

of the Federal Highway Administration (commonly referred to as ‘SEP-15’); and

“(ii) protect the public interest and any public investment in public transportation capital projects that involve public-private partnerships or private investment in public transportation capital projects.

“(2) TRANSPARENCY.—The Secretary shall develop guidance to promote greater transparency and public access to public-private partnership agreements involving recipients of Federal assistance under chapter 53 of title 49, United States Code, including—

“(A) any conflict of interest involving any party involved in the public-private partnership;

“(B) tax and financing aspects related to a public-private partnership agreement;

“(C) changes in the workforce and wages, benefits, or rules as a result of a public-private partnership;

“(D) estimates of the revenue or savings the public-private partnership will produce for the private entity and public entity;

“(E) any impacts on other developments and transportation modes as a result of non-compete clauses contained in public-private partnership agreements; and

“(F) any other issues the Secretary believes will increase transparency of public-private partnership agreements and protect the public interest.

“(3) ASSESSMENT.—In developing and implementing the guidance under paragraph (2), the Secretary shall encourage project sponsors to conduct assessments to determine whether use of a public-private partnership represents a better public and financial benefit than a similar transaction using public funding or public project delivery.

“(4) REPORT.—Not later than 4 years after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary shall submit to Congress a report on the status of the procedures, approaches, and guidance developed and implemented under paragraphs (1) and (2).

“(5) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue rules to carry out the procedures and approaches developed under paragraph (1).

“(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow the Secretary to waive any requirement under—

“(A) section 5333 of title 49, United States Code;

“(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

“(C) any other provision of Federal law.”

[[§§ 5316, 5317. Repealed. Pub. L. 112-141, div. B, § 20002(a), July 6, 2012, 126 Stat. 622]]

Section 5316, added Pub. L. 109-59, title III, § 3018(a), Aug. 10, 2005, 119 Stat. 1601, related to job access and reverse commute formula grants.

A prior section 5316, Pub. L. 103-272, § 1(d), July 5, 1994, 108 Stat. 814; Pub. L. 104-59, title III, § 338(c)(5), Nov. 28, 1995, 109 Stat. 605, related to university research institutes, prior to repeal by Pub. L. 105-178, title V, § 5110(c), June 9, 1998, 112 Stat. 444.

Section 5317, added Pub. L. 109-59, title III, § 3019(a), Aug. 10, 2005, 119 Stat. 1605, related to the New Freedom grant program to assist individuals with disabilities with public transportation.

A prior section 5317, Pub. L. 103-272, § 1(d), July 5, 1994, 108 Stat. 815; Pub. L. 104-287, § 5(14), Oct. 11, 1996, 110 Stat. 3390; Pub. L. 105-178, title III, § 3029(b)(7), June 9, 1998, 112 Stat. 372, related to transportation centers, prior to repeal by Pub. L. 105-178, title V, § 5110(c), June 9, 1998, 112 Stat. 444.

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 5318. Bus testing facility

(a) FACILITY.—The Secretary shall maintain one facility for testing a new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.

(b) OPERATION AND MAINTENANCE.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, a qualified person or organization to operate and maintain the facility. The contract, cooperative agreement, or grant may provide for the testing of rail cars and other public transportation vehicles at the facility.

(c) FEES.—The person operating and maintaining the facility shall establish and collect fees for the testing of vehicles at the facility. The Secretary must approve the fees.

(d) AVAILABILITY OF AMOUNTS TO PAY FOR TESTING.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, the operator of the facility under which the Secretary shall pay 80 percent of the cost of testing a vehicle at the facility from amounts available to carry out this section. The entity having the vehicle tested shall pay 20 percent of the cost.

(e) ACQUIRING NEW BUS MODELS.—

(1) IN GENERAL.—Amounts appropriated or otherwise made available under this chapter may be obligated or expended to acquire a new bus model only if—

(A) a bus of that model has been tested at a facility authorized under subsection (a); and

(B) the bus tested under subparagraph (A) met—

(i) performance standards for maintainability, reliability, performance (including braking performance), structural integrity, fuel economy, emissions, and noise, as established by the Secretary by rule; and

(ii) the minimum safety performance standards established by the Secretary pursuant to section 5329(b).

(2) BUS TEST “PASS/FAIL” STANDARD.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule under subparagraph (B)(i). The final rule issued under paragraph¹ (B)(i) shall include a bus model scoring system that results in a weighted, aggregate score that uses the testing categories under subsection (a) and considers the relative importance of each such testing category. The final rule issued under subparagraph (B)(i) shall establish a “pass/fail” standard that uses the aggregate score described in the preceding sentence. Amounts appropriated or otherwise made available under this chapter may be obligated or expended to acquire a new bus model only if the new bus model has received a passing aggregate test score. The Secretary shall work with

¹ So in original. Probably should be “subparagraph”.

the bus testing facility, bus manufacturers, and transit agencies to develop the bus model scoring system under this paragraph. A passing aggregate test score under the rule issued under subparagraph (B)(i) indicates only that amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model and shall not be interpreted as a warranty or guarantee that the new bus model will meet a purchaser's specific requirements.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 817; Pub. L. 103-429, §6(8), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 105-178, title III, §§3018, 3029(b)(8), June 9, 1998, 112 Stat. 361, 372; Pub. L. 109-59, title III, §§3002(b)(4), 3020, Aug. 10, 2005, 119 Stat. 1545, 1608; Pub. L. 112-141, div. B, §20014, July 6, 2012, 126 Stat. 694.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5318(a)	49 App.:1608 (note).	Apr. 2, 1987, Pub. L. 100-17, §317(b)(1), 101 Stat. 233; Dec. 18, 1991, Pub. L. 102-240, §6021(b), 105 Stat. 2184.
5318(b)	49 App.:1608 (note).	Apr. 2, 1987, Pub. L. 100-17, §317(b)(2), 101 Stat. 233.
5318(c)	49 App.:1608 (note).	Apr. 2, 1987, Pub. L. 100-17, §317(b)(3), 101 Stat. 233.
5318(d)	49 App.:1602(m) (2d-last sentences).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §3(m) (2d-last sentences); added Dec. 18, 1991, Pub. L. 102-240, §3009, 105 Stat. 2093.
5318(e)	49 App.:1608 (note).	Apr. 2, 1987, Pub. L. 100-17, §317(b)(5), 101 Stat. 233; Dec. 18, 1991, Pub. L. 102-240, §6021(c), 105 Stat. 2184.
	49 App.:1608 (note).	Apr. 2, 1987, Pub. L. 100-17, 101 Stat. 132, §317(b)(6); added Dec. 18, 1991, Pub. L. 102-240, §6021(d), 105 Stat. 2184.

In subsection (c), the words "Under the contract entered into under paragraph (2)" are omitted as surplus.

In subsection (d), the words "to the operator of the facility" are omitted as surplus.

In subsection (e), the text of section 317(b)(5) of the Surface Transportation and Relocation Assistance Act of 1987 (Public Law 100-17, 101 Stat. 132) is omitted as obsolete. The words "operating and maintaining the facility" are substituted for "described in paragraph (3)" for clarity.

PUB. L. 103-429

This amends 49:5318(e) to correct an erroneous cross-reference.

REFERENCES IN TEXT

The date of enactment of the Federal Public Transportation Act of 2012, referred to in subsec. (e)(2), is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways.

AMENDMENTS

2012—Pub. L. 112-141 added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: "Amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model only if a bus of that model has been tested at the facility maintained by the Secretary under subsection (a)."

2005—Subsec. (a). Pub. L. 109-59, §3020(a), amended heading and text of subsec. (a) generally. Prior to

amendment, text read as follows: "The Secretary of Transportation shall establish one facility for testing a new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise. The facility shall be established by renovating a facility built with assistance of the United States Government to train rail personnel."

Subsec. (b). Pub. L. 109-59, §3002(b)(4), substituted "public transportation" for "mass transportation".

Subsec. (d). Pub. L. 109-59, §3020(b), substituted "to carry out this section" for "under section 5309(m)(1)(C) of this title".

Subsec. (e). Pub. L. 109-59, §3020(c), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: "The Secretary has a bus testing revolving loan fund consisting of amounts authorized for the fund under section 317(b)(5) of the Surface Transportation and Uniform Relocation Assistance Act of 1987. The Secretary shall make available as repayable advances from the fund to the person operating and maintaining the facility amounts to operate and maintain the facility."

1998—Subsec. (b). Pub. L. 105-178, §3018(a), substituted "enter into a contract or cooperative agreement with, or make a grant to," for "make a contract with" and inserted "or organization" after "qualified person", "cooperative agreement, or grant" after "The contract", and "mass transportation" after "and other".

Subsec. (d). Pub. L. 105-178, §§3018(b), 3029(b)(8), substituted "enter into a contract or cooperative agreement with, or make a grant to," for "make a contract with" and "5309(m)(1)(C) of this title" for "5338(j)(5) of this title".

1994—Subsec. (e). Pub. L. 103-429 inserted "Uniform" before "Relocation".

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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 5319. Bicycle facilities

A project to provide access for bicycles to public transportation facilities, to provide shelters and parking facilities for bicycles in or around public transportation facilities, or to install equipment for transporting bicycles on public transportation vehicles is a capital project eligible for assistance under sections 5307, 5309, and 5311 of this title. Notwithstanding sections 5307(d), 5309(l), and 5311(g), a grant made by the Government under this chapter for a project made eligible by this section is for 90 percent of the cost of the project, except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(d)(1)(K) and the project involves providing bicycle access to public transportation, that grant or portion of that grant shall be at a Federal share of 95 percent.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 818; Pub. L. 105-178, title III, §3019, June 9, 1998, 112 Stat. 362; Pub. L. 109-59, title III, §3002(b)(4), Aug. 10, 2005, 119 Stat. 1545; Pub. L. 110-244, title II, §201(h), June 6, 2008, 122 Stat. 1610; Pub. L. 112-141, div. B, §20030(c), July 6, 2012, 126 Stat. 730.)