

111TH CONGRESS
1ST SESSION

S. 1764

To clarify the application of section 14501(d) of title 49, United States Code, to prevent the imposition of unreasonable transportation terminal fees.

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2009

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To clarify the application of section 14501(d) of title 49, United States Code, to prevent the imposition of unreasonable transportation terminal fees.

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 “Prevention of Unrea-
5 sonable Fees Act”.

6 **SEC. 2. PREVENTION OF UNREASONABLE FEES.**

7 Section 14501(d) of title 49, United States Code is
8 amended—

1 (1) in paragraph (1), by striking “on account of
2 the fact that a motor vehicle” and inserting “to be
3 paid with respect to a motor vehicle that”;

4 (2) by redesignating paragraphs (2) and (3) as
5 paragraph (3) and (4), respectively;

6 (3) by inserting after paragraph (1) the fol-
7 lowing:

8 “(2) TRANSPORTATION TERMINAL FEES PRO-
9 HIBITED.—An operator of a transportation terminal
10 that, at any time after the date of enactment of the
11 Prevention of Unreasonable Fees Act, uses any Fed-
12 eral funds for the construction, expansion, renova-
13 tion, or other capital improvement of such transpor-
14 tation terminal, or for the purchase or lease of any
15 equipment installed in such transportation terminal
16 or on its property, may not charge any fee to a pro-
17 vider of prearranged ground transportation service
18 described in paragraph (1), except—

19 “(A) a fee charged to the general public
20 for access to, or use of, any part of the trans-
21 portation terminal; or

22 “(B) a fee for the availability of ancillary
23 facilities at the transportation terminal that is
24 reasonable in relation to the costs of operating
25 the ancillary facilities.”;

1 (4) by amending paragraph (3), as redesign-
2 nated, to read as follows:

3 “(3) DEFINITIONS.—In this section:

4 “(A) ANCILLARY FACILITIES.—The term
5 ‘ancillary facilities’ includes restrooms, vending
6 machines, monitoring facilities that advise par-
7 ties accessing the transportation terminal of ar-
8 rivals or departures of aircraft, buses, trains,
9 ships, or boats, and such other facilities deter-
10 mined by the Secretary to be necessary, appro-
11 priate, desirable, or useful to the business of
12 providing prearranged ground transportation
13 service.

14 “(B) INTERMEDIATE STOP.—The term ‘in-
15 termediate stop’, with respect to transportation
16 by a motor carrier, means a pause in the trans-
17 portation in order for 1 or more passengers to
18 engage in personal or business activity if the
19 driver providing the transportation to such pas-
20 sengers does not, before resuming the transpor-
21 tation of at least 1 of such passengers, provide
22 transportation to any other person not included
23 among the passengers being transported when
24 the pause began.

“(C) TRANSPORTATION TERMINAL.—The term ‘transportation terminal’ means any airport, port facility for ships or boats, train station, or bus terminal, including any principal building and all ancillary buildings, roads, runways, and other facilities.”;

(5) in paragraph (4), as redesignated—

(A) in subparagraph (B)—

(i) by striking “an airport, train, or bus” and inserting “a transportation”; and

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

“(C) as prohibiting or restricting a transportation terminal operator from requiring vehicles that cannot safely use parking facilities that are otherwise available to the general public to use segregated facilities, if the fee for such facilities is not more than the amount charged to the public for similar facilities.”;

(D) in subparagraph (D), as redesignated, by striking the period at the end and inserting “; or”; and

1 (E) by inserting after subparagraph (D),
2 as redesignated, the following:

3 “(E) as restricting the right of any State
4 or political subdivision of a State to require a
5 license or fee (other than a fee by a transpor-
6 tation terminal operator prohibited under para-
7 graph (2)) with respect to a vehicle that is pro-
8 viding transportation not described in para-
9 graph (1).”.

10 **SEC. 3. REGULATIONS.**

11 (a) IN GENERAL.—Not later than December 31,
12 2010, the Secretary of Transportation shall promulgate
13 regulations to carry out the provisions of section 14501(d)
14 of title 49, United States Code, as amended by section
15 2.

16 (b) PROVISIONS.—The regulations promulgated pur-
17 suant to subsection (a) shall include—

18 (1) a comprehensive list of the ancillary facili-
19 ties determined by the Secretary to be necessary, ap-
20 propriate, desirable, and useful to the business of
21 the provision of prearranged ground transportation
22 service;

23 (2) a schedule of suggested fees that—

24 (A) may be charged for such ancillary fa-
25 cilities by any transportation terminal operator

1 to a provider of prearranged ground transpor-
2 tation service for the availability of the ancillary
3 facility; and

4 (B) are determined by the Secretary to be
5 reasonable in relation to the costs of operating
6 the ancillary facility;

7 (3) a requirement that any fee proposed by a
8 transportation terminal operator for the availability
9 of an ancillary facility may not be greater than the
10 fee for such ancillary facility provided in the sched-
11 ule described in paragraph (2), unless the fee is ap-
12 proved in advance by the Secretary after a public
13 hearing and determination that the proposed fee and
14 the amount of the fee for the availability of such an-
15 cillary facility at such transportation terminal—

16 (A) is reasonable in relation to the costs of
17 operating the ancillary facility; and

18 (B) otherwise complies with section
19 14501(d) of title 49, United States Code; and

20 (4) such other provisions as the Secretary de-
21 termines to be necessary or appropriate to carry out
22 such section 14501(d) in a manner that prevents the
23 imposition by a transportation terminal operator
24 of—

1 (A) fees to be paid by or with respect to
2 a motor vehicle that is providing prearranged
3 ground transportation service; or

4 (B) any other discriminatory or punitive
5 action or measure against, or with respect to, a
6 motor vehicle that is providing prearranged
7 ground transportation service.

○