

view and comment, that the transportation program or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section; and

(B) the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2419; Pub. L. 100-17, title I, §133(d), Apr. 2, 1987, 101 Stat. 173; Pub. L. 109-59, title VI, §6009(a)(2), Aug. 10, 2005, 119 Stat. 1875.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 303(a), 303(b), and 303(c) with their respective legal sources.

In subsection (a), the words "hereby declared to be" before "the policy" are omitted as surplus. The words "of the United States Government" are substituted for "national" for clarity and consistency.

In subsection (b), the words "crossed by transportation activities or facilities" are substituted for "traversed" for clarity.

In subsection (c), before clause (1), the words "After August 23, 1968" after "Secretary" are omitted as executed. The word "transportation" is inserted before "program" for clarity. In clause (2), the words "or project" are added for consistency.

REFERENCES IN TEXT

Section 204 of title 23, referred to in subsec. (c), was repealed and a new section 204 enacted by Pub. L. 112-141, div. A, title I, §1119(a), July 6, 2012, 126 Stat. 473, 489.

AMENDMENTS

2005—Subsec. (c). Pub. L. 109-59, §6009(a)(2)(A), inserted heading and substituted "Subject to subsection (d), the Secretary" for "The Secretary" in introductory provisions.

Subsec. (d). Pub. L. 109-59, §6009(a)(2)(B), added subsec. (d).

1987—Subsec. (c). Pub. L. 100-17 inserted "(other than any project for a park road or parkway under section 204 of title 23)" after "program or project".

TREATMENT OF MILITARY FLIGHT OPERATIONS

Pub. L. 105-85, div. A, title X, §1079, Nov. 18, 1997, 111 Stat. 1916, provided that: "No military flight operation (including a military training flight), or designation of airspace for such an operation, may be treated as a transportation program or project for purposes of section 303(c) of title 49, United States Code."

§ 303a. Development of water transportation

(a) POLICY.—It is the policy of Congress—

(1) to promote, encourage, and develop water transportation, service, and facilities for the commerce of the United States; and

(2) to foster and preserve rail and water transportation.

(b) DEFINITION.—In this section, "inland waterway" includes the Great Lakes.

(c) REQUIREMENTS.—The Secretary of Transportation shall—

(1) investigate the types of vessels suitable for different classes of inland waterways to promote, encourage, and develop inland waterway transportation facilities for the commerce of the United States;

(2) investigate water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, and equipment, and investigate railroad spurs and switches connecting with those water terminals, to develop the types most appropriate for different locations and for transferring passengers or property between water carriers and rail carriers more expeditiously and economically;

(3) consult with communities, cities, and towns about the location of water terminals, and cooperate with them in preparing plans for terminal facilities;

(4) investigate the existing status of water transportation on the different inland waterways of the United States to learn the extent to which—

(A) the waterways are being used to their capacity and are meeting the demands of traffic; and

(B) water carriers using those waterways are interchanging traffic with rail carriers;

(5) investigate other matters that may promote and encourage inland water transportation; and

(6) compile, publish, and distribute information about transportation on inland waterways that the Secretary considers useful to the commercial interests of the United States.

(Pub. L. 103-272, §4(j)(6)(A), July 5, 1994, 108 Stat. 1366.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 303a with its source in 49 App.:142 and various statutes.

Section 4(j)(6)(A) amends 49:ch. 3 by restating 49 App.:142 as section 303a because the provision more appropriately belongs in chapter 3.

In subsection (a)(2), the words "in full vigor both" are omitted as surplus.

In subsection (b), the words "be construed to" are omitted as surplus.

In subsection (c)(1), the word "appropriate" is omitted as surplus. The word "vessels" is substituted for "boats" for consistency in the revised title and with other titles of the United States Code.

In subsection (c)(2), the words "the subject of", "apparatus", "appliances in connection therewith", and "or interchange" are omitted as surplus.

In subsection (c)(3), the words "appropriate" and "suitable" are omitted as surplus.

In subsection (c)(6), the words "province and", "from time to time", and "useful statistics, data, and" are omitted as surplus.

§ 304. Application of categorical exclusions for multimodal projects

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

(1) COOPERATING AUTHORITY.—The term "cooperating authority" means a Department of

Transportation operating authority that is not the lead authority with respect to a project.

(2) LEAD AUTHORITY.—The term “lead authority” means a Department of Transportation operating administration or secretarial office that—

(A) is the lead authority over a proposed multimodal project; and

(B) has determined that the components of the project that fall under the modal expertise of the lead authority—

(i) satisfy the conditions for a categorical exclusion under implementing regulations or procedures of the lead authority under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) do not require the preparation of an environmental assessment or environmental impact statement under that Act.

(3) MULTIMODAL PROJECT.—The term “multimodal project” has the meaning given the term in section 139(a) of title 23.

(b) EXERCISE OF AUTHORITIES.—The authorities granted in this section may be exercised for a multimodal project, class of projects, or program of projects that are carried out under this title.

(c) APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.—In considering the environmental impacts of a proposed multimodal project, a lead authority may apply a categorical exclusion designated under the implementing regulations or procedures of a cooperating authority for other components of the project, subject to the conditions that—

(1) the multimodal project is funded under 1 grant agreement administered by the lead authority;

(2) the multimodal project has components that require the expertise of a cooperating authority to assess the environmental impacts of the components;

(3) the component of the project to be covered by the categorical exclusion of the cooperating authority has independent utility;

(4) the cooperating authority, in consultation with the lead authority—

(A) follows implementing regulations or procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) determines that a categorical exclusion under that Act applies to the components; and

(5) the lead authority has determined that—

(A) the project, using the categorical exclusions of the lead authority and each applicable cooperating authority, does not individually or cumulatively have a significant impact on the environment; and

(B) extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) MODAL COOPERATION.—

(1) IN GENERAL.—A cooperating authority shall provide modal expertise to the lead au-

thority on such aspects of the multimodal project in which the cooperating authority has expertise.

(2) USE OF CATEGORICAL EXCLUSION.—In a case described in paragraph (1), the 1 or more categorical exclusions of a cooperating authority may be applied by the lead authority once the cooperating authority reviews the project on behalf of the lead authority and determines the project satisfies the conditions for a categorical exclusion under the implementing regulations or procedures of the cooperating authority under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and this section.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2419; Pub. L. 112-141, div. A, title I, §1314(a), July 6, 2012, 126 Stat. 547.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
304(a)	49:1653(g) (less 3d sentence).	Oct. 15, 1966, Pub. L. 89-670, §4(g), 80 Stat. 934.
304(b)	49:1653(g) (3d sentence).	

In subsection (a), the text of 49:1653(g) (last sentence) is omitted as executed.

In subsection (a)(4), the word “ensure” is substituted for “assure” as being more precise. The words “of the United States Government” are substituted for “Federal”, and the words “United States” are substituted for “national”, for clarity and consistency.

In subsection (b), the words “The Secretaries shall report on April 1 of each year” are substituted for “They shall, within one year after the effective date of the Act, and annually thereafter, report” to omit executed words and to specify the date of April 1 because the President prescribed April 1, 1967, as the effective date of the Department of Transportation Act (Pub. L. 89-670, 80 Stat. 931) by Executive Order No. 11340, March 30, 1967 (32 F.R. 5443). The word “consider” is substituted for “determine” for consistency.

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsecs. (a)(2)(B)(i), (c)(4)(A), (5)(B), and (d)(2), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to joint activities with the Secretary of Housing and Urban Development.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§305. Transportation investment standards and criteria

(a) Subject to sections 301-304¹ of this title, the Secretary of Transportation shall develop standards and criteria to formulate and economically evaluate all proposals for investing amounts of the United States Government in transportation facilities and equipment. Based

¹ See References in Text note below.