Purpose of the Legislation

H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008", promotes increased public transportation use and increased use of alternative fuels in providing public transportation, and for other purposes.

Background and Need for Legislation

According to the U.S. Department of Energy ("DOE"), the transportation sector accounts for 68 percent of the total U.S. petroleum consumption, and Americans used almost 14 million barrels of oil each day for transportation purposes in 2006.

In addition, the U.S. Environmental Protection Agency ("EPA") estimates that 27.7 percent of the total greenhouse gas emissions produced by the United States come from the transportation sector, second only to electricity generation. DOE reports that the carbon dioxide emissions from the transportation sector grew 25.4 percent between 1990 and 2006, an average of 1.4 percent each year. The most recent DOE data show that transportation produces more metric tons of energy-related carbon dioxide than the residential and commercial sectors, and almost as much as the industrial sector. Nearly all of these transportation-related emissions come from the use of petroleum products.

In response to these adverse energy and emissions effects of transportation, the Federal Government has implemented a wide array of initiatives, including support for public transit and nonmotorized transportation, alternative fuels research and implementation, programs to improve air quality and to reduce congestion, and programs to increase the number of Federal employees who use public transportation for their commute. While these initiatives assist Americans in reducing their transportation-related emissions, energy consumption, and reliance on foreign oil, improvements to these programs in addition to new Federal initiatives are needed in order to move the United States toward greater energy independence.

Increasing public transportation use in America is one of the most promising ways to meet our energy and emissions reduction goals. As such, the primary objective of H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008", is to reduce the United States' dependence on foreign oil by encouraging more people to use public transportation. By increasing incentives for commuters to choose transit options, the Federal Government can strengthen its role in partnering with the American public in reducing our transportation-related energy consumption and reliance on foreign oil.

The energy savings and emissions reductions generated by public transportation use in the United States are well documented. According to two recent studies, the direct petroleum savings attributable to current public transportation use in the United States is 1.4 billion gallons per year. When the secondary effects of transit availability on travel are also taken into account, public transportation saves the equivalent of 4.2 billion gallons of gasoline annually – more than 11 million gallons of gasoline per day. Moreover, if Americans used transit at the same rate as Europeans – for roughly 10 percent of their daily travel needs – the United States could reduce its dependence on imported oil by more than 40 percent, nearly equal to the 550 million barrels of crude oil that we import from Saudi Arabia each year.

Public transportation use is also estimated to reduce carbon dioxide emissions by 37 million metric tons annually. When a solo commuter switches from a single occupancy vehicle to a transit commute, this single mode shift can reduce carbon dioxide emissions by 20 pounds per day – more than 4,800 pounds in a year

To a great degree, public transportation use is already experiencing a renaissance in many American cities and towns. In 2007, Americans took over 10.3 billion trips on public transportation, the highest level in 50 years. Public transportation use is up 32 percent since 1995, a figure that is more than double the growth rate of the population and is substantially greater than the growth rate of vehicle miles traveled on our nation's highways for that same period. Around the country, voters continue to approve state and local ballot initiatives to support public transportation, even when it means local taxes will be raised or continued.

As the average price of regular gasoline has reached $4 per gallon, even more commuters are choosing to ride the train or the bus to work rather than drive alone in their cars. Transit systems in metropolitan areas are currently reporting increases in ridership of five, ten, and even 15 percent over last year's figures. In the first quarter of 2008, commuters took more than 2.6 billion trips on trains, subways, light rail, and buses nationwide, an increase of 3.3 percent over the first quarter of 2007. Light rail saw the greatest increase in ridership – light rail ridership increased 10 percent to 110 million trips in the first quarter of 2008. During the same timeframe, highway vehicle miles traveled declined by 2.3 percent. In Denver, for example, ridership was up eight percent in the first three months of 2008 compared with last year, while Minneapolis, Seattle, Dallas-Fort Worth and San Francisco all reported similar increases.

Some of the largest increases in transit ridership are occurring in many areas in the South and West where new bus and light rail lines have been built in recent years. The Charlotte Area Transit System, which recently opened a new light rail line, has increased ridership more than 34 percent from February 2007 to February 2008. Caltrain, the commuter rail line that serves the San Francisco Peninsula and the Santa Clara Valley, set a record for average weekday ridership in February with a 9.3 percent increase over 2007. The South Florida Regional Transportation Authority, which operates a commuter rail system from Miami to Fort Lauderdale and West Palm Beach, posted a rise of more than 20 percent in ridership in March and April compared to the same time last year.

Meeting this impressive demand for public transportation services is no small task for local transit agencies. The cost of fuel and power for public transportation has sharply increased in recent years. In 2005, approximately 911 million gallons of fossil fuels and six billion kilowatt-hours of electricity were used to move transit vehicles. These figures represent an increase of 50 million gallons of fuels and 400 million kilowatt-hours during only a three-year period. Moreover, the slowing economy means less state and local funding is available to cover the costs of the increased fuel and electricity needed to maintain transit services. Some transit agencies are facing service cuts and fare increases as a result of the high cost of fuel, which may result in less – rather than more – Americans riding transit.

In addition to increasing transit ridership, increasing the amount of alternative fuels and clean technologies that transit agencies use in providing public transportation can significantly further our energy and emissions reduction goals. By switching to non-petroleum-based or cleaner burning fuel, transit vehicles can reduce the amount of carbon-based pollutants they emit. On average, alternative fuels burn cleaner than traditional petroleum fuels, and in some cases burn up to 90 percent cleaner. Alternative fuels help reduce emissions of carbon monoxide, organic compounds, nitrogen oxide, sulfur and particulate matter. Cleaner fuels, along with better engineered engines, have helped reduce air pollution levels in most urban communities over the past 10 years, although widespread use of alternative fuels across all transit modes has yet to be achieved. In 2005, only 6.3 percent of paratransit vehicles and only 19.1 percent of buses used an alternative form of power, compared with 49.6 percent of commuter rail cars, 98.8 percent of light rail cars, and 100 percent of heavy rail and streetcars.

Currently, the Federal Government provides a Federal share of 90 percent for clean fuel and alternative fuel transit bus, ferry or locomotive-related equipment or facilities. However, given the way in which the Federal Transit Administration administers this provision, the average Federal share for these types of clean fuel projects is only 83 percent. As such, it is important to further increase the Federal share for clean and alternative fuel transit projects, thereby assisting transit agencies in reducing their transportation-related emissions and reliance on foreign oil.

Another approach to meeting our energy and emissions reduction goals is to increase the number of transit commuters within the Federal workforce. For more than 20 years, laws have been in place to encourage Federal employees to commute by means other than single-occupancy vehicles in order to improve air quality and reduce congestion. The most commonly used program to achieve these goals at the Federal level has been the Federal Transit Benefits Program, but current law does not require that all Federal agencies implement the program. Rather, participation is only required in certain regions and by certain agencies, thereby limiting an otherwise successful initiative.

Transit benefits programs create incentives for commuters to switch from driving alone to work to taking public transportation. These programs have reduced Federal employees' contribution to traffic congestion and air pollution and expanded their commuting alternatives. The Department of Transportation has called for the nationwide expansion of the Federal Transit Benefits Program, an action which will provide more Federal employees with the option to choose transit for their commute, thereby reducing their transportation-related energy consumption and reliance on foreign oil.

As Congress begins to more fully address the negative consequences of energy dependence and climate change, the role that public transportation plays in lessening our carbon footprint should be rightfully recognized. The Federal Government should continue to provide incentives for commuters to choose transit options, especially those commuters within the Federal workforce, and encourage transit agencies to increase their use of clean and alternatives fuels. Each of these initiatives will help increase public transportation use nationwide, thereby reducing the United States' transportation-related energy consumption and reliance on foreign oil and decreasing our greenhouse gas emissions. Providing more Americans with the opportunity to choose transit options over driving alone is one of the most promising ways to meet our energy and emissions reduction goals.

H.R. 6052 authorizes $1.7 billion in immediate funding to increase public transportation use across the United States. Transit agencies may use these funds to reduce transit fares or expand transit services in order to provide incentives for commuters to choose transit options. These funds will allow transit agencies to provide incentives for commuters to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil, as well as decreasing their greenhouse gas emissions.

[*Insert Tables*]

SUMMARY OF THE LEGISLATION

Sec. 1. Short Title

This section designates the short title of the Act as the "Energy Savings Through Public Transportation Act of 2008".

Sec. 2. Findings

This section details findings made by Congress regarding the ways in which public transportation use helps Americans reduce their transportation-related energy consumption and reliance on foreign oil, as well as decrease their greenhouse gas emissions.

Sec. 3. Grants to Improve Public Transportation Services

This section authorizes $1.7 billion in immediate funding to increase public transportation use across the United States. Transit agencies may use these funds to reduce transit fares or expand transit services in order to provide incentives for commuters to choose transit options. This section provides $850 million for each of fiscal years 2008 and 2009 for these grants. The funds are distributed by the urbanized area formula (section 5307) and the rural formula (section 5311) of title 49, United States Code. The funds are available to expand transit services and reduce transit fares. The funds are available for two years and have a 100 percent Federal share.

These funds will allow transit agencies to provide incentives for commuters to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil, as well as decreasing their greenhouse gas emissions.

Sec. 4. Increased Federal Share for Clean Air Act Compliance

This section increases the Federal share for clean fuel and alternative fuel transit bus, ferry or locomotive-related equipment or facilities from 90 percent to 100 percent of the net project cost for fiscal years 2008 and 2009, unless the grant recipient requests a lower grant percentage.

The increased Federal share creates incentives for transit agencies to purchase alternative fuel transit equipment.

Sec. 5. Federal Agency Transit Benefits

This section establishes a nationwide Federal transit pass benefits program and requires all Federal agencies in the United States to offer transit passes to Federal employees working in urbanized areas with fixed route transit systems. It also requires that specific guidelines be followed in implementing the nationwide program to avoid the possibility of fraud and abuse.

Section 3049 of P.L. 109-59, the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users", currently requires that all Federal agencies within the National Capital Region implement a transit pass fringe benefits program and offer employees transit passes. This requirement originated from Executive Order 13150, signed by President Clinton on April 21, 2000. The Executive Order also required the Department of Transportation, the Environmental Protection Agency, and the Department of Energy to implement a nationwide three-year pilot transit pass benefit program for all qualified Federal employees of those agencies.

The Department of Transportation ("DOT") has determined that both the National Capital Region program and the nationwide pilot program are a success, and recommends that the transit pass benefits program be extended to all Federal employees nationwide.

Data from the Washington Metropolitan Area Transportation Authority covering the first three years of the National Capital Region transit pass program show that more than 15,500 automobiles were eliminated from roads in the Washington, D.C. area as a result of Federal employees shifting their travel mode away from single occupancy vehicle ("SOV") use to public transportation use for commuting to work. The Department of Transportation estimated that emissions and energy savings from this mode shift included the reduction of more than eight million gallons of gasoline, nearly 40,000 tons of carbon dioxide, and over 675 tons of carbon monoxide for each of the three years that they studied. DOT also studied the results of the nationwide pilot and found that, within the three covered agencies, 11 percent of the participants shifted their travel mode away from SOV use to public transportation use for commuting to work, again producing marked energy and emissions savings, reduced congestion and cleaner air.

This program will allow Federal agencies nationwide to provide incentives for commuters to choose transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil, as well as decreasing their greenhouse gas emissions.

Full-Time Federal Employment
in 27 Metropolitan Statistical Areas

Metropolitan Area	Number of Federal Employees
Washington-Baltimore, DC-MD-VA-WV	312,854
New York-Northern New Jersey-Long Island	65,083
Los Angeles-Riverside-Orange County, CA	46,432
Philadelphia-Wilmington-Atlantic City, PA	39,242
Norfolk-Virginia Beach-Newport News, VA	38,630
Seattle-Tacoma-Bremerton, WA	34,432
Atlanta, GA	31,798
San Diego, CA	29,212
Boston-Worcester-Lawrence, MA-NH-ME-CT	29,015
Chicago-Gary-Kenosha, IL-IN-WI	28,687
San Francisco-Oakland-San Jose, CA	27,652

Dallas-Fort Worth, TX	24,411
Salt Lake City-Ogden, UT	23,088
Oklahoma City, OK	22,144
Denver-Boulder-Greeley, CO	21,240
Kansas City, MO-KS	19,868
San Antonio, TX	19,572
Honolulu, HI	19,509
Miami-Fort Lauderdale, FL	15,787
Detroit-Ann Arbor-Flint, MI	15,531
Houston-Galveston-Brazoria, TX	14,353
Portland-Salem, OR-WA	12,442
Cleveland-Akron-Lorain, OH	11,077
Cincinnati-Hamilton, OH-KY-IN	10,709
San Juan-Caguas-Arecibo, PR	8,967
Sacramento-Yolo, CA	7,033
Milwaukee-Racine, WI	4,855
Total	**933,623**

Source: U.S. Office of Personnel Management, March 31, 2004

Sec. 6. Capital Cost of Contracting Vanpool Pilot Program

This provision creates a pilot program to allow the amount expended by private providers of public transportation by vanpool for the acquisition of vans to be used as the non-Federal share for matching Federal transit funds in five communities. Under current law, only local public funds may be used as local match, and this pilot program allows private funds to be used in limited circumstances. This section requires the private providers of vanpool services to use revenues they receive in providing public transportation, in excess of its operating costs, for the purpose of acquiring vans, excluding any amounts the providers may have received in Federal, state, or local government assistance for such acquisition. The Department of Transportation will implement and oversee the vanpool pilot projects, and will report to Congress on the costs, benefits, and efficiencies of the vanpool projects.

This program will encourage expanded partnering of local communities with private vanpool providers to provide commuters with additional transit options, thereby reducing their transportation-related energy consumption and reliance on foreign oil, as well as decreasing their greenhouse gas emissions.

Sec. 7. *Increased Federal Share for End-Of-Line Fixed Guideway Stations*

This provision increases the Federal share for right-of-way acquisition, design, engineering, and construction of additional parking facilities at end-of-line fixed guideway stations from 80 percent to 100 percent of the net project cost for fiscal years 2008 and 2009, unless the grant recipient requests a lower grant percentage. Suburban commuters are more likely to use transit options, such as commuter rail or heavy rail, if there is adequate parking at the station.

This provision will increase the total number of transit commuters who have access to transit facilities, thereby reducing their transportation-related energy consumption and reliance on foreign oil, as well as decreasing their greenhouse gas emissions.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On June 20, 2007, the Committee on Transportation and Infrastructure ordered reported H.R. 2701, the "Transportation Energy Security and Climate Change Mitigation Act of 2007", favorably to the House. Section 201 and section 202 of H.R. 2701 are the basis for sections 3 and 4 of H.R. 6052. H.R. 2701, as ordered reported was incorporated into H.R. 3221, the "New Direction for Energy Independence, National Security, and Consumer Protection Act". *See sections 8201 and 8202 of H.R. 3221*. Section 6 of this bill was adopted as an amendment to H.R. 3221 during Floor consideration of the bill. On August 4, 2007, the House passed H.R. 3221 by a recorded vote of 241-172. However, these provisions were not included in the final version of P.L. 110-140, the "Energy Independence and Security Act of 2007".

On May 14, 2008, Chairman James L. Oberstar introduced H.R. 6052, the "Saving Energy Through Public Transportation Act of 2008".

On May 15, 2008, the Committee on Transportation and Infrastructure met to consider H.R. 6052, and ordered the bill reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 6052 or ordering it reported. A motion to order H.R. 6052 reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to promote increased public transportation use and increased use of alternative fuels in providing public transportation.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 6052 from the Director of the Congressional Budget Office:

[*Insert CBO Letter*]

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 6052, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 6052 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1) requires the report of any Committee on a bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations to describe the manner in which the bill or joint resolution applies to the legislative branch.

Section 5 of H.R. 6052 establishes a nationwide Federal transit pass benefits program and requires all Federal agencies in the United States to offer transit passes to Federal employees working in urbanized areas with fixed route transit systems. It also requires that specific guidelines be followed in implementing the nationwide program to avoid the possibility of fraud and abuse.

Pursuant to section 3049 of P.L. 109-59, the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users", current law requires all Federal agencies within the National Capital Region to implement a transit pass fringe benefits program and offer employees transit passes. The legislative branch is considered an agency for purposes of this requirement. Pursuant to 5 U.S.C. 7905, the term "agency" includes an entity of the legislative branch. An "entity of the legislative branch" means the House of Representatives, the Senate, the Office of the Architect of the Capitol (including the Botanic Garden), the Capitol Police, the Congressional Budget Office, the Copyright Royalty Tribunal, the Government Printing Office, and the Library of Congress. Therefore, under current law, the legislative branch is required to offer transit passes to employees in the National Capital Region. In addition, a legislative branch employee applying for the benefit must certify that the employee is eligible for the benefit, will use the benefit for his or her regular daily commute, will not transfer the benefit, and that the amount that the employee receives does not exceed the employee's average monthly commuting cost.

Section 5 of H.R. 6052 extends this requirement to all legislative branch employees working in urbanized areas with fixed route transit systems. The Committee understands that transit pass benefits are currently widely available to legislative branch employees.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

[*Insert Ramseyer*]

COMMITTEE CORRESPONDENCE

[*Insert Committee Correspondence*]