

112TH CONGRESS
1ST SESSION

H. R. 1691

To clarify the application of section 14501(d) of title 49, United States Code, to prevent the imposition of unreasonable transportation terminal fees.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2011

Ms. RICHARDSON introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To clarify the application of section 14501(d) of title 49, United States Code, to prevent the imposition of unreasonable transportation terminal fees.

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 “Prevention of Unrea-
5 sonable Fees Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) Several airports and other transportation
9 terminals continue to charge or have imposed fees
10 on all for-hire vehicles, regardless of whether the ve-

1 hicle is providing interstate or intrastate transpor-
2 tation.

3 (2) The imposition of such fees unreasonably
4 burdens direct for-hire vehicles, many of whom are
5 small businesses struggling to survive in these dif-
6 ficult economic times.

7 **SEC. 3. PREVENTION OF UNREASONABLE FEES.**

8 Section 14501(d) of title 49, United States Code is
9 amended—

10 (1) in paragraph (1), by striking “on account of
11 the fact that a motor vehicle” and inserting “to be
12 paid with respect to a motor vehicle that”;

13 (2) by redesignating paragraphs (2) and (3) as
14 paragraph (3) and (4), respectively;

15 (3) by inserting after paragraph (1) the fol-
16 lowing:

17 “(2) **TRANSPORTATION TERMINAL FEES PRO-**
18 **HIBITED.**—An operator of a transportation terminal
19 that, at any time after the date of enactment of the
20 Prevention of Unreasonable Fees Act, uses any Fed-
21 eral funds for the construction, expansion, renova-
22 tion, or other capital improvement of such transpor-
23 tation terminal, or for the purchase or lease of any
24 equipment installed in such transportation terminal
25 or on its property, may not charge any fee to a pro-

1 vider of prearranged ground transportation service
2 described in paragraph (1), except—

3 “(A) a fee charged to the general public
4 for access to, or use of, any part of the trans-
5 portation terminal;

6 “(B) a fee for the availability of ancillary
7 facilities at the transportation terminal that is
8 reasonable in relation to the costs of operating
9 the ancillary facilities; or

10 “(C) a fee for such access, use, or avail-
11 ability that the Secretary has approved in ad-
12 vance after making a determination that the fee
13 is reasonable, nonburdensome, nondiscrim-
14 inatory, necessary, and appropriate to the pro-
15 vision of prearranged ground transportation
16 service.”;

17 (4) by amending paragraph (3), as redesign-
18 nated, to read as follows:

19 “(3) DEFINITIONS.—In this section:

20 “(A) ANCILLARY FACILITIES.—The term
21 ‘ancillary facilities’ includes restrooms, vending
22 machines, monitoring facilities that advise par-
23 ties accessing the transportation terminal of ar-
24 rivals or departures of aircraft, buses, trains,
25 ships, or boats, and such other facilities deter-

1 mined by the Secretary to be necessary, appro-
2 priate, desirable, or useful to the business of
3 providing prearranged ground transportation
4 service.

5 “(B) INTERMEDIATE STOP.—The term ‘in-
6 termediate stop’, with respect to transportation
7 by a motor carrier, means a pause in the trans-
8 portation in order for 1 or more passengers to
9 engage in personal or business activity if the
10 driver providing the transportation to such pas-
11 sengers does not, before resuming the transpor-
12 tation of at least 1 of such passengers, provide
13 transportation to any other person not included
14 among the passengers being transported when
15 the pause began.

16 “(C) TRANSPORTATION TERMINAL.—The
17 term ‘transportation terminal’ means any air-
18 port, port facility for ships or boats, train sta-
19 tion, or bus terminal, including any principal
20 building and all ancillary buildings, roads, run-
21 ways, and other facilities.”; and

22 (5) in paragraph (4), as redesignated—

23 (A) in subparagraph (B)—

24 (i) by striking “an airport, train, or
25 bus” and inserting “a transportation”; and

1 (ii) by striking “and” at the end;

2 (B) by redesignating subparagraph (C) as
3 subparagraph (D);

4 (C) by inserting after subparagraph (B)
5 the following:

6 “(C) as prohibiting or restricting a trans-
7 portation terminal operator from requiring vehi-
8 cles that cannot safely use parking facilities
9 that are otherwise available to the general pub-
10 lic to use segregated facilities, if the fee for
11 such facilities is not more than the amount
12 charged to the public for similar facilities;”;

13 (D) in subparagraph (D), as redesignated,
14 by striking the period at the end and inserting
15 “; or”; and

16 (E) by inserting after subparagraph (D),
17 as redesignated, the following:

18 “(E) as restricting the right of any State
19 or political subdivision of a State to require a
20 license or fee (other than a fee by a transpor-
21 tation terminal operator prohibited under para-
22 graph (2)) with respect to a vehicle that is pro-
23 viding transportation not described in para-
24 graph (1).”.

1 **SEC. 4. REGULATIONS.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall promulgate regulations to carry out the provi-
5 sions of section 14501(d) of title 49, United States Code,
6 as amended by section 3.

7 (b) PROVISIONS.—The regulations promulgated pur-
8 suant to subsection (a) shall include—

9 (1) a comprehensive list of the ancillary facili-
10 ties determined by the Secretary to be necessary, ap-
11 propriate, desirable, and useful to the business of
12 the provision of prearranged ground transportation
13 service;

14 (2) a schedule of suggested fees that—

15 (A) may be charged for such ancillary fa-
16 cilities by any transportation terminal operator
17 to a provider of prearranged ground transpor-
18 tation service for the availability of the ancillary
19 facility; and

20 (B) are determined by the Secretary to be
21 reasonable in relation to the costs of operating
22 the ancillary facility;

23 (3) a requirement that any fee proposed by a
24 transportation terminal operator for the availability
25 of an ancillary facility may not be greater than the
26 fee for such ancillary facility provided in the sched-

1 ule described in paragraph (2), unless the fee is ap-
2 proved in advance by the Secretary after a public
3 hearing and determination that the proposed fee and
4 the amount of the fee for the availability of such an-
5 cillary facility at such transportation terminal—

6 (A) is reasonable in relation to the costs of
7 operating the ancillary facility; and

8 (B) otherwise complies with section
9 14501(d) of title 49, United States Code; and

10 (4) such other provisions as the Secretary de-
11 termines to be necessary or appropriate to carry out
12 such section 14501(d) in a manner that prevents the
13 imposition by a transportation terminal operator
14 of—

15 (A) fees to be paid by or with respect to
16 a motor vehicle that is providing prearranged
17 ground transportation service; or

18 (B) any other discriminatory or punitive
19 action or measure against, or with respect to, a
20 motor vehicle that is providing prearranged
21 ground transportation service.

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