

Calendar No. 541112TH CONGRESS
2^D SESSION**S. 1953****[Report No. 112-236]**

To reauthorize the Research and Innovative Technology Administration, to improve transportation research and development, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2011

Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 13, 2012

Reported by Mr. ROCKEFELLER, without amendment

A BILL

To reauthorize the Research and Innovative Technology Administration, to improve transportation research and development, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Research and Innovative Technology Administration Re-
 4 authorization Act of 2011”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. National Cooperative Freight Research Program.
- Sec. 3. Multimodal Innovative Research Program.
- Sec. 4. Bureau of Transportation Statistics.
- Sec. 5. 5.9 GHz vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment.
- Sec. 6. Administrative authority.
- Sec. 7. Prize authority.
- Sec. 8. Transportation research and development.
- Sec. 9. Use of funds for intelligent transportation systems activities.
- Sec. 10. National Travel Data Program.
- Sec. 11. Authorization of appropriations.

7 **SEC. 2. NATIONAL COOPERATIVE FREIGHT RESEARCH PRO-**
 8 **GRAM.**

9 Section 509(d) of title 23, United States Code, is
 10 amended by adding at the end the following:

11 “(6) **COORDINATION OF COOPERATIVE RE-**
 12 **SEARCH.**—The National Academy of Sciences shall
 13 coordinate research agendas, research project selec-
 14 tions, and competitions across all transportation-re-
 15 lated cooperative research programs conducted by
 16 the National Academy of Sciences to ensure pro-
 17 gram efficiency, effectiveness, and sharing of re-
 18 search findings.”.

1 **SEC. 3. MULTIMODAL INNOVATIVE RESEARCH PROGRAM.**

2 (a) IN GENERAL.—Subchapter I of chapter 55 of title
3 49, United States Code, is amended by adding at the end
4 the following:

5 **“§ 5507. Multimodal Innovative Research Program**

6 “(a) ESTABLISHMENT.—The Secretary of Transpor-
7 tation shall establish a Multimodal Innovative Research
8 Program (referred to in this section as the ‘Program’) in
9 the Research and Innovative Technology Administration.

10 “(b) PURPOSE.—The Program shall support—

11 “(1) national transportation policy, objectives,
12 and goals by applying state-of-the-art advanced tech-
13 nology solutions to multimodal transportation issues;
14 and

15 “(2) key partnerships throughout the Depart-
16 ment of Transportation and with other Federal
17 agencies to fully leverage their investments in trans-
18 portation research and technology developments to
19 address transportation problems at modal interfaces
20 or affecting more than 1 transportation mode.

21 “(c) CONTENT.—The Program shall—

22 “(1) address issues affecting—

23 “(A) policy;

24 “(B) cross-modal concerns, such as effi-
25 cient and intermodal goods and passenger
26 movements;

1 “(C) the development of advanced vehicle
2 technologies;

3 “(D) the application of existing tech-
4 nologies; and

5 “(E) the integration of multimodal real-
6 time transportation information systems;

7 “(2) competitively award contracts or coopera-
8 tive agreements for advanced multimodal transpor-
9 tation research to facilitate practical innovative ap-
10 proaches to solve transportation problems related to
11 attaining—

12 “(A) the strategic goals of the Department
13 of Transportation; and

14 “(B) multimodal elements of the Transpor-
15 tation Research and Development Strategic
16 Plan required under section 508 of title 23;

17 “(3) demonstrate transportation system appli-
18 cations of advanced transportation technologies,
19 methodologies, policies, and decisions;

20 “(4) disseminate best practices in planning, op-
21 erations, design, and maintenance of transportation
22 and related systems; and

23 “(5) provide technology identification, modifica-
24 tion, and dissemination through outreach to other
25 Federal agencies, State and local transportation

1 agencies, and other public, private, and academic
2 stakeholders in the industry.

3 “(d) COORDINATION.—The Secretary of Transpor-
4 tation shall coordinate activities under this section with
5 other Federal agencies, as appropriate.

6 “(e) FUNDING.—

7 “(1) IN GENERAL.—Of the amounts appro-
8 priated pursuant to section 11 of the Research and
9 Innovative Technology Administration Reauthoriza-
10 tion Act of 2011, \$20,000,000 shall be made avail-
11 able for each of the fiscal year 2012 and 2013 to es-
12 tablish and maintain the Multimodal Innovative Re-
13 search Program.

14 “(2) MANAGEMENT AND OVERSIGHT.—During
15 each of the fiscal years 2012 and 2013, the Sec-
16 retary of Transportation may not expend more than
17 1.5 percent of the amounts made available under
18 paragraph (1) to carry out management and over-
19 sight of the Multimodal Innovative Research Pro-
20 gram.”.

21 (b) CLERICAL AMENDMENT.—The chapter analysis
22 for chapter 55 of title 49, United States Code, is amended
23 by inserting after the item relating to section 5506 the
24 following:

“5507. Multimodal Innovative Research Program.”.

1 **SEC. 4. BUREAU OF TRANSPORTATION STATISTICS.**

2 (a) IN GENERAL.—Subtitle III of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“CHAPTER 63—BUREAU OF**
6 **TRANSPORTATION STATISTICS**

“SUBCHAPTER I—BUREAU OF TRANSPORTATION STATISTICS

“Sec.

“6301. Establishment.

“6302. Director.

“6303. Responsibilities.

“6304. National Transportation Library.

“6305. Advisory Council on Transportation Statistics.

“6306. Transportation statistical collection, analysis, and dissemination.

“6307. Furnishing information, data, or reports by Federal agencies.

“6308. Prohibition on certain disclosures.

“6309. Data access.

“6310. Proceeds of data product sales.

“6311. Information collection.

“6312. National transportation atlas database.

“6313. Limitations on statutory construction.

“6314. Research and development grants.

“6315. Transportation statistics annual report.

“6316. Mandatory response authority for data collections.

7 **“SUBCHAPTER I—BUREAU OF**
8 **TRANSPORTATION STATISTICS**

9 **“§ 6301. Establishment**

10 “There is established, in the Research and Innovative
11 Technology Administration, a Bureau of Transportation
12 Statistics (referred to in this subchapter as the ‘Bureau’).

13 **“§ 6302. Director**

14 “(a) APPOINTMENT.—The Bureau shall be headed by
15 a Director, who shall be appointed in the competitive serv-
16 ice by the Secretary of Transportation.

1 “(b) QUALIFICATIONS.—The Director shall be ap-
2 pointed from among individuals who are qualified to serve
3 as the Director by virtue of their training and experience
4 in the collection, analysis, and use of transportation statis-
5 tics.

6 **“§ 6303. Responsibilities**

7 “(a) DUTIES OF THE DIRECTOR.—The Director, who
8 shall serve as the Secretary of Transportation’s senior ad-
9 visor on data and statistics, shall be responsible for car-
10 rying out the following duties:

11 “(1) Ensuring that the statistics compiled
12 under paragraph (6) are designed to support trans-
13 portation decisionmaking by the Federal Govern-
14 ment, State and local governments, metropolitan
15 planning organizations, transportation-related asso-
16 ciations, the private sector (including the freight
17 community), and the public.

18 “(2) Establishing a program, on behalf of the
19 Secretary—

20 “(A) to effectively integrate safety data
21 across modes; and

22 “(B) to address gaps in existing safety
23 data programs of the Department of Transpor-
24 tation.

1 “(3) Working with the operating administra-
2 tions of the Department of Transportation—

3 “(A) to establish and implement the Bu-
4 reau’s data programs; and

5 “(B) to improve the coordination of infor-
6 mation collection efforts with other Federal
7 agencies.

8 “(4) Continually improving surveys and data
9 collection methods to improve the accuracy and util-
10 ity of transportation statistics.

11 “(5) Encouraging the standardization of data,
12 data collection methods, and data management and
13 storage technologies for data collected by the Bu-
14 reau, the operating administrations of the Depart-
15 ment of Transportation, States, local governments,
16 metropolitan planning organizations, and private
17 sector entities.

18 “(6) Collecting, compiling, analyzing, and pub-
19 lishing a comprehensive set of transportation statis-
20 tics on the performance and impacts of the national
21 transportation system, including statistics on—

22 “(A) transportation safety across all modes
23 and intermodally;

24 “(B) the state of good repair of United
25 States transportation infrastructure.

1 “(C) the extent, connectivity, and condition
2 of the transportation system, building on the
3 national transportation atlas database devel-
4 oped under section 6312;

5 “(D) economic efficiency throughout the
6 entire transportation sector;

7 “(E) the effects of the transportation sys-
8 tem on global and domestic economic competi-
9 tiveness;

10 “(F) demographic, economic, and other
11 variables influencing travel behavior, including
12 choice of transportation mode and goods move-
13 ment;

14 “(G) transportation-related variables that
15 influence the domestic economy and global com-
16 petitiveness;

17 “(H) the economic costs and impacts for
18 passenger travel and freight movement;

19 “(I) intermodal and multimodal passenger
20 movement;

21 “(J) intermodal and multimodal freight
22 movement; and

23 “(K) the consequences of transportation
24 for the human and natural environment, sus-

1 tainable transportation, and livable commu-
2 nities.

3 “(7) Building and disseminating the transpor-
4 tation layer of the National Spatial Data Infrastruc-
5 ture developed under Executive Order 12906, includ-
6 ing—

7 “(A) coordinating the development of
8 transportation geospatial data standards;

9 “(B) compiling intermodal geospatial data;
10 and

11 “(C) collecting geospatial data that is not
12 being collected by others.

13 “(8) Issuing guidelines for the collection of in-
14 formation by the Department of Transportation that
15 is required for transportation statistics, modeling,
16 economic assessment, and program assessment in
17 order to ensure that such information is accurate,
18 reliable, relevant, uniform and in a form that per-
19 mits systematic analysis by the Department.

20 “(9) Reviewing and reporting to the Secretary
21 of Transportation on the sources and reliability of—

22 “(A) the statistics proposed by the heads
23 of the operating administrations of the Depart-
24 ment of Transportation to measure outputs and
25 outcomes, as required by the Government Per-

1 formance and Results Act of 1993 (Public Law
2 103–62; 107 Stat. 285); and

3 “(B) other data collected or statistical in-
4 formation published by the heads of the oper-
5 ating administrations of the Department.

6 “(10) Making the statistics published under
7 this subsection readily accessible to the public, con-
8 sistent with applicable security constraints and con-
9 fidentiality interests.

10 “(b) ACCESS TO FEDERAL DATA.—In carrying out
11 subsection (a)(2), the Director shall be provided access
12 to—

13 “(1) all safety data held by any agency of the
14 Department; and

15 “(2) all safety data held by any other Federal
16 Government agency that is germane to carrying out
17 subsection (a), upon written request and subject to
18 any statutory or regulatory restrictions.

19 “(c) INTERMODAL TRANSPORTATION DATABASE.—

20 “(1) IN GENERAL.—In consultation with the
21 Under Secretary for Policy, the Assistant Secre-
22 taries, and the heads of the operating administra-
23 tions of the Department of Transportation, the Di-
24 rector shall establish and maintain a transportation
25 database for all modes of transportation.

1 “(2) USE OF DATABASE.—The database estab-
 2 lished under this subsection shall be suitable for
 3 analyses carried out by the Federal Government, the
 4 States, and metropolitan planning organizations.

5 “(3) CONTENTS.—The database established
 6 under this section shall include—

7 “(A) information on the volumes and pat-
 8 terns of movement, including local, inter-
 9 regional, and international movement—

10 “(i) of goods by all modes of transpor-
 11 tation and intermodal combinations, and
 12 by relevant classification; and

13 “(ii) of people by all modes of trans-
 14 portation (including bicycle and pedestrian
 15 modes) and intermodal combinations, and
 16 by relevant classification;

17 “(B) information on the location and
 18 connectivity of transportation facilities and
 19 services; and

20 “(C) a national accounting of expenditures
 21 and capital stocks on each mode of transpor-
 22 tation and intermodal combination.

23 **“§ 6304. National Transportation Library**

24 “(a) PURPOSE AND ESTABLISHMENT.—There is es-
 25 tablished, in the Bureau, a National Transportation Li-

1 brary (referred to in this section as the ‘Library’), which
2 shall—

3 “(1) support the information management and
4 decisionmaking needs of transportation at Federal,
5 State, and local levels;

6 “(2) be headed by an individual who is highly
7 qualified in library and information science;

8 “(3) acquire, preserve, and manage transpor-
9 tation information and information products and
10 services for use of the Department of Transpor-
11 tation, other Federal agencies, and the general pub-
12 lic;

13 “(4) provide reference and research assistance;

14 “(5) serve as a central depository for research
15 results and technical publications of the Department
16 of Transportation;

17 “(6) provide a central clearinghouse for trans-
18 portation data and information in the Federal Gov-
19 ernment;

20 “(7) serve as coordinator and policy lead for
21 transportation information access;

22 “(8) provide transportation information and in-
23 formation products and services to the Department
24 of Transportation, other agencies of the Federal
25 Government, public and private organizations, and

1 individuals, within the United States and inter-
2 nationally;

3 “(9) coordinate efforts among, and cooperate
4 with, transportation libraries, information providers,
5 and technical assistance centers, in conjunction with
6 private industry and other transportation library and
7 information centers, toward the development of a
8 comprehensive transportation information and
9 knowledge network supporting activities described in
10 subparagraphs (A) through (K) of section
11 6303(a)(6); and

12 “(10) engage in such other activities as the Di-
13 rector determines appropriate and as the Library’s
14 resources permit.

15 “(b) ACCESS.—The Director shall publicize, facili-
16 tate, and promote access to the information products and
17 services described in subsection (a) to improve—

18 “(1) the ability of the transportation commu-
19 nity to share information; and

20 “(2) the ability of the Director to make statis-
21 tics and other information readily accessible under
22 section 6303(a)(10).

23 “(c) AGREEMENTS.—

24 “(1) IN GENERAL.—The Director may enter
25 into agreements with, award grants to, and receive

1 funds from any State and other political subdivision,
 2 organization, business, or individual for the purpose
 3 of conducting activities under this section.

4 “(2) CONTRACTS, GRANTS, AND AGREE-
 5 MENTS.—The Library may initiate and support spe-
 6 cific information and data management, access, and
 7 exchange activities in connection with matters relat-
 8 ing to Department of Transportation’s strategic
 9 goals, knowledge networking, and national and inter-
 10 national cooperation by entering into contracts or
 11 awarding grants for the conduct of such activities.

12 “(3) FUNDS.—Amounts received under this
 13 subsection for payments for library products and
 14 services or other activities shall—

15 “(A) be deposited in the Research and In-
 16 novative Technology Administration’s general
 17 fund account; and

18 “(B) remain available to the Library until
 19 expended.

20 **“§ 6305. Advisory Council on Transportation Statis-**
 21 **tics**

22 “(a) IN GENERAL.—The Director shall maintain an
 23 Advisory Council on Transportation Statistics (referred to
 24 in this section as the ‘Advisory Council’).

1 “(b) FUNCTION.—The Advisory Council shall advise
2 the Director on—

3 “(1) the quality, reliability, consistency, objec-
4 tivity, and relevance of transportation statistics and
5 analyses collected, supported, or disseminated by the
6 Bureau and the Department of Transportation; and

7 “(2) methods to encourage cooperation and
8 interoperability of transportation data collected by
9 the Bureau, the operating administrations of the De-
10 partment, States, local governments, metropolitan
11 planning organizations, and private sector entities.

12 “(c) MEMBERSHIP.—

13 “(1) IN GENERAL.—The Advisory Council shall
14 be composed of not fewer than 9 members and not
15 more than 11 members, who shall be appointed by
16 the Director.

17 “(2) SELECTION.—In selecting members for the
18 Advisory Council, the Director shall appoint individ-
19 uals who—

20 “(A) are not officers or employees of the
21 United States;

22 “(B) possess expertise in—

23 “(i) transportation data collection,
24 analysis, or application;

25 “(ii) economics; or

1 “(iii) transportation safety; and

2 “(C) represent a cross section of transpor-
3 tation stakeholders, to the greatest extent pos-
4 sible.

5 “(3) TERMS OF APPOINTMENT.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), members of the Advisory
8 Council—

9 “(i) shall be appointed to staggered
10 terms not to exceed 3 years; and

11 “(ii) may be renominated for 1 addi-
12 tional 3-year term.

13 “(B) CURRENT MEMBERS.—Members serv-
14 ing on the Advisory Council as of the date of
15 the enactment of the Research and Innovative
16 Technology Administration Reauthorization Act
17 of 2011 shall serve until the end of their ap-
18 pointed terms.

19 “(d) APPLICABILITY OF FEDERAL ADVISORY COM-
20 MITTEE ACT.—The Federal Advisory Committee Act (ex-
21 cept for section 14 of such Act) shall apply to the Advisory
22 Council.

1 **“§ 6306. Transportation statistical collection, anal-**
2 **ysis, and dissemination**

3 “To ensure that all transportation statistical collec-
4 tion, analysis, and dissemination is carried out in a coordi-
5 nated manner, the Director may—

6 “(1) utilize, with their consent, the services,
7 equipment, records, personnel, information, and fa-
8 cilities of other Federal, State, local, and private
9 agencies and instrumentalities with or without reim-
10 bursement for such utilization;

11 “(2) enter into agreements with agencies and
12 instrumentalities referred to in paragraph (1) for
13 purposes of data collection and analysis;

14 “(3) confer and cooperate with foreign govern-
15 ments, international organizations, States, munici-
16 palities, and other local agencies;

17 “(4) request such information, data, and re-
18 ports from any Federal agency as may be required
19 to carry out the purposes of this section;

20 “(5) encourage replication, coordination, and
21 sharing among transportation agencies regarding in-
22 formation systems, information policy, and data; and

23 “(6) confer and cooperate with Federal statis-
24 tical agencies as needed to carry out the purposes of
25 this section, including by entering into cooperative
26 data sharing agreements in conformity with all laws

1 and regulations applicable to the disclosure and use
2 of data.

3 **“§ 6307. Furnishing information, data, or reports by**
4 **Federal agencies**

5 “Federal agencies requested to furnish information,
6 data, or reports under section 6303(b) shall provide such
7 information to the Bureau as is required to carry out the
8 purposes of this section.

9 **“§ 6308. Prohibition on certain disclosures**

10 “(a) IN GENERAL.—An officer, employee, or con-
11 tractor of the Bureau may not—

12 “(1) make any disclosure in which the data pro-
13 vided by an individual or organization under section
14 6303 can be identified;

15 “(2) use the information provided under section
16 6303 for a nonstatistical purpose; or

17 “(3) permit anyone other than an individual au-
18 thorized by the Director to examine any individual
19 report provided under section 6303.

20 “(b) COPIES OF REPORTS.—

21 “(1) IN GENERAL.—A department, bureau,
22 agency, officer, or employee of the United States
23 (except the Director in carrying out this section)
24 may not require, for any reason, a copy of any re-

1 port that has been filed under section 6303 with the
2 Bureau or retained by an individual respondent.

3 “(2) LIMITATION ON JUDICIAL PRO-
4 CEEDINGS.—A copy of a report described in para-
5 graph (1) that has been retained by an individual re-
6 spondent or filed with the Bureau or any of its em-
7 ployees, contractors, or agents—

8 “(A) shall be immune from legal process;
9 and

10 “(B) may not, without the consent of the
11 individual concerned, be admitted as evidence or
12 used for any purpose in any action, suit, or
13 other judicial or administrative proceedings.

14 “(3) APPLICABILITY.—This subsection shall
15 only apply to reports that permit information con-
16 cerning an individual or organization to be reason-
17 ably determined by direct or indirect means.

18 “(c) INFORMING RESPONDENT OF USE OF DATA.—
19 If the Bureau is authorized by statute to collect data or
20 information for a nonstatistical purpose, the Director shall
21 clearly distinguish the collection of such data or informa-
22 tion, by rule and on the collection instrument, to inform
23 a respondent who is requested or required to supply the
24 data or information of the nonstatistical purpose.

1 **“§ 6309. Data access**

2 “The Director shall be provided access to transpor-
3 tation and transportation-related information in the pos-
4 sition of any Federal agency, except—

5 “(1) information that is expressly prohibited by
6 law from being disclosed to another Federal agency;
7 or

8 “(2) information that the agency possessing the
9 information determines could not be disclosed with-
10 out significantly impairing the discharge of authori-
11 ties and responsibilities which have been delegated
12 to, or vested by law, in such agency.

13 **“§ 6310. Proceeds of data product sales**

14 “Notwithstanding section 3302 of title 31, amounts
15 received by the Bureau from the sale of data products,
16 for necessary expenses incurred, may be credited to the
17 Highway Trust Fund (other than the Mass Transit Ac-
18 count) for the purpose of reimbursing the Bureau for such
19 expenses.

20 **“§ 6311. Information collection**

21 “As the head of an independent Federal statistical
22 agency, the Director may consult directly with the Office
23 of Management and Budget concerning any survey, ques-
24 tionnaire, or interview that the Director considers nec-
25 essary to carry out the statistical responsibilities under
26 this subchapter.

1 **“§ 6312. National transportation atlas database**

2 “(a) IN GENERAL.—The Director shall develop and
3 maintain a national transportation atlas database that is
4 comprised of geospatial databases that depict—

5 “(1) transportation networks;

6 “(2) flows of people, goods, vehicles, and craft
7 over the networks; and

8 “(3) social, economic, and environmental condi-
9 tions that affect, or are affected by, the networks.

10 “(b) INTERMODAL NETWORK ANALYSIS.—The data-
11 bases developed under subsection (a) shall be capable of
12 supporting intermodal network analysis.

13 **“§ 6313. Limitations on statutory construction**

14 “Nothing in this subchapter may be construed—

15 “(1) to authorize the Bureau to require any
16 other department or agency to collect data; or

17 “(2) to reduce the authority of any other officer
18 of the Department to independently collect and dis-
19 seminate data.

20 **“§ 6314. Research and development grants**

21 “The Secretary may award grants to, or enter into
22 cooperative agreements or contracts with, public and non-
23 profit private entities (including State transportation de-
24 partments, metropolitan planning organizations, and insti-
25 tutions of higher education) for—

1 “(1) investigation of the subjects specified in
2 section 6303 and research and development of new
3 methods of data collection, standardization, manage-
4 ment, integration, dissemination, interpretation, and
5 analysis;

6 “(2) demonstration programs by States, local
7 governments, and metropolitan planning organiza-
8 tions to coordinate data collection, reporting, man-
9 agement, storage, and archiving to simplify data
10 comparisons across jurisdictions;

11 “(3) development of electronic clearinghouses of
12 transportation data and related information, as part
13 of the National Transportation Library under sec-
14 tion 6304; and

15 “(4) development and improvement of methods
16 for sharing geographic data, in support of the data-
17 base under section 6303 and the National Spatial
18 Data Infrastructure.

19 **“§ 6315. Transportation statistics annual report**

20 “The Director shall submit to the President and Con-
21 gress a transportation statistics annual report, which shall
22 include—

23 “(1) information on items referred to in section
24 6303(a)(6);

1 (b) RULES OF CONSTRUCTION.—In transferring the
2 provisions under section 111 of title 49, United States
3 Code, to chapter 63 of title 49, as added by subsection
4 (a), the following rules of construction shall apply:

5 (1) For purposes of determining whether 1 pro-
6 vision of law supersedes another based on enactment
7 later in time, a provision under chapter 63 of title
8 49, United States Code, is deemed to have been en-
9 acted on the date of the enactment of the cor-
10 responding provision under section 111 of such title.

11 (2) A reference to a provision under such chap-
12 ter 65 is deemed to refer to the corresponding provi-
13 sion under such section 111.

14 (3) A reference to a provision under such sec-
15 tion 111, including a reference in a regulation,
16 order, or other law, is deemed to refer to the cor-
17 responding provision under such chapter 65.

18 (4) A regulation, order, or other administrative
19 action authorized by a provision under such section
20 111 continues to be authorized by the corresponding
21 provision under such chapter 65.

22 (5) An action taken or an offense committed
23 under a provision of section 111 is deemed to have
24 been taken or committed under the corresponding
25 provision of chapter 65.

1 (c) CONFORMING AMENDMENTS.—

2 (1) REPEAL.—Chapter 1 of title 49, United
3 States Code, is amended—

4 (A) by repealing section 111; and

5 (B) by striking the item relating to section
6 111 in the chapter analysis.

7 (2) ANALYSIS OF SUBTITLE III.—The table of
8 chapters for subtitle III of title 49, United States
9 Code, is amended by inserting after the item for
10 chapter 61 the following:

11 “63. Bureau of Transportation Statistics
12 6301”.

13 **SEC. 5. 5.9 GHZ VEHICLE-TO-VEHICLE AND VEHICLE-TO-IN-**
14 **FRASTRUCTURE COMMUNICATIONS SYSTEMS**
15 **DEPLOYMENT.**

16 (a) IN GENERAL.—Subchapter I of chapter 55 of title
17 49, United States Code, as amended by section 3, is fur-
18 ther amended by adding at the end the following:

19 **“§ 5508. GHz vehicle-to-vehicle and vehicle-to-infra-**
20 **structure communications systems de-**
21 **ployment**

22 “(a) IN GENERAL.—Not later than 3 years after the
23 date of the enactment of this section, the Secretary shall
24 submit a report to the Committee on Commerce, Science,
25 and Transportation of the Senate, the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives, and the Committee on Energy and Commerce
3 of the House of Representatives that—

4 “(1) defines a recommended implementation
5 path for Dedicated Short Range Communications
6 (DSRC) technology and applications; and

7 “(2) includes guidance concerning the relation-
8 ship of the proposed DSRC deployment to Intel-
9 ligent Transportation System National Architecture
10 and Standards.

11 “(b) REPORT REVIEW.—The Secretary shall enter
12 into an agreement for the review of the report submitted
13 under subsection (a) by an independent third party with
14 subject matter expertise.”.

15 (b) CONFORMING AMENDMENT.—The analysis of
16 chapter 55 of title 49, United States Code, is amended
17 by inserting after the item relating to section 5507, as
18 added by section 3, the following:

“5508. 5.9 GHz vehicle-to-vehicle and vehicle-to-infrastructure communications
systems deployment.”.

19 **SEC. 6. ADMINISTRATIVE AUTHORITY.**

20 Section 112 of title 49, United States Code, is
21 amended by inserting after subsection (e) the following:

22 “(f) PROGRAM EVALUATION AND OVERSIGHT.—The
23 Administrator is authorized to expend not more than 1.5
24 percent of the amounts authorized to be appropriated for

1 each of the fiscal years 2012 and 2013, for necessary ex-
2 penses for administration and operations of the Research
3 and Innovative Technology Administration for the coordi-
4 nation, evaluation, and oversight of the programs adminis-
5 tered by the Administration.

6 “(g) COLLABORATIVE RESEARCH AND DEVELOP-
7 MENT.—

8 “(1) IN GENERAL.—To encourage innovative
9 solutions to multimodal transportation problems and
10 stimulate the deployment of new technology, the Ad-
11 ministrator may carry out, on a cost-shared basis,
12 collaborative research and development with—

13 “(A) non-Federal entities, including State
14 and local governments, foreign governments,
15 colleges and universities, corporations, institu-
16 tions, partnerships, sole proprietorships, and
17 trade associations that are incorporated or es-
18 tablished under the laws of any State;

19 “(B) Federal laboratories; and

20 “(C) other Federal agencies.

21 “(2) COOPERATION, GRANTS, CONTRACTS, AND
22 AGREEMENTS.—Notwithstanding any other provision
23 of law, the Administrator may directly initiate con-
24 tracts, grants, other transactions, and cooperative
25 research and development agreements (as defined in

1 section 12 of the Stevenson-Wydler Technology In-
2 novation Act of 1980 (15 U.S.C. 3710a)) to fund,
3 and accept funds from, the Transportation Research
4 Board of the National Research Council of the Na-
5 tional Academy of Sciences, State departments of
6 transportation, cities, counties, universities, associa-
7 tions, and the agents of such entities to conduct
8 joint transportation research and technology efforts.

9 “(3) FEDERAL SHARE.—

10 “(A) IN GENERAL.—The Federal share of
11 the cost of activities carried out under a cooper-
12 ative research and development agreement en-
13 tered into under this subsection may not exceed
14 50 percent unless the Secretary approves a
15 greater Federal share due to substantial public
16 interest or benefit.

17 “(B) NON-FEDERAL SHARE.—All costs di-
18 rectly incurred by the non-Federal partners, in-
19 cluding personnel, travel, facility, and hardware
20 development costs, shall be credited toward the
21 non-Federal share of the cost of the activities
22 described in subparagraph (A).

23 “(4) USE OF TECHNOLOGY.—The research, de-
24 velopment, or use of a technology under a coopera-
25 tive research and development agreement entered

1 into under this subsection, including the terms
 2 under which the technology may be licensed and the
 3 resulting royalties may be distributed, shall be sub-
 4 ject to the Stevenson-Wydler Technology Innovation
 5 Act of 1980 (15 U.S.C. 3701 et seq.).

6 “(5) WAIVER OF ADVERTISING REQUIRE-
 7 MENTS.—Section 3709 of the Revised Statutes (41
 8 U.S.C. 5) shall not apply to a contract, grant, or
 9 other agreement entered into under this chapter.”.

10 **SEC. 7. PRIZE AUTHORITY.**

11 (a) IN GENERAL.—Chapter 3 of title 49, United
 12 States Code, is amended by inserting before section 336
 13 the following:

14 **“SEC. 335. PRIZE AUTHORITY.**

15 “(a) IN GENERAL.—The Secretary of Transportation
 16 may carry out a program, in accordance with this section,
 17 to competitively award cash prizes to stimulate innovation
 18 in basic and applied research, technology development,
 19 and prototype demonstration that have the potential for
 20 application to the national transportation system.

21 “(b) TOPICS.—In selecting topics for prize competi-
 22 tions under this section, the Secretary shall—

23 “(1) consult with a wide variety of Government
 24 and nongovernment representatives; and

1 “(2) give consideration to prize goals that dem-
2 onstrate innovative approaches and strategies to im-
3 prove the safety, efficiency, and sustainability of the
4 national transportation system.

5 “(c) ADVERTISING.—The Secretary shall encourage
6 participation in the prize competitions through extensive
7 advertising.

8 “(d) REQUIREMENTS AND REGISTRATION.—For each
9 prize competition, the Secretary shall publish a notice on
10 a public website that describes—

11 “(1) the subject of the competition;

12 “(2) the eligibility rules for participation in the
13 competition;

14 “(3) the amount of the prize; and

15 “(4) the basis on which a winner will be se-
16 lected.

17 “(e) ELIGIBILITY.—An individual or entity may not
18 receive a prize under this section unless the individual or
19 entity—

20 “(1) has registered to participate in the com-
21 petition pursuant to any rules promulgated by the
22 Secretary under this section;

23 “(2) has complied with all the requirements
24 under this section;

1 “(3)(A) in the case of a private entity, is incor-
2 porated in, and maintains a primary place of busi-
3 ness in, the United States; or

4 “(B) in the case of an individual, whether par-
5 ticipating singly or in a group, is a citizen or perma-
6 nent resident of the United States; and

7 “(4) is not a Federal entity or Federal em-
8 ployee acting within the scope of his or her employ-
9 ment.

10 “(f) LIABILITY.—

11 “(1) ASSUMPTION OF RISK.—

12 “(A) IN GENERAL.—A registered partici-
13 pant shall agree to assume any and all risks
14 and waive claims against the Federal Govern-
15 ment and its related entities, except in the case
16 of willful misconduct, for any injury, death,
17 damage, or loss of property, revenue, or profits,
18 whether direct, indirect, or consequential, aris-
19 ing from participation in a competition, whether
20 such injury, death, damage, or loss arises
21 through negligence or otherwise.

22 “(B) RELATED ENTITY.—In this para-
23 graph, the term ‘related entity’ means a con-
24 tractor, subcontractor (at any tier), supplier,

1 user, customer, cooperating party, grantee, in-
2 vestigator, or detailee.

3 “(2) FINANCIAL RESPONSIBILITY.—A partici-
4 pant shall obtain liability insurance or demonstrate
5 financial responsibility, in amounts determined by
6 the Secretary, for claims by—

7 “(A) a third party for death, bodily injury,
8 or property damage, or loss resulting from an
9 activity carried out in connection with participa-
10 tion in a competition, with the Federal Govern-
11 ment named as an additional insured under the
12 registered participant’s insurance policy and
13 registered participants agreeing to indemnify
14 the Federal Government against third party
15 claims for damages arising from or related to
16 competition activities; and

17 “(B) the Federal Government for damage
18 or loss to Government property resulting from
19 such an activity.

20 “(g) JUDGES.—

21 “(1) SELECTION.—For each prize competition,
22 the Secretary, either directly or through an agree-
23 ment under subsection (h), shall assemble a panel of
24 qualified judges to select the winner or winners of
25 the prize competition on the basis described in sub-

1 section (d). Judges for each competition shall in-
2 clude individuals from outside the Administration,
3 including the private sector.

4 “(2) LIMITATIONS.—A judge selected under
5 this subsection may not—

6 “(A) have personal or financial interests
7 in, or be an employee, officer, director, or agent
8 of, any entity that is a registered participant in
9 a prize competition under this section; or

10 “(B) have a familial or financial relation-
11 ship with an individual who is a registered par-
12 ticipant.

13 “(h) ADMINISTERING THE COMPETITION.—The Sec-
14 retary may enter into an agreement with a private, non-
15 profit entity to administer the prize competition, subject
16 to the provisions of this section.

17 “(i) FUNDING.—

18 “(1) PRIVATE SECTOR FUNDING.—A cash prize
19 under this section may consist of funds appropriated
20 by the Federal Government and funds provided by
21 the private sector. The Secretary may accept funds
22 from other Federal agencies, State and local govern-
23 ments, and metropolitan planning organizations for
24 the cash prizes. The Secretary may not give any spe-

1 cial consideration to any private sector entity in re-
2 turn for a donation under this paragraph.

3 “(2) AVAILABILITY OF FUNDS.—Notwith-
4 standing any other provision of law, amounts appro-
5 priated for prize awards under this section—

6 “(A) shall remain available until expended;
7 and

8 “(B) may not be transferred, repro-
9 grammed, or expended for other purposes until
10 after the expiration of the 10-year period begin-
11 ning on the last day of the fiscal year for which
12 the funds were originally appropriated.

13 “(3) SAVINGS PROVISION.—Nothing in this sub-
14 section may be construed to permit the obligation or
15 payment of funds in violation of the Anti-Deficiency
16 Act (31 U.S.C. 1341).

17 “(4) PRIZE ANNOUNCEMENT.—A prize may not
18 be announced under this section until all the funds
19 needed to pay out the announced amount of the
20 prize have been appropriated or committed in writ-
21 ing by a private source.

22 “(5) PRIZE INCREASES.—The Secretary may
23 increase the amount of a prize after the initial an-
24 nouncement of the prize under this section if—

1 “(A) notice of the increase is provided in
2 the same manner as the initial notice of the
3 prize; and

4 “(B) the funds needed to pay out the an-
5 nounced amount of the increase have been ap-
6 propriated or committed in writing by a private
7 source.

8 “(6) CONGRESSIONAL NOTIFICATION.—A prize
9 competition under this section may offer a prize in
10 an amount greater than \$1,000,000 only after 30
11 days have elapsed after written notice has been
12 transmitted to the Committee on Commerce,
13 Science, and Transportation of the Senate and the
14 Committee on Science, Space, and Technology of the
15 House of Representatives.

16 “(7) AWARD LIMIT.—A prize competition under
17 this section may not result in the award of more
18 than \$25,000 in cash prizes without the approval of
19 the Secretary.

20 “(j) USE OF DEPARTMENT NAME AND INSIGNIA.—
21 A registered participant in a prize competition under this
22 section may use the Department’s name, initials, or insig-
23 nia only after prior review and written approval by the
24 Secretary.

1 “(k) COMPLIANCE WITH EXISTING LAW.—The Fed-
 2 eral Government shall not, by virtue of offering or pro-
 3 viding a prize under this section, be responsible for compli-
 4 ance by registered participants in a prize competition with
 5 Federal law, including licensing, export control, and non-
 6 proliferation laws, and related regulations.”.

7 (b) CONFORMING AMENDMENT.—The analysis of
 8 chapter 3 of title 49, United States Code, is amended by
 9 inserting before the item relating to section 336 the fol-
 10 lowing:

“335. Prize authority.”.

11 **SEC. 8. TRANSPORTATION RESEARCH AND DEVELOPMENT.**

12 Section 508(a) of title 23, United States Code, is
 13 amended—

14 (1) in paragraph (1), by striking “SAFETEA-
 15 LU” and inserting “Research and Innovative Tech-
 16 nology Administration Reauthorization Act of
 17 2011”; and

18 (2) by amending paragraph (2)(A) to read as
 19 follows:

20 “(A) describe the primary purposes of the
 21 transportation research and development pro-
 22 gram, which shall include—

23 “(i) promoting safety;

24 “(ii) reducing congestion and improv-
 25 ing mobility;

- 1 “(iii) promoting security;
- 2 “(iv) protecting and enhancing the en-
- 3 vironment;
- 4 “(v) preserving the existing transpor-
- 5 tation system; and
- 6 “(vi) improving transportation infra-
- 7 structure, in coordination with Department
- 8 of Transportation strategic goals and plan-
- 9 ning efforts;”.

10 **SEC. 9. USE OF FUNDS FOR INTELLIGENT TRANSPOR-**

11 **TATION SYSTEMS ACTIVITIES.**

12 Section 513 of title 23, United States Code, is

13 amended to read as follows:

14 **“§ 513. Use of funds for ITS activities**

15 “(a) IN GENERAL.—The Secretary may use not more

16 than \$500,000 of the amounts made available to the De-

17 partment for each fiscal year to carry out the Intelligent

18 Transportation Systems Program (referred to in this sec-

19 tion as ‘ITS’) on intelligent transportation system out-

20 reach, websites, public relations, displays, tours, and bro-

21 chures.

22 “(b) PURPOSE.—Amounts authorized for use under

23 subsection (a) are intended to develop, administer, com-

24 municate, and promote the use of products of research,

1 technology, and technology transfer programs under this
2 section.

3 “(c) ITS DEPLOYMENT INCENTIVES.—

4 “(1) IN GENERAL.—The Secretary may develop
5 and implement incentives to accelerate the deploy-
6 ment of ITS technologies and services within all pro-
7 grams receiving amounts appropriated pursuant to
8 section 11 of the Research and Innovative Tech-
9 nology Administration Reauthorization Act of 2011.

10 “(2) COMPREHENSIVE PLAN.—The Secretary
11 shall develop a detailed and comprehensive plan to
12 carry out this subsection that addresses how incen-
13 tives may be adopted, as appropriate, through the
14 existing deployment activities carried out by surface
15 transportation modal administrations.”.

16 **SEC. 10. NATIONAL TRAVEL DATA PROGRAM.**

17 (a) IN GENERAL.—Subchapter I of chapter 55 of title
18 49, United States Code, as amended by sections 3 and
19 5, is further amended by adding at the end the following:

20 **“§ 5509. National Travel Data Program**

21 “(a) ESTABLISHMENT.—Not later than 18 months
22 after the date of the enactment of the Research and Inno-
23 vative Technology Administration Reauthorization Act of
24 2011, the Secretary of Transportation shall establish the
25 National Travel Data Program (referred to in this section

1 as the “Program”) to collect essential national passenger
2 and freight travel data to help guide transportation oper-
3 ations, policy, and investment decisions for Federal, State,
4 and local governments and the private sector.

5 “(b) PROGRAM ELEMENTS.—In carrying out the Pro-
6 gram, the Secretary shall—

7 “(1) collect data and make such data available
8 to support transportation operations, policy, and in-
9 vestment decisions, including data on system per-
10 formance, safety, international competitiveness, en-
11 ergy efficiency, and changes in demographics;

12 “(2) improve the quality of the data collected
13 under the Program, including identifying and ad-
14 dressing current gaps in passenger and freight travel
15 data collection, such as the sample sizes and fre-
16 quency of transportation surveys including the Com-
17 modity Flow Survey, the National Household Travel
18 Survey, and the Transportation Services Index; and

19 “(3) consult with State and local governments,
20 private sector data providers, and professional and
21 nonprofit associations to improve the integration,
22 management, and implementation of data collected
23 under the Program.

24 “(c) ADVISORY COUNCIL ON TRANSPORTATION STA-
25 TISTICS.—

1 “(1) ESTABLISHMENT.—In carrying out the
2 Program, the Secretary shall seek recommendations
3 from the Advisory Council on Transportation Statis-
4 tics, established under section 6305 on—

5 “(A) the design and implementation of the
6 Program;

7 “(B) emerging transportation-related data
8 needs relevant to the Program; and

9 “(C) other matters the Secretary deter-
10 mines to be appropriate.

11 “(d) REPORTS TO CONGRESS.—

12 “(1) 5-YEAR PLAN.—Not later than 1 year after
13 the date of the enactment of the Research and Inno-
14 vative Technology Administration Reauthorization
15 Act of 2011, the Secretary shall submit, to the Com-
16 mittee on Commerce, Science, and Transportation of
17 the Senate and the Committee on Transportation
18 and Infrastructure of the House of Representatives,
19 a 5-year plan for implementing the National Travel
20 Data Program that includes benchmarks and goals.

21 “(2) BIENNIAL REPORT.—Upon the establish-
22 ment of the National Travel Data Program, and
23 every 2 years thereafter, the Secretary shall submit
24 a report on the activities of the Program to the con-
25 gressional committees set forth in paragraph (1).

1 “(e) FUNDING.—Of the amounts made available
 2 under section 11 of the Research and Innovative Tech-
 3 nology Administration Reauthorization Act of 2011,
 4 \$8,000,000 shall be available for each of the fiscal years
 5 2012 and 2013 to establish and maintain the Program.”.

6 (b) CLERICAL AMENDMENT.—The chapter analysis
 7 for chapter 55 of title 49, United States Code, as amended
 8 by sections 3 and 5, is further amended by inserting after
 9 the item relating to section 5508 the following:

“5509. National Travel Data Program.”.

10 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-
 12 priated out of the Highway Trust Fund (other than the
 13 Mass Transit Account), under the conditions set forth in
 14 subsection (b)—

15 (1) \$55,297,000 for fiscal year 2012; and

16 (2) \$55,597,000 for fiscal year 2013.

17 (b) APPLICABILITY OF TITLE 23, UNITED STATES
 18 CODE.—

19 (1) IN GENERAL.—Except as provided in para-
 20 graph (2), amounts appropriated pursuant to sub-
 21 section (a) shall be available for obligation in the
 22 same manner as if such funds were apportioned
 23 under chapter 1 of title 23, United States Code.

24 (2) FEDERAL SHARE.—The Federal share of
 25 the cost of a project or activity carried out with

1 amounts appropriated pursuant to subsection (a)
2 shall be 50 percent unless another percentage is—

3 (A) expressly provided under this Act or
4 the amendments made by this Act; or

5 (B) determined by the Secretary.

6 (3) AVAILABILITY; TRANSFERABILITY.—

7 Amounts appropriated pursuant to subsection (a)
8 shall remain available until expended and shall not
9 be transferable.

Calendar No. 541

112TH CONGRESS
2^D SESSION

S. 1953

[Report No. 112-236]

A BILL

To reauthorize the Research and Innovative Technology Administration, to improve transportation research and development, and for other purposes.

NOVEMBER 13, 2012

Reported without amendment