

107TH CONGRESS
1ST SESSION

S. 1136

To provide for mass transportation in certain federally owned or managed areas that are open to the general public.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2001

Mr. SARBANES (for himself, Mr. BAUCUS, Mr. BAYH, Mr. CLELAND, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. REID, Mr. SCHUMER, Ms. SNOWE, Ms. STABENOW, Mr. THOMPSON, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for mass transportation in certain federally owned or managed areas that are open to the general public.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transit in Parks Act”
5 or the “TRIP Act”.

6 **SEC. 2. FEDERAL LAND TRANSIT PROGRAM.**

7 (a) IN GENERAL.—Chapter 53 of title 49, United
8 States Code, is amended by inserting after section 5315
9 the following:

1 **“§ 5316. Federal land transit program**

2 “(a) FINDINGS AND PURPOSES.—

3 “(1) FINDINGS.—Congress finds that—

4 “(A) section 3039 of the Transportation
5 Equity Act for the 21st Century (23 U.S.C.
6 138 note; Public Law 105–178) required a
7 comprehensive study, to be conducted by the
8 Secretary of Transportation, in coordination
9 with the Secretary of the Interior, of alternative
10 transportation needs in national parks and re-
11 lated public lands in order to—

12 “(i) identify the transportation strate-
13 gies that improve the management of na-
14 tional parks and related public lands;

15 “(ii) identify national parks and re-
16 lated public lands that have existing and
17 potential problems of adverse impact, high
18 congestion, and pollution, or that can oth-
19 erwise benefit from alternative transpor-
20 tation modes;

21 “(iii) assess the feasibility of alter-
22 native transportation modes; and

23 “(iv) identify and estimate the costs
24 of those alternative transportation modes;

25 “(B) many national parks are experiencing
26 increased visitation and congestion and deg-

1 radation of the natural, historical, and cultural
2 resources;

3 “(C) there is a growing need for new and
4 expanded mass transportation services through-
5 out national parks to conserve and protect frag-
6 ile natural, historical, and cultural resources,
7 prevent adverse impact on those resources, and
8 reduce pollution and congestion while facili-
9 tating appropriate visitor mobility and accessi-
10 bility and improving the visitor experience;

11 “(D) the Department of Transportation
12 can assist the Federal land management agen-
13 cies through financial support and technical as-
14 sistance and further the achievement of na-
15 tional goals to—

16 “(i) enhance the environment;

17 “(ii) improve mobility;

18 “(iii) create more livable communities;

19 “(iv) conserve energy; and

20 “(v) reduce pollution and congestion
21 in all regions of the country;

22 “(E) immediate financial and technical as-
23 sistance by the Department of Transportation,
24 working with Federal land management agen-
25 cies and State and local governmental authori-

ties to develop efficient and coordinated mass transportation systems within and in the vicinity of eligible areas, is essential to—

“(i) protect and conserve natural, historical, and cultural resources;

“(ii) prevent or mitigate adverse impacts on those resources;

“(iii) relieve congestion;

“(iv) minimize transportation fuel consumption;

“(v) reduce pollution (including noise pollution and visual pollution); and

“(vi) enhance visitor mobility, accessibility, and the visitor experience; and

“(F) it is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of eligible areas to meet the goals described in clauses (i) through (vi) of subparagraph (E).

“(2) PURPOSES.—The purposes of this section are—

“(A) to develop a cooperative relationship between the Secretary of Transportation and

1 the Secretary of the Interior to carry out this
2 section;

3 “(B) to encourage the planning and estab-
4 lishment of mass transportation systems and
5 nonmotorized transportation systems needed
6 within and in the vicinity of eligible areas, lo-
7 cated in both urban and rural areas, that—

8 “(i) enhance resource protection;

9 “(ii) prevent or mitigate adverse im-
10 pacts on those resources;

11 “(iii) improve visitor mobility, accessi-
12 bility, and the visitor experience;

13 “(iv) reduce pollution and congestion;

14 “(v) conserve energy; and

15 “(vi) increase coordination with gate-
16 way communities;

17 “(C) to assist Federal land management
18 agencies and State and local governmental au-
19 thorities in financing areawide mass transpor-
20 tation systems and nonmotorized transportation
21 systems to be operated by public or private
22 mass transportation providers, as determined
23 by local and regional needs, and to encourage
24 public-private partnerships; and

1 “(D) to assist in research concerning, and
 2 development of, improved mass transportation
 3 equipment, facilities, techniques, and methods
 4 with the cooperation of public and private com-
 5 panies and other entities engaged in the provi-
 6 sion of mass transportation service.

7 “(b) DEFINITIONS.—In this section:

8 “(1) ELIGIBLE AREA.—

9 “(A) IN GENERAL.—The term ‘eligible
 10 area’ means any Federally owned or managed
 11 park, refuge, or recreational area that is open
 12 to the general public.

13 “(B) INCLUSIONS.—The term ‘eligible
 14 area’ includes—

15 “(i) a unit of the National Park Sys-
 16 tem;

17 “(ii) a unit of the National Wildlife
 18 Refuge System; and

19 “(iii) a recreational area managed by
 20 the Bureau of Land Management.

21 “(2) FEDERAL LAND MANAGEMENT AGENCY.—
 22 The term ‘Federal land management agency’ means
 23 a Federal agency that manages an eligible area.

24 “(3) MASS TRANSPORTATION.—

1 “(A) IN GENERAL.—The term ‘mass trans-
 2 portation’ means transportation by bus, rail, or
 3 any other publicly or privately owned convey-
 4 ance that provides to the public general or spe-
 5 cial service on a regular basis.

6 “(B) INCLUSIONS.—The term ‘mass trans-
 7 portation’ includes sightseeing service.

8 “(4) QUALIFIED PARTICIPANT.—The term
 9 ‘qualified participant’ means—

10 “(A) a Federal land management agency;
 11 or

12 “(B) a State or local governmental author-
 13 ity with jurisdiction over land in the vicinity of
 14 an eligible area acting with the consent of the
 15 Federal land management agency,
 16 alone or in partnership with a Federal land manage-
 17 ment agency or other Governmental or nongovern-
 18 mental participant.

19 “(5) QUALIFIED PROJECT.—The term ‘qualified
 20 project’ means a planning or capital project in or in
 21 the vicinity of an eligible area that—

22 “(A) is an activity described in section
 23 5302(a)(1), 5303(g), or 5309(a)(1)(A);

24 “(B) involves—

1 “(i) the purchase of rolling stock that
 2 incorporates clean fuel technology or the
 3 replacement of buses of a type in use on
 4 the date of enactment of this section with
 5 clean fuel vehicles; or

6 “(ii) the deployment of mass transpor-
 7 tation vehicles that introduce innovative
 8 technologies or methods;

9 “(C) relates to the capital costs of coordi-
 10 nating the Federal land management agency
 11 mass transportation systems with other mass
 12 transportation systems;

13 “(D) provides a nonmotorized transpor-
 14 tation system (including the provision of facili-
 15 ties for pedestrians, bicycles, and nonmotorized
 16 watercraft);

17 “(E) provides waterborne access within or
 18 in the vicinity of an eligible area, as appropriate
 19 to and consistent with the purposes described in
 20 subsection (a)(2); or

21 “(F) is any other mass transportation
 22 project that—

23 “(i) enhances the environment;

24 “(ii) prevents or mitigates an adverse
 25 impact on a natural resource;

1 “(iii) improves Federal land manage-
2 ment agency resource management;

3 “(iv) improves visitor mobility and ac-
4 cessibility and the visitor experience;

5 “(v) reduces congestion and pollution
6 (including noise pollution and visual pollu-
7 tion); and

8 “(vi) conserves a natural, historical,
9 or cultural resource (excluding rehabilita-
10 tion or restoration of a nontransportation
11 facility).

12 “(6) SECRETARY.—The term ‘Secretary’ means
13 the Secretary of Transportation.

14 “(c) FEDERAL AGENCY COOPERATIVE ARRANGE-
15 MENTS.—The Secretary shall develop cooperative arrange-
16 ments with the Secretary of the Interior that provide for—

17 “(1) technical assistance in mass transpor-
18 tation;

19 “(2) interagency and multidisciplinary teams to
20 develop Federal land management agency mass
21 transportation policy, procedures, and coordination;
22 and

23 “(3) the development of procedures and criteria
24 relating to the planning, selection, and funding of
25 qualified projects and the implementation and over-

1 sight of the program of projects in accordance with
2 this section.

3 “(d) TYPES OF ASSISTANCE.—

4 “(1) IN GENERAL.—The Secretary may enter
5 into a contract, grant, cooperative agreement, inter-
6 agency agreement, intra-agency agreement, or other
7 agreement to carry out a qualified project under this
8 section.

9 “(2) OTHER USES.—A grant, cooperative agree-
10 ment, interagency agreement, intra-agency agree-
11 ment, or other agreement for a qualified project
12 under this section shall be available to finance the
13 leasing of equipment and facilities for use in mass
14 transportation, subject to any regulation that the
15 Secretary may prescribe limiting the grant or agree-
16 ment to leasing arrangements that are more cost-ef-
17 fective than purchase or construction.

18 “(e) LIMITATION ON USE OF AVAILABLE
19 AMOUNTS.—

20 “(1) IN GENERAL.—The Secretary may allocate
21 not more than 5 percent of the amount made avail-
22 able for a fiscal year under section 5338(j) for use
23 by the Secretary in carrying out planning, research,
24 and technical assistance under this section, including

1 the development of technology appropriate for use in
 2 a qualified project.

3 “(2) AMOUNTS FOR PLANNING, RESEARCH, AND
 4 TECHNICAL ASSISTANCE.—Amounts made available
 5 under this subsection are in addition to amounts
 6 otherwise available for planning, research, and tech-
 7 nical assistance under this title or any other provi-
 8 sion of law.

9 “(3) AMOUNTS FOR QUALIFIED PROJECTS.—No
 10 qualified project shall receive more than 12 percent
 11 of the total amount made available under section
 12 5338(j) for any fiscal year.

13 “(f) PLANNING PROCESS.—In undertaking a quali-
 14 fied project under this section—

15 “(1) if the qualified participant is a Federal
 16 land management agency—

17 “(A) the Secretary, in cooperation with the
 18 Secretary of the Interior, shall develop trans-
 19 portation planning procedures that are con-
 20 sistent with—

21 “(i) the metropolitan planning provi-
 22 sions under sections 5303 through 5305;

23 “(ii) the statewide planning provisions
 24 under section 135 of title 23; and

1 “(iii) the public participation require-
2 ments under section 5307(c); and

3 “(B) in the case of a qualified project that
4 is at a unit of the National Park system, the
5 planning process shall be consistent with the
6 general management plans of the unit of the
7 National Park system; and

8 “(2) if the qualified participant is a State or
9 local governmental authority, or more than 1 State
10 or local governmental authority in more than 1
11 State, the qualified participant shall—

12 “(A) comply with sections 5303 through
13 5305;

14 “(B) comply with the statewide planning
15 provisions under section 135 of title 23;

16 “(C) comply with the public participation
17 requirements under section 5307(c); and

18 “(D) consult with the appropriate Federal
19 land management agency during the planning
20 process.

21 “(g) COST SHARING.—

22 “(1) DEPARTMENTAL SHARE.—The Secretary,
23 in cooperation with the Secretary of the Interior,
24 shall establish the share of assistance to be provided
25 under this section to a qualified participant.

1 “(2) CONSIDERATIONS.—In establishing the de-
2 partmental share of the net project cost of a quali-
3 fied project, the Secretary shall consider—

4 “(A) visitation levels and the revenue de-
5 rived from user fees in the eligible area in
6 which the qualified project is carried out;

7 “(B) the extent to which the qualified par-
8 ticipant coordinates with a public or private
9 mass transportation authority;

10 “(C) private investment in the qualified
11 project, including the provision of contract serv-
12 ices, joint development activities, and the use of
13 innovative financing mechanisms;

14 “(D) the clear and direct benefit to the
15 qualified participant; and

16 “(E) any other matters that the Secretary
17 considers appropriate to carry out this section.

18 “(3) NONDEPARTMENTAL SHARE.—Notwith-
19 standing any other provision of law, Federal funds
20 appropriated to any Federal land management agen-
21 cy may be counted toward the nondepartmental
22 share of the cost of a qualified project.

23 “(h) SELECTION OF QUALIFIED PROJECTS.—

24 “(1) IN GENERAL.—The Secretary of the Inte-
25 rior, after consultation with and in cooperation with

1 the Secretary, shall determine the final selection and
2 funding of an annual program of qualified projects
3 in accordance with this section.

4 “(2) CONSIDERATIONS.—In determining wheth-
5 er to include a project in the annual program of
6 qualified projects, the Secretary of the Interior shall
7 consider—

8 “(A) the justification for the qualified
9 project, including the extent to which the quali-
10 fied project would conserve resources, prevent
11 or mitigate adverse impact, and enhance the en-
12 vironment;

13 “(B) the location of the qualified project,
14 to ensure that the selected qualified projects—

15 “(i) are geographically diverse nation-
16 wide; and

17 “(ii) include qualified projects in eligi-
18 ble areas located in both urban areas and
19 rural areas;

20 “(C) the size of the qualified project, to
21 ensure that there is a balanced distribution;

22 “(D) the historical and cultural signifi-
23 cance of a qualified project;

24 “(E) safety;

1 “(F) the extent to which the qualified
2 project would—

3 “(i) enhance livable communities;

4 “(ii) reduce pollution (including noise
5 pollution, air pollution, and visual pollu-
6 tion);

7 “(iii) reduce congestion; and

8 “(iv) improve the mobility of people in
9 the most efficient manner; and

10 “(G) any other matters that the Secretary
11 considers appropriate to carry out this section,
12 including—

13 “(i) visitation levels;

14 “(ii) the use of innovative financing or
15 joint development strategies; and

16 “(iii) coordination with gateway com-
17 munities.

18 “(i) QUALIFIED PROJECTS CARRIED OUT IN AD-
19 VANCE.—

20 “(1) IN GENERAL.—When a qualified partici-
21 pant carries out any part of a qualified project with-
22 out assistance under this section in accordance with
23 all applicable procedures and requirements, the Sec-
24 retary may pay the departmental share of the net
25 project cost of a qualified project if—

1 “(A) the qualified participant applies for
2 the payment;

3 “(B) the Secretary approves the payment;
4 and

5 “(C) before carrying out that part of the
6 qualified project, the Secretary approves the
7 plans and specifications in the same manner as
8 plans and specifications are approved for other
9 projects assisted under this section.

10 “(2) INTEREST.—

11 “(A) IN GENERAL.—The cost of carrying
12 out part of a qualified project under paragraph
13 (1) includes the amount of interest earned and
14 payable on bonds issued by a State or local gov-
15 ernmental authority, to the extent that proceeds
16 of the bond are expended in carrying out that
17 part.

18 “(B) LIMITATION.—The rate of interest
19 under this paragraph may not exceed the most
20 favorable rate reasonably available for the
21 qualified project at the time of borrowing.

22 “(C) CERTIFICATION.—The qualified par-
23 ticipant shall certify, in a manner satisfactory
24 to the Secretary, that the qualified participant

1 has exercised reasonable diligence in seeking
2 the most favorable interest rate.

3 “(j) FULL FUNDING AGREEMENT; PROJECT MAN-
4 AGEMENT PLAN.—If the amount of assistance anticipated
5 to be required for a qualified project under this section
6 is more than \$25,000,000—

7 “(1) the qualified project shall, to the extent
8 that the Secretary considers appropriate, be carried
9 out through a full funding agreement in accordance
10 with section 5309(g); and

11 “(2) the qualified participant shall prepare a
12 project management plan in accordance with section
13 5327(a).

14 “(k) RELATIONSHIP TO OTHER LAWS.—Qualified
15 participants shall be subject to—

16 “(1) the requirements of section 5333;

17 “(2) to the extent that the Secretary determines
18 to be appropriate, requirements consistent with
19 those under subsections (d) and (i) of section 5307;
20 and

21 “(3) any other terms, conditions, requirements,
22 and provisions that the Secretary determines to be
23 appropriate to carry out this section, including re-
24 quirements for the distribution of proceeds on dis-

1 position of real property and equipment resulting
 2 from a qualified project assisted under this section.

3 “(l) INNOVATIVE FINANCING.—A qualified project
 4 assisted under this section shall be eligible for funding
 5 through a State Infrastructure Bank or other innovative
 6 financing mechanism otherwise available to finance an eli-
 7 gible project under this chapter.

8 “(m) ASSET MANAGEMENT.—The Secretary may
 9 transfer the interest of the Department of Transportation
 10 in, and control over, all facilities and equipment acquired
 11 under this section to a qualified participant for use and
 12 disposition in accordance with any property management
 13 regulations that the Secretary determines to be appro-
 14 priate.

15 “(n) COORDINATION OF RESEARCH AND DEPLOY-
 16 MENT OF NEW TECHNOLOGIES.—

17 “(1) IN GENERAL.—The Secretary, in coopera-
 18 tion with the Secretary of the Interior, may under-
 19 take, or make grants or contracts (including agree-
 20 ments with departments, agencies, and instrumental-
 21 ities of the Federal Government) or other agree-
 22 ments for research, development, and deployment of
 23 new technologies in eligible areas that will—

24 “(A) conserve resources;

1 “(B) prevent or mitigate adverse environ-
2 mental impact;

3 “(C) improve visitor mobility, accessibility,
4 and enjoyment; and

5 “(D) reduce pollution (including noise pol-
6 lution and visual pollution).

7 “(2) ACCESS TO INFORMATION.—The Secretary
8 may request and receive appropriate information
9 from any source.

10 “(3) FUNDING.—Grants and contracts under
11 paragraph (1) shall be awarded from amounts allo-
12 cated under subsection (e)(1).

13 “(o) REPORT.—

14 “(1) IN GENERAL.—The Secretary, in consulta-
15 tion with the Secretary of the Interior, shall annu-
16 ally submit to the Committee on Transportation and
17 Infrastructure of the House of Representatives and
18 to the Committee on Banking, Housing, and Urban
19 Affairs of the Senate a report on the allocation of
20 amounts to be made available to assist qualified
21 projects under this section .

22 “(2) ANNUAL AND SUPPLEMENTAL REPORTS.—
23 A report required under paragraph (1) shall be in-
24 cluded in the report submitted under section
25 5309(p).”.

1 (b) AUTHORIZATIONS.—Section 5338 of title 49,
 2 United States Code, is amended by adding at the end the
 3 following:

4 “(j) SECTION 5316.—

5 “(1) IN GENERAL.—There is authorized to be
 6 appropriated to carry out section 5316 \$65,000,000
 7 for each of fiscal years 2002 through 2007.

8 “(2) AVAILABILITY.—Amounts made available
 9 under this subsection for any fiscal year shall re-
 10 main available for obligation until the last day of the
 11 third fiscal year commencing after the last day of
 12 the fiscal year for which the amounts were initially
 13 made available under this subsection.”.

14 (c) CONFORMING AMENDMENTS.—

15 (1) TABLE OF SECTIONS.—The table of sections
 16 for chapter 53 of title 49, United States Code, is
 17 amended by inserting after the item relating to sec-
 18 tion 5315 the following:

“5316. Federal land transit program.”.

19 (2) PROJECT MANAGEMENT OVERSIGHT.—Sec-
 20 tion 5327(c) of title 49, United States Code, is
 21 amended in the first sentence—

22 (A) by striking “or 5311” and inserting
 23 “5311, or 5316”; and

24 (B) by striking “5311, or” and inserting
 25 “5311, 5316, or”.

1 (d) TECHNICAL AMENDMENTS.—Chapter 53 of title
2 49, United States Code, is amended—

3 (1) in section 5309—

4 (A) by redesignating subsection (p) as sub-
5 section (q); and

6 (B) by redesignating the second subsection
7 designated as subsection (o) (as added by sec-
8 tion 3009(i) of the Federal Transit Act of 1998
9 (112 Stat. 356)) as subsection (p);

10 (2) in section 5328(a)(4), by striking
11 “5309(o)(1)” and inserting “5309(p)(1)”; and

12 (3) in section 5337, by redesignating the second
13 subsection designated as subsection (e) (as added by
14 section 3028(b) of the Federal Transit Act of 1998
15 (112 Stat. 367)) as subsection (f).

○