

- (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-

ment of Transportation, as appropriate, in public transportation security.”

§ 5322. Human resource programs

(a) IN GENERAL.—The Secretary of Transportation may undertake, or make grants and contracts for, programs that address human resource needs as they apply to public transportation activities. A program may include—

- (1) an employment training program;
- (2) an outreach program to increase minority and female employment in public transportation activities;
- (3) research on public transportation personnel and training needs; and
- (4) training and assistance for minority business opportunities.

(b) FELLOWSHIPS.—

(1) AUTHORITY TO MAKE GRANTS.—The Secretary may make grants to States, local governmental authorities, and operators of public transportation systems to provide fellowships to train personnel employed in managerial, technical, and professional positions in the public transportation field.

(2) TERMS.—

(A) PERIOD OF TRAINING.—A fellowship under this subsection may not be for more than 1 year of training in an institution that offers a program applicable to the public transportation industry.

(B) SELECTION OF INDIVIDUALS.—A recipient of a grant for a fellowship under this subsection shall select an individual on the basis of demonstrated ability and for the contribution the individual reasonably can be expected to make to an efficient public transportation operation.

(C) AMOUNT.—A grant for a fellowship under this subsection may not be more than the lesser of \$65,000 or 75 percent of the sum of—

- (i) tuition and other charges to the fellowship recipient;
- (ii) additional costs incurred by the training institution and billed to the grant recipient; and
- (iii) the regular salary of the fellowship recipient for the period of the fellowship to the extent the salary is actually paid or reimbursed by the grant recipient.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 820; Pub. L. 109–59, title III, §§3002(b)(4), 3022, Aug. 10, 2005, 119 Stat. 1545, 1614.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5322	49 App.:1616.	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §20; added Nov. 6, 1978, Pub. L. 95–599, §315, 92 Stat. 2751.

In this section, before clause (1), the word “make” is substituted for “provide financial assistance by” to eliminate unnecessary words. The words “national and local” are omitted as surplus. The text of 49 App.:1616 (last sentence) is omitted as surplus.

AMENDMENTS

2005—Pub. L. 109–59, §3022, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

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

§ 5323. General provisions on assistance

(a) INTERESTS IN PROPERTY.—

(1) IN GENERAL.—Financial assistance provided under this chapter to a State or a local governmental authority may be used to acquire an interest in, or to buy property of, a private company engaged in public transportation, for a capital project for property acquired from a private company engaged in public transportation after July 9, 1964, or to operate a public transportation facility or equipment in competition with, or in addition to, transportation service provided by an existing public transportation company, only if—

(A) the Secretary determines that such financial assistance is essential to a program of projects required under sections 5303, 5304, and 5306;

(B) the Secretary determines that the program provides for the participation of private companies engaged in public transportation to the maximum extent feasible; and

(C) just compensation under State or local law will be paid to the company for its franchise or property.

(2) LIMITATION.—A governmental authority may not use financial assistance of the United States Government to acquire land, equipment, or a facility used in public transportation from another governmental authority in the same geographic area.

(b) NOTICE AND PUBLIC HEARING.—

(1) IN GENERAL.—For a capital project that will substantially affect a community, or the public transportation service of a community, an applicant shall—

(A) provide an adequate opportunity for public review and comment on the project;

(B) after providing notice, hold a public hearing on the project if the project affects significant economic, social, or environmental interests;

(C) consider the economic, social, and environmental effects of the project; and

(D) find that the project is consistent with official plans for developing the community.

(2) NOTICE.—Notice of a hearing under this subsection—

(A) shall include a concise description of the proposed project; and

(B) shall be published in a newspaper of general circulation in the geographic area the project will serve.

(3) APPLICATION REQUIREMENTS.—An application for a grant under this chapter for a capital project described in paragraph (1) shall include—

(A) a certification that the applicant has complied with the requirements of this subsection; and

(B) in the environmental record for the project, evidence that the applicant has complied with the requirements of this subsection.