

conducted, coordinated, and supported in future years, including a discussion of the administrative structure and organization best suited to carry out those recommendations.

(3) **CONSULTATION.**—In developing the report, the Transportation Research Board shall consult with a wide variety of stakeholders, including—

- (A) the Federal Highway Administration;
- (B) the National Highway Traffic Safety Administration; and
- (C) the American Association of State Highway and Transportation Officials.

(4) **SUBMISSION.**—Not later than February 1, 2009, the report shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(f) **FUNDING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost of an activity carried out using amounts made available under a grant or cooperative agreement under this section shall be 100 percent, and such funds shall remain available until expended.

(2) **ADVANCE PAYMENTS.**—The Secretary may make advance payments as necessary to carry out the program under this section.

(g) **LIMITATION OF REMEDIES.**—

(1) **SAME REMEDY AS IF UNITED STATES.**—The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission by employees and individuals described in paragraph (3) arising from activities conducted under or in connection with this section. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of title 28.

(2) **EXCLUSIVENESS OF REMEDY.**—The remedy referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

(3) **TREATMENT.**—Employees of the National Academy of Sciences and other individuals appointed by the president of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this section shall be treated as if they are employees of the Federal Government under section 2671 of title 28 for purposes of a civil action or proceeding with respect to a claim described in paragraph (1). The civil action or proceeding shall proceed in the same manner as any proceeding under chapter 171 of title 28 or action against the United States filed pursuant to section 1346(b) of title 28 and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

(4) **SOURCES OF PAYMENTS.**—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in paragraph (1) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this section, and then from sums made available under section 1304 of title 31. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28. The Secretary may establish a reserve of funds to carry out this section for making payments under this paragraph.

(h) **IMPLEMENTATION.**—Notwithstanding any other provision of this section, the Secretary may use funds made available to carry out this section for implementation of research products related to the future strategic highway research program, including development, demonstration, evaluation, and technology transfer activities.

(Added Pub. L. 109–59, title V, § 5210(a), Aug. 10, 2005, 119 Stat. 1801; amended Pub. L. 111–322, title II, § 2203(d), Dec. 22, 2010, 124 Stat. 3526.)

PRIOR PROVISIONS

A prior section 510, added Pub. L. 91–605, title I, § 117(b), Dec. 31, 1970, 84 Stat. 1724, related to construction of replacement housing, prior to repeal by Pub. L. 91–646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

Another prior section 510 was renumbered section 511 of this title and subsequently repealed.

AMENDMENTS

2010—Subsec. (h). Pub. L. 111–322 added subsec. (h).

§ 511. Multistate corridor operations and management

(a) **IN GENERAL.**—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements to promote regional cooperation, planning, and shared project implementation for programs and projects to improve transportation system management and operations.

(b) **INTERSTATE ROUTE 95 CORRIDOR COALITION TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.**—The Secretary shall make grants under this subsection to States to continue intelligent transportation system management and operations in the Interstate Route 95 corridor coalition region initiated under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(Added Pub. L. 109–59, title V, § 5211(a), Aug. 10, 2005, 119 Stat. 1804.)

REFERENCES IN TEXT

The Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (b), is Pub. L. 102–240, Dec. 18, 1991, 105 Stat. 1914, as amended. For complete classification of this Act to the Code, see Short Title of 1991 Amendment note set out under section 101 of Title 49, Transportation, and Tables.

PRIOR PROVISIONS

A prior section 511, formerly 510, added Pub. L. 90–495, § 30, Aug. 23, 1968, 82 Stat. 834; renumbered § 511, Pub. L. 91–605, title I, § 117(a), Dec. 31, 1970, 84 Stat. 1724, related

to authority of Secretary, prior to repeal by Pub. L. 91-646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

Another prior section 511 was renumbered section 512 of this title and subsequently repealed.

§ 512. National ITS program plan

(a) IN GENERAL.—

(1) UPDATES.—Not later than 1 year after the date of enactment of the SAFETEA-LU, the Secretary, in consultation with interested stakeholders (including State transportation departments) shall develop a 5-year National Intelligent Transportation System (in this section referred to as “ITS”) program plan.

(2) SCOPE.—The National ITS program plan shall—

(A) specify the goals, objectives, and milestones for the research and deployment of intelligent transportation systems in the contexts of—

- (i) major metropolitan areas;
- (ii) smaller metropolitan and rural areas; and
- (iii) commercial vehicle operations;

(B) specify the manner in which specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (A), including consideration of a 5-year timeframe for the goals and objectives;

(C) identify activities that provide for the dynamic development, testing, and necessary revision of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish standards; and

(D) establish a cooperative process with State and local governments for—

- (i) determining desired surface transportation system performance levels; and
- (ii) developing plans for accelerating the incorporation of specific intelligent transportation system capabilities into surface transportation systems.

(b) REPORTING.—The National ITS program plan shall be submitted and biennially updated as part of the transportation research and development strategic plan developed under section 508.

(Added Pub. L. 109-59, title V, § 5301(a), Aug. 10, 2005, 119 Stat. 1804.)

REFERENCES IN TEXT

The date of enactment of the SAFETEA-LU, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

PRIOR PROVISIONS

A prior section 512, formerly 511, added Pub. L. 90-495, § 30, Aug. 23, 1968, 82 Stat. 834; renumbered § 512, Pub. L. 91-605, title I, § 117(a), Dec. 31, 1970, 84 Stat. 1724, related to definitions for chapter, prior to repeal by Pub. L. 91-646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

INTELLIGENT TRANSPORTATION SYSTEM PROGRAM

Pub. L. 109-59, title V, §§ 5303-5310, Aug. 10, 2005, 119 Stat. 1806-1813, provided that:

“SEC. 5303. GOALS AND PURPOSES.

“(a) GOALS.—The goals of the intelligent transportation system program include—

“(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

“(2) achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles and improved emergency response to a crash, with particular emphasis on decreasing the number and severity of collisions;

“(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

“(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger motor vehicles, motorcycles, bicycles and pedestrians, including individuals with disabilities; and

“(5) improvement of the Nation’s ability to respond to security-related or other manmade emergencies and natural disasters and enhancement of national defense mobility.

“(b) PURPOSES.—The Secretary [of Transportation] shall implement activities under the intelligent system transportation program to, at a minimum—

“(1) expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

“(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for consideration in the transportation planning process;

“(3) improve regional cooperation and operations planning for effective intelligent transportation system deployment;

“(4) promote the innovative use of private resources;

“(5) facilitate, in cooperation with the motor vehicle industry, the introduction of vehicle-based safety enhancing systems;

“(6) support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;

“(7) develop a workforce capable of developing, operating, and maintaining intelligent transportation systems; and

“(8) provide continuing support for operations and maintenance of intelligent transportation systems.

“SEC. 5304. INFRASTRUCTURE DEVELOPMENT.

“Funds made available to carry out this subtitle [subtitle C (§§ 5301-5310) of title V of Pub. L. 109-59, enacting this section and section 513 of this title] for operational tests—

“(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

“(2) to the maximum extent practicable, shall not be used for the construction of physical highway and public transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

“SEC. 5305. GENERAL AUTHORITIES AND REQUIREMENTS.

“(a) SCOPE.—Subject to the provisions of this subtitle [subtitle C (§§ 5301-5310) of title V of Pub. L. 109-59, enacting this section and section 513 of this title], the Secretary [of Transportation] shall conduct an ongoing intelligent transportation system program to research, develop, and operationally test intelligent transportation systems and to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States.