

ment note under section 5313 of Title 5, Government Organization and Employees.

§ 305. Transportation investment standards and criteria

(a) Subject to sections 301-304¹ of this title, the Secretary of Transportation shall develop standards and criteria to formulate and economically evaluate all proposals for investing amounts of the United States Government in transportation facilities and equipment. Based on experience, the Secretary shall revise the standards and criteria. When approved by Congress, the Secretary shall prescribe standards and criteria developed or revised under this subsection. This subsection does not apply to—

- (1) the acquisition of transportation facilities or equipment by a department, agency, or instrumentality of the Government to provide transportation for its use;
(2) an inter-oceanic canal located outside the 48 contiguous States;
(3) defense features included at the direction of the Department of Defense in designing and constructing civil air, sea, or land transportation;
(4) foreign assistance programs;
(5) water resources projects; or
(6) grant-in-aid programs authorized by law.

(b) A department, agency, or instrumentality of the Government preparing a survey, plan, or report that includes a proposal about which the Secretary has prescribed standards and criteria under subsection (a) of this section shall—

- (1) prepare the survey, plan, or report under those standards and criteria and on the basis of information provided by the Secretary on the—
(A) projected growth of transportation needs and traffic in the affected area;
(B) the relative efficiency of various modes of transportation;
(C) the available transportation services in the area; and
(D) the general effect of the proposed investment on existing modes of transportation and on the regional and national economy;
(2) coordinate the survey, plan, or report—
(A) with the Secretary and include the views and comments of the Secretary; and
(B) as appropriate, with other departments, agencies, and instrumentalities of the Government, States, and local governments, and include their views and comments; and
(3) send the survey, plan, or report to the President for disposition under law and procedure established by the President.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2420.)

HISTORICAL AND REVISION NOTES—CONTINUED

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 305(b) 49:1656 (less (a)).

In subsection (a), before clause (1), the words "consistent with national transportation policies" after "develop standards and criteria" are omitted as unnecessary because of section 302 of the revised title. The words "Based on experience" are substituted for "in the light of experience", and the words "shall prescribe" are substituted for "be promulgated by the", to conform to other sections of the revised title. The words "from time to time" after "shall revise" are omitted as unnecessary. The words "This subsection does not apply to" are substituted for "except such proposals as are concerned with" for clarity. In clause (1), the words "a department, agency, or instrumentality of the Government" are substituted for "Federal agencies" for clarity and consistency. Similar conforming changes are made throughout the section. The word "services" after "provide transportation" is omitted as unnecessary. In clause (2), the words "48 contiguous States" are substituted for "contiguous United States" for clarity.

The text of 49:1656(a) (last par.) that provided that the Secretary of Transportation was a member of the Water Resources Council on matters pertaining to navigation features of water resource projects is omitted as superseded because 42:1962(a) gave the Secretary membership on the Council without limitation.

In subsection (b)(2), the words "unit of" before "governments" are omitted as surplus. In clause (3), the word "thereafter" after "send" is omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Section 304 of this title, referred to in subsec. (a), was amended generally by Pub. L. 112-141, div. A, title I, §1314(a), July 6, 2012, 126 Stat. 547.

§ 306. Prohibited discrimination

(a) In this section, "financial assistance" includes obligation guarantees.

(b) A person in the United States may not be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a project, program, or activity because of race, color, national origin, or sex when any part of the project, program, or activity is financed through financial assistance under section 332 or 333 or chapter 221, 224, or 249 of this title, or section 211 or 216 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721, 726).

(c) When the Secretary of Transportation decides that a person receiving financial assistance under a law referred to in subsection (b) of this section has not complied with that subsection, a Federal civil rights law, or an order or regulation issued under a Federal civil rights law, the Secretary shall notify the person of the decision and require the person to take necessary action to ensure compliance with that subsection.

(d) If a person does not comply with subsection (b) of this section within a reasonable time after receiving a notice under subsection (c) of this section, the Secretary shall take at least one of the following actions:

- (1) direct that no more Federal financial assistance be provided the person.
(2) refer the matter to the Attorney General with a recommendation that a civil action be brought against the person.

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 305(a) 49:1656(a) (less next-to-last par.). Oct. 15, 1966, Pub. L. 89-670, §7 (less (a) next-to-last par.), 80 Stat. 941.

¹ See References in Text note below.

(3) carry out the duties and powers provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(4) take other action provided by law.

(e) When a matter is referred to the Attorney General under subsection (d)(2) of this section, or when the Attorney General has reason to believe that a person is engaged in a pattern or practice violating this section, the Attorney General may begin a civil action in a district court of the United States for appropriate relief.

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2421; Pub. L. 98-216, §2(3), Feb. 14, 1984, 98 Stat. 5; Pub. L. 103-272, §5(m)(7), July 5, 1994, 108 Stat. 1376; Pub. L. 117-58, div. B, title I, §21301(j)(4)(B), Nov. 15, 2021, 135 Stat. 693.)

HISTORICAL AND REVISION NOTES
PUB. L. 97-449

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
306(a)	45:803(f).	Feb. 5, 1976, Pub. L. 94-210, §905, 90 Stat. 148.
306(b)	45:803(a).	
306(c), (d) ...	45:803(b).	
306(e)	45:803(c)-(e).	

In subsection (b), the enumerated laws are substituted for “through financial assistance under this Act”, meaning the Rail Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210, 90 Stat. 31) and laws amended by that Act. The laws cited in the subsection are substituted for “through financial assistance under this Act” for clarity. The enumerated laws include provisions of the Railroad Revitalization and Regulatory Reform Act of 1976 that amend other laws as well as provisions that are not amendments to other laws. A reference to the Urban Mass Transportation Act of 1964 (Pub. L. 88-365, 78 Stat. 302) is omitted because this section related to that Act is superseded by 49:1615.

In subsection (c), the word “decides” is substituted for “determines” for consistency. The word “ensure” is substituted for “assure” as being more precise.

In subsection (d), the words “at least one of the following actions” are substituted for “and/or” for clarity and consistency.

In subsection (e), the text of 45:803(d) is omitted as unnecessary because section 322 of the revised title gives the Secretary of Transportation general authority to prescribe regulations and other provisions of the revised title give the Secretary general authority to carry out his duties and powers. The text of 45:803(e) is omitted as unnecessary.

PUB. L. 98-216

This is necessary to correct a cross-reference in section 306(b) and to reflect the transfer of the non-positive law provisions of title 49 to title 49 appendix.

Editorial Notes

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (d)(3), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

AMENDMENTS

2021—Subsec. (b). Pub. L. 117-58 substituted “chapter 221, 224, or 249 of this title, or” for “chapter 221 or 249 of this title,” and struck out “, or title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)” before period at end.

1994—Subsec. (b). Pub. L. 103-272 substituted “section 332 or 333 or chapter 221 or 249 of this title, section 211 or 216 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721, 726), or title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)” for “section 332 or 333 of this title, section 211 or 216 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721, 726), title V or VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq., 851 et seq.), or section 4(i) or 5 of the Department of Transportation Act (49 U.S.C. 1653(i), 1654)”.

1984—Subsec. (b). Pub. L. 98-216 substituted “section 332 or 333 of this title” for “section 332 of this title” and “49 App. U.S.C.” for “49 U.S.C.”.

§307. Improving State and Federal agency engagement in environmental reviews

(a) IN GENERAL.—

(1) REQUESTS TO PROVIDE FUNDS.—A public entity receiving financial assistance from the Department of Transportation for 1 or more projects, or for a program of projects, for a public purpose may request that the Secretary allow the public entity to provide funds to Federal agencies, including the Department, State agencies, and Indian tribes participating in the environmental planning and review process for the project, projects, or program.

(2) USE OF FUNDS.—The funds may be provided only to support activities that directly and meaningfully contribute to expediting and improving permitting and review processes, including planning, approval, and consultation processes for the project, projects, or program.

(b) ACTIVITIES ELIGIBLE FOR FUNDING.—Activities for which funds may be provided under subsection (a) include transportation planning activities that precede the initiation of the environmental review process, activities directly related to the environmental review process, dedicated staffing, training of agency personnel, information gathering and mapping, and development of programmatic agreements.

(c) AMOUNTS.—A request under subsection (a) may be approved only for the additional amounts that the Secretary determines are necessary for the Federal agencies, State agencies, or Indian tribes participating in the environmental review process to timely conduct the review.

(d) AGREEMENTS.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected Federal agency under subsection (a), the affected Federal agency and the requesting public entity shall enter into an agreement that establishes a process to identify projects or priorities to be addressed by the use of the funds.

(e) GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue guidance to implement this section.

(2) FACTORS.—As part of the guidance issued under paragraph (1), the Secretary shall ensure—

(A) to the maximum extent practicable, that expediting and improving the process of environmental review and permitting through the use of funds accepted and expended under this section does not adversely affect the timeline for review and permitting by Federal agencies, State agencies, or In-