

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

# S. 3189

To amend title 49, United States Code, to allow for additional transportation assistance grants.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 26 (legislative day, MARCH 25), 2010

Mr. BROWN of Ohio (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

---

## A BILL

To amend title 49, United States Code, to allow for additional transportation assistance grants.

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. EXPANSION OF TRANSIT OPERATING ASSIST-**  
4 **ANCE GRANT PROGRAM.**

5 Section 5307(b) of title 49, United States Code, is  
6 amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (D), by striking “of  
9 less than 200,000” and inserting “of—

10 “(i) less than 200,000;

1           “(ii) not less than 200,000, and less  
2           than 400,000, if the State or regional au-  
3           thority providing public transportation for  
4           the area operates at least 100 buses in  
5           fixed-route service in the area during peak  
6           service hours;

7           “(iii) not less than 400,000, and less  
8           than 600,000, if the State or regional au-  
9           thority providing public transportation for  
10          the area operates at least 100 buses in  
11          fixed-route service in the area during peak  
12          service hours;

13          “(iv) not less than 600,000, and less  
14          than 800,000, if the State or regional au-  
15          thority providing public transportation for  
16          the area operates at least 100 buses in  
17          fixed-route service in the area during peak  
18          service hours;

19          “(v) not less than 800,000, and less  
20          than 1,000,000, if the State or regional  
21          authority providing public transportation  
22          for the area operates at least 100 buses in  
23          fixed-route service in the area during peak  
24          service hours; and

1           “(vi) not less than 1,000,000, if the  
 2           State or regional authority providing public  
 3           transportation for the area operates at  
 4           least 100 buses in fixed-route service in the  
 5           area during peak service hours;”.

6           (2) in paragraph (2)—

7           (A) by striking subparagraphs (B) through  
 8           (D); and

9           (B) by redesignating subparagraph (E) as  
 10          subparagraph (B);

11          (3) by redesignating paragraph (3) as para-  
 12          graph (6); and

13          (4) by inserting after paragraph (2) the fol-  
 14          lowing:

15           “(3) LIMITATIONS ON USE OF FUNDS.—A des-  
 16          ignated recipient may use—

17           “(A) not more than 50 percent of the  
 18           funds made available to the designated recipient  
 19           under this section for activities described in  
 20           paragraph (2)(D)(iii);

21           “(B) not more than 45 percent of the  
 22           funds made available to the designated recipient  
 23           under this section for activities described in  
 24           paragraph (2)(D)(iv);

1           “(C) not more than 40 percent of the  
2 funds made available to the designated recipient  
3 under this section for activities described in  
4 paragraph (2)(D)(v);

5           “(D) not more than 35 percent of the  
6 funds made available to the designated recipient  
7 under this section for activities described in  
8 paragraph (2)(D)(vi); and

9           “(E) not more than 30 percent of the  
10 funds made available to the designated recipient  
11 under this section for activities described in  
12 paragraph (2)(D)(vii).

13           “(4) CONDITIONAL USE OF FUNDS IN AN UR-  
14 BANIZED AREA WITH A POPULATION OF AT LEAST  
15 200,000.—

16           “(A) IN GENERAL.—For each of fiscal  
17 years 2010 through 2015 and subject to sub-  
18 paragraph (B), a designated recipient may use  
19 a percentage of the funds made available to the  
20 designated recipient under this section, in addi-  
21 tion to the percentage described in paragraph  
22 (3), to finance the operating costs of equipment  
23 and facilities for use in public transportation in  
24 an urbanized area with a population of not less  
25 than 200,000.

1           “(B) OPERATING COST.—To be eligible  
2 under subparagraph (A), the designated recipi-  
3 ent’s percentage of revenue for the operating  
4 cost of equipment and facilities for use in public  
5 transportation from non-Federal sources (ex-  
6 cluding farebox revenue) must be greater than  
7 such revenue from the previous fiscal year.

8           “(C) LIMITATION.—The amount available  
9 for a grant under this paragraph shall not ex-  
10 ceed the percentage of such increase.

11           “(5) TIGGER GRANT.—

12           “(A) IN GENERAL.—In addition to any  
13 other grant under this section, the Secretary  
14 may award a grant, from any funds that may  
15 be made available to carry out this section for  
16 each of fiscal years 2010 through 2015, to a  
17 designated recipient for the operating cost of  
18 equipment and facilities for use in public trans-  
19 portation in an urbanized area with a popu-  
20 lation of 200,000 or more, if the designated re-  
21 cipient—

22           “(i) was awarded a grant under the  
23 Transit Investments for Greenhouse Gas  
24 and Energy Reduction program, estab-  
25 lished under the ninth proviso under the

1 heading ‘TRANSIT CAPITAL ASSISTANCE’  
2 under the heading ‘FEDERAL TRANSIT AD-  
3 MINISTRATION’ under the heading ‘DE-  
4 PARTMENT OF TRANSPORTATION’  
5 of title XII of division A of the American  
6 Recovery and Reinvestment Act of 2009  
7 (Public Law 111–105; 123 Stat. 210); and

8 “(ii) demonstrates that the designated  
9 recipient has achieved—

10 “(I) total energy savings of not  
11 less than 10 percent, as a result of a  
12 project funded using a grant under  
13 the Transit Investments for Green-  
14 house Gas and Energy Reduction pro-  
15 gram;

16 “(II) energy savings of not less  
17 than 10 percent, as a percentage of  
18 the total energy usage of the public  
19 transit agency, as a result of a project  
20 funded using a grant under the Tran-  
21 sit Investments for Greenhouse Gas  
22 and Energy Reduction program; or

23 “(III) total greenhouse gas emis-  
24 sion reduction of not less than 10 per-  
25 cent as a result of a project funded

1                   using a grant under the Transit In-  
2                   vestments for Greenhouse Gas and  
3                   Energy Reduction program.

4                   “(B) FUNDS.—The Secretary shall use not  
5                   less than 10 percent of the funds made avail-  
6                   able to carry out this section for grants under  
7                   this paragraph.”.

○