

49, United States Code, shall not carry out testing for a new bus model under section 5318 of that title.

“(2) USE OF FUNDS.—Funds made available to institutions of higher education described in paragraph (1) for testing under section 5318 of title 49, United States Code, may be used for eligible activities under section 5312(h) of that title.”

[§ 5313. Repealed. Pub. L. 114–94, div. A, title III, § 3030(b), Dec. 4, 2015, 129 Stat. 1496]

Section, Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 812; Pub. L. 105–178, title III, §3029(b)(4), (5), June 9, 1998, 112 Stat. 372; Pub. L. 109–59, title III, §§3002(b)(4), 3015(a), (b)(1), Aug. 10, 2005, 119 Stat. 1545, 1597; Pub. L. 112–141, div. B, §20030(b), July 6, 2012, 126 Stat. 730, related to transit cooperative research program.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

§ 5314. Technical assistance and workforce development

(a) TECHNICAL ASSISTANCE AND STANDARDS.—

(1) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—

(A) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) to carry out activities that the Secretary determines will assist recipients of assistance under this chapter to—

- (i) more effectively and efficiently provide public transportation service;
- (ii) administer funds received under this chapter in compliance with Federal law; and
- (iii) improve public transportation.

(B) ELIGIBLE ACTIVITIES.—The activities carried out under subparagraph (A) may include—

- (i) technical assistance; and
- (ii) the development of voluntary and consensus-based standards and best practices by the public transportation industry, including standards and best practices for safety, fare collection, intelligent transportation systems, accessibility, procurement, security, asset management to maintain a state of good repair, operations, maintenance, vehicle propulsion, communications, and vehicle electronics.

(2) TECHNICAL ASSISTANCE.—The Secretary, through a competitive bid process, may enter into contracts, cooperative agreements, and other agreements with national nonprofit organizations that have the appropriate demonstrated capacity to provide public-transportation-related technical assistance under this subsection. The Secretary may enter into such contracts, cooperative agreements, and other agreements to assist providers of public transportation to—

(A) comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)

through technical assistance, demonstration programs, research, public education, and other activities related to complying with such Act;

(B) comply with human services transportation coordination requirements and to enhance the coordination of Federal resources for human services transportation with those of the Department of Transportation through technical assistance, training, and support services related to complying with such requirements;

(C) meet the transportation needs of elderly individuals;

(D) increase transit ridership in coordination with metropolitan planning organizations and other entities through development around public transportation stations through technical assistance and the development of tools, guidance, and analysis related to market-based development around transit stations;

(E) address transportation equity with regard to the effect that transportation planning, investment, and operations have for low-income and minority individuals;

(F) facilitate best practices to promote bus driver safety;

(G) meet the requirements of sections 5323(j) and 5323(m);

(H) assist with the development and deployment of low or no emission vehicles (as defined in section 5339(c)(1)) or low or no emission vehicle components (as defined in section 5312(h)(1)); and

(I) any other technical assistance activity that the Secretary determines is necessary to advance the interests of public transportation.

(3) ANNUAL REPORT ON TECHNICAL ASSISTANCE.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report that includes—

(A) a description of each project that received assistance under this subsection during the preceding fiscal year;

(B) an evaluation of the activities carried out by each organization that received assistance under this subsection during the preceding fiscal year;

(C) a proposal for allocations of amounts for assistance under this subsection for the subsequent fiscal year; and

(D) measurable outcomes and impacts of the programs funded under subsections (b) and (c).

(4) GOVERNMENT SHARE OF COSTS.—

(A) IN GENERAL.—The Government share of the cost of an activity carried out using a grant under this subsection may not exceed 80 percent.

(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an activity carried out using a grant under this sub-

section may be derived from in-kind contributions.

(b) HUMAN RESOURCES AND TRAINING.—

(1) IN GENERAL.—The Secretary may undertake, or make grants and contracts for, programs that address human resource needs as they apply to public transportation activities. A program may include—

- (A) an employment training program;
- (B) an outreach program to increase employment for veterans, females, individuals with a disability, minorities (including American Indians or Alaska Natives, Asian, Black or African Americans, native Hawaiians or other Pacific Islanders, and Hispanics) in public transportation activities;
- (C) research on public transportation personnel and training needs;
- (D) training and assistance for veteran and minority business opportunities; and
- (E) consensus-based national training standards and certifications in partnership with industry stakeholders.

(2) INNOVATIVE PUBLIC TRANSPORTATION FRONTLINE WORKFORCE DEVELOPMENT PROGRAM.—

(A) IN GENERAL.—The Secretary shall establish a competitive grant program to assist the development of innovative activities eligible for assistance under paragraph (1).

(B) ELIGIBLE PROGRAMS.—A program eligible for assistance under paragraph (1) shall—

- (i) develop apprenticeships, on-the-job training, and instructional training for public transportation maintenance and operations occupations;
- (ii) build local, regional, and statewide public transportation training partnerships with local public transportation operators, labor union organizations, workforce development boards, and State workforce agencies to identify and address workforce skill gaps;
- (iii) improve safety, security, and emergency preparedness in local public transportation systems through improved safety culture and workforce communication with first responders and the riding public; and
- (iv) address current or projected workforce shortages by developing partnerships with high schools, community colleges, and other community organizations.

(C) SELECTION OF RECIPIENTS.—To the maximum extent feasible, the Secretary shall select recipients that—

- (i) are geographically diverse;
- (ii) address the workforce and human resources needs of large public transportation providers;
- (iii) address the workforce and human resources needs of small public transportation providers;
- (iv) address the workforce and human resources needs of urban public transportation providers;
- (v) address the workforce and human resources needs of rural public transportation providers;
- (vi) advance training related to maintenance of low or no emission vehicles and facilities used in public transportation;

(vii) target areas with high rates of unemployment;

(viii) advance opportunities for minorities, women, veterans, individuals with disabilities, low-income populations, and other underserved populations; and

(ix) address in-demand industry sector or occupation, as such term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(D) PROGRAM OUTCOMES.—A recipient of assistance under this subsection shall demonstrate outcomes for any program that includes skills training, on-the-job training, and work-based learning, including—

- (i) the impact on reducing public transportation workforce shortages in the area served;
- (ii) the diversity of training participants;
- (iii) the number of participants obtaining certifications or credentials required for specific types of employment;
- (iv) employment outcomes, including job placement, job retention, and wages, using performance metrics established in consultation with the Secretary and the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

(v) to the extent practical, evidence that the program did not preclude workers who are participating in skills training, on-the-job training, and work-based learning from being referred to, or hired on, projects funded under this chapter without regard to the length of time of their participation in the program.

(E) REPORT TO CONGRESS.—The Secretary shall make publicly available a report on the Frontline Workforce Development Program for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of activities carried out under this paragraph, an evaluation of the program, and policy recommendations to improve program effectiveness.

(3) GOVERNMENT'S SHARE OF COSTS.—The Government share of the cost of a project carried out using a grant under paragraph (1) or (2) shall be 50 percent.

(4) AVAILABILITY OF AMOUNTS.—Not more than 0.5 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

(c) NATIONAL TRANSIT INSTITUTE.—

(1) ESTABLISHMENT.—The Secretary shall establish a national transit institute and award grants to a public 4-year degree-granting institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), in order to carry out the duties of the institute.

(2) DUTIES.—

(A) IN GENERAL.—In cooperation with the Federal Transit Administration, State transportation departments, public transportation authorities, and national and international entities, the institute established under paragraph (1) shall develop and conduct training and educational programs for Federal, State, and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Government-aid public transportation work.

(B) TRAINING AND EDUCATIONAL PROGRAMS.—The training and educational programs developed under subparagraph (A) may include courses in recent developments, techniques, and procedures related to—

- (i) intermodal and public transportation planning;
- (ii) management;
- (iii) environmental factors;
- (iv) acquisition and joint use rights-of-way;
- (v) engineering and architectural design;
- (vi) procurement strategies for public transportation systems;
- (vii) turnkey approaches to delivering public transportation systems;
- (viii) new technologies;
- (ix) emission reduction technologies;
- (x) ways to make public transportation accessible to individuals with disabilities;
- (xi) construction, construction management, insurance, and risk management;
- (xii) maintenance;
- (xiii) contract administration;
- (xiv) inspection;
- (xv) innovative finance;
- (xvi) workplace safety; and
- (xvii) public transportation security.

(3) PROVISION FOR EDUCATION AND TRAINING.—Education and training of Government, State, and local transportation employees under this subsection shall be provided—

(A) by the Secretary at no cost to the States and local governments for subjects that are a Government program responsibility; or

(B) when the education and training are paid under paragraph (4), by the State, with the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

(4) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—Not more than 0.5 percent of amounts made available to a recipient under sections 5307, 5337, and 5339 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

(B) EXISTING PROGRAMS.—A recipient may use amounts made available under subparagraph (A) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 812; Pub. L. 105–178, title III, §§3016, 3029(b)(6), June 9,

1998, 112 Stat. 361, 372; Pub. L. 109–59, title III, §§3002(b)(4), 3016(a), (b), Aug. 10, 2005, 119 Stat. 1545, 1598, 1599; Pub. L. 110–244, title II, §201(g), June 6, 2008, 122 Stat. 1610; Pub. L. 112–141, div. B, §20012, July 6, 2012, 126 Stat. 690; Pub. L. 114–94, div. A, title III, §3009(a), Dec. 4, 2015, 129 Stat. 1469.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5314(a)	49 App.:1622(b)(1)–(7).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §26(b)(1)–(8) (related to this subsection); added Dec. 18, 1991, Pub. L. 102–240, §3030, 105 Stat. 2118.
5314(b)	49 App.:1622(b)(8) (related to this subsection).	

In subsection (a)(2), the word “subsection” in the source provision is translated as if it were “paragraph” to reflect the apparent intent of Congress.

In subsection (a)(3), the words “conditions, requirements, and provisions” are omitted as being included in “terms”.

In subsection (a)(4)(C), the word “section” in the source provision is translated as if it were “paragraph” to reflect the apparent intent of Congress.

Editorial Notes

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (a)(2)(A), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) 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 12101 of Title 42 and Tables.

The Workforce Innovation and Opportunity Act, referred to in subsec. (b)(2)(D)(iv), is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§3101 et seq.) of Title 29, Labor, repealed chapter 30 (§2801 et seq.) of Title 29 and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

AMENDMENTS

2015—Pub. L. 114–94 amended section generally, substituting provisions relating to technical assistance and workforce development for provisions relating to technical assistance and standards development.

2012—Pub. L. 112–141 amended section generally. Prior to amendment, section related to national research programs.

2008—Subsec. (a)(3). Pub. L. 110–244, which directed substitution of “section 5333(b)” for “section 5323(a)(1)(D)” in subsec. (a)(3) of section 5314, without specifying the Code title to be amended, was executed by making the substitution in subsec. (a)(3) of this section, to reflect the probable intent of Congress.

2005—Pub. L. 109–59, §3016(a)(1), struck out “planning and” before “research” in section catchline.

Subsec. (a)(1). Pub. L. 109–59, §3016(a)(2), substituted “section 5338(d)” for “subsections (d) and (h)(7) of section 5338 of this title” and “, contracts, cooperative agreements, or other agreements” for “and contracts” and struck out “5303–5306,” before “5312,” and “5317,” before “and 5322”.

Subsec. (a)(2). Pub. L. 109–59, §3016(a)(3), substituted “The Secretary shall” for “Of the amounts made available under paragraph (1) of this subsection, the Secretary shall make available at least \$3,000,000 to”.

Pub. L. 109–59, §3002(b)(4), substituted “public transportation-related” for “mass transportation-related” and “public transportation” for “mass transportation”.

Subsec. (a)(4)(A). Pub. L. 109-59, §3002(b)(4), substituted “public transportation” for “mass transportation”.

Subsec. (a)(4)(B), (C). Pub. L. 109-59, §3016(a)(4), (5), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: “The Secretary shall establish an Industry Technical Panel composed of representatives of transportation suppliers and operators and others involved in technology development. A majority of the Panel members shall represent the supply industry. The Panel shall assist the Secretary in identifying priority technology development areas and in establishing guidelines for project development, project cost sharing, and project execution.”

Subsec. (a)(6). Pub. L. 109-59, §3016(a)(6), added par. (6).

Subsec. (b). Pub. L. 109-59, §3016(a)(7), substituted “, contract, cooperative agreement, or other agreement under subsection (a) or section 5312,” for “or contract financed under subsection (a) of this section.”

Subsec. (c). Pub. L. 109-59, §3016(b), added subsec. (c). 1998—Subsec. (a)(1). Pub. L. 105-178, §3029(b)(6), substituted “subsections (d) and (h)(7) of section 5338” for “section 5338(g)(4)”.

Subsec. (a)(2). Pub. L. 105-178, §3016, substituted “\$3,000,000” for “\$2,000,000”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 5315. Private sector participation

(a) GENERAL PURPOSES.—In the interest of fulfilling the general purposes of this chapter under section 5301(b), the Secretary shall—

- (1) better coordinate public and private sector-provided public transportation services;
- (2) promote more effective utilization of private sector expertise, financing, and operational capacity to deliver costly and complex new fixed guideway capital projects; and
- (3) promote transparency and public understanding of public-private partnerships affecting public transportation.

(b) ACTIONS TO PROMOTE BETTER COORDINATION BETWEEN PUBLIC AND PRIVATE SECTOR PROVIDERS OF PUBLIC TRANSPORTATION.—The Secretary shall—

- (1) provide technical assistance to recipients of Federal transit grant assistance, at the request of a recipient, on practices and methods to best utilize private providers of public transportation; and
- (2) educate recipients of Federal transit grant assistance on laws and regulations under this chapter that impact private providers of public transportation.

(c) ACTIONS TO PROVIDE TECHNICAL ASSISTANCE FOR ALTERNATIVE PROJECT DELIVERY METHODS.—Upon request by a sponsor of a new fixed guideway capital project, the Secretary shall—

- (1) identify best practices for public-private partnerships models in the United States and in other countries;

(2) develop standard public-private partnership transaction model contracts; and

(3) perform financial assessments that include the calculation of public and private benefits of a proposed public-private partnership transaction.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter—

- (1) the eligibilities, requirements, or priorities for assistance provided under this chapter; or
- (2) the requirements of section 5306(a).

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 813; Pub. L. 104-287, §5(13), Oct. 11, 1996, 110 Stat. 3390; Pub. L. 105-178, title III, §3017(a), June 9, 1998, 112 Stat. 361; Pub. L. 105-206, title IX, §9009(l), July 22, 1998, 112 Stat. 857; Pub. L. 109-59, title III, §3017, Aug. 10, 2005, 119 Stat. 1600; Pub. L. 112-141, div. B, §20013(a), July 6, 2012, 126 Stat. 692; Pub. L. 114-94, div. A, title III, §3010(a), Dec. 4, 2015, 129 Stat. 1474.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5315(a)	49 App.:1625(a) (1st-3d sentences).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §29(a)-(c); added Dec. 18, 1991, Pub. L. 102-240, §6022, 105 Stat. 2185.
5315(b)	49 App.:1625(a) (last sentence).	
5315(c)	49 App.:1625(c).	
5315(d)	49 App.:1625(b).	

In subsection (a), before clause (1), the word “conduct” is substituted for “administer” for consistency in this section.

In subsection (d), the word “department” is omitted for consistency in this section.

PUB. L. 104-287

This amends 49:5315(d), 5317(b)(5), and 5323(b)(1), (c), and (e) to correct erroneous cross-references.

Editorial Notes

AMENDMENTS

2015—Subsec. (d). Pub. L. 114-94 added subsec. (d).
2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to national transit institute.

2005—Subsecs. (a), (b). Pub. L. 109-59, §3017(a), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b), which related to establishment and duties of a national transit institute in subsec. (a) and delegation to the institute of the authority of the Secretary to develop and conduct educational and training programs related to mass transportation in subsec. (b).

Subsec. (d). Pub. L. 109-59, §3017(b), struck out “mass” after “public” in two places.

1998—Pub. L. 105-178, §3017(a)(1), as amended by Pub. L. 105-206 substituted “transit” for “mass transportation” in section catchline.

Subsec. (a). Pub. L. 105-178, §3017(a)(2)(A), as amended by Pub. L. 105-206 substituted “national transit institute” for “national mass transportation institute” in introductory provisions.

Subsec. (a)(5). Pub. L. 105-178, §3017(a)(2)(B), as amended by Pub. L. 105-206 inserted “and architectural design” before semicolon at end.

Subsec. (a)(7). Pub. L. 105-178, §3017(a)(2)(C), as amended by Pub. L. 105-206 substituted “delivering” for “carrying out”.

Subsec. (a)(11). Pub. L. 105-178, §3017(a)(2)(D), as amended by Pub. L. 105-206 inserted “, construction