

112TH CONGRESS  
1ST SESSION

# S. 1968

To require the Secretary of Transportation to establish a pilot program to increase accountability with respect to outcomes of transportation investments, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2011

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

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## A BILL

To require the Secretary of Transportation to establish a pilot program to increase accountability with respect to outcomes of transportation investments, 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. MOVING TOWARD TRANSPORTATION ACCOUNT-**  
4 **ABILITY.**

5 Chapter 53 of title 49, United States Code, is amend-  
6 ed by adding at the end the following:

7 **“§ 5341. Transportation accountability**

8 **“(a) DEFINITIONS.—**In this section:

1           “(1) METROPOLITAN PLANNING ORGANIZA-  
2           TION.—The term ‘metropolitan planning organiza-  
3           tion’ means an organization designated as a metro-  
4           politan planning organization under section 5303(d)  
5           of this title or section 134(d) of title 23.

6           “(2) PILOT PROGRAM.—The term ‘pilot pro-  
7           gram’ means the pilot program established under  
8           this section.

9           “(3) PROGRAM PARTICIPANT.—The term ‘pro-  
10          gram participant’ means a State or metropolitan  
11          planning organization selected by the Secretary to  
12          participate in the pilot program.

13          “(4) NATIONAL TRANSPORTATION GOALS.—The  
14          term ‘national transportation goals’ includes—

15               “(A) improving the connection of individ-  
16               uals and goods throughout the United States;

17               “(B) providing improved and efficient ac-  
18               cess to jobs and services throughout metropoli-  
19               tan areas;

20               “(C) promoting economic growth and en-  
21               hanced commercial productivity;

22               “(D) integrating energy security and envi-  
23               ronmental protection objectives with transpor-  
24               tation policy; and

1           “(E) improving safety by reducing fatali-  
2           ties and injuries.

3           “(5) TRANSPORTATION INVESTMENT.—The  
4           term ‘transportation investment’ means Federal  
5           funding for a project included in a transportation  
6           program.

7           “(6) TRANSPORTATION PROGRAM.—The term  
8           ‘transportation program’ means a plan or strategy  
9           prepared by a metropolitan planning organization or  
10          a State for transportation systems and facilities in  
11          the metropolitan planning area or the State, includ-  
12          ing a transportation plan, transportation improve-  
13          ment program, statewide transportation plan, or  
14          statewide transportation improvement program de-  
15          veloped under section 5303 or 5304 of this title or  
16          section 134 or 135 of title 23.

17          “(b) ESTABLISHMENT OF PILOT PROGRAM.—

18                 “(1) IN GENERAL.—The Secretary shall estab-  
19                 lish a pilot program under which the Secretary shall  
20                 conduct case studies of States and metropolitan  
21                 planning organizations that are designed to—

22                         “(A) provide more detailed, in-depth anal-  
23                         ysis and data collection with respect to trans-  
24                         portation programs; and

1           “(B) apply rigorous methods of measuring  
2           and addressing the effectiveness of program  
3           participants in achieving national transpor-  
4           tation goals.

5           “(2) PRELIMINARY REQUIREMENTS.—

6           “(A) SOLICITATION.—The Secretary shall  
7           solicit applications to participate in the pilot  
8           program from States and metropolitan planning  
9           organizations.

10           “(B) NOTIFICATION.—A State or metro-  
11           politan planning organization that desires to  
12           participate in the pilot program shall notify the  
13           Secretary of such desire before a date deter-  
14           mined by the Secretary.

15           “(C) SELECTION.—

16           “(i) NUMBER OF PROGRAM PARTICI-  
17           PANTS.—The Secretary shall select to par-  
18           ticipate in the pilot program—

19                   “(I) not fewer than 3, and not  
20                   more than 5, States; and

21                   “(II) not fewer than 3, and not  
22                   more than 5, metropolitan planning  
23                   organizations.

24           “(ii) TIMING.—The Secretary shall se-  
25           lect program participants not later than 3

1 months after the date of enactment of this  
2 section.

3 “(iii) DIVERSITY OF PROGRAM PAR-  
4 TICIPANTS.—The Secretary shall, to the  
5 extent practicable, select program partici-  
6 pants that represent a broad range of geo-  
7 graphic and demographic areas (including  
8 rural and urban areas) and types of trans-  
9 portation programs.

10 “(c) CASE STUDIES.—

11 “(1) BASELINE REPORT.—Not later than 6  
12 months after the date of enactment of this section,  
13 each program participant shall submit to the Sec-  
14 retary a baseline report that—

15 “(A) describes the reporting and data col-  
16 lection processes of the program participant for  
17 transportation investments that are in effect on  
18 the date of the report;

19 “(B) assesses how effective the program  
20 participant is in achieving national transpor-  
21 tation goals;

22 “(C) describes potential improvements to  
23 the methods and metrics used to measure the  
24 effectiveness of the program participant in  
25 achieving national transportation goals and the

1 hindrances to implementing such improvements;  
2 and

3 “(D) includes an assessment of whether,  
4 and specific reasons why, the preparation and  
5 submission of the baseline report may be lim-  
6 ited, incomplete, or unduly burdensome, includ-  
7 ing any recommendations for facilitating the  
8 preparation and submission of similar reports  
9 in the future.

10 “(2) EVALUATION.—Each program participant  
11 shall work cooperatively with the Secretary to evalu-  
12 ate the methods and metrics used to measure the ef-  
13 fectiveness of the program participant in achieving  
14 national transportation goals, including by—

15 “(A) considering the degree to which such  
16 methods and metrics take into account—

17 “(i) the factors that influence the ef-  
18 fectiveness of the program participant in  
19 achieving national transportation goals;

20 “(ii) all modes of transportation; and

21 “(iii) the transportation program as a  
22 whole, rather than individual projects with-  
23 in the transportation program; and

1           “(B) identifying steps that could be used  
2           to implement the potential improvements identi-  
3           fied under paragraph (1)(C).

4           “(3) FINAL REPORT.—Not later than 18  
5           months after the date of enactment of this section,  
6           each program participant shall submit to the Sec-  
7           retary a comprehensive final report that—

8                   “(A) contains an updated assessment of  
9                   the effectiveness of the program participant in  
10                  achieving national transportation goals; and

11                   “(B) describes the ways in which the per-  
12                  formance of the program participant in col-  
13                  lecting and reporting data and carrying out the  
14                  transportation program of the program partici-  
15                  pant has improved or otherwise changed since  
16                  the date of submission of the baseline report  
17                  under subparagraph (A).

18           “(4) TRAINING, TECHNICAL SUPPORT, GUID-  
19           ANCE.—

20                   “(A) IN GENERAL.—The Secretary, in con-  
21                  sultation with the Deputy Director for Manage-  
22                  ment of the Office of Management and Budget,  
23                  shall—

1                   “(i) provide training, technical sup-  
2                   port, and methodological guidance to pro-  
3                   gram participants in—

4                                 “(I) improving data collection  
5                                 processes; and

6                                 “(II) preparing the reports, and  
7                                 making the evaluation required under  
8                                 this subsection;

9                                 “(ii) facilitate coordination, collabora-  
10                                tion, and information sharing between pro-  
11                                gram participants; and

12                               “(iii) provide direction with respect to  
13                               the nature of reports submitted by pro-  
14                               gram participants, including collaborating  
15                               with program participants to prepare the  
16                               final report required under paragraph (3).

17                               “(B) FINANCIAL ASSISTANCE.—The Sec-  
18                               retary may provide financial assistance to a  
19                               program participant, as the Secretary deter-  
20                               mines is necessary to assist the program partic-  
21                               ipant in carrying out the activities required  
22                               under this subsection.

23                               “(5) COORDINATION BETWEEN STATES AND  
24                               METROPOLITAN PLANNING ORGANIZATIONS.—To the  
25                               extent practicable, a program participant shall co-



1       ordinate the activities required under this sub-  
2       section—

3               “(A) with the department of transportation  
4               (or equivalent agency) of the State, if the pro-  
5               gram participant is a metropolitan planning or-  
6               ganization; or

7               “(B) with the metropolitan planning orga-  
8               nizations in the State, if the program partici-  
9               pant is a State.

10       “(d) FEDERAL PLAN FOR MEASURING THE EFFEC-  
11       TIVENESS OF TRANSPORTATION PROGRAMS IN ACHIEVING  
12       NATIONAL TRANSPORTATION GOALS.—

13               “(1) IN GENERAL.—Not later than 21 months  
14       after the date of enactment of this Act, and after an  
15       analysis of the case studies under subsection (c), the  
16       Secretary shall develop and implement a plan for the  
17       Department of Transportation to use outcome-ori-  
18       ented performance measures to evaluate the effec-  
19       tiveness of transportation programs in achieving na-  
20       tional transportation goals.

21               “(2) CONTENTS OF PLAN.—The plan developed  
22       under paragraph (1) shall include—

23               “(A) an efficient method for reporting the  
24       effectiveness of transportation programs in  
25       achieving national transportation goals that is

1 based on requirements applicable to States and  
2 metropolitan planning organizations under sec-  
3 tions 5303 and 5304 of this title and sections  
4 134 and 135 of title 23;

5 “(B) effective measures of the outcome or  
6 performance of transportation programs—

7 “(i) across all modes of transpor-  
8 tation; and

9 “(ii) with respect to the transpor-  
10 tation program as a whole, rather than in-  
11 dividual projects within the transportation  
12 program; and

13 “(C) a strategy to ensure that the Sec-  
14 retary continuously refines and standardizes  
15 data elements, models, and other estimating  
16 methods to steadily improve public and political  
17 confidence in the use of the outcome-oriented  
18 performance measures established under para-  
19 graph (1) as a basis for making transportation  
20 investments.

21 “(3) AVAILABILITY OF PLAN.—The Secretary  
22 shall make the plan developed under paragraph (1)  
23 available to the public on the website of the Depart-  
24 ment of Transportation.

1       “(e) COMPREHENSIVE REPORT TO CONGRESS.—Not  
2 later than 21 months after the date of enactment of this  
3 section, the Secretary shall submit to Congress a com-  
4 prehensive report on the pilot program that includes—

5           “(1) a summary of the results of the case stud-  
6 ies under subsection (c);

7           “(2) the plan developed under subsection (d);

8           “(3) a summary of lessons learned with respect  
9 to challenges encountered by each program partici-  
10 pant; and

11          “(4) recommendations, if any, for legislation to  
12 improve—

13           “(A) the guidance provided to States and  
14 metropolitan planning organizations for gener-  
15 ating and collecting sound, outcome-based data;  
16 and

17           “(B) data-based performance measure-  
18 ment, analysis, and accountability for transpor-  
19 tation programs.

20       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
21 is authorized to be appropriated from the Highway Trust  
22 Fund to carry out this section, \$15,000,000 for the 2-  
23 year period beginning on the date of enactment of this  
24 section.”.

1 **SEC. 2. BUDGETARY EFFECTS.**

2       The budgetary effects of this Act, for the purpose of  
3 complying with the Statutory Pay-As-You-Go Act of 2010,  
4 shall be determined by reference to the latest statement  
5 titled “Budgetary Effects of PAYGO Legislation” for this  
6 Act, submitted for printing in the Congressional Record  
7 by the Chairman of the Senate Budget Committee, pro-  
8 vided that such statement has been submitted prior to the  
9 vote on passage.

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