

(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, including by providing advice regarding the development of the freight investment plan.

(Added Pub. L. 114-94, div. A, title VIII, §8001(a), Dec. 4, 2015, 129 Stat. 1610; amended Pub. L. 117-58, div. B, title I, §21107, Nov. 15, 2021, 135 Stat. 662.)

### Editorial Notes

#### AMENDMENTS

2021—Subsec. (a). Pub. L. 117-58, §21107(1), substituted “representatives of—” and pars. (1) to (14) for “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.”

Subsec. (b). Pub. L. 117-58, §21107(4), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (b)(5). Pub. L. 117-58, §21107(2), substituted “70202, including by providing advice regarding the development of the freight investment plan.” for “70202.”

Subsec. (c). Pub. L. 117-58, §21107(3), redesignated subsec. (b) as (c).

### 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.

### § 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;

(10) the most recent commercial motor vehicle parking facilities assessment conducted by the State under subsection (f);

(11) the most recent supply chain cargo flows in the State, expressed by mode of transportation;

(12) an inventory of commercial ports in the State;

(13) if applicable, consideration of the findings or recommendations made by any multi-State freight compact to which the State is a party under section 70204;

(14) the impacts of e-commerce on freight infrastructure in the State;

(15) considerations of military freight;

(16) strategies and goals to decrease—

(A) the severity of impacts of extreme weather and natural disasters on freight mobility;

(B) the impacts of freight movement on local air pollution;

(C) the impacts of freight movement on flooding and stormwater runoff; and

(D) the impacts of freight movement on wildlife habitat loss; and

(17) 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 8-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 4 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).

(f) COMMERCIAL MOTOR VEHICLE PARKING FACILITIES ASSESSMENTS.—As part of the development or updating, as applicable, of a State freight plan under this section, each State that receives funding under section 167 of title 23, in consultation with relevant State motor carrier safety personnel, shall conduct an assessment of—

(1) the capability of the State, together with the private sector in the State, to provide adequate parking facilities and rest facilities for commercial motor vehicles engaged in interstate transportation;

(2) the volume of commercial motor vehicle traffic in the State; and

(3) whether there exist any areas within the State with a shortage of adequate commercial motor vehicle parking facilities, including an analysis (economic or otherwise, as the State determines to be appropriate) of the underlying causes of such a shortage.

(g) PRIORITY.—Each State freight plan under this section shall include a requirement that the State, in carrying out activities under the State freight plan—

(1) enhance reliability or redundancy of freight transportation; or

(2) incorporate the ability to rapidly restore access and reliability with respect to freight transportation.

## (h) APPROVAL.—

(1) IN GENERAL.—The Secretary of Transportation shall approve a State freight plan described in subsection (a) if the plan achieves compliance with the requirements of this section.

(2) SAVINGS PROVISION.—Nothing in this subsection establishes new procedural requirements for the approval of a State freight plan described in subsection (a).

(Added Pub. L. 114–94, div. A, title VIII, §8001(a), Dec. 4, 2015, 129 Stat. 1610; amended Pub. L. 117–58, div. B, title I, §21104(a), (c), Nov. 15, 2021, 135 Stat. 658, 659.)

**Editorial Notes**

## AMENDMENTS

2021—Subsec. (b)(10) to (17). Pub. L. 117–58, §21104(a)(1), added pars. (10) to (16) and redesignated former par. (10) as (17).

Subsec. (d). Pub. L. 117–58, §21104(c)(1), substituted “8-year” for “5-year”.

Subsec. (e)(1). Pub. L. 117–58, §21104(c)(2), substituted “4 years” for “5 years”.

Subsecs. (f) to (h). Pub. L. 117–58, §21104(a)(2), added subsecs. (f) to (h).

**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.

**§ 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.)

**Editorial Notes**

## REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 114–94, which was approved Dec. 4, 2015.

**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.

**§ 70204. Multi-State freight corridor planning**

(a) CONSENT TO MULTI-STATE FREIGHT MOBILITY COMPACTS.—Congress recognizes the right of States, cities, regional planning organizations, federally recognized Indian Tribes, and local public authorities (including public port au-