

1998—Pub. L. 105-178, title III, §§3007(a)(2), 3008(b), 3009(b), 3014(b), 3017(b), 3025(b)(2), title V, §5110(c), June 9, 1998, 112 Stat. 347, 352, 359, 361, 365, 444, substituted “Urbanized area formula grants” for “Block grants” in item 5307, “Clean fuels formula grant program” for “Mass Transit Account block grants” in item 5308, “Capital investment” for “Discretionary” in item 5309, “Formula grant” for “Financial assistance” in item 5311, and “transit” for “mass transportation” in item 5315, struck out items 5316 “University research institutes” and 5317 “Transportation centers”, and inserted “provisions” after “Administrative” in item 5334.

Pub. L. 105-178, title III, §3013(b), June 9, 1998, 112 Stat. 359, which directed insertion of “formula” before “grants” in item 5310, was executed by substituting “Formula grants” for “Grants” to reflect the probable intent of Congress.

Pub. L. 105-178, title III, §3027(d), as added by Pub. L. 105-206, title IX, §9009(o)(2), July 22, 1998, 112 Stat. 858, substituted “formula grants” for “block grants” in item 5336.

### § 5301. Policies, findings, and purposes

(a) DEVELOPMENT AND REVITALIZATION OF PUBLIC TRANSPORTATION SYSTEMS.—It is in the interest of the United States, including its economic interest, to foster the development and revitalization of public transportation systems that—

- (1) maximize the safe, secure, and efficient mobility of individuals;
- (2) minimize environmental impacts; and
- (3) minimize transportation-related fuel consumption and reliance on foreign oil.

(b) GENERAL FINDINGS.—Congress finds that—

(1) more than two-thirds of the population of the United States is located in rapidly expanding urbanized areas that generally cross the boundary lines of local jurisdictions and often extend into at least 2 States;

(2) the welfare and vitality of urban areas, the satisfactory movement of people and goods within those areas, and the effectiveness of programs aided by the United States Government are jeopardized by deteriorating or inadequate urban transportation service and facilities, the intensification of traffic congestion, and the lack of coordinated, comprehensive, and continuing development planning;

(3) transportation is the lifeblood of an urbanized society, and the health and welfare of an urbanized society depend on providing efficient, economical, and convenient transportation in and between urban areas;

(4) for many years the public transportation industry capably and profitably satisfied the transportation needs of the urban areas of the United States but in the early 1970's continuing even minimal public transportation service in urban areas was threatened because maintaining that transportation service was financially burdensome;

(5) ending that transportation, or the continued increase in its cost to the user, is undesirable and may affect seriously and adversely the welfare of a substantial number of lower income individuals;

(6) some urban areas were developing preliminary plans for, or carrying out, projects in the early 1970's to revitalize their public transportation operations;

(7) significant public transportation improvements are necessary to achieve national

goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly individuals, individuals with disabilities, and economically disadvantaged individuals in urban and rural areas of the United States;

(8) financial assistance by the Government to develop efficient and coordinated public transportation systems is essential to solve the urban transportation problems referred to in clause (2) of this subsection; and

(9) immediate substantial assistance by the Government is needed to enable public transportation systems to continue providing vital transportation service.

(c) RAPID URBANIZATION AND CONTINUING POPULATION DISPERSAL.—Rapid urbanization and continuing dispersal of the population and activities in urban areas have made the ability of all citizens to move quickly and at a reasonable cost an urgent problem of the Government.

(d) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.—It is the policy of the Government that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation service and facilities. Special efforts shall be made in planning and designing public transportation service and facilities to ensure that public transportation can be used by elderly individuals and individuals with disabilities. All programs of the Government assisting public transportation shall carry out this policy.

(e) PRESERVING THE ENVIRONMENT.—It is the policy of the Government that special effort shall be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and important historical and cultural assets when planning, designing, and carrying out a public transportation capital project with assistance from the Government.

(f) GENERAL PURPOSES.—The purposes of this chapter are—

(1) to assist in developing improved public transportation equipment, facilities, techniques, and methods with the cooperation of both public transportation companies and private companies engaged in public transportation;

(2) to encourage the planning and establishment of areawide public transportation systems needed for economical and desirable urban development with the cooperation of both public transportation companies and private companies engaged in public transportation;

(3) to assist States and local governments and their authorities in financing areawide public transportation systems that are to be operated by public transportation companies or private companies engaged in public transportation as decided by local needs;

(4) to provide financial assistance to State and local governments and their authorities to help carry out national goals related to mobility for elderly individuals, individuals with disabilities, and economically disadvantaged individuals; and

(5) to establish a partnership that allows a community, with financial assistance from the

Government, to satisfy its public transportation requirements.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 785; Pub. L. 109-59, title III, §§ 3002(b)(4), 3003, Aug. 10, 2005, 119 Stat. 1545.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                                 | Source (Statutes at Large)   |
|-----------------|--|--|
| 5301(a) .....   | 49 App.:1607(a) (1st sentence).                    | July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §8(a) (1st sentence); added Nov. 6, 1978, Pub. L. 95-599, §305(b), 92 Stat. 2743; Apr. 2, 1987, Pub. L. 100-17, §310, 101 Stat. 227; restated Dec. 18, 1991, Pub. L. 102-240, §3012, 105 Stat. 2098. |
| 5301(b) .....   | 49 App.:1601(a).<br><br>49 App.:1601b.             | July 9, 1964, Pub. L. 88-365, §2, 78 Stat. 302; Dec. 18, 1991, Pub. L. 102-240, §3005, 105 Stat. 2088.<br><br>Nov. 26, 1974, Pub. L. 93-503, §2, 88 Stat. 1566.  |
| 5301(c) .....   | 49 App.:1601a (1st sentence).                      | Oct. 15, 1970, Pub. L. 91-453, §1, 84 Stat. 962.   |
| 5301(d) .....   | 49 App.:1612(a).                                   | July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §16(a); added Oct. 15, 1970, Pub. L. 91-453, §8, 84 Stat. 967; Dec. 18, 1991, Pub. L. 102-240, §3021(1), 105 Stat. 2110.   |
| 5301(e) .....   | 49 App.:1610(a) (1st sentence).                    | July 9, 1964, Pub. L. 88-365, §14(a) (1st sentence), 78 Stat. 308; Sept. 8, 1966, Pub. L. 89-562, §2(a)(1), 80 Stat. 715; restated Oct. 15, 1970, Pub. L. 91-453, §6, 84 Stat. 966.  |
| 5301(f) .....   | 49 App.:1601(b).<br>49 App.:1601a (last sentence). |  |

In subsection (b)(1), the words “the predominant part” in 49 App.:1601(a)(1) and “lives in urban areas” in 49 App.:1601b(1) are omitted because of the restatement. The words “metropolitan and other” in 49 App.:1601(a)(1) are omitted as surplus.

In subsection (b)(2), the words “housing, urban renewal, highway, and other”, “being”, “the . . . provision of”, and “transportation and other” in 49 App.:1601(a)(2) are omitted as surplus.

In subsection (b)(4), the words “the early 1970’s” are substituted for “recent years” in 49 App.:1601b(4), and the words “minimal mass transportation service” are substituted for “this essential public service”, for clarity.

In subsection (b)(5), the word “particularly” in 49 App.:1601b(5) is omitted as surplus.

In subsection (b)(6), the words “were . . . in the early 1970’s” are substituted for “now” in 49 App.:1601b(6) for clarity. The words “engaged in”, “actually”, and “comprehensive” in 49 App.:1601b(6) are omitted as surplus.

In subsection (b)(9), the word “many” in 49 App.:1601b(7) is omitted as surplus.

In subsection (c), the text of 49 App.:1601a (1st sentence words after semicolon) is omitted as executed.

In subsections (d) and (e), the words “hereby declared to be” are omitted as surplus.

In subsection (d), the words “to ensure that mass transportation can be used by elderly individuals and individuals with disabilities” are substituted for “in the planning and design of mass transportation facilities and services so that the availability to elderly persons and persons with disabilities of mass transportation which they can effectively utilize will be assured” to eliminate unnecessary words. The words “the field of” and “(including the programs under this chapter) . . . contain provisions” are omitted as surplus.

In subsection (e), the words “carrying out” are substituted for “construction of”, and the word “capital” is added, for consistency in the revised chapter. The reference to section 5310 of the revised title is added for clarity because a loan or grant made under section 5310 is deemed to have been made under section 5309.

In subsection (f)(5), the words “local” and “to exercise the initiative necessary” are omitted as surplus.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59, §3003(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “It is in the interest of the United States to encourage and promote the development of transportation systems that embrace various modes of transportation and efficiently maximize mobility of individuals and goods in and through urbanized areas and minimize transportation-related fuel consumption and air pollution.”

Subsec. (b)(1). Pub. L. 109-59, §3003(b), substituted “two-thirds” for “70 percent” and “urbanized areas” for “urban areas”.

Subsecs. (b)(4), (6) to (9), (d). Pub. L. 109-59, §3002(b)(4), substituted “public transportation” for “mass transportation” wherever appearing.

Subsec. (e). Pub. L. 109-59, §3003(c), substituted “a” for “an urban” and struck out “under sections 5309 and 5310 of this title” before period at end.

Pub. L. 109-59, §3002(b)(4), substituted “public transportation” for “mass transportation”.

Subsec. (f)(1). Pub. L. 109-59, §3003(d)(1), substituted “public transportation equipment” for “mass transportation equipment” and “both public transportation companies and private companies engaged in public transportation” for “public and private mass transportation companies”.

Subsec. (f)(2). Pub. L. 109-59, §3003(d)(2), substituted “public transportation systems” for “urban mass transportation systems” and “both public transportation companies and private companies engaged in public transportation” for “public and private mass transportation companies”.

Subsec. (f)(3). Pub. L. 109-59, §3003(d)(3), substituted “public transportation systems” for “urban mass transportation systems” and “public transportation companies or private companies engaged in public transportation” for “public or private mass transportation companies”.

Subsec. (f)(5). Pub. L. 109-59, §3003(d)(4), substituted “public” for “urban mass”.

CONTRACTING OUT STUDY

Pub. L. 105-178, title III, §3032, June 9, 1998, 112 Stat. 385, as amended by Pub. L. 105-206, title IX, §9009(v), July 22, 1998, 112 Stat. 861, provided that:

“(a) STUDY.—Not later than 6 months after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the effect of contracting out mass transportation operation and administrative functions on cost, availability and level of service, efficiency, safety, quality of services provided to transit-dependent populations, and employer-employee relations.

“(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

“(1) the Transportation Research Board, in conducting the study, consider the number of grant recipients that have contracted out services, the size of the population served by such grant recipients, the basis for decisions regarding contracting out, and the extent to which contracting out was affected by the integration and coordination of resources of transit agencies and other Federal agencies and programs; and

“(2) the panel conducting the study shall include representatives of transit agencies, employees of transit agencies, private contractors, academic and policy analysts, and other interested persons.

“(c) REPORT.—Not later than 24 months after the date of entry into the agreement under subsection (a), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and

Urban Affairs of the Senate a report containing the results of the study.

“(d) FUNDING.—There shall be available from funds made available under section 5338(f)(2) of title 49, United States Code, to carry out this section \$250,000 for fiscal year 1999.

“(e) CONTRACTUAL OBLIGATION.—Entry into an agreement to carry out this section that is financed with amounts made available under subsection (d) is a contractual obligation of the United States to pay the Government’s share of the cost of the study.”

#### COMMUTE-TO-WORK BENEFITS

Pub. L. 102-240, title VIII, § 8004, Dec. 18, 1991, 105 Stat. 2206, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) current Federal policy places commuter transit benefits at a disadvantage compared to drive-to-work benefits;

“(2) this Federal policy is inconsistent with important national policy objectives, including the need to conserve energy, reduce reliance on energy imports, lessen congestion, and clean our Nation’s air;

“(3) commuter transit benefits should be part of a comprehensive solution to national transportation and air pollution problems;

“(4) current Federal law allows employers to provide only up to \$21 per month in employee benefits for transit or van pools;

“(5) the current ‘cliff provision’, which treats an entire commuter transit benefit as taxable income if it exceeds \$21 per month, unduly penalizes the most effective employer efforts to change commuter behavior;

“(6) employer-provided commuter transit incentives offer many public benefits, including increased access of low-income persons to good jobs, inexpensive reduction of roadway and parking congestion, and cost-effective incentives for timely arrival at work; and

“(7) legislation to provide equitable treatment of employer-provided commuter transit benefits has been introduced with bipartisan support in both the Senate and House of Representatives.

“(b) POLICY.—The Congress strongly supports Federal policy that promotes increased use of employer-provided commuter transit benefits. Such a policy ‘levels the playing field’ between transportation modes and is consistent with important national objectives of energy conservation, reduced reliance on energy imports, lessened congestion, and clean air.”

#### § 5302. Definitions

(a) IN GENERAL.—Except as otherwise specifically provided, in this chapter, the following definitions apply:

(1) CAPITAL PROJECT.—The term “capital project” means a project for—

(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in public transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail track-age rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

(B) rehabilitating a bus;

(C) remanufacturing a bus;

(D) overhauling rail rolling stock;

(E) preventive maintenance;

(F) leasing equipment or a facility for use in public transportation, subject to regula-

tions that the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than purchase or construction;

(G) a public transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to a public transportation facility, construction, renovation, and improvement of intercity bus and intercity rail stations and terminals, and the renovation and improvement of historic transportation facilities, because the improvement enhances the effectiveness of a public transportation project and is related physically or functionally to that public transportation project, or establishes new or enhanced coordination between public transportation and other transportation, and provides a fair share of revenue for public transportation that will be used for public transportation—

(i) including property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, safety and security equipment and facilities (including lighting, surveillance and related intelligent transportation system applications), facilities that incorporate community services such as daycare or health care, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall, except that a person making an agreement to occupy space in a facility under this subparagraph shall pay a reasonable share of the costs of the facility through rental payments and other means; and

(ii) excluding construction of a commercial revenue-producing facility (other than an intercity bus station or terminal) or a part of a public facility not related to public transportation;

(H) the introduction of new technology, through innovative and improved products, into public transportation;

(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient’s annual formula apportionment under sections 5307 and 5311;

(J) crime prevention and security—

(i) including—

(I) projects to refine and develop security and emergency response plans;

(II) projects aimed at detecting chemical and biological agents in public transportation;

(III) the conduct of emergency response drills with public transportation agencies and local first response agencies; and

(IV) security training for public transportation employees; but