

114TH CONGRESS  
1ST SESSION

# H. R. 198

To amend titles 23 and 49, United States Code, to establish national policies and programs to strengthen freight-related infrastructure, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2015

Mr. SIRES introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend titles 23 and 49, United States Code, to establish national policies and programs to strengthen freight-related infrastructure, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Multimodal Opportunities Via Enhanced Freight Act of  
6 2015” or the “MOVE Freight Act of 2015”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—NATIONAL AND STATE FREIGHT POLICY AND  
PLANNING

Sec. 101. National freight policy.

Sec. 102. State freight plans.

## TITLE II—NATIONAL FREIGHT INFRASTRUCTURE INVESTMENT

Sec. 201. National freight infrastructure investment grants.

**1 SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The rapid and cost efficient movement of  
4 goods throughout the United States supply chain,  
5 and particularly through United States trade gate-  
6 ways and corridors, is vital to securing the Nation's  
7 economic future and maintaining the Nation's com-  
8 petitiveness in world markets.

9 (2) More than \$16 trillion worth of freight was  
10 moved in the United States in 2010, accounting for  
11 \$13 trillion in domestic shipments and \$3 trillion in  
12 international exports and imports.

13 (3) Freight is forecasted to grow, with indica-  
14 tors showing that United States shipments will more  
15 than double between 2010 and 2040 to roughly  
16 \$39.5 trillion annually, with an estimated \$10.3 tril-  
17 lion worth of goods using multiple modes of trans-  
18 portation each year.

19 (4) By 2020, the Nation's projected surface  
20 transportation infrastructure deficiencies are ex-  
21 pected to cost the national economy cumulatively al-

1 most \$900 billion in gross domestic product, rising  
2 to \$2.7 billion through 2040.

3 (5) It is the responsibility of the Federal Gov-  
4 ernment to support business by helping to ensure  
5 multimodal freight networks that will provide reli-  
6 able, efficient, and safe transportation, allowing  
7 cost-effective transport of goods to markets near and  
8 far.

9 (6) A national campaign of strategic investment  
10 to expand capacity and increase efficiency can cir-  
11 cumvent the projected loss in United States produc-  
12 tivity and decline in global competitiveness.

13 (7) In establishing national policies and pro-  
14 grams to strengthen freight-related infrastructure,  
15 the President, Federal officials, and other relevant  
16 stakeholders should consider the critical importance  
17 of freight to United States businesses and global  
18 economic competitiveness.

19 (8) Under the Constitution, it is the role of the  
20 Federal Government to protect and promote com-  
21 merce with foreign nations and among the States  
22 through all reasonable means, including through in-  
23 vestment in goods movement infrastructure.

1 **TITLE I—NATIONAL AND STATE**  
2 **FREIGHT POLICY AND PLAN-**  
3 **NING**

4 **SEC. 101. NATIONAL FREIGHT POLICY.**

5 (a) NATIONAL FREIGHT NETWORK DEFINED.—Sec-  
6 tion 101(a) of title 23, United States Code, is amended—

7 (1) by redesignating paragraphs (15) through  
8 (34) as paragraphs (16) through (35), respectively;  
9 and

10 (2) by inserting after paragraph (14) the fol-  
11 lowing:

12 “(15) NATIONAL FREIGHT NETWORK.—The  
13 term ‘national freight network’ means a network  
14 composed of highways, railways, navigable water-  
15 ways, seaports, airports, freight intermodal connec-  
16 tors, and aerotropolis transportation systems most  
17 critical to the multimodal movement of freight.”.

18 (b) ESTABLISHMENT AND DESIGNATION OF NA-  
19 TIONAL FREIGHT NETWORK.—Subsections (c) and (d) of  
20 section 167 of title 23, United States Code, are amended  
21 to read as follows:

22 “(c) ESTABLISHMENT OF NATIONAL FREIGHT NET-  
23 WORK.—

24 “(1) IN GENERAL.—The Secretary shall estab-  
25 lish a national freight network in accordance with

1 this section to assist States in strategically directing  
2 resources toward improved system performance for  
3 efficient movement of freight—

4 “(A) on highways (including highways on  
5 the national highway system), railways, navi-  
6 gable waterways, freight intermodal connectors,  
7 and aerotropolis transportation systems; and

8 “(B) into and out of inland ports, sea-  
9 ports, and airports.

10 “(2) NETWORK COMPONENTS.—The national  
11 freight network shall consist of multimodal transpor-  
12 tation infrastructure, including—

13 “(A) the primary freight network, as des-  
14 ignated by the Secretary under subsection (d)  
15 (referred to in this section as the ‘primary  
16 freight network’) as the network composed of  
17 highways, railways, navigable waterways, sea-  
18 ports, airports, freight intermodal connectors,  
19 and aerotropolis transportation systems most  
20 critical to the multimodal movement of freight;

21 “(B) the portions of the Interstate System  
22 not designated as part of the primary freight  
23 network; and

24 “(C) critical rural freight corridors estab-  
25 lished under subsection (e).

1 “(d) DESIGNATION OF PRIMARY FREIGHT NET-  
2 WORK.—

3 “(1) INITIAL DESIGNATION OF PRIMARY  
4 FREIGHT NETWORK.—

5 “(A) DESIGNATION.—Not later than 1  
6 year after the date of enactment of this section,  
7 the Secretary shall designate a multimodal pri-  
8 mary freight network—

9 “(i) based on an inventory of national  
10 freight volume conducted by the Secretary,  
11 in consultation with stakeholders, including  
12 system users, transport providers, and  
13 States; and

14 “(ii) that shall be comprised of—

15 “(I) not more than 27,000 miles  
16 of existing major freight corridors  
17 that are most critical;

18 “(II) critical rail corridors;

19 “(III) critical intermodal connec-  
20 tions; and

21 “(IV) critical inland port, sea-  
22 port, and airport infrastructure, at  
23 the discretion of the Secretary.

1           “(B) FACTORS FOR DESIGNATION.—In  
2           designating the primary freight network, the  
3           Secretary shall consider—

4                   “(i) the generation of national eco-  
5                   nomic benefits, including job creation, ex-  
6                   panded business opportunities, and bene-  
7                   fits to the gross domestic product;

8                   “(ii) the origins and destinations of  
9                   freight movement in the United States;

10                   “(iii) the total freight tonnage and  
11                   value of freight moved;

12                   “(iv) the percentage of annual average  
13                   daily traffic;

14                   “(v) land and maritime ports of entry;

15                   “(vi) access to energy exploration, de-  
16                   velopment, installation, or production  
17                   areas;

18                   “(vii) population centers; and

19                   “(viii) network connectivity.

20           “(2) ADDITIONAL MILES ON MULTIMODAL PRI-  
21           MARY FREIGHT NETWORK.—In addition to the miles  
22           of existing major freight corridors initially des-  
23           ignated under paragraph (1), the Secretary may in-  
24           crease the number of miles designated as part of the  
25           primary freight network by not more than 3,000 ad-

1       ditional miles of freight corridors (which may include  
2       existing or planned corridors) critical to future effi-  
3       cient movement of goods on the primary freight net-  
4       work.

5               “(3) REDESIGNATION OF PRIMARY FREIGHT  
6       NETWORK.—Effective beginning 10 years after the  
7       designation of the primary freight network and every  
8       10 years thereafter, using the designation factors de-  
9       scribed in paragraph (1), the Secretary shall redesi-  
10      gnate the primary freight network (including addi-  
11      tional mileage described in paragraph (2)).”.

12 **SEC. 102. STATE FREIGHT PLANS.**

13       Section 1118(a) of MAP-21 (23 U.S.C. 167 note;  
14 126 Stat. 473) is amended—

15               (1) by striking “encourage” and inserting “re-  
16       quire”; and

17               (2) by adding at the end the following: “Each  
18       State shall coordinate with neighboring States to en-  
19       sure multistate network continuity and  
20       connectivity.”.



1     **TITLE II—NATIONAL FREIGHT**  
2     **INFRASTRUCTURE INVESTMENT**

3     **SEC. 201. NATIONAL FREIGHT INFRASTRUCTURE INVEST-**  
4             **MENT GRANTS.**

5             (a) ESTABLISHMENT OF PROGRAM.—Chapter 55 of  
6 title 49, United States Code, is amended by adding at the  
7 end the following:

8             “SUBCHAPTER III—FINANCIAL ASSISTANCE  
9     **“§ 5581. National freight infrastructure investment**  
10             **grants**

11             “(a) ESTABLISHMENT OF PROGRAM.—The Secretary  
12 of Transportation shall establish a competitive grant pro-  
13 gram to provide financial assistance for capital invest-  
14 ments that improve the efficiency of the national transpor-  
15 tation system to move freight.

16             “(b) ELIGIBLE PROJECTS.—An applicant is eligible  
17 for a grant under this section for—

18                 “(1) a port development or improvement  
19 project;

20                 “(2) a multimodal terminal facility project;

21                 “(3) a land port of entry project;

22                 “(4) a freight rail improvement or capacity ex-  
23 pansion project;

1           “(5) an intelligent transportation system  
2 project primarily for freight benefit that reduces  
3 congestion or improves safety;

4           “(6) a project that improves access to a port or  
5 terminal facility;

6           “(7) an aerotropolis system, which for purposes  
7 of this section is a planned and coordinated  
8 multimodal freight and passenger transportation  
9 network that, as determined by the Secretary, pro-  
10 vides efficient, cost-effective, sustainable, and inter-  
11 modal connectivity to a defined region of economic  
12 significance centered around a major airport; or

13           “(8) planning, preparation, or design of any  
14 project described in this subsection.

15           “(c) PROJECT SELECTION CRITERIA.—In deter-  
16 mining whether to award a grant to an eligible applicant  
17 under this section, the Secretary shall consider the extent  
18 to which the project—

19           “(1) supports the objectives of the national  
20 freight strategic plan developed under section 167(f)  
21 of title 23;

22           “(2) leverages Federal investment by encour-  
23 aging non-Federal contributions to the project, in-  
24 cluding contributions from public-private partner-  
25 ships;

1           “(3) improves the mobility of goods and com-  
2           modities;

3           “(4) incorporates new and innovative tech-  
4           nologies, including freight-related intelligent trans-  
5           portation systems;

6           “(5) improves energy efficiency or reduces  
7           greenhouse gas emissions;

8           “(6) helps maintain or protect the environment,  
9           including reducing air and water pollution;

10          “(7) reduces congestion;

11          “(8) improves the condition of the freight infra-  
12          structure, including bringing it into a state of good  
13          repair;

14          “(9) improves safety, including reducing trans-  
15          portation accidents, injuries, and fatalities;

16          “(10) demonstrates that the proposed project  
17          cannot be readily and efficiently realized without  
18          Federal support and participation; and

19          “(11) enhances national or regional economic  
20          development, growth, and competitiveness.

21          “(d) LETTERS OF INTENT.—

22                 “(1) ISSUANCE.—The Secretary may issue a  
23                 letter of intent to an applicant announcing an inten-  
24                 tion to obligate, for a major capital project under  
25                 this subsection, an amount from future available

1 budget authority specified in law that is not more  
2 than the amount stipulated as the financial partici-  
3 pation of the Secretary in the project.

4 “(2) NOTICE TO CONGRESS.—At least 30 days  
5 before issuing a letter under paragraph (1), the Sec-  
6 retary shall notify in writing the Committee on Com-  
7 merce, Science, and Transportation of the Senate  
8 and the Committee on Transportation and Infra-  
9 structure of the House of Representatives of the  
10 proposed letter or agreement. The Secretary shall in-  
11 clude with the notification a copy of the proposed  
12 letter or agreement, the criteria used under sub-  
13 section (c) for selecting the project for a grant  
14 award, and a description of how the project meets  
15 such criteria.

16 “(3) LIMITATION.—An obligation or adminis-  
17 trative commitment may be made only when  
18 amounts are made available. The letter of intent  
19 shall state that the contingent commitment is not an  
20 obligation of the Federal Government, and is subject  
21 to the availability of funds under Federal law and to  
22 Federal laws in force or enacted after the date of  
23 the contingent commitment.

24 “(e) FEDERAL SHARE OF NET PROJECT COST.—

1           “(1) ESTIMATE OF NET PROJECT COST.—Based  
2           on engineering studies, studies of economic feasi-  
3           bility, and information on the expected use of equip-  
4           ment or facilities, the Secretary shall estimate the  
5           net project cost.

6           “(2) FEDERAL SHARE.—The Federal share of a  
7           grant for the project shall not exceed 80 percent of  
8           the project net capital cost.

9           “(3) PRIORITY.—The Secretary shall give pri-  
10          ority in allocating future obligations and contingent  
11          commitments to incur obligations to grant requests  
12          seeking a lower Federal share of the project net cap-  
13          ital cost.

14          “(f) COOPERATIVE AGREEMENTS.—

15                 “(1) IN GENERAL.—An applicant may enter  
16                 into an agreement with any public, private, or non-  
17                 profit entity to cooperatively implement any project  
18                 funded with a grant under this subchapter.

19                 “(2) FORMS OF PARTICIPATION.—Participation  
20                 by an entity under paragraph (1) may consist of—

21                         “(A) ownership or operation of any land,  
22                         facility, vehicle, or other physical asset associ-  
23                         ated with the project;

1           “(B) cost sharing of any project expense or  
2 non-Federal share of the project cost, including  
3 in-kind contributions;

4           “(C) carrying out administration, construc-  
5 tion management, project management, project  
6 operation, or any other management or oper-  
7 ational duty associated with the project; and

8           “(D) any other form of participation ap-  
9 proved by the Secretary.

10       “(g) OVERSIGHT PROGRAM.—

11       “(1) ESTABLISHMENT.—

12           “(A) IN GENERAL.—The Secretary shall  
13 establish an oversight program to monitor the  
14 effective and efficient use of funds authorized to  
15 carry out this section.

16           “(B) MINIMUM REQUIREMENT.—At a min-  
17 imum, the program shall be responsive to all  
18 areas relating to financial integrity and project  
19 delivery.

20       “(2) FINANCIAL INTEGRITY.—

21           “(A) FINANCIAL MANAGEMENT SYS-  
22 TEMS.—The Secretary shall perform annual re-  
23 views that address elements of the applicant’s  
24 financial management systems that affect  
25 projects approved under subsection (a).

1           “(B) PROJECT COSTS.—The Secretary  
2           shall develop minimum standards for estimating  
3           project costs and shall periodically evaluate the  
4           practices of applicants for estimating project  
5           costs, awarding contracts, and reducing project  
6           costs.

7           “(3) PROJECT DELIVERY.—The Secretary shall  
8           perform annual reviews that address elements of the  
9           project delivery system of an applicant, which ele-  
10          ments include one or more activities that are in-  
11          volved in the life cycle of a project from conception  
12          to completion of the project.

13          “(4) RESPONSIBILITY OF THE APPLICANTS.—

14                 “(A) IN GENERAL.—Each applicant shall  
15                 submit to the Secretary for approval such  
16                 plans, specifications, and estimates for each  
17                 proposed project as the Secretary may require.

18                 “(B) APPLICANT SUBRECIPIENTS.—The  
19                 applicant shall be responsible for determining  
20                 that a subrecipient of Federal funds under this  
21                 section has—

22                         “(i) adequate project delivery systems  
23                         for projects approved under this section;  
24                         and

1                   “(ii) sufficient accounting controls to  
2                   properly manage such Federal funds.

3                   “(C) PERIODIC REVIEW.—The Secretary  
4                   shall periodically review the monitoring of sub-  
5                   recipients by the applicant.

6                   “(5) SPECIFIC OVERSIGHT RESPONSIBIL-  
7                   ITIES.—Nothing in this section shall affect or dis-  
8                   charge any oversight responsibility of the Secretary  
9                   specifically provided for under this title or other  
10                  Federal law.

11                  “(h) MAJOR PROJECTS.—

12                  “(1) IN GENERAL.—A recipient of a grant for  
13                  a project under this section with an estimated total  
14                  cost of \$500,000,000 or more, and a recipient for  
15                  such other projects as may be identified by the Sec-  
16                  retary, shall submit to the Secretary for each  
17                  project—

18                               “(A) a project management plan; and

19                               “(B) an annual financial plan.

20                  “(2) PROJECT MANAGEMENT PLAN.—A project  
21                  management plan shall document—

22                               “(A) the procedures and processes that are  
23                               in effect to provide timely information to the  
24                               project decisionmakers to effectively manage the



1 scope, costs, schedules, quality of, and the Fed-  
2 eral requirements applicable to, the project; and

3 “(B) the role of the agency leadership and  
4 management team in the delivery of the project.

5 “(3) FINANCIAL PLAN.—A financial plan  
6 shall—

7 “(A) be based on detailed estimates of the  
8 cost to complete the project; and

9 “(B) provide for the annual submission of  
10 updates to the Secretary that are based on rea-  
11 sonable assumptions, as determined by the Sec-  
12 retary, of future increases in the cost to com-  
13 plete the project.

14 “(i) OTHER PROJECTS.—A recipient of Federal fi-  
15 nancial assistance for a project under this section with an  
16 estimated total cost of \$100,000,000 or more that is not  
17 covered by subsection (h) shall prepare an annual financial  
18 plan. Annual financial plans prepared under this sub-  
19 section shall be made available to the Secretary for review  
20 upon the request of the Secretary.

21 “(j) OTHER TERMS AND CONDITIONS.—The Sec-  
22 retary shall determine what additional grant terms and  
23 conditions are necessary and appropriate to meet the re-  
24 quirements of this section.

1       “(k) REGULATIONS.—Not later than 1 year after the  
2 date of enactment of this section, the Secretary shall pre-  
3 scribe regulations to implement this section.

4       “(l) APPLICANT DEFINED.—In this section, the term  
5 ‘applicant’ includes a State, a political subdivision of a  
6 State, government-sponsored authorities and corporations,  
7 and the District of Columbia.

8       “(m) SECRETARIAL OVERSIGHT.—

9               “(1) CONSTRUCTION OVERSIGHT.—The Sec-  
10 retary may use no more than 1 percent of amounts  
11 made available in a fiscal year for capital projects  
12 under this section to enter into contracts to oversee  
13 the construction of such projects.

14               “(2) COMPLIANCE REVIEWS AND AUDITS.—The  
15 Secretary may use amounts available under para-  
16 graph (1) to make contracts for safety, procurement,  
17 management, and financial compliance reviews and  
18 audits of a recipient of amounts under paragraph  
19 (1).

20               “(3) FEDERAL COSTS.—The Federal Govern-  
21 ment shall pay the entire cost of carrying out a con-  
22 tract under this subsection.”.

23       “(b) CONFORMING AMENDMENT.—The analysis for  
24 chapter 55 of title 49, United States Code, is amended  
25 by adding at the end the following:

“SUBCHAPTER III—FINANCIAL ASSISTANCE

“5581. National freight infrastructure investment grants.”.

