CHAPTER 43—PUBLIC TRANSPORTATION PROGRAMS FOR NATIONAL PARK SYSTEM AREAS

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 460ii–1, 460ii–2, 460ii–3, 460ii–4, 460ii–5 of this title.

§ 2301. Congressional statement of findings and purpose

(a) The Congress hereby finds that—

(1) the purpose of the National Park System is to preserve outstanding natural, scenic, historic, and recreation areas for the enjoyment, education, inspiration, and use of all people;

(2) units of the National Park System have recently been established near major metropolitan areas in order to preserve remaining open space and to provide recreational opportunities for urban residents (many of whom do not have access to personal motor vehicles); and

(3) circumstances which necessarily require people desiring to visit units of the National Park System to rely on personal motor vehicles may diminish the natural and recreational value of such units by causing traffic congestion and environmental damage, and by requiring the provision of roads, parking, and other facilities in ever-increasing numbers and density.

(b) The purpose of this chapter is to make the National Park System more accessible in a manner consistent with the preservation of parks and the conservation of energy by encouraging the use of transportation modes other than personal motor vehicles for access to and within units of the National Park System with minimum disruption to nearby communities through authorization of a pilot transportation program.

(Pub. L. 95–344, title III, § 301, Aug. 15, 1978, 92 Stat. 477.)

§ 2302. Transportation service and facility programs

(a) Formulation and implementation of plans and projects developed pursuant to plans

The Secretary of the Interior (hereinafter referred to as ''Secretary'') is authorized to formulate transportation plans and implement transportation projects where feasible pursuant to those plans for units of the national park system.

(b) Contracts, acquisitions, etc., for improvement of access to park system units

To carry out the purposes of subsection (a) of this section, the Secretary is authorized to—

(1) contract with public or private agencies or carriers to provide transportation services, capital equipment, or facilities to improve access to units of the national park system;

(2) operate such services directly in the absence of suitable and adequate agencies or carriers;

(3) acquire by purchase, lease, or agreement, capital equipment for such services; and

(4) where necessary to carry out the purposes of this chapter, acquire by lease, purchase, donation, exchange, or transfer, lands, waters, and interests therein which are situated outside the boundary of a unit of the national park system, which property shall be administered as part of the unit: *Provided*, That any land or interests in land owned by a State or any of its political subdivisions may be acquired only by donation: *Provided further*, That any land acquisition shall be subject to such statutory limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to such area.

(c) Repealed. Pub. L. 104–333, div. I, title VIII, § 814(d)(1)(A), Nov. 12, 1996, 110 Stat. 4195

(d) Appropriation of fees collected and covered into Planning, Development, and Operation of Recreational Facilities appropriation account

All fees directly collected by the National Park Service in the operation of the facilities and services authorized by this chapter shall be covered into the Planning, Development, and Operation of Recreation Facilities appropriation account to be subject to appropriation.

(e) Establishment of information programs

The Secretary shall establish information programs to inform the public of available park access opportunities and to promote the use of transportation modes other than personal motor vehicles for access to and travel within the units of the national park system.

(f) Undertaking of concession facilities or services

Transportation facilities and services provided pursuant to this chapter shall not be considered as concession facilities or services within the meaning of the Act of October 9, 1965 (79 Stat. 969) [16 U.S.C. 20 et seq.] and may be undertaken by the Secretary directly or by contract without regard to any requirement of local, State, or Federal law respecting determinations of public convenience and necessity or other similar matters: *Provided*, That the Secretary or his contractor shall consult with the appropriate State or local public service commission or other such body having authority to issue certificates of convenience and necessity, and any such contractor shall be subject to applicable requirements of such body unless the Secretary determines that such requirements would not be consistent with the purposes and provisions of this chapter.

(g) Construction of grant of authority respecting operation of motor vehicles excepted from statutory coverage

No grant of authority in this chapter shall be deemed to expand the exemption of section 10526(a)(9)[1] of title 49.

(Pub. L. 95–344, title III, § 302, Aug. 15, 1978, 92 Stat. 478; Pub. L. 103–437, § 6(d)(18), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104–333, div. I, title VIII, § 814(d)(1)(A), Nov. 12, 1996, 110 Stat. 4195.)

REFERENCES IN TEXT

Act of October 9, 1965, referred to in subsec. (f), is Pub. L. 89–249, Oct. 9, 1965, 79 Stat. 969, known as the National Park System Concessions Policy Act, which is classified generally to subchapter IV (§ 20 et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 20 of this title and Tables.

Section 10526(a)(9) of title 49, referred to in subsec. (g), was omitted in the general amendment of subtitle IV of Title 49, Transportation, by Pub. L. 104–88, title I, § 102(a), Dec. 29, 1995, 109 Stat. 804. Previously, ''section 10526(a)(9) of title 49'' was substituted for ''section 203(b)(4) of the Interstate Commerce Act (49 U.S.C. 303(b)(4)'' on authority of Pub. L. 95–473, § 3(b), Oct. 17, 1978, 92 Stat. 1466, the first section of which enacted subtitle IV (§ 10101 et seq.) of Title 49.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–333 struck out subsec. (c) which read as follows: ''Acquisitions pursuant to subsection (b)(3) and (4) of this section shall not commence prior to sixty days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) from the time the Secretary has submitted a detailed proposal for such acquisitions to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.''

1994—Subsec. (c). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs'' after ''Committee on''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2304 of this title.

[1] See References in Text note below.

§ 2303. Transportation projects

(a) Assistance of heads of other Federal departments and agencies in formulation and implementation

To carry out the purposes of this chapter, the Secretary of Transportation, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, and the Secretary of Commerce, and the heads of such other Federal departments or agencies as the Secretary deems necessary are directed to assist the Secretary in the formulation and implementation of transportation projects.

(b) Report to Congressional committees concerning planning, etc.

Within one hundred and eighty days from August 15, 1978, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, a compilation of Federal statutes and programs providing authority for the planning, funding, or operation of transportation projects which might be utilized by the Secretary to carry out the purpose of this chapter. The Secretary shall revise the compilation thereafter as he deems necessary.

(Pub. L. 95–344, title III, § 303, Aug. 15, 1978, 92 Stat. 479; Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 103–437, § 6(d)(18), Nov. 2, 1994, 108 Stat. 4584.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs'' after ''Committee on''.

CHANGE OF NAME

''Secretary of Health and Human Services'' substituted for ''Secretary of Health, Education, and Welfare'' in subsec. (a) pursuant to section 509(b) of Pub. L. 96–88, which is classified to section 3508(b) of Title 20, Education.

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2304. Procedures applicable to formulation and implementation of transportation plans and projects developed pursuant to plans

(a) Public notice and meeting

The Secretary shall, during the formulation of any transportation plan authorized pursuant to section 2302 of this title—

(1) give public notice of intention to formulate such a plan by publication in the Federal Register and in a newspaper or periodical having general circulation in the vicinity of the affected unit of the national park system;

(2) following such notice hold a public meeting at a location or locations convenient to the affected unit of the National Park System.

(b) Notice and opportunity to comment given to State and local governments; report to Congressional committees

Prior to the implementation of any project developed pursuant to the transportation plan for-

mulated pursuant to subsection (a) of this section, the Secretary shall—

(1) establish procedures, including but not limited to public meetings, to give State and local governments and the public adequate notice and an opportunity to comment on the proposed transportation project; and

(2) submit, when the proposed project would involve an expenditure in excess of $100,000 in any fiscal year, a detailed report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. The Secretary may proceed with the implementation of such plan only after sixty days (not counting days on which the Senate or House of Representatives has adjourned for more than three consecutive days) have elapsed following submission of the plan.

(Pub. L. 95–344, title III, § 304, Aug. 15, 1978, 92 Stat. 479; Pub. L. 103–437, § 6(d)(18), Nov. 2, 1994, 108 Stat. 4584.)

AMENDMENTS

1994—Subsec. (b)(2). Pub. L. 103–437 substituted ''Natural Resources'' for ''Interior and Insular Affairs'' after ''Committee on''.

CHANGE OF NAME

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2305. Report to Congress; contents

The Secretary shall submit a report to the Congress within three years of August 15, 1978. The report shall include, but not be limited to, his findings and recommendations regarding—

(a) preservation of natural resource values within units of the National Park System through access alternatives;

(b) effects of transportation projects on communities in close proximity to the units of the National Park System; and

(c) future transportation projects formulated pursuant to this chapter.

(Pub. L. 95–344, title III, § 305, Aug. 15, 1978, 92 Stat. 479.)

§ 2306. Authorization of appropriations; availability of amounts

In carrying out the purposes of this chapter, there is hereby authorized to be appropriated $1,000,000 for fiscal year 1979; $2,000,000 for fiscal year 1980; and $3,000,000 for fiscal year 1981, which shall remain available until expended. In a fiscal year when the amounts actually appropriated are less than the amounts listed above, the authorized but unappropriated amount shall continue to be available for appropriation in succeeding fiscal years.

(Pub. L. 95–344, title III, § 306, Aug. 15, 1978, 92 Stat. 480.)

CHAPTER 44—ANTARCTIC CONSERVATION

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§ 2401. Congressional findings and declaration of purpose

(a) Findings

The Congress finds that—

(1) for well over a quarter of a century, scientific investigation has been the principal activity of the Federal Government and United States nationals in Antarctica;

(2) more recently, interest of American tourists in Antarctica has increased;

(3) as the lead civilian agency in Antarctica, the National Science Foundation has long had responsibility for ensuring that United States scientific activities and tourism, and their supporting logistics operations, are conducted with an eye to preserving the unique values of the Antarctic region;