

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.

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

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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