§ 5319. Bicycle facilities

A project to provide access for bicycles to public transportation facilities, to provide shelters and parking facilities for bicycles in or around public transportation facilities, or to install equipment for transporting bicycles on public transportation vehicles is a capital project eligible for assistance under sections 5307, 5309, and 5311 of this title. Notwithstanding sections 5307(e), 5309(h), and 5311(g) of this title, a grant of the United States Government under this chapter for a project made eligible by this section is for 90 percent of the cost of the project, except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(d)(1)(K) and the project involves providing bicycle access to public transportation, that grant or portion of that grant shall be at a Federal share of 95 percent.

(Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 818; Pub. L. 105–178, title III, § 3019, June 9, 1998, 112 Stat. 362; Pub. L. 109–59, title III, § 3002(b)(4), Aug. 10, 2005, 119 Stat. 1545; Pub. L. 110–244, title II, § 201(h), June 6, 2008, 122 Stat. 1610.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5319	49 App.:1621.	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, § 25; added Apr. 2, 1987, Pub. L. 100–17, § 326, 101 Stat. 237.

The words ''For purposes of this chapter'' and ''racks or other'' are omitted as surplus. The word ''grant'' is substituted for ''share'' for consistency in this chapter.

AMENDMENTS

2008—Pub. L. 110–244 substituted ''section 5307(d)(1)(K)'' for ''section 5307(k)''.

2005—Pub. L. 109–59 substituted ''public transportation'' for ''mass transportation'' wherever appearing.

1998—Pub. L. 105–178 substituted ''made eligible by this section is for 90 percent of the cost of the project, except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(k) and the project involves providing bicycle access to mass transportation, that grant or portion of that grant shall be at a Federal share of 95 percent'' for ''under this section is for 90 percent of the cost of the project''.

§ 5320. Alternative transportation in parks and public lands

(a) PROGRAM NAME.—The program authorized by this section shall be known as the Paul S. Sarbanes Transit in Parks Program.

(b) IN GENERAL.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may award a grant or enter into a contract, cooperative agreement, interagency agreement, intraagency agreement, or other agreement to carry out a qualified project under this section to enhance the protection of national parks and public lands and increase the enjoyment of those visiting the parks and public lands by—

(i) ensuring access to all, including persons with disabilities;

(ii) improving conservation and park and public land opportunities in urban areas through partnering with State and local governments; and

(iii) improving park and public land transportation infrastructure.

(B) CONSULTATION WITH OTHER AGENCIES.—To the extent that projects are proposed or funded in eligible areas that are not within the jurisdiction of the Department of the Interior, the Secretary of the Interior shall consult with the heads of the relevant Federal land management agencies in carrying out the responsibilities under this section.

(2) USE OF FUNDS.—A grant, cooperative agreement, interagency agreement, intraagency agreement, or other agreement for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in public transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

(3) ALTERNATIVE TRANSPORTATION FACILITIES AND SERVICES.—Projects receiving assistance under this section shall provide alternative transportation facilities and services that complement and enhance existing transportation services in national parks and public lands in a manner that is consistent with Department of Interior and other public land management policies regarding private automobile access to and in such parks and lands.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE AREA.—The term ''eligible area'' means any federally owned or managed park, refuge, or recreational area that is open to the general public, including—

(A) a unit of the National Park System;

(B) a unit of the National Wildlife Refuge System;

(C) a recreational area managed by the Bureau of Land Management;

(D) a recreation area managed by the Bureau of Reclamation; and

(E) a unit of the National Forest System.

(2) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' means a Federal agency that manages an eligible area.

(3) ALTERNATIVE TRANSPORTATION.—The term ''alternative transportation'' means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis, including sightseeing service. Such term also includes a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft).

(4) QUALIFIED PARTICIPANT.—The term ''qualified participant'' means—

(A) a Federal land management agency; or

(B) a State, tribal, or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency, alone or in partnership with a Federal land management agency or other governmental or nongovernmental participant.

(5) QUALIFIED PROJECT.—The term ''qualified project'' means a planning or capital project in or in the vicinity of an eligible area that—

(A) is an activity described in section 5302(a)(1), 5303, 5304, 5305, or 5309(b);

(B) involves—

(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of the Federal Public Transportation Act of 2005 with clean fuel vehicles; or

(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

(C) relates to the capital costs of coordinating the Federal land management agency public transportation systems with other public transportation systems;

(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with this section; or

(F) is any other alternative transportation project that—

(i) enhances the environment;

(ii) prevents or mitigates an adverse impact on a natural resource;

(iii) improves Federal land management agency resource management;

(iv) improves visitor mobility and accessibility and the visitor experience;

(v) reduces congestion and pollution (including noise pollution and visual pollution); or

(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a non-transportation facility).

(d) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

(1) technical assistance in alternative transportation;

(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, may use not more than 10 percent of the amount made available for a fiscal year under section 5338(b)(2)(J) to administer this section and to carry out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

(2) ADDITIONAL AMOUNTS.—Amounts made available under this subsection are in addition to amounts otherwise available to the Secretary to carry out planning, research, and technical assistance under this chapter or any other provision of law.

(3) MAXIMUM AMOUNT.—No qualified project shall receive more than 25 percent of the total amount made available to carry out this section under section 5338(b)(2)(J) for any fiscal year.

(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.

(f) PLANNING PROCESS.—In undertaking a qualified project under this section—

(1) if the qualified participant is a Federal land management agency—

(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

(i) the metropolitan planning provisions under section 5303;

(ii) the statewide planning provisions under section 5304; and

(iii) the public participation requirements under section 5307(d); and

(B) in the case of a qualified project that is at a unit of the National Park System, the planning process shall be consistent with the general management plans of the unit of the National Park System; and

(2) if the qualified participant is a State or local governmental authority, or more than one State or local governmental authority in more than one State, the qualified participant shall—

(A) comply with the metropolitan planning provisions under section 5303;

(B) comply with the statewide planning provisions under section 5304;

(C) comply with the public participation requirements under section 5307(d); and

(D) consult with the appropriate Federal land management agency during the planning process.

(g) COST SHARING.—

(1) GOVERNMENT'S SHARE.—The Secretary, in cooperation with the Secretary of the Interior, shall establish the Government's share of the net project cost to be provided to a qualified participant under this section.

(2) CONSIDERATIONS.—In establishing the Government's share of the net project cost to be provided under this section, the Secretary shall consider—

(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

(B) the extent to which the qualified participant coordinates with a public transportation authority or private entity engaged in public transportation;

(C) private investment in the qualified project, including the provision of contract

services, joint development activities, and the use of innovative financing mechanisms;

(D) the clear and direct benefit to the qualified participant; and

(E) any other matters that the Secretary considers appropriate to carry out this section.

(3) SPECIAL RULE.—Notwithstanding any other provision of law, funds appropriated to any Federal land management agency may be counted toward the remainder of the net project cost.

(h) SELECTION OF QUALIFIED PROJECTS.—

(1) IN GENERAL.—The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

(2) CONSIDERATIONS.—In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

(B) the location of the qualified project, to ensure that the selected qualified projects—

(i) are geographically diverse nationwide; and

(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

(C) the size of the qualified project, to ensure that there is a balanced distribution;

(D) the historical and cultural significance of a qualified project;

(E) safety;

(F) the extent to which the qualified project would—

(i) enhance livable communities;

(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

(iii) reduce congestion; and

(iv) improve the mobility of people in the most efficient manner; and

(G) any other matters that the Secretary of the Interior considers appropriate to carry out this section, including—

(i) visitation levels;

(ii) the use of innovative financing or joint development strategies; and

(iii) coordination with gateway communities.

(i) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

(1) IN GENERAL.—When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary, in consultation with the Secretary of the Interior, may pay the share of the net capital project cost of a qualified project if—

(A) the qualified participant applies for the payment;

(B) the Secretary approves the payment; and

(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.

(2) FINANCING COSTS.—

(A) IN GENERAL.—The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

(B) LIMITATION ON AMOUNT OF INTEREST.—The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

(C) CERTIFICATION.—The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

(j) RELATIONSHIP TO OTHER LAWS.—

(1) SECTION 5307.—A qualified participant under this section shall be subject to the requirements of sections 5307 and 5333(a) to the extent the Secretary determines to be appropriate.

(2) OTHER REQUIREMENTS.—A qualified participant under this section shall be subject to any other requirements that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

(3) PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is not less than $25,000,000—

(A) the qualified project shall, to the extent the Secretary considers appropriate, be carried out through a full funding grant agreement in accordance with section 5309(g); and

(B) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

(k) ASSET MANAGEMENT.—The Secretary, in consultation with the Secretary of the Interior, may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

(*l*) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

(1) GRANTS AND OTHER ASSISTANCE.—The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants, cooperative agreements, contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies in eligible areas that will—

(A) conserve resources;

(B) prevent or mitigate adverse environmental impact;

(C) improve visitor mobility, accessibility, and enjoyment; and

(D) reduce pollution (including noise pollution and visual pollution).

(2) INFORMATION.—The Secretary may request and receive appropriate information from any source.

(3) FUNDING.—Grants, cooperative agreements, contracts, and other agreements under paragraph (1) shall be awarded from amounts allocated under subsection (e)(1).

(m) INNOVATIVE FINANCING.—A qualified project receiving financial assistance under this section shall be eligible for funding through a State infrastructure bank or other innovative financing mechanism available to finance an eligible project under this chapter.

(n) REPORTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit a report on the allocation of amounts made available to assist qualified projects under this section to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) ANNUAL REPORTS.—The report required under paragraph (1) shall be included in the report submitted under section 5309(k)(1).

(Added Pub. L. 109–59, title III, § 3021(a), Aug. 10, 2005, 119 Stat. 1608; amended Pub. L. 110–244, title II, § 201(i), June 6, 2008, 122 Stat. 1610.)

REFERENCES IN TEXT

The date of enactment of the Federal Public Transportation Act of 2005, referred to in subsec. (c)(5)(B)(i), is the date of enactment of title III of Pub. L. 109–59, which was approved Aug. 10, 2005.

PRIOR PROVISIONS

A prior section 5320, Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 818; Pub. L. 103–429, § 6(9), Oct. 31, 1994, 108 Stat. 4379; Pub. L. 105–178, title III, § 3009(h)(3)(A), June 9, 1998, 112 Stat. 356; Pub. L. 105–206, title IX, § 9009(h)(1), July 22, 1998, 112 Stat. 856, related to construction of a suspended light rail system technology pilot project, prior to repeal by Pub. L. 109–59, title III, § 3021(a), Aug. 10, 2005, 119 Stat. 1608.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–244, § 201(i)(7), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (a)(1)(A). Pub. L. 110–244, § 201(i)(1), substituted ''intraagency'' for ''intra-agency'' in introductory provisions.

Subsec. (b). Pub. L. 110–244, § 201(i)(6), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (b)(5)(A). Pub. L. 110–244, § 201(i)(2), substituted ''5302(a)(1)'' for ''5302(a)(1)(A)''.

Subsec. (c). Pub. L. 110–244, § 201(i)(6), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 110–244, § 201(i)(6), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(1). Pub. L. 110–244, § 201(i)(3), inserted ''to administer this section and'' after ''5338(b)(2)(J)''.

Subsec. (d)(4). Pub. L. 110–244, § 201(i)(4), added par. (4).

Subsecs. (e) to (j). Pub. L. 110–244, § 201(i)(6), redesignated subsecs. (d) to (i) as (e) to (j), respectively. Former subsec. (j) redesignated (k).

Subsec. (k). Pub. L. 110–244, § 201(i)(6), redesignated subsec. (j) as (k). Former subsec. (k) redesignated (*l*).

Subsec. (k)(3). Pub. L. 110–244, § 201(i)(5), substituted ''subsection (e)(1)'' for ''subsection (d)(1)''.

Subsecs. (*l*) to (n). Pub. L. 110–244, § 201(i)(6), redesignated subsecs. (k) to (m) as (*l*) to (n), respectively.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 5321. Crime prevention and security

The Secretary of Transportation may make capital grants from amounts available under section 5338 of this title to public transportation systems for crime prevention and security. This chapter does not prevent the financing of a project under this section when a local governmental authority other than the grant applicant has law enforcement responsibilities.

(Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 820; Pub. L. 109–59, title III, § 3002(b)(4), Aug. 10, 2005, 119 Stat. 1545.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5321	49 App.:1620.	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, § 24; added Apr. 2, 1987, Pub. L. 100–17, § 325, 101 Stat. 237.

AMENDMENTS

2005—Pub. L. 109–59 substituted ''public transportation'' for ''mass transportation''.

REGULATIONS

Pub. L. 109–59, title III, § 3028(c), Aug. 10, 2005, 119 Stat. 1624, provided that: ''Not later than 180 days after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] and the Secretary of Homeland Security shall issue jointly final regulations to establish the characteristics of and requirements for public transportation security grants, including funding priorities, eligible activities, methods for awarding grants, and limitations on administrative expenses.''

PUBLIC TRANSPORTATION SECURITY

Pub. L. 109–59, title III, § 3028(b), Aug. 10, 2005, 119 Stat. 1624, provided that:

''(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall execute an annex to the memorandum of understanding between the Secretary and the Secretary of Homeland Security, dated September 28, 2004, to define and clarify the respective roles and responsibilities of the Department of Transportation and the Department of Homeland Security relating to public transportation security.

''(2) CONTENTS.—The annex to be executed under paragraph (1) shall—

''(A) establish a process to develop security standards for public transportation agencies;

''(B) create a method of direct coordination with public transportation agencies on security matters;

''(C) address any other issues determined to be appropriate by the Secretary and the Secretary of Homeland Security; and

''(D) include a formal and permanent mechanism to ensure coordination and involvement by the Depart-