

109TH CONGRESS
1ST SESSION

S. 890

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

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2005

Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. AKAKA, Mrs. BOXER, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, 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 alternative 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) the study found that many federally-
26 managed sites are experiencing very high visita-

1 tion levels that are continuing to increase and
2 that there are significant transit needs at many
3 of these sites;

4 “(C) the study concluded that imple-
5 menting transit on federally-managed land can
6 help—

7 “(i) relieve traffic congestion and
8 parking shortages;

9 “(ii) enhance visitor mobility and ac-
10 cessibility;

11 “(iii) preserve sensitive natural, cul-
12 tural, and historic resources;

13 “(iv) provide improved interpretation,
14 education, and visitor information services;

15 “(v) reduce pollution; and

16 “(vi) improve economic development
17 opportunities for gateway communities;

18 “(D) the Department of Transportation
19 can assist the Federal land management agen-
20 cies through financial support and technical as-
21 sistance and further the achievement of na-
22 tional goals described in subparagraph (C);

23 “(E) 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 alter-
3 native transportation systems within and in the
4 vicinity of eligible areas, is essential to—

5 “(i) protect and conserve natural, his-
6 torical, and cultural resources;

7 “(ii) prevent or mitigate adverse im-
8 pacts on those resources;

9 “(iii) relieve congestion;

10 “(iv) minimize transportation fuel
11 consumption;

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

14 “(vi) enhance visitor mobility, accessi-
15 bility, and the visitor experience; and

16 “(F) it is in the interest of the United
17 States to encourage and promote the develop-
18 ment of transportation systems for the better-
19 ment of eligible areas to meet the goals de-
20 scribed in clauses (i) through (vi) of subpara-
21 graph (E).

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

24 “(A) to develop a cooperative relationship
25 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 alternative transportation systems
5 and nonmotorized transportation systems need-
6 ed within and in the vicinity of eligible areas,
7 located 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 alternative
20 transportation systems and nonmotorized trans-
21 portation systems to be operated by public or
22 private alternative transportation providers, as
23 determined by local and regional needs, and to
24 encourage public-private partnerships; and

1 “(D) to assist in research concerning, and
2 development of, improved alternative transpor-
3 tation equipment, facilities, techniques, and
4 methods with the cooperation of public and pri-
5 vate companies and other entities engaged in
6 the provision of alternative transportation serv-
7 ice.

8 “(b) DEFINITIONS.—In this section:

9 “(1) ALTERNATIVE TRANSPORTATION.—

10 “(A) IN GENERAL.—The term ‘alternative
11 transportation’ means transportation by bus,
12 rail, or any other publicly or privately owned
13 conveyance that provides to the public general
14 or special service on a regular basis.

15 “(B) INCLUSIONS.—The term ‘alternative
16 transportation’ includes sightseeing service.

17 “(2) ELIGIBLE AREA.—

18 “(A) IN GENERAL.—The term ‘eligible
19 area’ means any Federally owned or managed
20 park, refuge, or recreational area that is open
21 to the general public.

22 “(B) INCLUSIONS.—The term ‘eligible
23 area’ includes—

24 “(i) a unit of the National Park Sys-
25 tem;

1 “(ii) a unit of the National Wildlife
2 Refuge System; and

3 “(iii) a recreational area managed by
4 the Bureau of Land Management.

5 “(3) FEDERAL LAND MANAGEMENT AGENCY.—
6 The term ‘Federal land management agency’ means
7 a Federal agency that manages an eligible area.

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, alone or in
16 partnership with a Federal land management
17 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 alternative
7 transportation vehicles that introduce inno-
8 vative technologies or methods;

9 “(C) relates to the capital costs of coordi-
10 nating the Federal land management agency al-
11 ternative transportation systems with other al-
12 ternative 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 alternative transpor-
22 tation 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 alternative trans-
18 portation;

19 “(2) interagency and multidisciplinary teams to
20 develop Federal land management agency alternative
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 alter-
14 native transportation, subject to any regulation that
15 the Secretary may prescribe limiting the grant or
16 agreement to leasing arrangements that are more
17 cost-effective 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 “(4) OPERATIONS.—To the extent the Sec-
14 retary determines appropriate, the Secretary may
15 make grants under this section to finance the oper-
16 ating cost of equipment and facilities for use in a
17 qualified project.

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

20 “(1) if the qualified participant is a Federal
21 land management agency—

22 “(A) the Secretary, in cooperation with the
23 Secretary of the Interior, shall develop trans-
24 portation planning procedures that are con-
25 sistent with—

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

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

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

7 “(B) in the case of a qualified project that
8 is at a unit of the National Park system, the
9 planning process shall be consistent with the
10 general management plans of the unit of the
11 National Park system; and

12 “(2) if the qualified participant is a State or
13 local governmental authority, or more than 1 State
14 or local governmental authority in more than 1
15 State, the qualified participant shall—

16 “(A) comply with sections 5303 through
17 5305;

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

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

22 “(D) consult with the appropriate Federal
23 land management agency during the planning
24 process.

25 “(g) COST SHARING.—

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

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

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

11 “(B) the extent to which the qualified par-
12 ticipant coordinates with a public or private al-
13 ternative transportation authority;

14 “(C) private investment in the qualified
15 project, including the provision of contract serv-
16 ices, joint development activities, and the use of
17 innovative financing mechanisms;

18 “(D) the clear and direct benefit to the
19 qualified participant; and

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

22 “(3) NONDEPARTMENTAL SHARE.—Notwith-
23 standing any other provision of law, Federal funds
24 appropriated to any Federal land management agen-

1 cy may be counted toward the nondepartmental
2 share of the cost of a qualified project.

3 “(h) SELECTION OF QUALIFIED PROJECTS.—

4 “(1) IN GENERAL.—The Secretary of the Inte-
5 rior, after consultation with and in cooperation with
6 the Secretary, shall determine the final selection and
7 funding of an annual program of qualified projects
8 in accordance with this section.

9 “(2) CONSIDERATIONS.—In determining wheth-
10 er to include a project in the annual program of
11 qualified projects, the Secretary of the Interior shall
12 consider—

13 “(A) the justification for the qualified
14 project, including the extent to which the quali-
15 fied project would conserve resources, prevent
16 or mitigate adverse impact, and enhance the en-
17 vironment;

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

20 “(i) are geographically diverse nation-
21 wide; and

22 “(ii) include qualified projects in eligi-
23 ble areas located in both urban areas and
24 rural areas;

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

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

5 “(E) safety;

6 “(F) the extent to which the qualified
7 project would—

8 “(i) enhance livable communities;

9 “(ii) reduce pollution (including noise
10 pollution, air pollution, and visual pollu-
11 tion);

12 “(iii) reduce congestion; and

13 “(iv) improve the mobility of people in
14 the most efficient manner; and

15 “(G) any other matters that the Secretary
16 considers appropriate to carry out this section,
17 including—

18 “(i) visitation levels;

19 “(ii) the use of innovative financing or
20 joint development strategies; and

21 “(iii) coordination with gateway com-
22 munities.

23 “(i) QUALIFIED PROJECTS CARRIED OUT IN AD-
24 VANCE.—

1 “(1) IN GENERAL.—When a qualified partici-
2 pant carries out any part of a qualified project with-
3 out assistance under this section in accordance with
4 all applicable procedures and requirements, the Sec-
5 retary may pay the departmental share of the net
6 project cost of a qualified project if—

7 “(A) the qualified participant applies for
8 the payment;

9 “(B) the Secretary approves the payment;
10 and

11 “(C) before carrying out that part of the
12 qualified project, the Secretary approves the
13 plans and specifications in the same manner as
14 plans and specifications are approved for other
15 projects assisted under this section.

16 “(2) INTEREST.—

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

24 “(B) LIMITATION.—The rate of interest
25 under this paragraph may not exceed the most

1 favorable rate reasonably available for the
2 qualified project at the time of borrowing.

3 “(C) CERTIFICATION.—The qualified par-
4 ticipant shall certify, in a manner satisfactory
5 to the Secretary, that the qualified participant
6 has exercised reasonable diligence in seeking
7 the most favorable interest rate.

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

12 “(1) the qualified project shall, to the extent
13 that the Secretary considers appropriate, be carried
14 out through a full funding agreement in accordance
15 with section 5309(g); and

16 “(2) the qualified participant shall prepare a
17 project management plan in accordance with section
18 5327(a).

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

21 “(1) the requirements of section 5333;

22 “(2) to the extent that the Secretary determines
23 to be appropriate, requirements consistent with
24 those under subsections (d) and (i) of section 5307;
25 and

1 “(3) any other terms, conditions, requirements,
2 and provisions that the Secretary determines to be
3 appropriate to carry out this section, including re-
4 quirements for the distribution of proceeds on dis-
5 position of real property and equipment resulting
6 from a qualified project assisted under this section.

7 “(1) INNOVATIVE FINANCING.—A qualified project
8 assisted under this section shall be eligible for funding
9 through a State Infrastructure Bank or other innovative
10 financing mechanism otherwise available to finance an eli-
11 gible project under this chapter.

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

19 “(n) COORDINATION OF RESEARCH AND DEPLOY-
20 MENT OF NEW TECHNOLOGIES.—

21 “(1) IN GENERAL.—The Secretary, in coopera-
22 tion with the Secretary of the Interior, may under-
23 take, or make grants or contracts (including agree-
24 ments with departments, agencies, and instrumental-
25 ities of the Federal Government) or other agree-

1 ments for research, development, and deployment of
2 new technologies in eligible areas that will—

3 “(A) conserve resources;

4 “(B) prevent or mitigate adverse environ-
5 mental impact;

6 “(C) improve visitor mobility, accessibility,
7 and enjoyment; and

8 “(D) reduce pollution (including noise pol-
9 lution and visual pollution).

10 “(2) ACCESS TO INFORMATION.—The Secretary
11 may request and receive appropriate information
12 from any source.

13 “(3) FUNDING.—Grants and contracts under
14 paragraph (1) shall be awarded from amounts allo-
15 cated under subsection (e)(1).

16 “(o) REPORT.—

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

1 “(2) ANNUAL AND SUPPLEMENTAL REPORTS.—
2 A report required under paragraph (1) shall be in-
3 cluded in the report submitted under section
4 5309(p).”.

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

8 “(j) SECTION 5316.—

9 “(1) IN GENERAL.—There is authorized to be
10 appropriated to carry out section 5316 \$90,000,000
11 for each of fiscal years 2005 through 2010.

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

18 (c) CONFORMING AMENDMENTS.—

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

 “5316. Federal land transit program.”.

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

1 (A) by striking “or 5311” and inserting
2 “5311, or 5316”; and

3 (B) by striking “5311, or” and inserting
4 “5311, 5316, or”.

5 (d) TECHNICAL AMENDMENTS.—Chapter 53 of title
6 49, United States Code, is amended—

7 (1) in section 5309—

8 (A) by redesignating subsection (p) as sub-
9 section (q); and

10 (B) by redesignating the second subsection
11 designated as subsection (o) (as added by sec-
12 tion 3009(i) of the Federal Transit Act of 1998
13 (112 Stat. 356)) as subsection (p);

14 (2) in section 5328(a)(4), by striking
15 “5309(o)(1)” and inserting “5309(p)(1)”; and

16 (3) in section 5337, by redesignating the second
17 subsection designated as subsection (e) (as added by
18 section 3028(b) of the Federal Transit Act of 1998
19 (112 Stat. 367)) as subsection (f).

○