

Pub. L. 109-59, §7124(1), (2), substituted “transports hazardous material, or causes hazardous material to be transported,” for “transports or causes to be transported hazardous material,” and “designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container, or packaging component that is represented” for “manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a packaging or a container that the person represents, marks, certifies, or sells”.

1994—Subsec. (a). Pub. L. 103-311 substituted “a packaging or a” for “a package or”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-244 effective as of the date of enactment of Pub. L. 109-59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109-59 as of that date, and provisions of Pub. L. 109-59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110-244 to be treated as not enacted, see section 121(b) of Pub. L. 110-244, set out as a note under section 101 of Title 23, Highways.

§ 5127. Judicial review

(a) FILING AND VENUE.—Except as provided in section 20114(c), a person adversely affected or aggrieved by a final action of the Secretary under this chapter may petition for review of the final action in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the Secretary’s action becomes final.

(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a), the clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary shall file with the court a record of any proceeding in which the final action was issued, as provided in section 2112 of title 28.

(c) AUTHORITY OF COURT.—The court has exclusive jurisdiction, as provided in subchapter II of chapter 5 of title 5, to affirm or set aside any part of the Secretary’s final action and may order the Secretary to conduct further proceedings.

(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final action under this section, the court may consider an objection to a final action of the Secretary only if the objection was made in the course of a proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.

(Added Pub. L. 109-59, title VII, §7123(b), Aug. 10, 2005, 119 Stat. 1907.)

PRIOR PROVISIONS

A prior section 5127 was renumbered section 5128 of this title.

§ 5128. Authorization of appropriations

(a) IN GENERAL.—In order to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119), the following amounts are authorized to be appropriated to the Secretary:

- (1) For fiscal year 2005, \$24,940,000.
- (2) For fiscal year 2006, \$29,000,000.
- (3) For fiscal year 2007, \$30,000,000.
- (4) For fiscal year 2008, \$30,000,000.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—There shall be available to the Secretary, from the account established pursuant to section 5116(i), for each of fiscal years 2005 through 2008 the following:

- (1) To carry out section 5115, \$200,000.
- (2) To carry out sections 5116(a) and (b), \$21,800,000 to be allocated as follows:
  - (A) \$5,000,000 to carry out section 5116(a).
  - (B) \$7,800,000 to carry out section 5116(b).
  - (C) Of the amount provided for by this paragraph for a fiscal year in excess of the suballocations in subparagraphs (A) and (B)—
    - (i) 35 percent shall be used to carry out section 5116(a); and
    - (ii) 65 percent shall be used to carry out section 5116(b),

except that the Secretary may increase the proportion to carry out section 5116(b) and decrease the proportion to carry out section 5116(a) if the Secretary determines that such reallocation is appropriate to carry out the intended uses of these funds as described in the applications submitted by States and Indian tribes.

- (3) To carry out section 5116(f), \$150,000.
- (4) To publish and distribute the Emergency Response Guidebook under section 5116(i)(3), \$625,000.
- (5) To carry out section 5116(j), \$1,000,000.

(c) HAZMAT TRAINING GRANTS.—There shall be available to the Secretary, from the account established pursuant to section 5116(i), to carry out section 5107(e) \$4,000,000 for each of fiscal years 2005 through 2008.

(d) ISSUANCE OF HAZMAT LICENSES.—There are authorized to be appropriated for the Department of Transportation such amounts as may be necessary to carry out section 5103a.

(e) CREDITS TO APPROPRIATIONS.—The Secretary may credit to any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

(f) AVAILABILITY OF AMOUNTS.—Amounts made available by or under this section remain available until expended.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 783, §5127; Pub. L. 103-311, title I, §§103, 119(b), (c)(4), Aug. 26, 1994, 108 Stat. 1673, 1680; renumbered §5128 and amended Pub. L. 109-59, title VII, §§7123(b), 7125, Aug. 10, 2005, 119 Stat. 1907, 1908; Pub. L. 110-244, title III, §302(f), June 6, 2008, 122 Stat. 1618.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5127(a) .....	49 App.:1812(a).	Jan. 3, 1975, Pub. L. 93-633, §115, 88 Stat. 2164; July 19, 1975, Pub. L. 94-56, §4, 89 Stat. 264; Oct. 11, 1976, Pub. L. 94-474, §3, 90 Stat. 2068; Sept. 30, 1978, Pub. L. 95-403, 92 Stat. 863; Oct. 30, 1984, Pub. L. 98-559, §2, 98 Stat. 2907; restated Nov. 16, 1990, Pub. L. 101-615, §14, 104 Stat. 3260; Oct. 24, 1992, Pub. L. 102-508, §504, 106 Stat. 3311.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5127(b) .....	49 App.:1816(d).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, § 118(d); added Nov. 16, 1990, Pub. L. 101-615, § 18, 104 Stat. 3269; Oct. 24, 1992, Pub. L. 102-508, § 506, 106 Stat. 3312.
5127(c) .....	49 App.:1815(i)(3).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, § 117A(i); added Nov. 16, 1990, Pub. L. 101-615, § 17, 104 Stat. 3268.
5127(d) .....	49 App.:1815(i)(1), (2), (4).	
5127(e) .....	49 App.:1819(h) (1st sentence).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, § 121(h); added Nov. 16, 1990, Pub. L. 101-615, § 22, 104 Stat. 3272.
5127(f) .....	49 App.:1812(b).	
5127(g) .....	49 App.:1815(i)(5). 49 App.:1819(h) (last sentence).	

In the section, references to fiscal years 1991 and 1992 are omitted as obsolete.

In subsections (b), (c)(1), and (d), the words “amounts in” are omitted as surplus.

In subsection (c), the text of 49 App.:1815(i)(3)(A) is omitted as obsolete.

In subsection (c)(2), the words “relating to dissemination of the curriculum” are omitted as surplus.

AMENDMENTS

2008—Pub. L. 110-244 substituted “Authorization” for “Authorizations” in section catchline.

2005—Pub. L. 109-59, § 7125, substituted “Authorizations” for “Authorization” in section catchline and amended text generally, substituting provisions relating to authorization of appropriations for fiscal years 2005 to 2008, consisting of subsecs. (a) to (f), for provisions relating to authorization of appropriations for fiscal years 1993 to 1998, consisting of subsecs. (a) to (g).

Pub. L. 109-59, § 7123(b), renumbered section 5127 of this title as this section.

1994—Subsec. (a). Pub. L. 103-311, § 103, substituted “fiscal year 1993, \$18,000,000 for fiscal year 1994, \$18,540,000 for fiscal year 1995, \$19,100,000 for fiscal year 1996, and \$19,670,000 for fiscal year 1997” for “the fiscal year ending September 30, 1993.”

Subsec. (b). Pub. L. 103-311, § 119(c)(4), amended subsec. (b)(1) generally. Prior to amendment, subsec. (b)(1) read as follows:

“(b) HAZMAT EMPLOYEE TRAINING.—(1) Not more than \$250,000 is available to the Director of the National Institute of Environmental Health Sciences from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1993-1998, to carry out section 5107(e) of this title.”

Pub. L. 103-311, § 119(b), designated existing provisions as par. (1) and added par. (2).

CHAPTER 53—PUBLIC TRANSPORTATION

Sec.	
5301.	Policies, findings, and purposes.
5302.	Definitions.
5303.	Metropolitan transportation planning.
5304.	Statewide transportation planning.
5305.	Planning programs.
5306.	Private enterprise participation in metropolitan planning and transportation improvement programs and relationship to other limitations.
5307.	Urbanized area formula grants.
5308.	Clean fuels grant program.
5309.	Capital investment grants.
5310.	Formula grants for special needs of elderly individuals and individuals with disabilities.
5311.	Formula grants for other than urbanized areas.

Sec.	
5312.	Research, development, demonstration, and deployment projects.
5313.	Transit cooperative research program.
5314.	National research programs.
5315.	National transit institute.
5316.	Job access and reverse commute formula grants.
5317.	New freedom program.
5318.	Bus testing facility.
5319.	Bicycle facilities.
5320.	Alternative transportation in parks and public lands.
5321.	Crime prevention and security.
5322.	Human resource programs.
5323.	General provisions on assistance.
5324.	Special provisions for capital projects.
5325.	Contract requirements.
	[5326. Repealed.]
5327.	Project management oversight.
5328.	Project review.
5329.	Investigations of safety hazards and security risks.
5330.	State safety oversight.
5331.	Alcohol and controlled substances testing.
5332.	Nondiscrimination.
5333.	Labor standards.
5334.	Administrative provisions.
5335.	National transit database.
5336.	Apportionment of appropriations for formula grants.
5337.	Apportionment based on fixed guideway factors.
5338.	Authorizations.
5339.	Alternatives analysis program.
5340.	Apportionments based on growing States and high density States formula factors.

AMENDMENTS

2005—Pub. L. 109-59, title III, §§ 3002(b)(1), 3005(c), 3006(c), 3007(b), 3010(b), 3011(b), 3012(c), 3013(i), 3014(e)(2), 3015(b)(2), 3016(d), 3018(b), 3019(b), 3021(b), 3024(b), 3025(b), 3028(d), 3029(b), 3033(b), 3035(b), 3038(b), Aug. 10, 2005, 119 Stat. 1544, 1559, 1566, 1568, 1573, 1588, 1593, 1596, 1597, 1600, 1605, 1608, 1614, 1620, 1622, 1625, 1627, 1629, 1638, substituted “PUBLIC” for “MASS” in chapter heading, substituted “transportation planning” for “planning” in item 5303, “Statewide transportation planning” for “Transportation improvement program” in item 5304, “Planning programs” for “Transportation management areas” in item 5305, “grant program” for “formula grant program” in item 5308, “grants” for “grants and loans” in item 5309, “Formula grants” for “Formula grants and loans” in item 5310, “grants” for “grant” in item 5311, “deployment” for “training” in item 5312, “Transit cooperative research program” for “State planning and research programs” in item 5313, “research programs” for “planning and research programs” in item 5314, “Alternative transportation in parks and public lands” for “Suspended light rail system technology pilot project” in item 5320, “Special provisions for capital projects” for “Limitations on discretionary and special needs grants and loans” in item 5324, “Investigations of safety hazards and security risks” for “Investigation of safety hazards” in item 5329, “State safety oversight” for “Withholding amounts for noncompliance with safety requirements” in item 5330, “National transit database” for “Reports and audits” in item 5335, and “Apportionment based on fixed guideway factors” for “Apportionment of appropriations for fixed guideway modernization” in item 5337, added items 5316, 5317, and 5340, and struck out item 5326 “Special procurements”.

Pub. L. 109-59, title III, § 3037(b), Aug. 10, 2005, 119 Stat. 1636, which directed amendment of the analysis for chapter 53 by striking the item relating to section 5339 and inserting a new item 5339, was executed by adding the new item 5339 after item 5338 to reflect the probable intent of Congress, because no item for section 5339 had been enacted.