

106TH CONGRESS
1ST SESSION

S. 690

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

IN THE SENATE OF THE UNITED STATES

MARCH 23, 1999

Mr. SARBANES (for himself, Mr. REID, Mr. MURKOWSKI, Mrs. BOXER, Mr. KENNEDY, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, and Mrs. MURRAY) 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”.

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

3 (a) IN GENERAL.—Chapter 53 of title 49, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 5339. Mass transportation in national parks and**
 7 **related public lands**

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

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

21 “(2) GENERAL FINDINGS.—Congress finds
 22 that—

23 “(A) section 1050 of the Intermodal Sur-
 24 face Transportation Efficiency Act of 1991
 25 (Public Law 102–240) authorized a study of al-
 26 ternatives for visitor transportation in the Na-

1 tional Park System which was released by the
2 National Park Service in May 1994;

3 “(B) the study found that—

4 “(i) increasing traffic congestion in
5 the national parks requires alternative
6 transportation strategies to enhance re-
7 source protection and the visitor experience
8 and to reduce congestion;

9 “(ii) visitor use, National Park Serv-
10 ice units, and concession facilities require
11 integrated planning; and

12 “(iii) the transportation problems and
13 visitor services require increased coordina-
14 tion with gateway communities;

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

22 “(D) to initiate the Memorandum of Un-
23 derstanding, and to implement President Clin-
24 ton’s ‘Parks for Tomorrow’ initiative, outlined
25 on Earth Day, 1996, the Department of Trans-

1 portation and the Department of the Interior
2 announced, in December 1997, the intention to
3 implement mass transportation services in the
4 Grand Canyon National Park, Zion National
5 Park, and Yosemite National Park;

6 “(E) section 3039 of the Transportation
7 Equity Act for the 21st Century authorized a
8 comprehensive study, to be conducted by the
9 Secretary of Transportation in coordination
10 with the Secretary of the Interior, and sub-
11 mitted to Congress on January 1, 2000, of al-
12 ternative transportation in national parks and
13 related public lands, in order to—

14 “(i) identify the transportation strate-
15 gies that improve the management of the
16 national parks and related public lands;

17 “(ii) identify national parks and re-
18 lated public lands with existing and poten-
19 tial problems of adverse impact, high con-
20 gestion, and pollution, or which can benefit
21 from alternative transportation modes;

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

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

1 “(F) many of the national parks and re-
2 lated public lands are experiencing increased
3 visitation and congestion and degradation of the
4 natural, historical, and cultural resources;

5 “(G) 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, histor-
9 ical, and cultural resources, prevent adverse im-
10 pact on those resources, and reduce pollution
11 and congestion, while at the same time facili-
12 tating appropriate visitor mobility and accessi-
13 bility and improving the visitor experience;

14 “(H) 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 “(I) 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 accessi-
8 bility 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 re-
19 lated public lands, located in both urban and
20 rural areas, that enhance resource protection,
21 prevent adverse impacts on those resources, im-
22 prove visitor mobility and accessibility and the
23 visitor experience, reduce pollution and conges-
24 tion, conserve energy, and increase coordination
25 with 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;

1 “(v) involves nonmotorized transpor-
2 tation systems, including the provision of
3 facilities for pedestrians and bicycles;

4 “(vi) involves the development of wa-
5 terborne access within or adjacent to na-
6 tional parks and related public lands, in-
7 cluding watercraft, as appropriate to and
8 consistent with the purposes described in
9 subsection (a)(3); or

10 “(vii) is any transportation project
11 that—

12 “(I) enhances the environment;

13 “(II) prevents adverse impact on
14 natural resources;

15 “(III) improves Federal land
16 management agency resources man-
17 agement;

18 “(IV) improves visitor mobility
19 and accessibility and the visitor expe-
20 rience;

21 “(V) reduces congestion and pol-
22 lution, including noise and visual pol-
23 lution;

24 “(VI) conserves natural, histor-
25 ical, and cultural resources (other

1 than through the rehabilitation or res-
2 toration 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 and in cooperation with the Sec-
25 retary of the Interior, shall determine the final selec-

1 tion and funding of projects in accordance with this
2 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(j) 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 con-
10 sistent with sections 5303 through 5305; 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 5305;

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 5305, 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 (1) through (4) 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 2000 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 reports shall be included in each report required under
 20 section 5309(p).”.

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

24 “(j) SECTION 5339.—

1 “(1) IN GENERAL.—There is authorized to be
2 appropriated to carry out section 5339 \$50,000,000
3 for each of fiscal years 2000 through 2003.

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

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

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

13 (d) TECHNICAL AMENDMENTS.—Chapter 53 of title
14 49, United States Code, is amended—

15 (1) in section 5309—

16 (A) by redesignating subsection (p) as sub-
17 section (q); and

18 (B) by redesignating the second subsection
19 designated as subsection (o) (as added by sec-
20 tion 3009(i) of the Federal Transit Act of 1998
21 (112 Stat. 356–357)) as subsection (p);

22 (2) in section 5328(a)(4), by striking
23 “5309(o)(1)” and inserting “5309(p)(1)”; and

24 (3) in section 5337, by redesignating the second
25 subsection designated as subsection (e) (as added by

- 1 section 3028(b) of the Federal Transit Act of 1998
- 2 (112 Stat. 367)) as subsection (f).

