

105TH CONGRESS  
2D SESSION

# S. 1967

To provide for mass transportation in national parks and related public lands.

---

IN THE SENATE OF THE UNITED STATES

APRIL 22, 1998

Mr. SARBANES 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 national parks and related public lands.

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  
5       (TRIP) Act”.

6       **SEC. 2. MASS TRANSPORTATION IN NATIONAL PARKS AND**  
7       **RELATED PUBLIC LANDS.**

8       (a) IN GENERAL.—Chapter 53 of title 49, United  
9       States Code, is amended by adding at the end the follow-  
10      ing:

1 **“§ 5339. Mass transportation in national parks and**  
 2 **related public lands**

3 “(a) POLICIES, FINDINGS, AND PURPOSES.—

4 “(1) DEVELOPMENT OF TRANSPORTATION SYS-  
 5 TEMS.—It is in the interest of the United States to  
 6 encourage and promote the development of transpor-  
 7 tation systems for the betterment of the national  
 8 parks and other units of the National Park System,  
 9 national wildlife refuges, recreational areas, and  
 10 other public lands in order to conserve natural, his-  
 11 torical, and cultural resources and prevent adverse  
 12 impact, relieve congestion, minimize transportation  
 13 fuel consumption, reduce pollution (including noise  
 14 and visual pollution), and enhance visitor mobility  
 15 and accessibility and the visitor experience.

16 “(2) GENERAL FINDINGS.—Congress finds  
 17 that—

18 “(A) section 1050 of the Intermodal Sur-  
 19 face Transportation Efficiency Act of 1991  
 20 (Public Law 102–240) authorized a study of al-  
 21 ternatives for visitor transportation in the Na-  
 22 tional Park System which was released by the  
 23 National Park Service in May 1994;

24 “(B) the study found that—

25 “(i) increasing traffic congestion in  
 26 the national parks requires alternative

1 transportation strategies to enhance re-  
2 source protection and the visitor experience  
3 and to reduce congestion;

4 “(ii) visitor use, National Park Serv-  
5 ice units, and concession facilities require  
6 integrated planning; and

7 “(iii) the transportation problems and  
8 visitor services require increased coordina-  
9 tion with gateway communities;

10 “(C) on November 25, 1997, the Depart-  
11 ment of Transportation and the Department of  
12 the Interior entered into a Memorandum of Un-  
13 derstanding to address transportation needs  
14 within and adjacent to national parks and to  
15 enhance cooperation between the departments  
16 on park transportation issues;

17 “(D) to initiate the Memorandum of Un-  
18 derstanding, and to implement President Clin-  
19 ton’s ‘Parks for Tomorrow’ initiative, outlined  
20 on Earth Day, 1996, the Department of Trans-  
21 portation and the Department of the Interior  
22 announced, in December 1997, the intention to  
23 implement mass transportation services in the  
24 Grand Canyon National Park, Zion National  
25 Park, and Yosemite National Park;

1           “(E) many of the national parks and relat-  
2           ed public lands are experiencing increased visi-  
3           tation and congestion and degradation of the  
4           natural, historical, and cultural resources;

5           “(F) there is a growing need for new and  
6           expanded mass transportation services through-  
7           out the national parks and related public lands  
8           to conserve and protect fragile natural, histori-  
9           cal, and cultural resources, prevent adverse im-  
10          pact on those resources, and reduce pollution  
11          and congestion, while at the same time facilitat-  
12          ing appropriate visitor mobility and accessibility  
13          and improving the visitor experience;

14          “(G) the Federal Transit Administration,  
15          through the Department of Transportation, can  
16          assist the Federal land management agencies  
17          through financial support and technical assist-  
18          ance and further the achievement of national  
19          goals to enhance the environment, improve mo-  
20          bility, create more livable communities, conserve  
21          energy, and reduce pollution and congestion in  
22          all regions of the country; and

23          “(H) immediate financial and technical as-  
24          sistance by the Department of Transportation,  
25          working with Federal land management agen-

1           cies and State and local governmental authori-  
2           ties to develop efficient and coordinated mass  
3           transportation systems within and adjacent to  
4           national parks and related public lands is essen-  
5           tial to conserve natural, historical, and cultural  
6           resources, relieve congestion, reduce pollution,  
7           improve mobility, and enhance visitor accessibil-  
8           ity and the visitor experience.

9           “(3) GENERAL PURPOSES.—The purposes of  
10          this section are—

11               “(A) to develop a cooperative relationship  
12           between the Secretary of Transportation and  
13           the Secretary of the Interior to carry out this  
14           section;

15               “(B) to encourage the planning and estab-  
16           lishment of mass transportation systems and  
17           nonmotorized transportation systems needed  
18           within and adjacent to national parks and relat-  
19           ed public lands, located in both urban and rural  
20           areas, that enhance resource protection, prevent  
21           adverse impacts on those resources, improve  
22           visitor mobility and accessibility and the visitor  
23           experience, reduce pollution and congestion,  
24           conserve energy, and increase coordination with  
25           gateway communities;

“(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide mass transportation systems to be operated by public or private mass transportation authorities, as determined by local and regional needs, and to encourage public-private partnerships; and

“(D) to assist in the research and development of improved mass transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of mass transportation services.

“(b) DEFINITIONS.—In this section—

“(1) the term ‘Federal land management agency’ means the National Park Service, the United States Fish and Wildlife Service, or the Bureau of Land Management;

“(2) the term ‘national parks and related public lands’ means the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands managed by the Federal land management agencies;

“(3) the term ‘qualified participant’ means a Federal land management agency, or a State or local

1 governmental authority, acting alone, in partnership,  
2 or with another Governmental or nongovernmental  
3 participant;

4 “(4) the term ‘qualified mass transportation  
5 project’ means a project—

6 “(A) that is carried out within or adjacent  
7 to national parks and related public lands; and

8 “(B) that—

9 “(i) is a capital project, as defined in  
10 section 5302(a)(1) (other than preventive  
11 maintenance activities);

12 “(ii) is any activity described in sec-  
13 tion 5309(a)(1)(A);

14 “(iii) involves the purchase of rolling  
15 stock that incorporates clean fuel tech-  
16 nology or the replacement of existing buses  
17 with clean fuel vehicles or the deployment  
18 of mass transportation vehicles that intro-  
19 duce new technology;

20 “(iv) relates to the capital costs of co-  
21 ordinating the Federal land management  
22 agency mass transportation systems with  
23 other mass transportation systems;

“(v) involves nonmotorized transportation systems, including the provision of facilities for pedestrians and bicycles;

“(vi) involves the development of waterborne access within or adjacent to national parks and related public lands, including watercraft, as appropriate to and consistent with the purposes described in subsection (a)(3); or

“(vii) is any transportation project that—

“(I) enhances the environment;

“(II) prevents adverse impact on natural resources;

“(III) improves Federal land management agency resources management;

“(IV) improves visitor mobility and accessibility and the visitor experience;

“(V) reduces congestion and pollution, including noise and visual pollution;

“(VI) conserves natural, historical, and cultural resources (other than



1 through the rehabilitation or restora-  
 2 tion of historic buildings); and

3 “(VII) incorporates private in-  
 4 vestment; and

5 “(5) the term ‘Secretary’ means the Secretary  
 6 of Transportation.

7 “(c) FEDERAL AGENCY COOPERATIVE ARRANGE-  
 8 MENTS.—

9 “(1) IN GENERAL.—The Secretary shall develop  
 10 a cooperative relationship with the Secretary of the  
 11 Interior, which shall provide for—

12 “(A) the exchange of technical assistance;

13 “(B) interagency and multidisciplinary  
 14 teams to develop Federal land management  
 15 agency transportation policy, procedures, and  
 16 coordination; and

17 “(C) the development of procedures and  
 18 criteria relating to the planning, selection, and  
 19 funding of qualified mass transportation  
 20 projects, and implementation and oversight of  
 21 the project plan in accordance with the require-  
 22 ments of this section.

23 “(2) PROJECT SELECTION.—The Secretary,  
 24 after consultation with the Secretary of the Interior,

1 shall determine the final selection and funding of  
2 projects in accordance with this section.

3 “(d) TYPES OF ASSISTANCE.—

4 “(1) IN GENERAL.—The Secretary may con-  
5 tract for or enter into grants, cooperative agree-  
6 ments, or other agreements with a qualified partici-  
7 pant to carry out a qualified mass transportation  
8 project under this section.

9 “(2) OTHER USES.—A grant or cooperative  
10 agreement or other agreement for a qualified mass  
11 transportation project under this section also is  
12 available to finance the leasing of equipment and fa-  
13 cilities for use in mass transportation, subject to  
14 regulations the Secretary prescribes limiting the  
15 grant or cooperative arrangement or other 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.—The Secretary may not use more than 5 per-  
20 cent of the amount made available for a fiscal year under  
21 section 5338(m) to carry out planning, research, and tech-  
22 nical assistance under this section, including the develop-  
23 ment of technology appropriate for use in a qualified mass  
24 transportation project. Amounts made available under this  
25 subsection are in addition to amounts otherwise available

1 for planning, research, and technical assistance under this  
2 title or any other provision of law.

3 “(f) PLANNING PROCESS.—In undertaking a quali-  
4 fied mass transportation project under this section—

5 “(1) if the qualified participant is a Federal  
6 land management agency—

7 “(A) the Secretary, in cooperation with the  
8 Secretary of the Interior, shall develop trans-  
9 portation planning procedures that are consist-  
10 ent with sections 5303 through 5306; and

11 “(B) the General Management Plans of  
12 the units of the National Park System shall be  
13 incorporated into the planning process;

14 “(2) if the qualified participant is a State or  
15 local governmental authority, or more than 1 State  
16 or local governmental authority in more than 1  
17 State, the qualified participant shall comply with  
18 sections 5303 through 5306;

19 “(3) if the national parks and related public  
20 lands at issue lie in multiple States, there shall be  
21 cooperation in the planning process under sections  
22 5303 through 5306, to the maximum extent prac-  
23 ticable, as determined by the Secretary, between  
24 those States and the Secretary of the Interior; and

1           “(4) the qualified participant shall comply with  
2           the public participation requirements of section  
3           5307(c).

4           “(g) GOVERNMENT’S SHARE OF COSTS.—

5           “(1) IN GENERAL.—The Secretary shall estab-  
6           lish the Federal Government share of assistance to  
7           a qualified participant under this section.

8           “(2) CONSIDERATIONS.—In establishing the  
9           Government’s share of the net costs of a qualified  
10          transportation project under paragraph (1), the Sec-  
11          retary shall consider—

12               “(A) visitation levels and the revenue de-  
13               rived from user fees in the national parks and  
14               related public lands at issue;

15               “(B) the extent to which the qualified par-  
16               ticipant coordinates with an existing public or  
17               private mass transportation authority;

18               “(C) private investment in the qualified  
19               mass transportation project, including the pro-  
20               vision of contract services, joint development ac-  
21               tivities, and the use of innovative financing  
22               mechanisms;

23               “(D) the clear and direct benefit to a  
24               qualified participant assisted under this section;  
25               and

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

3           “(3) NON-FEDERAL SHARE.—Notwithstanding  
4           any other provision of law, Federal funds appro-  
5           priated to any Federal land management agency  
6           may be counted toward the non-Federal share of the  
7           costs of any mass transportation project that is eligi-  
8           ble for assistance under this section.

9           “(h) SELECTION OF QUALIFIED MASS TRANSPOR-  
10          TATION PROJECTS.—In awarding assistance for a quali-  
11          fied mass transportation project under this section, the  
12          Secretary shall consider—

13               “(1) project justification, including the extent  
14               to which the project would conserve the resources,  
15               prevent adverse impact, and enhance the environ-  
16               ment;

17               “(2) the location of the qualified mass transpor-  
18               tation project, to assure that the selection of  
19               projects—

20                       “(A) is geographically diverse nationwide;  
21                       and

22                       “(B) encompasses both urban and rural  
23                       areas;

24               “(3) the size of the qualified mass transpor-  
25               tation project, to assure a balanced distribution;

1           “(4) historical and cultural significance of a  
2 project;

3           “(5) safety;

4           “(6) the extent to which the project would en-  
5 hance livable communities;

6           “(7) the extent to which the project would re-  
7 duce pollution, including noise and visual pollution;

8           “(8) the extent to which the project would re-  
9 duce congestion and improve the mobility of people  
10 in the most efficient manner; and

11           “(9) any other matters that the Secretary con-  
12 siderers appropriate to carry out this section.

13           “(i) PROJECTS OF REGIONAL OR NATIONAL SIGNIFI-  
14 CANCE.—

15           “(1) GENERAL AUTHORITY.—In addition to  
16 other qualified mass transportation projects, the  
17 Secretary may select a qualified mass transportation  
18 project that is of regional or national significance, or  
19 that has significant visitation, or that can benefit  
20 from alternative transportation solutions to problems  
21 of resource management, pollution, congestion, mo-  
22 bility, and accessibility. Such projects shall meet the  
23 criteria set forth in paragraphs (2) through (5) of  
24 section 5309(e), as applicable.

25           “(2) PROJECT SELECTION CRITERIA.—

1           “(A) CONSIDERATIONS.—In selecting a  
 2           qualified mass transportation project described  
 3           in paragraph (1), the Secretary shall consider,  
 4           as appropriate, in addition to the considerations  
 5           set forth in subsection (h)—

6                   “(i) visitation levels;

7                   “(ii) the use of innovative financing or  
 8           joint development strategies;

9                   “(iii) coordination with the gateway  
 10          communities; and

11                  “(iv) any other matters that the Sec-  
 12          retary considers appropriate to carry out  
 13          this subsection.

14           “(B) CERTAIN LOCATIONS.—For fiscal  
 15          years 1999 through 2003, projects described in  
 16          paragraph (1) may include the following loca-  
 17          tions:

18                   “(i) Grand Canyon National Park.

19                   “(ii) Zion National Park.

20                   “(iii) Yosemite National Park.

21                   “(iv) Acadia National Park.

22           “(C) LIMIT.—No project assisted under  
 23          this subsection shall receive more than 12 per-  
 24          cent of the total amount made available under  
 25          this section in any fiscal year.

1           “(D) FULL FUNDING GRANT AGREE-  
 2           MENTS.—A project assisted under this sub-  
 3           section whose net project cost is greater than  
 4           \$25,000,000 shall be carried out through a full  
 5           funding grant agreement in accordance with  
 6           section 5309(g).

7           “(j) UNDERTAKING PROJECTS IN ADVANCE.—

8           “(1) IN GENERAL.—The Secretary may pay the  
 9           Government’s share of the net project cost to a  
 10          qualified participant that carries out any part of a  
 11          qualified mass transportation project without assist-  
 12          ance under this section, and according to all applica-  
 13          ble procedures and requirements, if—

14               “(A) the qualified participant applies for  
 15               the payment;

16               “(B) the Secretary approves the payment;  
 17               and

18               “(C) before carrying out that part of the  
 19               project, the Secretary approves the plans and  
 20               specifications in the same way as other projects  
 21               assisted under this chapter.

22           “(2) INTEREST.—The cost of carrying out a  
 23           part of a project referred to in paragraph (1) in-  
 24           cludes the amount of interest earned and payable on  
 25           bonds issued by the State or local governmental au-



1       thority, to the extent proceeds of the bond are ex-  
 2       pended in carrying out that part. However, the  
 3       amount of interest under this paragraph may not ex-  
 4       ceed the most favorable interest terms reasonably  
 5       available for the project at the time of borrowing.  
 6       The applicant shall certify, in a manner that is sat-  
 7       isfactory to the Secretary, that the applicant has  
 8       shown reasonable diligence in seeking the most fa-  
 9       vorable financial terms.

10       “(3) COST CHANGE CONSIDERATIONS.—The  
 11       Secretary shall consider changes in project cost indi-  
 12       ces when determining the estimated cost under para-  
 13       graph (2).

14       “(k) PROJECT MANAGEMENT OVERSIGHT.—The Sec-  
 15       retary may use not more than 0.5 percent of amounts  
 16       made available under this section for a fiscal year to over-  
 17       see projects and participants in accordance with section  
 18       5327.

19       “(l) RELATIONSHIP TO OTHER LAWS.—

20       “(1) IN GENERAL.—Except as otherwise specifi-  
 21       cally provided in this section, but subject to para-  
 22       graph (2) of this subsection, the Secretary shall re-  
 23       quire that all grants, contracts, cooperative agree-  
 24       ments, or other agreements under this section shall  
 25       be subject to the requirements of sections 5307(d),

1       5307(i), and any other terms, conditions, require-  
 2       ments, and provisions that the Secretary determines  
 3       are necessary or appropriate to carry out this sec-  
 4       tion, including requirements for the distribution of  
 5       proceeds on disposition of real property and equip-  
 6       ment resulting from the project assisted under this  
 7       section.

8               “(2)       LABOR       STANDARDS.—Sections  
 9       5323(a)(1)(D) and 5333(b) apply to assistance pro-  
 10      vided under this section.

11      “(m) STATE INFRASTRUCTURE BANKS.—A project  
 12      assisted under this section shall be eligible for funding  
 13      through a State Infrastructure Bank or other innovative  
 14      financing mechanism otherwise available to finance an eli-  
 15      gible mass transportation project under this chapter.

16      “(n) ASSET MANAGEMENT.—The Secretary may  
 17      transfer the Department of Transportation interest in and  
 18      control over all facilities and equipment acquired under  
 19      this section to a qualified participant for use and disposi-  
 20      tion in accordance with property management rules and  
 21      regulations of the department, agency, or instrumentality  
 22      of the Federal Government.

23      “(o) COORDINATION OF RESEARCH AND DEPLOY-  
 24      MENT OF NEW TECHNOLOGIES.—The Secretary may un-  
 25      dertake, or make grants or contracts (including agree-

1 ments with departments, agencies, and instrumentalities  
 2 of the Federal Government) or other agreements for re-  
 3 search, development, and deployment of new technologies  
 4 that will conserve resources and prevent adverse environ-  
 5 mental impact, improve visitor mobility, accessibility and  
 6 enjoyment, and reduce pollution, including noise and vis-  
 7 ual pollution, in the national parks and related public  
 8 lands. The Secretary may request and receive appropriate  
 9 information from any source. This subsection does not  
 10 limit the authority of the Secretary under any other provi-  
 11 sion of law.

12       “(p) REPORT.—The Secretary, in consultation with  
 13 the Secretary of the Interior, shall report annually to the  
 14 Committee on Transportation and Infrastructure of the  
 15 House of Representatives and to the Committee on Bank-  
 16 ing, Housing, and Urban Affairs of the Senate, on the  
 17 allocation of amounts to be made available to assist quali-  
 18 fied mass transportation projects under this section. Such  
 19 report shall be included in the report required under sec-  
 20 tion 5309(m)(3).

21       “(q) STUDY OF TRANSIT NEEDS IN NATIONAL  
 22 PARKS AND RELATED PUBLIC LANDS.—

23               “(1) IN GENERAL.—The Secretary, in coordina-  
 24 tion with the Secretary of the Interior, shall under-  
 25 take a comprehensive study of alternative transpor-

1       tation needs in national parks and related public  
2       lands managed by Federal land management agen-  
3       cies. The study shall be submitted to the Committee  
4       on Transportation and Infrastructure of the House  
5       of Representatives and the Committee on Banking,  
6       Housing, and Urban Affairs of the Senate not later  
7       than January 1, 2000.

8               “(2) STUDY ELEMENTS.—The study required  
9       by paragraph (1) shall—

10               “(A) identify transportation strategies that  
11       improve the management of the national parks  
12       and related public lands;

13               “(B) identify national parks and related  
14       public lands with existing and potential prob-  
15       lems of adverse impact, high congestion, and  
16       pollution, or which can benefit from alternative  
17       transportation modes;

18               “(C) assess the feasibility of alternative  
19       transportation modes; and

20               “(D) identify and estimate the costs of al-  
21       ternative transportation modes for each of the  
22       national parks and related public lands referred  
23       to in paragraph (1).

24               “(3) FUNDING.—From amounts made available  
25       under section 5338(m), \$500,000 shall be made

1       available in fiscal year 1999 to carry out this sub-  
2       section.”.

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

6       “(m) SECTION 5339.—

7               “(1) IN GENERAL.—There is authorized to be  
8       appropriated to carry out section 5339 \$50,000,000  
9       for each of fiscal years 1999 through 2003.

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

16       (c) CONFORMING AMENDMENT.—The analysis for  
17       chapter 53 of title 49, United States Code, is amended  
18       by adding at the end the following:

“5339. Mass transportation in national parks and related public lands.”.

