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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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

management, insurance, and risk management'' before semicolon at end.

Subsec. (a)(15), (16). Pub. L. 105–178, § 3017(a)(2)(E)–(G), as amended by Pub. L. 105–206 added pars. (15) and (16).

1996—Subsec. (d). Pub. L. 104–287 substituted ''sections 5307 and 5309'' for ''sections 5304 and 5306''.

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.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

PUBLIC-PRIVATE PARTNERSHIP PROCEDURES AND APPROACHES

Pub. L. 112–141, div. B, § 20013(b), July 6, 2012, 126 Stat. 692, provided that:

''(1) IDENTIFY IMPEDIMENTS.—The Secretary shall—

''(A) except as provided in paragraph (6), identify any provisions of chapter 53 of title 49, United States Code, and any regulations or practices thereunder, that impede greater use of public-private partnerships and private investment in public transportation capital projects; and

''(B) develop and implement on a project basis procedures and approaches that—

''(i) address such impediments in a manner similar to the Special Experimental Project Number 15 of the Federal Highway Administration (commonly referred to as 'SEP-15'); and

''(ii) protect the public interest and any public investment in public transportation capital projects that involve public-private partnerships or private investment in public transportation capital projects.

''(2) TRANSPARENCY.—The Secretary shall develop guidance to promote greater transparency and public access to public-private partnership agreements involving recipients of Federal assistance under chapter 53 of title 49, United States Code, including—

''(A) any conflict of interest involving any party involved in the public-private partnership;

''(B) tax and financing aspects related to a public-private partnership agreement;

''(C) changes in the workforce and wages, benefits, or rules as a result of a public-private partnership;

''(D) estimates of the revenue or savings the public-private partnership will produce for the private entity and public entity;

''(E) any impacts on other developments and transportation modes as a result of non-compete clauses contained in public-private partnership agreements; and

''(F) any other issues the Secretary believes will increase transparency of public-private partnership agreements and protect the public interest.

''(3) ASSESSMENT.—In developing and implementing the guidance under paragraph (2), the Secretary shall encourage project sponsors to conduct assessments to determine whether use of a public-private partnership represents a better public and financial benefit than a similar transaction using public funding or public project delivery.

''(4) REPORT.—Not later than 4 years after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary shall submit to Congress a report on the status of the procedures, approaches, and guidance developed and implemented under paragraphs (1) and (2).

''(5) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue rules to carry out the procedures and approaches developed under paragraph (1).

''(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to allow the Secretary to waive any requirement under—

''(A) section 5333 of title 49, United States Code;

''(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

''(C) any other provision of Federal law.''

[§§ 5316, 5317. Repealed. Pub. L. 112–141, div. B, § 20002(a), July 6, 2012, 126 Stat. 622]

Section 5316, added Pub. L. 109–59, title III, § 3018(a), Aug. 10, 2005, 119 Stat. 1601, related to job access and reverse commute formula grants.

A prior section 5316, Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 814; Pub. L. 104–59, title III, § 338(c)(5), Nov. 28, 1995, 109 Stat. 605, related to university research institutes, prior to repeal by Pub. L. 105–178, title V, § 5110(c), June 9, 1998, 112 Stat. 444.

Section 5317, added Pub. L. 109–59, title III, § 3019(a), Aug. 10, 2005, 119 Stat. 1605, related to the New Freedom grant program to assist individuals with disabilities with public transportation.

A prior section 5317, Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 815; Pub. L. 104–287, § 5(14), Oct. 11, 1996, 110 Stat. 3390; Pub. L. 105–178, title III, § 3029(b)(7), June 9, 1998, 112 Stat. 372, related to transportation centers, prior to repeal by Pub. L. 105–178, title V, § 5110(c), June 9, 1998, 112 Stat. 444.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 5318. Bus testing facility

(a) FACILITY.—The Secretary shall maintain one facility for testing a new bus model for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.

(b) OPERATION AND MAINTENANCE.—The Secretary shall enter into a contract or cooperative agreement with, or make a grant to, a qualified person or organization to operate and maintain the facility. The contract, cooperative agreement, or grant may provide for the testing of rail cars and other public transportation vehicles at the facility.

(c) FEES.—The person operating and maintaining the facility shall establish and collect fees for the testing of vehicles at the facility. The Secretary must approve the fees.

(d) AVAILABILITY OF AMOUNTS TO PAY FOR TESTING.—The Secretary shall enter into a con-