

111TH CONGRESS
2D SESSION

S. 3412

To provide emergency operating funds for public transportation.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2010

Mr. DODD (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, Mr. REED, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide emergency operating funds for public transportation.

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 “Public Transportation
5 Preservation Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The American Public Transportation Asso-
9 ciation estimates that since January 1, 2009, 84

1 percent of transit systems have raised fares, cut
2 service or are considering one of those actions.

3 (2) Many low-income workers, older Americans,
4 and people with disabilities depend on transit service
5 to get to jobs and health care. Reduced service and
6 higher fares can have a devastating effect on their
7 quality of life.

8 (3) Millions of Americans use transit every day.
9 Reduced transit service makes it harder for workers
10 to access jobs and puts more cars on the road, wors-
11 ening already bad traffic congestion in many metro-
12 politan areas.

13 **SEC. 3. EMERGENCY OPERATING FUNDS FOR PUBLIC**
14 **TRANSPORTATION.**

15 (a) GENERAL AUTHORITY.—The Secretary of Trans-
16 portation may make grants to States and designated re-
17 cipients that receive funding under chapter 53, United
18 States Code, for the operating costs of equipment and fa-
19 cilities for use in public transportation.

20 (b) APPORTIONMENT OF FUNDS.—Of the funds
21 made available under this section—

22 (1) 80 percent shall be apportioned in accord-
23 ance with section 5336 of title 49, United States
24 Code;

1 (2) 10 percent shall be apportioned in accord-
2 ance with section 5340 of title 49, United States
3 Code; and

4 (3) 10 percent shall be apportioned to other
5 than urbanized areas in accordance with section
6 5311 of title 49, United States Code.

7 (c) USE OF FUNDS.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the amounts apportioned to a State or ur-
10 banized area pursuant to subsection (b) shall be
11 used—

12 (A) for operating expenses necessary to—

13 (i) restore a reduction in public trans-
14 portation service and related workforce re-
15 ductions; or

16 (ii) rescind all or a portion of a fare
17 increase;

18 if such reduction or increase was due to de-
19 creased State or local funding or farebox rev-
20 enue, that occurred on or after January 1,
21 2009; and

22 (B) to prevent reductions or increases de-
23 scribed in subparagraph (A) through September
24 30, 2011.

25 (2) EXCEPTION.—

1 (A) IN GENERAL.—If a recipient submits a
2 certification to the Secretary that the recipient
3 has not had a major reduction in public trans-
4 portation service, as described in section
5 5307(d)(1)(I) of title 49, United States Code,
6 or a fare increase as a result of decreased State
7 or local operating funding, and will be able to
8 avoid such reductions or increases through Sep-
9 tember 30, 2011, without the funds made avail-
10 able by this section, a recipient may use the
11 funds to replace, rehabilitate, or repair existing
12 transit capital assets used in public transpor-
13 tation as defined under section 5302(a)(10) of
14 title 49, United States Code.

15 (B) USE OF REMAINING FUNDS.—A recipi-
16 ent may use any remaining funds made avail-
17 able by this section to replace, rehabilitate, or
18 repair existing transit capital assets used in
19 public transportation as defined under section
20 5302(a)(10) of title 49, United States Code if
21 that recipient has—

22 (i) restored a major reduction in pub-
23 lic transportation service or rescinded a
24 fare increase; and

1 (ii) is able to avoid reductions or in-
 2 creases described in paragraph (1)(B).

3 (d) REQUIREMENTS.—Applicable requirements of
 4 chapter 53 of title 49, United States Code, shall apply to
 5 funding provided under this section. Section 1101(b) of
 6 Public Law 109–59 (119 Stat. 1156) shall apply to fund-
 7 ing provided under this section.

8 (e) GOVERNMENT SHARE OF COSTS.—A grant under
 9 this section shall be, at the option of the recipient, up to
 10 100 percent of the net cost of the project.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to carry out this section
 13 \$2,000,000,000 to remain available for obligation through
 14 September 30, 2011.

15 (g) FUNDS AVAILABILITY.—Funds apportioned
 16 under this section and obligated on or before September
 17 30, 2011, shall be expended on or before July 1, 2012.

18 (h) OVERSIGHT.—Three-quarters of 1 percent of the
 19 funds available under paragraphs (1) and (2) of sub-
 20 section (b), and one-half of 1 percent of the funds avail-
 21 able under paragraph (3) of subsection (b), shall be pro-
 22 vided for administrative expenses and program manage-
 23 ment oversight, and such funds shall be available through
 24 September 30, 2013.

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