

(B) describe the available technologies and the benefits of the technologies;

(C) explain the benefits of participating in the grant program; and

(D) include, as appropriate, information from the annual report required under subsection (b)(8).

**(d) Authorization of appropriations**

There are authorized to be appropriated to the Administrator to carry out this section, to remain available until expended—

(1) \$55,000,000 for each of fiscal years 2006 and 2007; and

(2) such sums as are necessary for each of fiscal years 2008, 2009, and 2010.

(Pub. L. 109–59, title VI, §6015, Aug. 10, 2005, 119 Stat. 1884.)

**Editorial Notes**

**CODIFICATION**

Section was enacted as part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or the SAFETEA–LU, and not as part of the Energy Policy Act of 2005 which comprises this chapter.

**§ 16092. Diesel truck retrofit and fleet modernization program**

**(a) Establishment**

The Administrator, in consultation with the Secretary, shall establish a program for awarding grants on a competitive basis to public agencies and entities for fleet modernization programs including installation of retrofit technologies for diesel trucks.

**(b) Eligible recipients**

A grant shall be awarded under this section only to a State or local government or an agency or instrumentality of a State or local government or of two or more State or local governments who will allocate funds, with preference to ports and other major hauling operations.

**(c) Awards**

**(1) In general**

The Administrator shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of grants under this section.

**(2) Preferences**

In making awards of grants under this section, the Administrator shall give preference to proposals that—

(A) will achieve the greatest reductions in emissions of nonmethane hydrocarbons, oxides of nitrogen, and/or particulate matter per proposal or per truck; or

(B) involve the use of Environmental Protection Agency or California Air Resources Board verified emissions control retrofit technology on diesel trucks that operate solely on ultra-low sulfur diesel fuel after September 2006.

**(d) Conditions of grant**

A grant shall be provided under this section on the conditions that—

(1) trucks which are replacing scrapped trucks and on which retrofit emissions-control technology are to be demonstrated—

(A) will operate on ultra-low sulfur diesel fuel where such fuel is reasonably available or required for sale by State or local law or regulation;

(B) were manufactured in model year 1998 and before; and

(C) will be used for the transportation of cargo goods especially in port areas or used in goods movement and major hauling operations;

(2) grant funds will be used for the purchase of emission control retrofit technology, including State taxes and contract fees; and

(3) grant recipients will provide at least 50 percent of the total cost of the retrofit, including the purchase of emission control retrofit technology and all necessary labor for installation of the retrofit, from any source other than this section.

**(e) Verification**

Not later than 90 days after August 8, 2005, the Administrator shall publish in the Federal Register procedures to—

(1) make grants pursuant to this section;

(2) verify that trucks powered by ultra-low sulfur diesel fuel on which retrofit emissions-control technology are to be demonstrated will operate on diesel fuel containing not more than 15 parts per million of sulfur after September 2006; and

(3) verify that grants are administered in accordance with this section.

**(f) Authorization of appropriations**

There are authorized to be appropriated to the Administrator to carry out this section, to remain available until expended the following sums:

(1) \$20,000,000 for fiscal year 2006.

(2) \$35,000,000 for fiscal year 2007.

(3) \$45,000,000 for fiscal year 2008.

(4) Such sums as are necessary for each of fiscal years 2009 and 2010.

(Pub. L. 109–58, title VII, §742, Aug. 8, 2005, 119 Stat. 824.)

**§ 16093. Fuel cell school buses**

**(a) Establishment**

The Secretary shall establish a program for entering into cooperative agreements—

(1) with private sector fuel cell bus developers for the development of fuel cell-powered school buses; and

(2) subsequently, with not less than 2 units of local government using natural gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

**(b) Cost sharing**

The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

**(c) Reports to Congress**

Not later than 3 years after August 8, 2005, the Secretary shall transmit to Congress a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the results of the development and demonstration program under this section.

**(d) Authorization of appropriations**

There are authorized to be appropriated to the Secretary to carry out this section \$25,000,000 for the period of fiscal years 2006 through 2009.

(Pub. L. 109–58, title VII, § 743, Aug. 8, 2005, 119 Stat. 826.)

PART D—MISCELLANEOUS

**§ 16101. Railroad efficiency**

**(a) Establishment**

The Secretary shall (in cooperation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency) establish a cost-shared, public-private research partnership involving the Federal Government, railroad carriers, locomotive manufacturers and equipment suppliers, and the Association of American Railroads, to develop and demonstrate railroad locomotive technologies that increase fuel economy, reduce emissions, and lower costs of operation.

**(b) Authorization of appropriations**

There are authorized to be appropriated to the Secretary to carry out this section—

- (1) \$15,000,000 for fiscal year 2006;
- (2) \$20,000,000 for fiscal year 2007; and
- (3) \$30,000,000 for fiscal year 2008.

(Pub. L. 109–58, title VII, § 751, Aug. 8, 2005, 119 Stat. 826.)

**Statutory Notes and Related Subsidiaries**

ADVANCED TECHNOLOGY LOCOMOTIVE GRANT PILOT PROGRAM

Pub. L. 110–140, title XI, § 1111, Dec. 19, 2007, 121 Stat. 1757, provided that:

“(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall establish and carry out a pilot program for making grants to railroad carriers (as defined in section 20102 of title 49, United States Code) and State and local governments—

“(1) for assistance in purchasing hybrid or other energy-efficient locomotives, including hybrid switch and generator-set locomotives; and

“(2) to demonstrate the extent to which such locomotives increase fuel economy, reduce emissions, and lower costs of operation.

“(b) LIMITATION.—Notwithstanding subsection (a), no grant under this section may be used to fund the costs of emissions reductions that are mandated under Federal law.

“(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary of Transportation shall consider—

“(1) the level of energy efficiency that would be achieved by the proposed project;

“(2) the extent to which the proposed project would assist in commercial deployment of hybrid or other energy-efficient locomotive technologies;

“(3) the extent to which the proposed project complements other private or governmental partnership efforts to improve air quality or fuel efficiency in a particular area; and

“(4) the extent to which the applicant demonstrates innovative strategies and a financial commitment to

increasing energy efficiency and reducing greenhouse gas emissions of its railroad operations.

“(d) COMPETITIVE GRANT SELECTION PROCESS.—

“(1) APPLICATIONS.—A railroad carrier or State or local government seeking a grant under this section shall submit for approval by the Secretary of Transportation an application for the grant containing such information as the Secretary of Transportation may require.

“(2) COMPETITIVE SELECTION.—The Secretary of Transportation shall conduct a national solicitation for applications for grants under this section and shall select grantees on a competitive basis.

“(e) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall not exceed 80 percent of the project cost.

“(f) REPORT.—Not later than 3 years after the date of enactment of this Act [Dec. 19, 2007], the Secretary of Transportation shall submit to Congress a report on the results of the pilot program carried out under this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation \$10,000,000 for each of the fiscal years 2008 through 2011 to carry out this section. Such funds shall remain available until expended.”

**§ 16102. Diesel fueled vehicles**

**(a) Definition of tier 2 emission standards**

In this section, the term “tier 2 emission standards” means the motor vehicle emission standards that apply to passenger cars, light trucks, and larger passenger vehicles manufactured after the 2003 model year, as issued on February 10, 2000, by the Administrator of the Environmental Protection Agency under sections 7521 and 7545 of this title.

**(b) Diesel combustion and after-treatment technologies**

The Secretary shall accelerate efforts to improve diesel combustion and after-treatment technologies for use in diesel fueled motor vehicles.

**(c) Goals**

The Secretary shall carry out subsection (b) with a view toward achieving the following goals:

(1) Developing and demonstrating diesel technologies that, not later than 2010, meet the following standards:

(A) Tier 2 emission standards.

(B) The heavy-duty emissions standards of 2007 that are applicable to heavy-duty vehicles under regulations issued by the Administrator of the Environmental Protection Agency as of August 8, 2005.

(2) Developing the next generation of low-emission, high efficiency diesel engine technologies, including homogeneous charge compression ignition technology.

(Pub. L. 109–58, title VII, § 754, Aug. 8, 2005, 119 Stat. 828.)

**§ 16103. Conserve by Bicycling Program**

**(a) Definitions**

In this section:

**(1) Program**

The term “program” means the Conserve by Bicycling Program established by subsection (b).