

- (A) the total land area of the State (in square miles); multiplied by
- (B) 370; multiplied by
- (C)(i) the population of the State in urbanized areas; divided by
- (ii) the total population of the State.

(3) STATE APPORTIONMENT FACTOR.—For each State qualifying for an apportionment under paragraph (1), the Secretary shall calculate an amount equal to the difference between the total population of the State less the amount calculated in paragraph (2).

(4) STATE APPORTIONMENT.—Each State qualifying for an apportionment under paragraph (1) shall receive an amount equal to the amount to be apportioned under this subsection multiplied by the amount calculated for the State under paragraph (3) divided by the sum of the amounts calculated under paragraph (3) for all States qualifying for an apportionment under paragraph (1).

(5) APPORTIONMENTS AMONG URBANIZED AREAS IN EACH STATE.—The Secretary shall apportion amounts made available to each State under paragraph (4) so that each urbanized area receives an amount equal to the amount apportioned under paragraph (4) multiplied by a ratio equal to the population of each urbanized area divided by the sum of populations of all urbanized areas in the State. Amounts apportioned to each urbanized area shall be added to amounts apportioned to that urbanized area under section 5336, and made available for grants under section 5307.

(Added Pub. L. 109-59, title III, §3038(a), Aug. 10, 2005, 119 Stat. 1636.)

CHAPTER 55—INTERMODAL TRANSPORTATION

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AMENDMENTS

2005—Pub. L. 109-59, title V, §§ 5401(c), 5402(c), Aug. 10, 2005, 119 Stat. 1815, 1820, substituted “National university transportation centers” for “University transportation research” in item 5505 and “University transportation research” for “Advanced vehicle technologies program” in item 5506.

1998—Pub. L. 105-178, title V, §§ 5110(b), 5111(b), June 9, 1998, 112 Stat. 444, 445, added items 5505 and 5506.

SUBCHAPTER I—GENERAL

§ 5501. National Intermodal Transportation System policy

(a) GENERAL.—It is the policy of the United States Government to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the United States to compete in the global economy, and will move individuals and property in an energy efficient way.

(b) SYSTEM CHARACTERISTICS.—(1) The National Intermodal Transportation System shall consist of all forms of transportation in a unified, interconnected manner, including the transportation systems of the future, to reduce energy consumption and air pollution while promoting economic development and supporting the United States’ preeminent position in international commerce.

(2) The National Intermodal Transportation System shall include a National Highway System consisting of the Dwight D. Eisenhower System of Interstate and Defense Highways and those principal arterial roads that are essential for interstate and regional commerce and travel, national defense, intermodal transfer facilities, and international commerce and border crossings.

(3) The National Intermodal Transportation System shall include significant improvements in public transportation 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.

(4) The National Intermodal Transportation System shall provide improved access to ports and airports, the Nation’s link to commerce.

(5) The National Intermodal Transportation System shall give special emphasis to the contributions of the transportation sectors to increased productivity growth. Social benefits must be considered with particular attention to the external benefits of reduced air pollution, reduced traffic congestion, and other aspects of the quality of life in the United States.

(6) The National Intermodal Transportation System must be operated and maintained with insistent attention to the concepts of innovation, competition, energy efficiency, productivity, growth, and accountability. Practices that resulted in the lengthy and overly costly construction of the Dwight D. Eisenhower System of Interstate and Defense Highways must be confronted and stopped.

(7) The National Intermodal Transportation System shall be adapted to “intelligent vehicles”, “magnetic levitation systems”, and other new technologies, wherever feasible and economical, with benefit cost estimates given special emphasis on safety considerations and techniques for cost allocation.

(8) When appropriate, the National Intermodal Transportation System will be financed, as regards Government apportionments and reimbursements, by the Highway Trust Fund. Financial assistance will be provided to State and

local governments and their instrumentalities to help carry out national goals related to mobility for elderly individuals, individuals with disabilities, and economically disadvantaged individuals.

(9) The National Intermodal Transportation System must be the centerpiece of a national investment commitment to create the new wealth of the United States for the 21st century.

(c) DISTRIBUTION AND POSTING.—The Secretary of Transportation shall distribute copies of the policy in subsections (a) and (b) of this section to each employee of the Department of Transportation and ensure that the policy is posted in all offices of the Department.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 848.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5501	49:101 (note).	Dec. 18, 1991, Pub. L. 102–240, §2, 105 Stat. 1914.

In this section, the words “Dwight D. Eisenhower System of Interstate and Defense Highways” are substituted for “National System of Interstate and Defense Highways” because of the Act of October 15, 1990 (Public Law 101–427, 104 Stat. 927).

§ 5502. Intermodal Transportation Advisory Board

(a) ORGANIZATION.—The Intermodal Transportation Advisory Board is a board in the Office of the Secretary of Transportation.

(b) MEMBERSHIP.—The Board consists of the Secretary, who serves as chairman, and the Administrator, or the Administrator’s designee, of—

- (1) the Federal Highway Administration;
- (2) the Federal Aviation Administration;
- (3) the Maritime Administration;
- (4) the Federal Railroad Administration;
- (5) the Federal Transit Administration; and
- (6) the Federal Motor Carrier Safety Administration.

(c) DUTIES AND POWERS.—The Board shall provide recommendations for carrying out the duties of the Secretary described in section 301(3) of this title.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 849; Pub. L. 109–59, title IV, §4145(a), Aug. 10, 2005, 119 Stat. 1749.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5502	49:301 (note).	Dec. 18, 1991, Pub. L. 102–240, §5002(b), 105 Stat. 2158.

AMENDMENTS

2005—Subsec. (b)(6). Pub. L. 109–59 added par. (6).

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by Congress, its duration is otherwise provided

by law. See sections 3(2), and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 5503. Office of Intermodalism

(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration an Office of Intermodalism.

(b) DIRECTOR.—The head of the Office is a Director who shall be appointed by the Secretary.

(c) DUTIES AND POWERS.—The Director shall carry out the duties of the Secretary described in section 301(3) of this title.

(d) RESEARCH.—The Director shall—

(1) coordinate United States Government research on intermodal transportation as provided in the plan developed under section 6009(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2177); and

(2) carry out additional research needs identified by the Director.

(e) TECHNICAL ASSISTANCE.—The Director shall provide technical assistance to States and to metropolitan planning organizations for urban areas having a population of at least 1,000,000 in collecting data related to intermodal transportation to facilitate the collection of the data by States and metropolitan planning organizations. Amounts reserved under section 5504(d) not awarded to States as grants may be used by the Director to provide technical assistance under this subsection.

(f) NATIONAL INTERMODAL SYSTEM IMPROVEMENT PLAN.—

(1) IN GENERAL.—The Director, in consultation with the advisory board established under section 5502 and other public and private transportation interests, shall develop a plan to improve the national intermodal transportation system. The plan shall include—

(A) an assessment and forecast of the national intermodal transportation system’s impact on mobility, safety, energy consumption, the environment, technology, international trade, economic activity, and quality of life in the United States;

(B) an assessment of the operational and economic attributes of each passenger and freight mode of transportation and the optimal role of each mode in the national intermodal transportation system;

(C) a description of recommended intermodal and multimodal research and development projects;

(D) a description of emerging trends that have an impact on the national intermodal transportation system;

(E) recommendations for improving intermodal policy, transportation decision-making, and financing to maximize mobility and the return on investment of Federal spending on transportation;

(F) an estimate of the impact of current Federal and State transportation policy on the national intermodal transportation system; and

(G) specific near and long-term goals for the national intermodal transportation system.

(2) PROGRESS REPORTS.—The Director shall submit an initial report on the plan to im-

prove the national intermodal transportation system 2 years after the date of enactment of the Motor Carrier Safety Reauthorization Act of 2005, and a follow-up report 2 years after that, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The progress report shall—

- (A) describe progress made toward achieving the plan's goals;
- (B) describe challenges and obstacles to achieving the plan's goals;
- (C) update the plan to reflect changed circumstances or new developments; and
- (D) make policy and legislative recommendations the Director believes are necessary and appropriate to achieve the goals of the plan.

(3) PLAN DEVELOPMENT FUNDING.—Such sums as may be necessary from the administrative expenses of the Research and Innovative Technology Administration shall be reserved by the Secretary of Transportation each year for the purpose of completing and updating the plan to improve the national intermodal transportation plan.

(g) IMPACT MEASUREMENT METHODOLOGY; IMPACT REVIEW.—The Director and the Director of the Bureau of Transportation Statistics shall jointly—

- (1) develop, in consultation with the modal administrations, and State and local planning organizations, common measures to compare transportation investment decisions across the various modes of transportation; and
- (2) formulate a methodology for measuring the impact of intermodal transportation on—
 - (A) the environment;
 - (B) public health and welfare;
 - (C) energy consumption;
 - (D) the operation and efficiency of the transportation system;
 - (E) congestion, including congestion at the Nation's ports; and
 - (F) the economy and employment.

(h) ADMINISTRATIVE AND CLERICAL SUPPORT.—The Director shall provide administrative and clerical support to the Intermodal Transportation Advisory Board.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal years 2006 through 2009 to carry out this chapter.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 850; Pub. L. 105-178, title V, §5109(b), June 9, 1998, 112 Stat. 440; Pub. L. 108-426, §4(c), Nov. 30, 2004, 118 Stat. 2425; Pub. L. 109-59, title IV, §4149, Aug. 10, 2005, 119 Stat. 1750; Pub. L. 110-244, title III, §301(k), June 6, 2008, 122 Stat. 1616.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5503	49:301 (note).	Dec. 18, 1991, Pub. L. 102-240, §5002(c), 105 Stat. 2158.

REFERENCES IN TEXT

Section 6009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec.

(d)(1), is section 6009(b) of Pub. L. 102-240, which is set out as a note under section 508 of Title 23, Highways.

The date of enactment of the Motor Carrier Safety Reauthorization Act of 2005, referred to in subsec. (f)(2), is the date of enactment of title IV of Pub. L. 109-59, which was approved Aug. 10, 2005.

AMENDMENTS

2008—Subsec. (f)(2). Pub. L. 110-244, §301(k)(1), substituted “Motor Carrier Safety Reauthorization Act of 2005” for “Surface Transportation Safety Improvement Act of 2005” in introductory provisions.

Subsecs. (h), (i). Pub. L. 110-244, §301(k)(2), redesignated subsec. (h), relating to authorization of appropriations, as (i) and moved such subsec. to appear in proper order.

2005—Subsec. (e). Pub. L. 109-59, §4149(1), inserted at end “Amounts reserved under section 5504(d) not awarded to States as grants may be used by the Director to provide technical assistance under this subsection.”

Subsecs. (f), (g). Pub. L. 109-59, §4149(2), (3), added subsecs. (f) and (g). Former subsec. (f) redesignated (h) relating to administrative and clerical support.

Subsec. (h). Pub. L. 109-59, §4149(3), added subsec. (h) relating to authorization of appropriations.

Pub. L. 109-59, §4149(2), redesignated subsec. (f) as (h) relating to administrative and clerical support.

2004—Subsec. (a). Pub. L. 108-426 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The Secretary of Transportation shall establish in the Office of the Secretary an Office of Intermodalism.”

1998—Subsecs. (d) to (g). Pub. L. 105-178 redesignated subsecs. (e) to (g) as (d) to (f), respectively, and struck out heading and text of former subsec. (d). Text read as follows:

“(1) The Director shall develop, maintain, and disseminate intermodal transportation data through the Bureau of Transportation Statistics. The Director shall coordinate the collection of data for the data base with the States and metropolitan planning organizations. The data base shall include information on—

“(A) the volume of property and number of individuals carried in intermodal transportation by relevant classification;

“(B) patterns of movement of property and individuals in intermodal transportation by relevant classification by origin and destination; and

“(C) public and private investment in intermodal transportation facilities and services.

“(2) The Director shall make information from the data base available to the public.”

§ 5504. Model intermodal transportation plans

(a) GRANTS.—The Secretary of Transportation shall make grants to States to develop model State intermodal transportation plans that are consistent with the policy set forth in section 302(e) of this title. The model plans shall include systems for collecting data related to intermodal transportation.

(b) DISTRIBUTION.—The Secretary shall award grants to States under this section that represent a variety of geographic regions and transportation needs, patterns, and modes.

(c) PLAN SUBMISSION.—As a condition to a State receiving a grant under this section, the Secretary shall require that the State provide assurances that the State will submit to the Secretary a State intermodal transportation plan not later than 18 months after the date of receipt of the grant.

(d) GRANT AMOUNTS.—The Secretary shall reserve, from amounts deducted under section 104(a) of title 23, \$3,000,000 to make grants under

this section. The total amount that a State may receive in grants under this section may not be more than \$500,000.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 850.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5504	49:301 (note).	Dec. 18, 1991, Pub. L. 102-240, §5003, 105 Stat. 2159.

§ 5505. National university transportation centers

(a) IN GENERAL.—

(1) ESTABLISHMENT AND OPERATION.—The Secretary of Transportation shall make grants under this section to eligible nonprofit institutions of higher learning to establish and operate national university transportation centers.

(2) ROLE OF CENTERS.—The role of each center shall be to advance significant transportation research on critical national transportation issues and to expand the workforce of transportation professionals.

(b) APPLICABILITY OF REQUIREMENTS.—A grant received by an eligible nonprofit institution of higher learning under this section shall be available for the same purposes, and shall be subject to the same terms and conditions, as a grant made to a nonprofit institution of higher learning under section 5506.

(c) ELIGIBLE NONPROFIT INSTITUTION OF HIGHER LEARNING DEFINED.—In this section, the term “eligible nonprofit institution of higher learning” means each of the following:

- (1) University of Alaska.
- (2) Marshall University, West Virginia, on behalf of a consortium of West Virginia colleges and universities.
- (3) University of Minnesota.
- (4) University of Missouri, Rolla.
- (5) Northwestern University.
- (6) Oklahoma Transportation Center.
- (7) Portland State University, in partnership with the University of Oregon, Oregon State University, and the Oregon Institute of Technology.
- (8) University of Vermont.
- (9) Western Transportation Institute at Montana State University.
- (10) University of Wisconsin.

(d) GRANTS.—The Secretary shall make a grant under this section to each eligible nonprofit institution of higher learning in an amount¹ \$2,000,000 in fiscal year 2005 and \$3,500,000 in each of fiscal years 2006 through 2009 to carry out this section.

(Added and amended Pub. L. 105-178, title V, §5110(a), (d), June 9, 1998, 112 Stat. 441; Pub. L. 105-206, title IX, §9011(d), July 22, 1998, 112 Stat. 863; Pub. L. 109-59, title V, §5401(a), Aug. 10, 2005, 119 Stat. 1814.)

AMENDMENTS

2005—Pub. L. 109-59 amended section catchline and text generally, substituting provisions relating to na-

tional university transportation centers for provisions relating to university transportation research.

1998—Subsec. (g)(2). Pub. L. 105-178, §5110(d)(1), as added by Pub. L. 105-206, substituted “section 508 of title 23, United States Code,” for “section 5506.”

Subsec. (i). Pub. L. 105-178, §5110(d)(2), as added by Pub. L. 105-206, inserted “Subject to section 5338(e):” before par. (1) and substituted “institutions or groups of institutions” for “institutions” wherever appearing.

Subsec. (j)(4)(B). Pub. L. 105-178, §5110(d)(3), as added by Pub. L. 105-206, substituted “on behalf of a consortium which may also include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College” for “on behalf of a consortium of West Virginia colleges and universities”.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

§ 5506. University transportation research

(a) IN GENERAL.—The Secretary of Transportation shall make grants under this section to nonprofit institutions of higher learning to establish and operate university transportation centers.

(b) OBJECTIVES.—Grants received under this section shall be used by nonprofit institutions of higher learning to advance significantly the state-of-the-art in transportation research and expand the workforce of transportation professionals through the following programs and activities:

(1) RESEARCH.—Basic and applied research, the products of which are judged by peers or other experts in the field of transportation to advance the body of knowledge in transportation.

(2) EDUCATION.—An education program relating to transportation that includes multidisciplinary course work and participation in research.

(3) TECHNOLOGY TRANSFER.—An ongoing program of technology transfer that makes transportation research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

(c) REGIONAL, TIER I, AND TIER II CENTERS.—

(1) REGIONAL AND TIER I CENTERS.—For each of fiscal years 2005 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate—

(A) 10 regional university transportation centers; and

(B) 10 Tier I university transportation centers.

(2) TIER II CENTERS.—

(A) For each of fiscal years 2006 through 2009, the Secretary shall make grants under subsection (a) to nonprofit institutions of higher learning to establish and operate 22 Tier II university transportation centers.

(B) The Tier II centers consist of the following:

(i) University of Arkansas, Mack-Blackwell Rural Transportation Center.

¹ So in original. Probably should be followed by “of”.

- (ii) University of California, Davis.
- (iii) California State University, San Bernardino.
- (iv) Cleveland State University, Work Zone Safety Institute.
- (v) University of Connecticut.
- (vi) University of Delaware in Newark.
- (vii) University of Detroit Mercy (including the coalition partners of the university).
- (viii) George Mason University.
- (ix) Hampton University, Eastern Seaboard Intermodal Transportation Applications Center (ESITAC).
- (x) Kansas State University.
- (xi) Louisiana State University, LTRC-TTEC.
- (xii) University of Massachusetts Amherst.
- (xiii) Michigan Technological University.
- (xiv) University of Nevada Las Vegas.
- (xv) North Carolina State University, Center for Transportation and the Environment.
- (xvi) Northwestern University.
- (xvii) Ohio Higher Education Transportation Consortium University of Akron.
- (xviii) University of Rhode Island.
- (xix) University of Toledo.
- (xx) Utah State University.
- (xxi) Youngstown State University.
- (xxii) University of Memphis.

(3) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

(4) LIMITATION.—A nonprofit institution of higher learning may not directly receive a grant under this section for a fiscal year for more than one university transportation center.

(d) COMPETITIVE SELECTION PROCESS.—

(1) APPLICATIONS.—In order to be eligible to receive a grant under subsection (c)(1), a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

(2) GENERAL SELECTION CRITERIA.—Except as otherwise provided by this section, the Secretary shall select each recipient of a grant under subsection (c)(1) through a competitive process on the basis of the following:

(A) The demonstrated research and extension resources available to the recipient to carry out this section.

(B) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

(C) The recipient's demonstrated commitment of at least \$400,000 each year in regularly budgeted institutional amounts to support ongoing transportation research and education programs.

(D) The recipient's demonstrated ability to disseminate results of transportation re-

search and education programs through a statewide or regionwide continuing education program.

(E) The strategic plan the recipient proposes to carry out under the grant.

(e) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

(1) COMPETITION.—Not later than March 31, 2006, and not later than March 31st of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 regional university transportation centers referred to in subsection (c)(1)(A).

(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

(A) the criteria described in subsection (d)(2);

(B) the location of the center within the Federal region to be served; and

(C) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) demonstrates that it has a well-established, nationally recognized program in transportation research and education, as evidenced by—

(i) not less than \$2,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years;

(ii) not less than 10 graduate degrees awarded in professional fields closely related to highways and public transportation each year for each of the preceding 5 years; and

(iii) not less than 5 tenured or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation who, as a group, have published a total at least 50 refereed journal publications on highway or public transportation research during the preceding 5 years.

(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a regional university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

(4) SPECIAL RULE FOR FISCAL YEARS 2005 AND 2006.—For fiscal years 2005 and 2006, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grants by the Secretary under this section in July 1999 to operate regional university transportation centers.

(5) AMOUNT OF GRANTS.—The Secretary shall make a grant to a nonprofit institution of higher learning to establish and operate a regional university transportation center of—

(A) \$1,000,000 for fiscal year 2005;

(B) \$2,000,000 for each of fiscal years 2006 through 2008; and

(C) \$2,250,000 for fiscal year 2009.

(f) TIER I UNIVERSITY TRANSPORTATION CENTERS.—

(1) COMPETITION.—Not later than June 30, 2006, and not later than June 30 of every 4th year thereafter, the Secretary shall complete a competition among nonprofit institutions of higher learning for grants to establish and operate the 10 Tier I university transportation centers referred to in subsection (c)(1)(B).

(2) SELECTION CRITERIA.—In conducting a competition under paragraph (1), the Secretary shall select a nonprofit institution of higher learning on the basis of—

(A) the criteria described in subsection (d)(2); and

(B) whether or not the institution (or, in the case of a consortium of institutions, the lead institution) can demonstrate that it has an established, recognized program in transportation research and education, as evidenced by—

(i) not less than \$1,000,000 in highway or public transportation research expenditures each year for each of the preceding 5 years or not less than \$6,000,000 in such expenditures during the 5 preceding years;

(ii) not less than 5 graduate degrees awarded in professional fields closely related to highways and public transportation each year for each of the preceding 5 years; and

(iii) not less than 3 tenured or tenure-track faculty members who specialize on a full-time basis in professional fields closely related to highways and public transportation who, as a group, have published a total at least 20 refereed journal publications on highway or public transportation research during the preceding 5 years.

(3) GRANT RECIPIENTS.—After selecting a nonprofit institution of higher learning as a grant recipient on the basis of a competition conducted under this subsection, the Secretary shall make a grant to the recipient to establish and operate a Tier I university transportation center in each of the first 4 fiscal years beginning after the date of the competition.

(4) SPECIAL RULE FOR FISCAL YEARS 2005 AND 2006.—For fiscal years 2005 and 2006, the Secretary shall make a grant under this section to each of the 10 nonprofit institutions of higher learning that were competitively selected for grant awards by the Secretary under this section in May 2002 to operate university transportation centers (other than regional centers).

(5) AMOUNT OF GRANTS.—The Secretary shall make a grant of \$1,000,000 for each of fiscal years 2005 through 2009 to a nonprofit institution of higher learning to establish and operate a Tier I university transportation center.

(g) TIER II UNIVERSITY TRANSPORTATION CENTERS.—

(1) SELECTION.—The Secretary shall make grants to the nonprofit institutions of higher learning to establish and operate the 22 Tier II university transportation centers referred to in subsection (c)(2)(B).

(2) AMOUNT OF GRANTS.—The Secretary shall make a grant of \$500,000 for each of fiscal years 2006 through 2009 to a nonprofit institution of higher learning to establish and operate a Tier II university transportation center.

(h) SUPPORT OF NATIONAL STRATEGY FOR SURFACE TRANSPORTATION RESEARCH.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall provide assurances satisfactory to the Secretary that the research and education activities of its university transportation center will support the national strategy for surface transportation research, as identified by—

(1) the report of the National Highway Research and Technology Partnership entitled “Highway Research and Technology: The Need for Greater Investment”, dated April 2002; and

(2) the programs of the National Research and Technology Program of the Federal Transit Administration.

(i) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall enter into an agreement with the Secretary to ensure that the institution will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution.

(j) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section shall be 50 percent of such costs. The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23.

(k) PROGRAM COORDINATION.—

(1) COORDINATION.—The Secretary shall coordinate the research, education, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse to disseminate the results of the research.

(2) ANNUAL REVIEW AND EVALUATION.—At least annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall review and evaluate programs of grant recipients.

(3) MANAGEMENT AND OVERSIGHT.—For each of fiscal years 2008 and 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section to carry out management and oversight of the centers receiving assistance under this section and section 5505.

(l) PROGRAM ADMINISTRATION.—The Secretary shall carry out this section acting through the Administrator of the Research and Innovative Technology Administration.

(m) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this section shall remain available for obligation by the Secretary for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

(Added Pub. L. 105-178, title V, §511(a), June 9, 1998, 112 Stat. 444; amended Pub. L. 109-59, title V, §5402(a), Aug. 10, 2005, 119 Stat. 1815; Pub. L. 110-244, title I, §§111(g)(3), 116, June 6, 2008, 122 Stat. 1605, 1607.)

AMENDMENTS

2008—Subsec. (c)(2)(B). Pub. L. 110-244, §111(g)(3)(A), substituted “Tier” for “tier” in introductory provisions.

Subsec. (e)(5)(C). Pub. L. 110-244, §116, substituted “\$2,250,000” for “\$2,225,000”.

Subsec. (i). Pub. L. 110-244, §111(g)(3)(B), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (k)(3). Pub. L. 110-244, §111(g)(3)(C), substituted “For each of fiscal years 2008 and 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section” for “The Secretary shall expend not more than \$400,000 for each of fiscal years 2005 through 2009 from amounts made available to carry out this section”.

2005—Pub. L. 109-59 amended section catchline and text generally, substituting provisions relating to university transportation research for provisions relating to advanced vehicle technologies program.

SUBCHAPTER II—TERMINALS

§ 5561. Definition

In this chapter, “civic and cultural activities” includes libraries, musical and dramatic presentations, art exhibits, adult education programs, public meeting places, and other facilities for carrying on an activity any part of which is supported under a law of the United States.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 851.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5561	49 App.:1653(i)(10).	Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §4(i)(10); added Oct. 28, 1974, Pub. L. 93-496, §§6, 15, 88 Stat. 1530, 1533; Feb. 5, 1976, Pub. L. 94-210, §707(3), 90 Stat. 125; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412.

In this chapter, both sections 6 and 15 of the Amtrak Improvement Act (Public Law 93-496, 88 Stat. 1528, 1533) are listed as source credits for the addition of section 4(i) to the Department of Transportation Act (Public Law 89-670, 80 Stat. 931). This is done to conform to the probable intent of Congress as evidenced by the directory language of section 15 of the Act of October 28, 1974.

In this section, the words “for community groups, convention visitors and others” are omitted as unnecessary.

§ 5562. Assistance projects

(a) REQUIREMENTS TO PROVIDE ASSISTANCE.—The Secretary of Transportation shall provide financial, technical, and advisory assistance under this chapter to—

- (1) promote, on a feasibility demonstration basis, the conversion of at least 3 rail pas-

senger terminals into intermodal transportation terminals;

- (2) preserve rail passenger terminals that reasonably are likely to be converted or maintained pending preparation of plans for their reuse;

- (3) acquire and use space in suitable buildings of historic or architectural significance but only if use of the space is feasible and prudent when compared to available alternatives; and

- (4) encourage State and local governments, local and regional transportation authorities, common carriers, philanthropic organizations, and other responsible persons to develop plans to convert rail passenger terminals into intermodal transportation terminals and civic and cultural activity centers.

(b) EFFECT ON ELIGIBILITY.—This chapter does not affect the eligibility of any rail passenger terminal for preservation or reuse assistance under another program or law.

(c) ACQUIRING SPACE.—The Secretary may acquire space under subsection (a)(3) of this section only after consulting with the Advisory Council on Historic Preservation and the Chairman of the National Endowment for the Arts.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 851.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5562(a)	49 App.:1653(i)(1).	Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §4(i)(1); added Oct. 28, 1974, Pub. L. 93-496, §§6, 15, 88 Stat. 1528, 1533; Feb. 5, 1976, Pub. L. 94-210, §707(1), (2), 90 Stat. 125; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412.
5562(b)	49 App.:1653(i)(11).	Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §4(i)(11); added Oct. 28, 1974, Pub. L. 93-496, §§6, 15, 88 Stat. 1530, 1533; Feb. 5, 1976, Pub. L. 94-210, §707(3), 90 Stat. 125; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412.
5562(c)	49 App.:1653(i)(4).	Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §4(i)(4); added Feb. 5, 1976, Pub. L. 94-210, §707(4), 90 Stat. 125; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412.

In subsection (a)(3), the words “but only if” are substituted for “unless . . . would not” for consistency.

In subsection (a)(4), the word “encourage” is substituted for “stimulating” for clarity.

In subsection (b), the words “This chapter does not affect” are substituted for “Nothing in this subsection shall be construed to invalidate” for clarity and consistency. The words “rail passenger terminal” are substituted for “station”, and the word “law” is substituted for “statute”, for consistency.

§ 5563. Conversion of certain rail passenger terminals

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Transportation may provide financial assistance to convert a rail passenger terminal to an intermodal transportation terminal under section 5562(a)(1) of this title only if—

- (1) the terminal can be converted to accommodate other modes of transportation the Secretary of Transportation decides are appropriate, including—