

MAP-21 – Summary of Freight Provisions

1. **National Freight Policy.** § 1115 calls for a national policy to improve the condition and performance of the nation's freight infrastructure. As written, seems to involve only highway freight, but USDOT is probably on safe ground expanding the scope to include rail and water.

Timeline: Establish national freight network (one year from enactment)

2. **National Freight Strategic Plan.** (§ 1115) The national freight strategic plan would assess the condition and performance of the national freight network (again, only a highway network as the statute is written). USDOT is required to:
 - a. Identify highway bottlenecks
 - b. Develop forecasts of freight volumes (FAF is mentioned)
 - c. Identify major trade gateways
 - d. Identify barriers to improved freight performance on national freight corridors
 - e. Include routes providing access to areas of energy production
 - f. Enumerate best practices for freight handling
 - g. Create a process for addressing multistate projects and projects to improve intermodal connectivity.

Plan is to be completed in three years, updated every five years thereafter.

3. **State Freight Advisory Committees and State Freight Plans.** (§ 1117-1118)
States are encouraged to establish advisory committees and develop state freight plans. These are to be comprehensive plans for immediate and long term planning activities and investments to improve the efficiency of freight movement.

There is no specified timeline for establishing these committees.

4. **National Freight Network.** (§ 1115) This network is to consist of the primary freight network defined by FHWA, plus portions of the interstate highway system not already designated as part of the primary freight network, and critical rural freight corridors. The network should be a maximum of 27,000 center-line miles, but can be increased by up to 3,000 miles of roads critical to future movement on goods on the defined network.

The network is to be defined within one year of enactment of the Act.

5. **Prioritization of Projects to Improve Freight Movement.** § 1116 increases the Federal share payable to states to 95% on the Interstate network and to 90% on any other project if USDOT certifies that the project demonstrates improvement to the efficient movement of freight and is identified in a state freight plan (see § 1116).

Requires development of guidance on definition of state freight networks by USDOT.

6. **Freight Transportation Conditions & Performance Report.** (§ 1115) This section also calls for the preparation of a report containing a description of the condition of the national freight network and its performance. This is to be posted on the USDOT Web site as part of the Freight Strategic Plan. Frequency of updates is not specified. Probably the C&P report can be updated at the same time intervals as the Freight Strategic Plan, or possibly added as a chapter to the highway/transit C & P report.

No statutory update frequency is specified. This is NOT a report to Congress.

7. **New and Improved Tools to Analyze Freight Movements.** (§ 1115) The Act calls on USDOT to develop new and improved tools (presumably meaning both analysis tools and models) to analyze freight flows.

There is no timeline specified, and there is no requirement to report to Congress.

8. **National Goals and Performance Management Measures.** § 1203 requires DOT to establish within 18 months a set of measures for states to use in assessing freight movement on the Interstate system. Each state is to set performance targets within 1 year of the measures being established. Within 4 years (and biennially after that), states will submit a report on how the state is addressing congestion at freight bottlenecks, including those identified in the National Freight Strategic Plan.

Timeline: Goals and performance measures to be defined by USDOT within 18 months. States to set performance targets within one year after measures are developed, and report to USDOT within four years (and every two years after that) on progress.

9. **Expansion of Eligibility for Surface Transportation Program Funding.** § 1108 expands the eligibility of projects that can be funded under the Surface

Transportation Program, using the same language as that added to TIFIA eligibility in SAFETEA-LU, to include port projects that, if located within the boundaries of a port terminal, include only such surface transportation infrastructure modifications as are necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port.

10. **Projects of National and Regional Significance Program.** (§ 1120) This is continued from SAFETEA-LU as a discretionary grant program. Eligibility is broadened to include tribal governments and transit agencies. The minimum project cost is reduced, and evaluations are adjusted to drop leveraging of federal funds, ITS, and environmental criteria. Roadways vital to national energy security are added. A report to Congress is required, identifying and analyzing a comprehensive list of PNRS projects compiled through a survey of the states.

USDOT probably has the authority to define PNRS broadly enough to include projects for the benefit of freight movement. It seems likely that this section and § 1116 (projects to benefit freight movement) could overlap.

The report to Congress on PNRS is due within two years of enactment of MAP-21. \$500,000,000 is authorized to be appropriated, available until expended, to execute the identified projects.

11. **Expansion of TIFIA Program.** § 2002 greatly expands funds available from the TIFIA program (from \$122 million annually in FY2009 to \$750 million in FY2013 and \$1 billion in FY2014), and also broadens eligibility to include international bridge or tunnel projects and passenger rail infrastructure and equipment projects undertaken by Amtrak, but narrows private freight rail eligibility to freight intermodal facilities and means of access to those facilities.

A report to Congress is required on 6/1/2012 (a date already in the past), and every two years thereafter, listing projects approved for TIFIA funding and their progress in repaying the loans.

12. **Comprehensive Truck Size and Weight Study.** (§ 32801/32802) This is really two separate studies, both to be completed within two years of MAP-21 enactment. The first compiles a list for each State that describes each NHS route that allows a vehicle to operate in excess of the Federal truck size and weight limits and what agency made the determinations, a description of each limitation, and the law that allows it.

This involves:

- Collating all existing state laws that permit exceptions to size and weight limits
- Determining the cost of operating heavier trucks under these laws, and the extent to which these costs are recovered by states through fees.

Within 90 days of enactment of MAP, the Secretary is to begin compiling a list of state truck size and weight limits, identifying those states that allow operation of longer/heavier trucks, and calculate the cost of those heavier trucks and the additional revenues received from each state.

The second study will:

- Determine safety experience of these heavier trucks, including accident rates
- Examine alternative configurations for heavier trucks, especially a six-axle configuration
- Review available data on foreign experience with heavier trucks, with respect to both cost and safety
- Determine the impact of changes in size and weight limits on competing transportation modes.

Both studies are to be complete within two years. Given the short timeline, and the fact that a comprehensive five-year size and weight study was completed by FHWA only a few years ago, the second study will likely consist mostly of a literature review and synthesis plus public outreach. FHWA has already designated a leader for these studies, and requested bi-weekly meetings with the Chain Gang to review progress.

Both studies are due to Congress by 8/1/2014.

13. Jason's Law (Truck Parking Facilities). § 1401 provides funding for truck parking facilities and requires the Secretary to 1) assess the capability of each state to provide truck parking and rest facilities, 2) assess the amount of commercial freight traffic in each state, and 3) develop metrics to determine the adequacy of truck parking facilities in each state. This is to be done within 18 months of enactment (March 1, 2014).

14. Adjustments to Penalty Provisions. § 1404 adjusts a number of penalty provisions, including those having to do with overweight truck enforcement by

states and issuance of commercial drivers' licenses. In general, the penalties are reduced.

15. **Special Permits During Periods of National Emergency.** § 1511 gives the Secretary authority to suspend truck size and weight limits for a 120-day period during national emergencies.

16. **Commercial Vehicle Information Systems and Networks.** § 32605 requires the Secretary to resume the CVISN program, and also requires a report to Congress on its progress, and on the development of a strategic workforce plans for its grants management office. The report to Congress is due by April 1, 2013.

17. **Agricultural Exemption.** § 32934 continues the exemption of trucks used in the production and transportation of agricultural products from all truck regulations, including size and weight and the requirement that drivers have CDLs.

A comprehensive study of the agricultural exemption is required to be completed and delivered to Congress by 4/1/2014. This report is to address: the number of vehicles covered by the agricultural exemption; the number of drivers covered; the number of crashes by covered vehicles and drivers; injuries/deaths to drivers and other occupants; number crash investigations undertaken; total vehicle mileage traveled per year; any other information the Secretary wishes to include.

18. **Motor Carrier Safety Permits.** § 33014 requires a report to Congress on the issuance of hazmat permits to trucks. This report is due by 10/1/2013.

19. **Sense of Congress on Harbor Maintenance.** § 1536 declares the "sense of Congress" that all revenues collected from the Harbor Maintenance Tax should be expended for projects that maintain or deepen channels in navigable waterways or are otherwise applied to maintenance of the marine transportation system.

§ 1537 requires the President's annual budget message for FY 2014 and beyond to contain an estimate of the percentage of channels that are being maintained to "project depth," and provide an estimate of the cost of ensuring that 95% of channels are maintained to project depth. This information would presumably be provided by the U.S. Army Corps of Engineers.

20. **Asian Carp.** § 1538 expedites a study of invasive aquatic species under the Water Resources Development Act of 2007, requiring completion within 18 months of enactment of MAP-21. The USACE is conducting the study. USDOT through MARAD is involved because of the potential impact on navigable waterways of control measures, which could include closure of navigation locks at some locations.

Preliminary report required within 90 days of enactment. Final report within 18 months.