

Union Calendar No. 462

110TH CONGRESS
2D SESSION

H. R. 6052

[Report No. 110-727, Part I]

To promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2008

Mr. OBERSTAR (for himself, Mr. MICA, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 20, 2008

Reported from the Committee on Transportation and Infrastructure

JUNE 20, 2008

Additional sponsors: Ms. HIRONO, Mr. MCGOVERN, Mr. LIPINSKI, Mr. NADLER, Mr. SIRES, Ms. NORTON, Mr. CUMMINGS, Mrs. NAPOLITANO, Mrs. TAUSCHER, Mr. FILNER, Mr. RYAN of Ohio, Mr. BLUMENAUER, Mr. YOUNG of Alaska, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Mr. DINGELL, Mr. CARNAHAN, Mr. JACKSON of Illinois, and Mr. KANJORSKI

JUNE 20, 2008

Committee on Oversight and Government Reform discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

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 “Saving Energy
5 Through Public Transportation Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) In 2007, people in the United States took
9 more than 10.3 billion trips using public transpor-
10 tation, the highest level in 50 years.

11 (2) Public transportation use in the United
12 States is up 32 percent since 1995, a figure that is
13 more than double the growth rate of the Nation’s
14 population and is substantially greater than the
15 growth rate for vehicle miles traveled on the Na-
16 tion’s highways for that same period.

17 (3) Public transportation use saves fuel, re-
18 duces emissions, and saves money for the people of
19 the United States.

20 (4) The direct petroleum savings attributable to
21 public transportation use is 1.4 billion gallons per

1 year, and when the secondary effects of transit avail-
2 ability on travel are also taken into account, public
3 transportation use saves the United States the
4 equivalent of 4.2 billion gallons of gasoline per year
5 (more than 11 million gallons of gasoline per day).

6 (5) Public transportation use in the United
7 States is estimated to reduce carbon dioxide emis-
8 sions by 37 million metric tons annually.

9 (6) An individual who commutes to work using
10 a single occupancy vehicle can reduce carbon dioxide
11 emissions by 20 pounds per day (more than 4,800
12 pounds per year) by switching to public transpor-
13 tation.

14 (7) Public transportation use provides an af-
15 fordable alternative to driving, as households that
16 use public transportation save an average of \$6,251
17 every year.

18 (8) Although under existing laws Federal em-
19 ployees in the National Capital Region receive tran-
20 sit benefits, transit benefits should be available to all
21 Federal employees in the United States so that the
22 Federal Government sets a leading example of great-
23 er public transportation use.

24 (9) Increasing public transportation use is a na-
25 tional priority.

1 **SEC. 3. GRANTS TO IMPROVE PUBLIC TRANSPORTATION**
2 **SERVICES.**

3 (a) AUTHORIZATIONS OF APPROPRIATIONS.—

4 (1) URBANIZED AREA FORMULA GRANTS.—In
5 addition to amounts allocated under section
6 5338(b)(2)(B) of title 49, United States Code, to
7 carry out section 5307 of such title, there is author-
8 ized to be appropriated \$750,000,000 for each of fis-
9 cal years 2008 and 2009 to carry out such section
10 5307. Such funds shall be apportioned in accordance
11 with section 5336 (other than subsections (i)(1) and
12 (j)) of such title but may not be combined or com-
13 mingled with any other funds apportioned under
14 such section 5336.

15 (2) FORMULA GRANTS FOR OTHER THAN UR-
16 BANIZED AREAS.—In addition to amounts allocated
17 under section 5338(b)(2)(G) of title 49, United
18 States Code, to carry out section 5311 of such title,
19 there is authorized to be appropriated \$100,000,000
20 for each of fiscal years 2008 and 2009 to carry out
21 such section 5311. Such funds shall be apportioned
22 in accordance with such section 5311 but may not
23 be combined or commingled with any other funds
24 apportioned under such section 5311.

25 (b) USE OF FUNDS.—Notwithstanding sections 5307
26 and 5311 of title 49, United States Code, the Secretary

1 of Transportation may make grants under such sections
2 from amounts appropriated under subsection (a) only for
3 one or more of the following:

4 (1) If the recipient of the grant is reducing, or
5 certifies to the Secretary that, during the term of
6 the grant, the recipient will reduce one or more fares
7 the recipient charges for public transportation, those
8 operating costs of equipment and facilities being
9 used to provide the public transportation that the re-
10 cipient is no longer able to pay from the revenues
11 derived from such fare or fares as a result of such
12 reduction.

13 (2) If the recipient of the grant is expanding,
14 or certifies to the Secretary that, during the term of
15 the grant, the recipient will expand public transpor-
16 tation service, those operating and capital costs of
17 equipment and facilities being used to provide the
18 public transportation service that the recipient in-
19 curs as a result of the expansion of such service.

20 (c) FEDERAL SHARE.—Notwithstanding any other
21 provision of law, the Federal share of the costs for which
22 a grant is made under this section shall be 100 percent.

23 (d) PERIOD OF AVAILABILITY.—Funds appropriated
24 under this section shall remain available for a period of
25 2 fiscal years.

1 **SEC. 4. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT**
2 **COMPLIANCE.**

3 Notwithstanding section 5323(i)(1) of title 49,
4 United States Code, a grant for a project to be assisted
5 under chapter 53 of such title during fiscal years 2008
6 and 2009 that involves acquiring clean fuel or alternative
7 fuel vehicle-related equipment or facilities for the purposes
8 of complying with or maintaining compliance with the
9 Clean Air Act (42 U.S.C. 7401 et seq.) shall be for 100
10 percent of the net project cost of the equipment or facility
11 attributable to compliance with that Act unless the grant
12 recipient requests a lower grant percentage.

13 **SEC. 5. TRANSPORTATION FRINGE BENEFITS.**

14 (a) REQUIREMENT THAT AGENCIES OFFER TRANSIT
15 PASS TRANSPORTATION FRINGE BENEFITS TO THEIR
16 EMPLOYEES NATIONWIDE.—

17 (1) IN GENERAL.—Section 3049(a)(1) of the
18 Safe, Accountable, Flexible, Efficient Transportation
19 Equity Act: A Legacy for Users (5 U.S.C. 7905
20 note; 119 Stat. 1711) is amended—

21 (A) by striking “Effective” and all that
22 follows through “each covered agency” and in-
23 serting “Each agency”; and

24 (B) by inserting “at a location in an ur-
25 banized area of the United States that is served

1 by fixed route public transportation” before
2 “shall be offered”.

3 (2) CONFORMING AMENDMENTS.—Section
4 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat.
5 1711) is amended—

6 (A) in paragraph (3)—

7 (i) by striking subparagraph (A); and

8 (ii) by redesignating subparagraphs

9 (B) through (F) as subparagraphs (A)
10 through (E), respectively; and

11 (B) in paragraph (4) by striking “a cov-
12 ered agency” and inserting “an agency”.

13 (b) GUIDANCE.—Section 3049(a) of such Act (5
14 U.S.C. 7905 note; 119 Stat. 1711) is amended by adding
15 at the end the following:

16 “(5) GUIDANCE.—

17 “(A) ISSUANCE.—Not later than 60 days
18 after the date of enactment of this paragraph,
19 the Secretary of Transportation shall issue
20 guidance on nationwide implementation of the
21 transit pass transportation fringe benefits pro-
22 gram under this subsection.

23 “(B) UNIFORM APPLICATION.—

24 “(i) IN GENERAL.—The guidance to
25 be issued under subparagraph (A) shall

1 contain a uniform application for use by all
2 Federal employees applying for benefits
3 from an agency under the program.

4 “(ii) REQUIRED INFORMATION.—As
5 part of such an application, an employee
6 shall provide, at a minimum, the employ-
7 ee’s home and work addresses, a break-
8 down of the employee’s commuting costs,
9 and a certification of the employee’s eligi-
10 bility for benefits under the program.

11 “(iii) WARNING AGAINST FALSE
12 STATEMENTS.—Such an application shall
13 contain a warning against making false
14 statements in the application.

15 “(C) INDEPENDENT VERIFICATION RE-
16 QUIREMENTS.—The guidance to be issued
17 under subparagraph (A) shall contain inde-
18 pendent verification requirements to ensure
19 that, with respect to an employee of an agen-
20 cy—

21 “(i) the eligibility of the employee for
22 benefits under the program is verified by
23 an official of the agency;

24 “(ii) employee commuting costs are
25 verified by an official of the agency; and

1 “(iii) records of the agency are
2 checked to ensure that the employee is not
3 receiving parking benefits from the agency.

4 “(D) PROGRAM IMPLEMENTATION RE-
5 QUIREMENTS.—The guidance to be issued
6 under subparagraph (A) shall contain program
7 implementation requirements applicable to each
8 agency to ensure that—

9 “(i) benefits provided by the agency
10 under the program are adjusted in cases of
11 employee travel, leave, or change of ad-
12 dress;

13 “(ii) removal from the program is in-
14 cluded in the procedures of the agency re-
15 lating to an employee separating from em-
16 ployment with the agency; and

17 “(iii) benefits provided by the agency
18 under the program are made available
19 using an electronic format (rather than
20 using paper fare media) where such a for-
21 mat is available for use.

22 “(E) ENFORCEMENT AND PENALTIES.—
23 The guidance to be issued under subparagraph
24 (A) shall contain a uniform administrative pol-
25 icy on enforcement and penalties. Such policy

1 shall be implemented by each agency to ensure
2 compliance with program requirements, to pre-
3 vent fraud and abuse, and, as appropriate, to
4 penalize employees who have abused or misused
5 the benefits provided under the program.

6 “(F) PERIODIC REVIEWS.—The guidance
7 to be issued under subparagraph (A) shall re-
8 quire each agency, not later than September 1
9 of the first fiscal year beginning after the date
10 of enactment of this paragraph, and every 3
11 years thereafter, to develop and submit to the
12 Secretary a review of the agency’s implementa-
13 tion of the program. Each such review shall
14 contain, at a minimum, the following:

15 “(i) An assessment of the agency’s
16 implementation of the guidance, including
17 a summary of the audits and investiga-
18 tions, if any, of the program conducted by
19 the Inspector General of the agency.

20 “(ii) Information on the total number
21 of employees of the agency that are partici-
22 pating in the program.

23 “(iii) Information on the total number
24 of single occupancy vehicles removed from
25 the roadway network as a result of partici-

1 pation by employees of the agency in the
2 program.

3 “(iv) Information on energy savings
4 and emissions reductions, including reduc-
5 tions in greenhouse gas emissions, result-
6 ing from reductions in single occupancy ve-
7 hicle use by employees of the agency that
8 are participating in the program.

9 “(v) Information on reduced conges-
10 tion and improved air quality resulting
11 from reductions in single occupancy vehicle
12 use by employees of the agency that are
13 participating in the program.

14 “(vi) Recommendations to increase
15 program participation and thereby reduce
16 single occupancy vehicle use by Federal
17 employees nationwide.

18 “(6) REPORTING REQUIREMENTS.—Not later
19 than September 30 of the first fiscal year beginning
20 after the date of enactment of this paragraph, and
21 every 3 years thereafter, the Secretary shall submit
22 to the Committee on Transportation and Infrastruc-
23 ture and the Committee on Oversight and Govern-
24 ment Reform of the House of Representatives and
25 the Committee on Banking, Housing, and Urban Af-

1 fairs of the Senate a report on nationwide implemen-
2 tation of the transit pass transportation fringe bene-
3 fits program under this subsection, including a sum-
4 mary of the information submitted by agencies pur-
5 suant to paragraph (5)(F).”.

6 (c) EFFECTIVE DATE.—Except as otherwise specifi-
7 cally provided, the amendments made by this section shall
8 become effective on the first day of the first fiscal year
9 beginning after the date of enactment of this Act.

10 **SEC. 6. CAPITAL COST OF CONTRACTING VANPOOL PILOT**
11 **PROGRAM.**

12 (a) ESTABLISHMENT.—The Secretary of Transpor-
13 tation shall establish and implement a pilot program to
14 carry out vanpool demonstration projects in not more than
15 3 urbanized areas and not more than 2 other than urban-
16 ized areas.

17 (b) PILOT PROGRAM.—

18 (1) IN GENERAL.—Notwithstanding section
19 5323(i) of title 49, United States Code, for each
20 project selected for participation in the pilot pro-
21 gram, the Secretary shall allow the non-Federal
22 share provided by a recipient of assistance for a cap-
23 ital project under chapter 53 of such title to include
24 the amounts described in paragraph (2).

1 (2) CONDITIONS ON ACQUISITION OF VANS.—

2 The amounts referred to in paragraph (1) are any
3 amounts expended by a private provider of public
4 transportation by vanpool for the acquisition of vans
5 to be used by such private provider in the recipient's
6 service area, excluding any amounts the provider
7 may have received in Federal, State, or local govern-
8 ment assistance for such acquisition, if the private
9 provider enters into a legally binding agreement with
10 the recipient that requires the private provider to
11 use all revenues it receives in providing public trans-
12 portation in such service area, in excess of its oper-
13 ating costs, for the purpose of acquiring vans to be
14 used by the private provider in such service area.

15 (c) PROGRAM TERM.—The Secretary may approve an
16 application for a vanpool demonstration project for fiscal
17 years 2008 through 2009.

18 (d) REPORT TO CONGRESS.—Not later than one year
19 after the date of enactment of this Act, the Secretary shall
20 submit to the Committee on Transportation and Infra-
21 structure of the House of Representatives and the Com-
22 mittee on Banking, Housing, and Urban Affairs of the
23 Senate a report containing an assessment of the costs,
24 benefits, and efficiencies of the vanpool demonstration
25 projects.

1 **SEC. 7. INCREASED FEDERAL SHARE FOR END-OF-LINE**
2 **FIXED GUIDEWAY STATIONS.**

3 Notwithstanding section 5309(h) of title 49, United
4 States Code, a grant for a capital project to be assisted
5 under section 5309 of such title during fiscal years 2008
6 and 2009 that involves the acquisition of real property for,
7 or the design, engineering, or construction of, additional
8 parking facilities at an end-of-line fixed guideway station
9 shall be for 100 percent of the net capital cost of the
10 project unless the grant recipient requests a lower grant
11 percentage.

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