

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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. Repealed. Pub. L. 114-94, div. A, title III, § 3030(c), Dec. 4, 2015, 129 Stat. 1497]

Section, 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, §2003(c), July 6, 2012, 126 Stat. 730, made certain bicycle facilities eligible for assistance under sections 5307, 5309, and 5311 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

[§ 5320. Repealed. Pub. L. 112-141, div. B, § 20002(a), July 6, 2012, 126 Stat. 622]

Section, added Pub. L. 109-59, title III, §3021(a), Aug. 10, 2005, 119 Stat. 1608; amended Pub. L. 110-244, title II, §201(i), June 6, 2008, 122 Stat. 1610, related to alternative transportation in parks and public lands.

A prior section 5320, Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 818; Pub. L. 103-429, §6(9), Oct. 31, 1994, 108 Stat. 4379; Pub. L. 105-178, title III, §3009(h)(3)(A), June 9, 1998, 112 Stat. 356; Pub. L. 105-206, title IX, §9009(h)(1), July 22, 1998, 112 Stat. 856, related to construction of a suspended light rail system technology pilot project, prior to repeal by Pub. L. 109-59, title III, §3021(a), Aug. 10, 2005, 119 Stat. 1608.

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.

§ 5321. Crime prevention and security

The Secretary of Transportation may make capital grants from amounts available under section 5338 of this title to public transportation systems for crime prevention and security. This chapter does not prevent the financing of a project under this section when a local governmental authority other than the grant applicant has law enforcement responsibilities.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 820; Pub. L. 109-59, title III, §3002(b)(4), Aug. 10, 2005, 119 Stat. 1545.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5321	49 App.:1620.	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §24; added Apr. 2, 1987, Pub. L. 100-17, §325, 101 Stat. 237.

AMENDMENTS

2005—Pub. L. 109-59 substituted “public transportation” for “mass transportation”.

REGULATIONS

Pub. L. 109-59, title III, §3028(c), Aug. 10, 2005, 119 Stat. 1624, provided that: “Not later than 180 days after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] and the Secretary of Homeland Security shall issue jointly final regulations to establish the characteristics of and requirements for public transportation security grants, including funding priorities, eligible activities, methods for awarding grants, and limitations on administrative expenses.”

PUBLIC TRANSPORTATION SECURITY

Pub. L. 109-59, title III, §3028(b), Aug. 10, 2005, 119 Stat. 1624, provided that:

“(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall execute an annex to the memorandum of understanding between the Secretary and the Secretary of Homeland Security, dated September 28, 2004, to define and clarify the respective roles and responsibilities of the Department of Transportation and the Department of Homeland Security relating to public transportation security.

“(2) CONTENTS.—The annex to be executed under paragraph (1) shall—

“(A) establish a process to develop security standards for public transportation agencies;

“(B) create a method of direct coordination with public transportation agencies on security matters;

“(C) address any other issues determined to be appropriate by the Secretary and the Secretary of Homeland Security; and

“(D) include a formal and permanent mechanism to ensure coordination and involvement by the Department of Transportation, as appropriate, in public transportation security.”

[§ 5322. Repealed. Pub. L. 114-94, div. A, title III, § 3030(d), Dec. 4, 2015, 129 Stat. 1497]

Section, Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 820; Pub. L. 109-59, title III, §§3002(b)(4), 3022, Aug. 10, 2005, 119 Stat. 1545, 1614; Pub. L. 112-141, div. B, §20015, July 6, 2012, 126 Stat. 695, provided for programs that address human resource needs in public transportation activities.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

§ 5323. General provisions

(a) INTERESTS IN PROPERTY.—

(1) IN GENERAL.—Financial assistance provided under this chapter to a State or a local governmental authority may be used to acquire an interest in, or to buy property of, a private company engaged in public transportation, for a capital project for property acquired from a private company engaged in public transportation after July 9, 1964, or to operate a public transportation facility or equipment in competition with, or in addition to, transportation service provided by an existing public transportation company, only if—

(A) the Secretary determines that such financial assistance is essential to a program of projects required under sections 5303, 5304, and 5306;

(B) the Secretary determines that the program provides for the participation of private companies engaged in public transportation to the maximum extent feasible; and

(C) just compensation under State or local law will be paid to the company for its franchise or property.

(2) LIMITATION.—A governmental authority may not use financial assistance of the United States Government to acquire land, equipment, or a facility used in public transportation from another governmental authority in the same geographic area.

(b) RELOCATION AND REAL PROPERTY REQUIREMENTS.—The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) shall apply to financial assistance for capital projects under this chapter.

(c) CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.—

(1) COOPERATION AND CONSULTATION.—The Secretary shall cooperate and consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment.

(2) COMPLIANCE WITH NEPA.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to financial assistance for capital projects under this chapter.

(d) CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—

(1) AGREEMENTS.—Financial assistance under this chapter may be used to buy or operate a bus only if the applicant, governmental authority, or publicly owned operator that receives the assistance agrees that, except as provided in the agreement, the governmental authority or an operator of public transportation for the governmental authority will not provide charter bus transportation service outside the urban area in which it provides regularly scheduled public transportation service. An agreement shall provide for a fair arrangement the Secretary of Transportation considers appropriate to ensure that the assistance will not enable a governmental authority or an operator for a governmental authority to foreclose a private operator from providing intercity charter bus service if the private operator can provide the service.

(2) VIOLATIONS.—

(A) INVESTIGATIONS.—On receiving a complaint about a violation of the agreement required under paragraph (1), the Secretary shall investigate and decide whether a violation has occurred.

(B) ENFORCEMENT OF AGREEMENTS.—If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement.

(C) ADDITIONAL REMEDIES.—In addition to any remedy specified in the agreement, the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.

(e) BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.—