

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6052

[Report No. 110-]

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

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## 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

MAY --, 2008

Reported from the Committee on Transportation and Infrastructure

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## 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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

6 (2) Public transportation use in the United  
7 States is up 32 percent since 1995, a figure that is  
8 more than double the growth rate of the Nation's  
9 population and is substantially greater than the  
10 growth rate for vehicle miles traveled on the Na-  
11 tion's highways for that same period.

12 (3) Public transportation use saves fuel, re-  
13 duces emissions, and saves money for the people of  
14 the United States.

15 (4) The direct petroleum savings attributable to  
16 public transportation use is 1.4 billion gallons per  
17 year, and when the secondary effects of transit avail-  
18 ability on travel are also taken into account, public  
19 transportation use saves the United States the  
20 equivalent of 4.2 billion gallons of gasoline per year  
21 (more than 11 million gallons of gasoline per day).

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

25 (6) An individual who commutes to work using  
26 a single occupancy vehicle can reduce carbon dioxide

1 emissions by 20 pounds per day (more than 4,800  
2 pounds per year) by switching to public transpor-  
3 tation.

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

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

14 (9) Increasing public transportation use is a na-  
15 tional priority.

16 **SEC. 3. GRANTS TO IMPROVE PUBLIC TRANSPORTATION**  
17 **SERVICES.**

18 (a) AUTHORIZATIONS OF APPROPRIATIONS.—

19 (1) URBANIZED AREA FORMULA GRANTS.—In  
20 addition to amounts allocated under section  
21 5338(b)(2)(B) of title 49, United States Code, to  
22 carry out section 5307 of such title, there is author-  
23 ized to be appropriated \$750,000,000 for each of fis-  
24 cal years 2008 and 2009 to carry out such section  
25 5307. Such funds shall be apportioned in accordance

1 with section 5336 (other than subsections (i)(1) and  
2 (j)) of such title but may not be combined or com-  
3 mingled with any other funds apportioned under  
4 such section 5336.

5 (2) FORMULA GRANTS FOR OTHER THAN UR-  
6 BANIZED AREAS.—In addition to amounts allocated  
7 under section 5338(b)(2)(G) of title 49, United  
8 States Code, to carry out section 5311 of such title,  
9 there is authorized to be appropriated \$100,000,000  
10 for each of fiscal years 2008 and 2009 to carry out  
11 such section 5311. Such funds shall be apportioned  
12 in accordance with such section 5311 but may not  
13 be combined or commingled with any other funds  
14 apportioned under such section 5311.

15 (b) USE OF FUNDS.—Notwithstanding sections 5307  
16 and 5311 of title 49, United States Code, the Secretary  
17 of Transportation may make grants under such sections  
18 from amounts appropriated under subsection (a) only for  
19 one or more of the following:

20 (1) If the recipient of the grant is reducing, or  
21 certifies to the Secretary that, during the term of  
22 the grant, the recipient will reduce one or more fares  
23 the recipient charges for public transportation, those  
24 operating costs of equipment and facilities being  
25 used to provide the public transportation that the re-

1 recipient is no longer able to pay from the revenues  
2 derived from such fare or fares as a result of such  
3 reduction.

4 (2) If the recipient of the grant is expanding,  
5 or certifies to the Secretary that, during the term of  
6 the grant, the recipient will expand public transpor-  
7 tation service, those operating and capital costs of  
8 equipment and facilities being used to provide the  
9 public transportation service that the recipient in-  
10 curs as a result of the expansion of such service.

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

14 (d) PERIOD OF AVAILABILITY.—Funds appropriated  
15 under this section shall remain available for a period of  
16 2 fiscal years.

17 **SEC. 4. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT**  
18 **COMPLIANCE.**

19 Notwithstanding section 5323(i)(1) of title 49,  
20 United States Code, a grant for a project to be assisted  
21 under chapter 53 of such title during fiscal years 2008  
22 and 2009 that involves acquiring clean fuel or alternative  
23 fuel vehicle-related equipment or facilities for the purposes  
24 of complying with or maintaining compliance with the  
25 Clean Air Act (42 U.S.C. 7401 et seq.) shall be for 100

1 percent of the net project cost of the equipment or facility  
2 attributable to compliance with that Act unless the grant  
3 recipient requests a lower grant percentage.

4 **SEC. 5. TRANSPORTATION FRINGE BENEFITS.**

5 (a) REQUIREMENT THAT AGENCIES OFFER TRANSIT  
6 PASS TRANSPORTATION FRINGE BENEFITS TO THEIR  
7 EMPLOYEES NATIONWIDE.—

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

12 (A) by striking “Effective” and all that  
13 follows through “each covered agency” and in-  
14 serting “Each agency”; and

15 (B) by inserting “at a location in an ur-  
16 banized area of the United States that is served  
17 by fixed route public transportation” before  
18 “shall be offered”.

19 (2) CONFORMING AMENDMENTS.—Section  
20 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat.  
21 1711) is amended—

22 (A) in paragraph (3)—

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

1 (ii) by redesignating subparagraphs  
2 (B) through (F) as subparagraphs (A)  
3 through (E), respectively; and  
4 (B) in paragraph (4) by striking “a cov-  
5 ered agency” and inserting “an agency”.

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

9 “(5) GUIDANCE.—

10 “(A) ISSUANCE.—Not later than 60 days  
11 after the date of enactment of this paragraph,  
12 the Secretary of Transportation shall issue  
13 guidance on nationwide implementation of the  
14 transit pass transportation fringe benefits pro-  
15 gram under this subsection.

16 “(B) UNIFORM APPLICATION.—

17 “(i) IN GENERAL.—The guidance to  
18 be issued under subparagraph (A) shall  
19 contain a uniform application for use by all  
20 Federal employees applying for benefits  
21 from an agency under the program.

22 “(ii) REQUIRED INFORMATION.—As  
23 part of such an application, an employee  
24 shall provide, at a minimum, the employ-  
25 ee’s home and work addresses, a break-

1 down of the employee's commuting costs,  
2 and a certification of the employee's eligi-  
3 bility for benefits under the program.

4 “(iii) WARNING AGAINST FALSE  
5 STATEMENTS.—Such an application shall  
6 contain a warning against making false  
7 statements in the application.

8 “(C) INDEPENDENT VERIFICATION RE-  
9 QUIREMENTS.—The guidance to be issued  
10 under subparagraph (A) shall contain inde-  
11 pendent verification requirements to ensure  
12 that, with respect to an employee of an agen-  
13 cy—

14 “(i) the eligibility of the employee for  
15 benefits under the program is verified by  
16 an official of the agency;

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

19 “(iii) records of the agency are  
20 checked to ensure that the employee is not  
21 receiving parking benefits from the agency.

22 “(D) PROGRAM IMPLEMENTATION RE-  
23 QUIREMENTS.—The guidance to be issued  
24 under subparagraph (A) shall contain program

1 implementation requirements applicable to each  
2 agency to ensure that—

3 “(i) benefits provided by the agency  
4 under the program are adjusted in cases of  
5 employee travel, leave, or change of ad-  
6 dress;

7 “(ii) removal from the program is in-  
8 cluded in the procedures of the agency re-  
9 lating to an employee separating from em-  
10 ployment with the agency; and

11 “(iii) benefits provided by the agency  
12 under the program are made available  
13 using an electronic format (rather than  
14 using paper fare media) where such a for-  
15 mat is available for use.

16 “(E) ENFORCEMENT AND PENALTIES.—  
17 The guidance to be issued under subparagraph  
18 (A) shall contain a uniform administrative pol-  
19 icy on enforcement and penalties. Such policy  
20 shall be implemented by each agency to ensure  
21 compliance with program requirements, to pre-  
22 vent fraud and abuse, and, as appropriate, to  
23 penalize employees who have abused or misused  
24 the benefits provided under the program.

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

10                   “(i) An assessment of the agency’s  
11                   implementation of the guidance, including  
12                   a summary of the audits and investiga-  
13                   tions, if any, of the program conducted by  
14                   the Inspector General of the agency.

15                   “(ii) Information on the total number  
16                   of employees of the agency that are partici-  
17                   pating in the program.

18                   “(iii) Information on the total number  
19                   of single occupancy vehicles removed from  
20                   the roadway network as a result of partici-  
21                   pation by employees of the agency in the  
22                   program.

23                   “(iv) Information on energy savings  
24                   and emissions reductions, including reduc-  
25                   tions in greenhouse gas emissions, result-

1           ing from reductions in single occupancy ve-  
2           hicle use by employees of the agency that  
3           are participating in the program.

4           “(v) Information on reduced conges-  
5           tion and improved air quality resulting  
6           from reductions in single occupancy vehicle  
7           use by employees of the agency that are  
8           participating in the program.

9           “(vi) Recommendations to increase  
10          program participation and thereby reduce  
11          single occupancy vehicle use by Federal  
12          employees nationwide.

13          “(6) REPORTING REQUIREMENTS.—Not later  
14          than September 30 of the first fiscal year beginning  
15          after the date of enactment of this paragraph, and  
16          every 3 years thereafter, the Secretary shall submit  
17          to the Committee on Transportation and Infrastruc-  
18          ture and the Committee on Oversight and Govern-  
19          ment Reform of the House of Representatives and  
20          the Committee on Banking, Housing, and Urban Af-  
21          fairs of the Senate a report on nationwide implemen-  
22          tation of the transit pass transportation fringe bene-  
23          fits program under this subsection, including a sum-  
24          mary of the information submitted by agencies pur-  
25          suant to paragraph (5)(F).”.

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

5 **SEC. 6. CAPITAL COST OF CONTRACTING VANPOOL PILOT**  
6 **PROGRAM.**

7 (a) ESTABLISHMENT.—The Secretary of Transpor-  
8 tation shall establish and implement a pilot program to  
9 carry out vanpool demonstration projects in not more than  
10 3 urbanized areas and not more than 2 other than urban-  
11 ized areas.

12 (b) PILOT PROGRAM.—

13 (1) IN GENERAL.—Notwithstanding section  
14 5323(i) of title 49, United States Code, for each  
15 project selected for participation in the pilot pro-  
16 gram, the Secretary shall allow the non-Federal  
17 share provided by a recipient of assistance for a cap-  
18 ital project under chapter 53 of such title to include  
19 the amounts described in paragraph (2).

20 (2) CONDITIONS ON ACQUISITION OF VANS.—

21 The amounts referred to in paragraph (1) are any  
22 amounts expended by a private provider of public  
23 transportation by vanpool for the acquisition of vans  
24 to be used by such private provider in the recipient's  
25 service area, excluding any amounts the provider

1        may have received in Federal, State, or local govern-  
2        ment assistance for such acquisition, if the private  
3        provider enters into a legally binding agreement with  
4        the recipient that requires the private provider to  
5        use all revenues it receives in providing public trans-  
6        portation in such service area, in excess of its oper-  
7        ating costs, for the purpose of acquiring vans to be  
8        used by the private provider in such service area.

9        (c) PROGRAM TERM.—The Secretary may approve an  
10       application for a vanpool demonstration project for fiscal  
11       years 2008 through 2009.

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

20       **SEC. 7. INCREASED FEDERAL SHARE FOR END-OF-LINE**  
21       **FIXED GUIDEWAY STATIONS.**

22       Notwithstanding section 5309(h) of title 49, United  
23       States Code, a grant for a capital project to be assisted  
24       under section 5309 of such title during fiscal years 2008  
25       and 2009 that involves the acquisition of real property for,

1 or the design, engineering, or construction of, additional  
2 parking facilities at an end-of-line fixed guideway station  
3 shall be for 100 percent of the net capital cost of the  
4 project unless the grant recipient requests a lower grant  
5 percentage.