of National Multimodal Freight Network” for “Final Network” in heading.

Pub. L. 117-58, §21101(d)(3)(B), (C), redesignated subsec. (c) as (b) and struck out former subsec. (b) which required the establishment of an interim National Multimodal Freight Network no later than 180 days after Dec. 4, 2015.

Subsec. (b)(1). Pub. L. 117-58, §21101(d)(3)(D)(ii), substituted “The Assistant Secretary” for “Not later than 1 year after the date of enactment of this section, the Under Secretary” in introductory provisions.

Subsec. (b)(2), (3). Pub. L. 117-58, §21101(d)(3)(D)(iii), (iv), substituted “Assistant Secretary” for “Under Secretary” in introductory provisions.

Subsec. (b)(3)(C). Pub. L. 117-58, §21103(1), added subpar. (C) and struck out former subpar. (C) which read as follows: “provide the States with an opportunity to submit proposed designations in accordance with paragraph (4).”

Subsec. (b)(4)(C)(i). Pub. L. 117-58, §21103(2)(A), substituted “30 percent” for “20 percent”.

Subsec. (b)(4)(E). Pub. L. 117-58, §21103(2)(B), added subpar. (E).

Subsecs. (c), (d). Pub. L. 117-58, §21101(d)(3)(C), (E), redesignated subsec. (d) as (c), substituted “subsection (b)” for “subsection (c)” in two places, and substituted “Assistant Secretary” for “Under Secretary”. Former subsec. (c) redesignated (b).

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 Amend-

ment 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.
- 70202. State freight plans.
- 70203. Transportation investment data and planning tools.
- 70204. Multi-State freight corridor planning.
- 70205. National multimodal cooperative freight research program.
- 70206. Savings provision.

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-58, div. B, title I, §§21106(b), 21204(b), Nov. 15, 2021, 135 Stat. 662, 679, added items 70204 to 70206 and struck out former item 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—

- (1) ports, if applicable;
- (2) freight railroads, if applicable;
- (3) shippers;
- (4) carriers;
- (5) freight-related associations;
- (6) third-party logistics providers;
- (7) the freight industry workforce;
- (8) the transportation department of the State;
- (9) metropolitan planning organizations;
- (10) local governments;
- (11) the environmental protection department of the State, if applicable;
- (12) the air resources board of the State, if applicable;
- (13) economic development agencies of the State; and
- (14) not-for-profit organizations or community organizations.

(b) **QUALIFICATIONS.**—Each member of a freight advisory committee established under subsection (a) shall have qualifications sufficient to serve on a freight advisory committee, including, as applicable—

- (1) general business and financial experience;
- (2) experience or qualifications in the areas of freight transportation and logistics;
- (3) experience in transportation planning;
- (4) experience representing employees of the freight industry;
- (5) experience representing a State, local government, or metropolitan planning organization; or
- (6) experience representing the views of a community group or not-for-profit organization.

(c) **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;