

late transportation plans and implement transportation projects where feasible pursuant to those plans for System units.

(b) **CONTRACTS, OPERATIONS, AND ACQUISITIONS FOR IMPROVEMENT OF ACCESS TO SYSTEM UNITS.—**

(1) **AUTHORITY OF SECRETARY.—**To carry out subsection (a), the Secretary may—

(A) contract with public or private agencies or carriers to provide transportation services, capital equipment, or facilities to improve access to System units;

(B) operate those services directly in the absence of suitable and adequate agencies or carriers;

(C) acquire, by purchase, lease, or agreement, capital equipment for those services; and

(D) where necessary to carry out this subchapter, acquire, by lease, purchase, donation, exchange, or transfer, land, water, or an interest in land or water that is situated outside the boundary of a System unit.

(2) **SPECIFIC PROVISIONS RELATED TO PROPERTY ACQUISITION.—**

(A) **ADMINISTRATION.—**The acquired property shall be administered as part of the System unit.

(B) **ACQUISITION<sup>1</sup> OF LAND OR INTERESTS IN LAND OWNED BY STATE OR POLITICAL SUBDIVISION.—**Any land or interests in land owned by a State or any of its political subdivisions may be acquired only by donation.

(C) **ACQUISITION SUBJECT TO STATUTORY LIMITATIONS.—**Any land acquisition shall be subject to any statutory limitations on methods of acquisition and appropriations as may be specifically applicable to the area.

(c) **ESTABLISHMENT OF INFORMATION PROGRAMS.—**The Secretary shall establish information programs to inform the public of available System unit access opportunities and to promote the use of transportation modes other than personal motor vehicles for access to and travel within the System units.

(d) **UNDERTAKING TRANSPORTATION FACILITIES AND SERVICES.—**Transportation facilities and services provided pursuant to this subchapter may be undertaken by the Secretary directly or by contract without regard to any requirement of Federal, State, or local law respecting determinations of public convenience and necessity or other similar matters. The Secretary or contractor shall consult with the appropriate State or local public service commission or other body having authority to issue certificates of convenience and necessity. A contractor shall be subject to applicable requirements of that body unless the Secretary determines that the requirements would not be consistent with the purposes and provisions of this subchapter.

(e) **CONSTRUCTION OF GRANT OF AUTHORITY RESPECTING OPERATION OF MOTOR VEHICLES EXCEPTED FROM STATUTORY COVERAGE.—**No grant of authority in this subchapter shall be deemed to expand the exemption of section 13506(a)(9) of title 49.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3132.)

<sup>1</sup> So in original. Probably should be “ACQUISITION”.

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
101521 .....	16 U.S.C. 2302.	Pub. L. 95–344, title III, § 302, Aug. 15, 1978, 92 Stat. 478; Pub. L. 103–437, § 6(d)(18), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104–333, div. I, title VIII, § 814(d)(1)(A), Nov. 12, 1996, 110 Stat. 4195.

The text of 16 U.S.C. 2302(d) is omitted as superseded by 16 U.S.C. 5981, restated as section 101531 of the new title.

In subsection (d), the words “shall not be considered as concession facilities or services within the meaning of the Act of October 9, 1965 (79 Stat. 969)” are omitted as obsolete because that Act was repealed by section 415(a) of the National Parks Omnibus Management Act of 1998 (Public Law 105–391, 112 Stat. 3515).

In subsection (e), the words “section 13506(a)(9)” are substituted for “section 10526(a)(9)” because of the general amendment of subtitle IV of title 49 by the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 802), in which provisions comparable to section 10526(a)(9) were enacted as section 13506(a)(9) (109 Stat. 862). The words “section 10526(a)(9)” previously had been substituted for “section 203(b)(4) of the Interstate Commerce Act (49 U.S.C. 303(b)(4))” because of section 3(b) of the Act of October 17, 1978 (Public Law 95–473, 92 Stat. 1466), the 1st section of which enacted subtitle IV of title 49.

#### Statutory Notes and Related Subsidiaries

##### CONGRESSIONAL STATEMENT OF PURPOSE

Pub. L. 95–344, title III, § 301(b), Aug. 15, 1978, 92 Stat. 478, provided that “The purpose of this title [see Tables for classification] is to make the National Park System more accessible in a manner consistent with the preservation of parks and the conservation of energy by encouraging the use of transportation modes other than personal motor vehicles for access to and within units of the National Park System with minimum disruption to nearby communities through authorization of a pilot transportation program.”

#### § 101522. Transportation projects

(a) **ASSISTANCE OF HEADS OF OTHER FEDERAL DEPARTMENTS AND AGENCIES IN FORMULATION AND IMPLEMENTATION.—**To carry out this subchapter, the Secretary of Transportation, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of Commerce, and the heads of other Federal departments or agencies that the Secretary considers necessary shall assist the Secretary in the formulation and implementation of transportation projects.

(b) **COMPILATION OF STATUTES AND PROGRAMS.—**The Secretary shall maintain a compilation of Federal statutes and programs providing authority for the planning, funding, or operation of transportation projects that might be utilized by the Secretary to carry out this subchapter.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3133.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101522 .....	16 U.S.C. 2303.	Pub. L. 95-344, title III, §303, Aug. 15, 1978, 92 Stat. 479; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 103-437, §6(d)(18), Nov. 2, 1994, 108 Stat. 4584.

Subsection (b) is substituted for 16 U.S.C. 2303(b) to eliminate obsolete words.

**§ 101523. Procedures applicable to transportation plans and projects**

(a) DURING FORMULATION OF PLAN.—The Secretary shall, during the formulation of any transportation plan authorized pursuant to section 101521 of this title—

(1) give public notice of intention to formulate the plan by publication in the Federal Register and in a newspaper or periodical having general circulation in the vicinity of the affected System unit; and

(2) following the notice, hold a public meeting at a location convenient to the affected System unit.

(b) PRIOR TO IMPLEMENTATION OF PROJECT.—Prior to the implementation of any project developed pursuant to the transportation plan formulated pursuant to subsection (a), the Secretary shall—

(1) establish procedures, including public meetings, to give State and local governments and the public adequate notice and an opportunity to comment on the proposed transportation project; and

(2) when the proposed project would involve an expenditure in excess of \$100,000 in any fiscal year, submit a detailed report to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(c) WAITING PERIOD.—When a report on a project is required under subsection (b)(2), the Secretary may proceed with the implementation of the project only after 60 days (not counting days on which the Senate or House of Representatives has adjourned for more than 3 consecutive days) have elapsed following submission of the report.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3133.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101523 .....	16 U.S.C. 2304.	Pub. L. 95-344, title III, §304, Aug. 15, 1978, 92 Stat. 479; Pub. L. 103-437, §6(d)(18), Nov. 2, 1994, 108 Stat. 4584.

In subsection (c), the words “When a report on a project is required under subsection (b)(2)” are added for clarity. The words “implementation of the project” are substituted for “implementation of such plan”, and the words “submission of the report” are substituted for “submission of the plan”, for consistency.

**§ 101524. Special rule for service contract to provide transportation services**

Notwithstanding any other provision of law, a service contract entered into by the Secretary

for the provision solely of transportation services in a System unit shall be not more than 10 years in length, including a base period of 5 years and annual extensions for up to an additional 5 years based on satisfactory performance and approval by the Secretary.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3134.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101524 .....	16 U.S.C. 5961(a).	Pub. L. 105-391, title IV, §412(a), Nov. 13, 1998, 112 Stat. 3514; Pub. L. 106-113, div. B, §1000(a)(3) [title I, §143(1)], Nov. 29, 1999, 113 Stat. 1535, 1501A-171.

SUBCHAPTER IV—FEES

**§ 101531. Fee for use of transportation services**

Notwithstanding any other provision of law, where the Service or an entity under a service contract, cooperative agreement, or other contractual agreement with the Service provides transportation to all or a portion of any System unit, the Secretary may impose a reasonable and appropriate charge to the public for the use of the transportation services in addition to any admission fee required to be paid. Collection of the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements, with public or private entities that qualify to the Secretary’s satisfaction, to collect the transportation and admission fee. Transportation fees collected pursuant to this section shall be retained by the System unit at which the transportation fee was collected, and the amount retained shall be expended only for costs associated with the transportation systems at the System unit where the charge was imposed.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3134.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101531 .....	16 U.S.C. 5981.	Pub. L. 105-391, title IV, §501, Nov. 13, 1998, 112 Stat. 3518; Pub. L. 109-131, title I, §102(b), Dec. 20, 2005, 119 Stat. 2568.

**CHAPTER 1017—FINANCIAL AGREEMENTS**

- Sec.
- 101701. Challenge cost-share agreement authority.
  - 101702. Cooperative agreements.
  - 101703. Cooperative management agreements.
  - 101704. Reimbursable agreements.

**§ 101701. Challenge cost-share agreement authority**

(a) DEFINITIONS.—In this section:

(1) CHALLENGE COST-SHARE AGREEMENT.—The term “challenge cost-share agreement” means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary with respect to any System unit or