

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

# H. R. 6052

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IN THE SENATE OF THE UNITED STATES

JUNE 27, 2008

Received; read twice and referred to the Committee on Banking, Housing, and  
Urban Affairs

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Saving Energy  
3 Through Public Transportation Act of 2008”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

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

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

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

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

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

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

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

19           (9) Public transportation stakeholders should  
20 engage and involve local communities in the edu-  
21 cation and promotion of the importance of utilizing  
22 public transportation.

23           (10) Increasing public transportation use is a  
24 national 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, not later  
11 than 7 days after the date on which the funds are  
12 appropriated, in accordance with section 5336 (other  
13 than subsections (i)(1) and (j)) of such title but may  
14 not be combined or commingled with any other  
15 funds apportioned under such section 5336.

16 (2) FORMULA GRANTS FOR OTHER THAN UR-  
17 BANIZED AREAS.—In addition to amounts allocated  
18 under section 5338(b)(2)(G) of title 49, United  
19 States Code, to carry out section 5311 of such title,  
20 there is authorized to be appropriated \$100,000,000  
21 for each of fiscal years 2008 and 2009 to carry out  
22 such section 5311. Such funds shall be apportioned,  
23 not later than 7 days after the date on which the  
24 funds are appropriated, in accordance with such sec-  
25 tion 5311 but may not be combined or commingled

1 with any other funds apportioned under such section  
2 5311.

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

8 (1) If the recipient of the grant is reducing, or  
9 certifies to the Secretary within the time the Sec-  
10 retary prescribes that, during the term of the grant,  
11 the recipient will reduce one or more fares the re-  
12 cipient charges for public transportation, or in the  
13 case of subsection (f) of such section 5311, intercity  
14 bus service, those operating costs of equipment and  
15 facilities being used to provide the public transpor-  
16 tation, or in the case of subsection (f) of such sec-  
17 tion 5311, intercity bus service, that the recipient is  
18 no longer able to pay from the revenues derived  
19 from such fare or fares as a result of such reduction.

20 (2) If the recipient of the grant is expanding,  
21 or certifies to the Secretary within the time the Sec-  
22 retary prescribes that, during the term of the grant,  
23 the recipient will expand public transportation serv-  
24 ice, or in the case of subsection (f) of such section  
25 5311, intercity bus service, those operating and cap-

1       ital costs of equipment and facilities being used to  
2       provide the public transportation service, or in the  
3       case of subsection (f) of such section 5311, intercity  
4       bus service, that the recipient incurs as a result of  
5       the expansion of such service.

6               (3) To avoid increases in fares for public trans-  
7       portation, or in the case of subsection (f) of such  
8       section 5311, intercity bus service, or decreases in  
9       current public transportation service, or in the case  
10      of subsection (f) of such section 5311, intercity bus  
11      service, that would otherwise result from an increase  
12      in costs to the public transportation or intercity bus  
13      agency for transportation-related fuel or meeting ad-  
14      ditional transportation-related equipment or facility  
15      maintenance needs, if the recipient of the grant cer-  
16      tifies to the Secretary within the time the Secretary  
17      prescribes that, during the term of the grant, the re-  
18      cipient will not increase the fares that the recipient  
19      charges for public transportation, or in the case of  
20      subsection (f) of such section 5311, intercity bus  
21      service, or, will not decrease the public transpor-  
22      tation service, or in the case of subsection (f) of  
23      such section 5311, intercity bus service, that the re-  
24      cipient provides.

1           (4) If the recipient of the grant is acquiring, or  
2 certifies to the Secretary within the time the Sec-  
3 retary prescribes that, during the term of the grant,  
4 the recipient will acquire, clean fuel or alternative  
5 fuel vehicle-related equipment or facilities for the  
6 purpose of improving fuel efficiency, the costs of ac-  
7 quiring the equipment or facilities.

8           (5) If the recipient of the grant is establishing  
9 or expanding, or certifies to the Secretary within the  
10 time the Secretary prescribes that, during the term  
11 of the grant, the recipient will establish or expand  
12 commuter matching services to provide commuters  
13 with information and assistance about alternatives  
14 to single occupancy vehicle use, those administrative  
15 costs in establishing or expanding such services.

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

19       (d) PERIOD OF AVAILABILITY.—Funds appropriated  
20 under this section shall remain available for a period of  
21 2 fiscal years.

22 **SEC. 4. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT**  
23 **COMPLIANCE.**

24       Notwithstanding section 5323(i)(1) of title 49,  
25 United States Code, a grant for a project to be assisted

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

9 **SEC. 5. TRANSPORTATION FRINGE BENEFITS.**

10 (a) REQUIREMENT THAT AGENCIES OFFER TRANSIT  
11 PASS TRANSPORTATION FRINGE BENEFITS TO THEIR  
12 EMPLOYEES NATIONWIDE.—

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

17 (A) by striking “Effective” and all that  
18 follows through “each covered agency” and in-  
19 serting “Each agency”; and

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



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

4                   (A) in paragraph (3)—

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

6                           (ii) by redesignating subparagraphs

7                   (B) through (F) as subparagraphs (A)

8                   through (E), respectively; and

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

11           (b) BENEFITS DESCRIBED.—Section 3049(a)(2) of  
12           such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended  
13           by striking the period at the end and inserting the fol-  
14           lowing: “, except that the maximum level of such benefits  
15           shall be the maximum amount which may be excluded  
16           from gross income for qualified parking as in effect for  
17           a month under section 132(f)(2)(B) of the Internal Rev-  
18           enue Code of 1986.”.

19           (c) GUIDANCE.—Section 3049(a) of such Act (5  
20           U.S.C. 7905 note; 119 Stat. 1711) is amended by adding  
21           at the end the following:

22                   “(5) GUIDANCE.—

23                           “(A) ISSUANCE.—Not later than 60 days

24                   after the date of enactment of this paragraph,

25                   the Secretary of Transportation shall issue

1 guidance on nationwide implementation of the  
2 transit pass transportation fringe benefits pro-  
3 gram under this subsection.

4 “(B) UNIFORM APPLICATION.—

5 “(i) IN GENERAL.—The guidance to  
6 be issued under subparagraph (A) shall  
7 contain a uniform application for use by all  
8 Federal employees applying for benefits  
9 from an agency under the program.

10 “(ii) REQUIRED INFORMATION.—As  
11 part of such an application, an employee  
12 shall provide, at a minimum, the employ-  
13 ee’s home and work addresses, a break-  
14 down of the employee’s commuting costs,  
15 and a certification of the employee’s eligi-  
16 bility for benefits under the program.

17 “(iii) WARNING AGAINST FALSE  
18 STATEMENTS.—Such an application shall  
19 contain a warning against making false  
20 statements in the application.

21 “(C) INDEPENDENT VERIFICATION RE-  
22 QUIREMENTS.—The guidance to be issued  
23 under subparagraph (A) shall contain inde-  
24 pendent verification requirements to ensure

1 that, with respect to an employee of an agen-  
2 cy—

3 “(i) the eligibility of the employee for  
4 benefits under the program is verified by  
5 an official of the agency;

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

8 “(iii) records of the agency are  
9 checked to ensure that the employee is not  
10 receiving parking benefits from the agency.

11 “(D) PROGRAM IMPLEMENTATION RE-  
12 QUIREMENTS.—The guidance to be issued  
13 under subparagraph (A) shall contain program  
14 implementation requirements applicable to each  
15 agency to ensure that—

16 “(i) benefits provided by the agency  
17 under the program are adjusted in cases of  
18 employee travel, leave, or change of ad-  
19 dress;

20 “(ii) removal from the program is in-  
21 cluded in the procedures of the agency re-  
22 lating to an employee separating from em-  
23 ployment with the agency; and

24 “(iii) benefits provided by the agency  
25 under the program are made available

1 using an electronic format (rather than  
2 using paper fare media) where such a for-  
3 mat is available for use.

4 “(E) ENFORCEMENT AND PENALTIES.—  
5 The guidance to be issued under subparagraph  
6 (A) shall contain a uniform administrative pol-  
7 icy on enforcement and penalties. Such policy  
8 shall be implemented by each agency to ensure  
9 compliance with program requirements, to pre-  
10 vent fraud and abuse, and, as appropriate, to  
11 penalize employees who have abused or misused  
12 the benefits provided under the program.

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

22 “(i) An assessment of the agency’s  
23 implementation of the guidance, including  
24 a summary of the audits and investiga-

1 tions, if any, of the program conducted by  
2 the Inspector General of the agency.

3 “(ii) Information on the total number  
4 of employees of the agency that are partici-  
5 pating in the program.

6 “(iii) Information on the total number  
7 of single occupancy vehicles removed from  
8 the roadway network as a result of partici-  
9 pation by employees of the agency in the  
10 program.

11 “(iv) Information on energy savings  
12 and emissions reductions, including reduc-  
13 tions in greenhouse gas emissions, result-  
14 ing from reductions in single occupancy ve-  
15 hicle use by employees of the agency that  
16 are participating in the program.

17 “(v) Information on reduced conges-  
18 tion and improved air quality resulting  
19 from reductions in single occupancy vehicle  
20 use by employees of the agency that are  
21 participating in the program.

22 “(vi) Recommendations to increase  
23 program participation and thereby reduce  
24 single occupancy vehicle use by Federal  
25 employees nationwide.

1           “(6) REPORTING REQUIREMENTS.—Not later  
2           than September 30 of the first fiscal year beginning  
3           after the date of enactment of this paragraph, and  
4           every 3 years thereafter, the Secretary shall submit  
5           to the Committee on Transportation and Infrastruc-  
6           ture and the Committee on Oversight and Govern-  
7           ment Reform of the House of Representatives and  
8           the Committee on Banking, Housing, and Urban Af-  
9           fairs of the Senate a report on nationwide implemen-  
10          tation of the transit pass transportation fringe bene-  
11          fits program under this subsection, including a sum-  
12          mary of the information submitted by agencies pur-  
13          suant to paragraph (5)(F).”.

14          (d) EFFECTIVE DATE.—Except as otherwise specifi-  
15          cally provided, the amendments made by this section shall  
16          become effective on the first day of the first fiscal year  
17          beginning after the date of enactment of this Act.

18       **SEC. 6. CAPITAL COST OF CONTRACTING VANPOOL PILOT**  
19                               **PROGRAM.**

20          (a) ESTABLISHMENT.—The Secretary of Transpor-  
21          tation shall establish and implement a pilot program to  
22          carry out vanpool demonstration projects in not more than  
23          3 urbanized areas and not more than 2 other than urban-  
24          ized areas.

25          (b) PILOT PROGRAM.—

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

8           (2) CONDITIONS ON ACQUISITION OF VANS.—  
9           The amounts referred to in paragraph (1) are any  
10          amounts expended by a private provider of public  
11          transportation by vanpool for the acquisition of vans  
12          to be used by such private provider in the recipient’s  
13          service area, excluding any amounts the provider  
14          may have received in Federal, State, or local govern-  
15          ment assistance for such acquisition, if the private  
16          provider enters into a legally binding agreement with  
17          the recipient that requires the private provider to  
18          use all revenues it receives in providing public trans-  
19          portation in such service area, in excess of its oper-  
20          ating costs, for the purpose of acquiring vans to be  
21          used by the private provider in such service area.

22          (c) PROGRAM TERM.—The Secretary may approve an  
23          application for a vanpool demonstration project for fiscal  
24          years 2008 through 2009.

1 (d) REPORT TO CONGRESS.—Not later than one year  
2 after the date of enactment of this Act, the Secretary shall  
3 submit to the Committee on Transportation and Infra-  
4 structure of the House of Representatives and the Com-  
5 mittee on Banking, Housing, and Urban Affairs of the  
6 Senate a report containing an assessment of the costs,  
7 benefits, and efficiencies of the vanpool demonstration  
8 projects.

9 **SEC. 7. INCREASED FEDERAL SHARE FOR END-OF-LINE**  
10 **FIXED GUIDEWAY STATIONS.**

11 Notwithstanding section 5309(h) of title 49, United  
12 States Code, a grant for a capital project to be assisted  
13 under section 5309 of such title during fiscal years 2008  
14 and 2009 that involves the acquisition of real property for,  
15 or the design, engineering, or construction of, additional  
16 parking facilities at an end-of-line fixed guideway station  
17 or at a park-and-ride lot that serves a fixed route com-  
18 muter bus route that is more than 20 miles in length shall  
19 be for 100 percent of the net capital cost of the project  
20 unless the grant recipient requests a lower grant percent-  
21 age.

22 **SEC. 8. NATIONAL CONSUMER AWARENESS PROGRAM.**

23 (a) IN GENERAL.—The Secretary of Transportation  
24 shall carry out a national consumer awareness program  
25 to educate the public on the environmental, energy, and



1 economic benefits of public transportation alternatives to  
2 the use of single occupancy vehicles.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$1,000,000 for fiscal year 2009. Such sums shall remain  
6 available until expended.

7 **SEC. 9. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT**  
8 **REQUIREMENT.**

9 Section 526 of the Energy Independence and Security  
10 Act of 2007 (Public Law 110–140; 42 U.S. C. 17142)  
11 is amended—

12 (1) by striking “No Federal agency” and insert-  
13 ing “(a) REQUIREMENT.—Except as provided in  
14 subsection (b), no Federal agency”; and

15 (2) by adding at the end the following:

16 “(b) EXCEPTION.—Subsection (a) does not prohibit  
17 a Federal agency from entering into a contract to pur-  
18 chase a generally available fuel that is not an alternative  
19 or synthetic fuel or predominantly produced from a non-  
20 conventional petroleum source, if—

21 “(1) the contract does not specifically require  
22 the contractor to provide an alternative or synthetic  
23 fuel or fuel from a nonconventional petroleum  
24 source;

1           “(2) the purpose of the contract is not to obtain  
2           an alternative or synthetic fuel or fuel from a non-  
3           conventional petroleum source; and

4           “(3) the contract does not provide incentives for  
5           a refinery upgrade or expansion to allow a refinery  
6           to use or increase its use of fuel from a nonconven-  
7           tional petroleum source.”.

Passed the House of Representatives June 26, 2008.

Attest:

LORRAINE C. MILLER,

*Clerk.*

By ROBERT F. REEVES,

*Deputy Clerk.*