

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.