

## SUBPART 2—ADVANCED VEHICLES

**§ 16071. Pilot program****(a) Establishment**

The Secretary, in consultation with the Secretary of Transportation, shall establish a competitive grant pilot program (referred to in this subpart as the “pilot program”), to be administered through the Clean Cities Program of the Department, to provide not more than 30 geographically dispersed project grants to State governments, local governments, or metropolitan transportation authorities to carry out a project or projects for the purposes described in subsection (b).

**(b) Grant purposes**

A grant under this section may be used for the following purposes:

(1) The acquisition of alternative fueled vehicles or fuel cell vehicles, including—

(A) passenger vehicles (including neighborhood electric vehicles); and

(B) motorized 2-wheel bicycles or other vehicles for use by law enforcement personnel or other State or local government or metropolitan transportation authority employees.

(2) The acquisition of alternative fueled vehicles, hybrid vehicles, or fuel cell vehicles, including—

(A) buses used for public transportation or transportation to and from schools;

(B) delivery vehicles for goods or services; and

(C) ground support vehicles at public airports (including vehicles to carry baggage or push or pull airplanes toward or away from terminal gates).

(3) The acquisition of ultra-low sulfur diesel vehicles.

(4) Installation or acquisition of infrastructure necessary to directly support an alternative fueled vehicle, fuel cell vehicle, or hybrid vehicle project funded by the grant, including fueling and other support equipment.

(5) Operation and maintenance of vehicles, infrastructure, and equipment acquired as part of a project funded by the grant.

**(c) Applications****(1) Requirements****(A) In general**

The Secretary shall issue requirements for applying for grants under the pilot program.

**(B) Minimum requirements**

At a minimum, the Secretary shall require that an application for a grant—

(i) be submitted by the head of a State or local government or a metropolitan transportation authority, or any combination thereof, and a registered participant in the Clean Cities Program of the Department; and

(ii) include—

(I) a description of the project proposed in the application, including how the project meets the requirements of this subpart;

(II) an estimate of the ridership or degree of use of the project;

(III) an estimate of the air pollution emissions reduced and fossil fuel displaced as a result of the project, and a plan to collect and disseminate environmental data, related to the project to be funded under the grant, over the life of the project;

(IV) a description of how the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project;

(VI) a description of which costs of the project will be supported by Federal assistance under this subpart; and

(VII) documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the project, and a commitment by the applicant to use such fuel in carrying out the project.

**(2) Partners**

An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

**(d) Selection criteria**

In evaluating applications under the pilot program, the Secretary shall—

(1) consider each applicant’s previous experience with similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize protection of the environment;

(B) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subpart is completed; and

(C) exceed the minimum requirements of subsection (c)(1)(B)(ii).

**(e) Pilot project requirements****(1) Maximum amount**

The Secretary shall not provide more than \$15,000,000 in Federal assistance under the pilot program to any applicant.

**(2) Cost sharing**

The Secretary shall not provide more than 50 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

**(3) Maximum period of grants**

The Secretary shall not fund any applicant under the pilot program for more than 5 years.

**(4) Deployment and distribution**

The Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.

**(5) Transfer of information and knowledge**

The Secretary shall establish mechanisms to ensure that the information and knowledge

gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

**(f) Schedule**

**(1) Publication**

Not later than 90 days after August 8, 2005, the Secretary shall publish in the Federal Register, Commerce Business Daily, and elsewhere as appropriate, a request for applications to undertake projects under the pilot program. Applications shall be due not later than 180 days after the date of publication of the notice.

**(2) Selection**

Not later than 180 days after the date by which applications for grants are due, the Secretary shall select by competitive, peer reviewed proposal, all applications for projects to be awarded a grant under the pilot program.

**(g) Definitions**

For purposes of carrying out the pilot program, the Secretary shall issue regulations defining any term, as the Secretary determines to be necessary.

(Pub. L. 109-58, title VII, §721, Aug. 8, 2005, 119 Stat. 818.)

**§ 16072. Reports to Congress**

**(a) Initial report**

Not later than 60 days after the date on which grants are awarded under this subpart, the Secretary shall submit to Congress a report containing—

- (1) an identification of the grant recipients and a description of the projects to be funded;
- (2) an identification of other applicants that submitted applications for the pilot program; and
- (3) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

**(b) Evaluation**

Not later than 3 years after August 8, 2005, and annually thereafter until the pilot program ends, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including—

- (1) an assessment of the benefits to the environment derived from the projects included in the pilot program; and
- (2) an estimate of the potential benefits to the environment to be derived from widespread application of alternative fueled vehicles and ultra-low sulfur diesel vehicles.

(Pub. L. 109-58, title VII, §722, Aug. 8, 2005, 119 Stat. 820.)

**§ 16073. Authorization of appropriations**

There are authorized to be appropriated to the Secretary to carry out this subpart \$200,000,000, to remain available until expended.

(Pub. L. 109-58, title VII, §723, Aug. 8, 2005, 119 Stat. 821.)

SUBPART 3—FUEL CELL BUSES

**§ 16081. Fuel cell transit bus demonstration**

**(a) In general**

The Secretary, in consultation with the Secretary of Transportation, shall establish a transit bus demonstration program to make competitive, merit-based awards for 5-year projects to demonstrate not more than 25 fuel cell transit buses (and necessary infrastructure) in 5 geographically dispersed localities.

**(b) Preference**

In selecting projects under this section, the Secretary shall give preference to projects that are most likely to mitigate congestion and improve air quality.

**(c) Authorization of appropriations**

There are authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for each of fiscal years 2006 through 2010.

(Pub. L. 109-58, title VII, §731, Aug. 8, 2005, 119 Stat. 821.)

PART C—CLEAN SCHOOL BUSES

**§ 16091. Clean school bus program<sup>1</sup>**

**(a) Definitions**

In this section:

**(1) Administrator**

The term “Administrator” means the Administrator of the Environmental Protection Agency.

**(2) Alternative fuel**

The term “alternative fuel” means—

- (A) liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, or propane;
- (B) methanol or ethanol at not less than 85 percent by volume; or
- (C) biodiesel conforming with standards published by the American Society for Testing and Materials as of August 8, 2005.

**(3) Clean school bus**

The term “clean school bus” means a school bus with a gross vehicle weight of greater than 14,000 pounds that—

- (A) is powered by a heavy duty engine; and
- (B) is operated solely on an alternative fuel or ultra-low sulfur diesel fuel.

**(4) Eligible recipient**

**(A) In general**

Subject to subparagraph (B), the term “eligible recipient” means—

- (i) 1 or more local or State governmental entities responsible for—
  - (I) providing school bus service to 1 or more public school systems; or
  - (II) the purchase of school buses;
- (ii) 1 or more contracting entities that provide school bus service to 1 or more public school systems; or

<sup>1</sup> This section is substantially identical to section 16091a of this title.