

112TH CONGRESS
1ST SESSION

H. R. 1795

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

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2011

Mr. DEFAZIO (for himself, Ms. HIRONO, Mr. FILNER, Mr. LARSEN of Washington, Mr. NADLER, Mr. BISHOP of New York, Mr. BOSWELL, Mr. CUMMINGS, Ms. RICHARDSON, Mr. QUIGLEY, and Mr. LIPINSKI) 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

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 “Providing Gas Price
5 Relief Through Public Transportation Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) In 2008, during a year of record-high gas
2 prices, people in the United States took more than
3 10,500,000,000 trips using public transportation,
4 the highest level in 50 years.

5 (2) Public transportation use in the United
6 States is up 31 percent since 1995, a figure that is
7 more than double the growth rate of the Nation's
8 population and is substantially greater than the
9 growth rate for vehicle miles traveled on the Na-
10 tion's highways for that same period.

11 (3) High gas prices in 2011 are expected to
12 drive the demand for transit services even higher,
13 with some estimates showing that \$5-per-gallon gas
14 could result in a nearly 15 percent jump in transit
15 ridership.

16 (4) Based on the price of gas in March 2011,
17 riding public transportation saves households an av-
18 erage of \$825 per month, or nearly \$10,000 per
19 year.

20 (5) Despite increasing demand for transit serv-
21 ices, widespread cuts in State and local funding have
22 caused 59 percent of public transit systems in the
23 United States to raise fares or cut service since Jan-
24 uary 2009.

1 not be combined or commingled with any other
2 funds apportioned under such section 5336.

3 (2) FORMULA GRANTS FOR OTHER THAN UR-
4 BANIZED AREAS.—In addition to amounts allocated
5 under section 5338(b)(2)(G) of title 49, United
6 States Code, to carry out section 5311 of such title,
7 there is authorized to be appropriated \$100,000,000
8 for each of fiscal years 2011 and 2012 to carry out
9 such section 5311. Such funds shall be apportioned
10 not later than 7 days after the date on which the
11 funds are appropriated, in accordance with such sec-
12 tion 5311 but may not be combined or commingled
13 with any other funds apportioned under such section
14 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 within the time the Sec-
22 retary prescribes that, during the term of the grant,
23 the recipient will reduce one or more fares the re-
24 cipient charges for public transportation, or in the
25 case of subsection (f) of such section 5311, intercity

1 bus service, those operating costs of equipment and
2 facilities being used to provide the public transpor-
3 tation, or in the case of subsection (f) of such sec-
4 tion 5311, intercity bus service, that the recipient is
5 no longer able to pay from the revenues derived
6 from such fare or fares as a result of such reduction.

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

1 (3) If the recipient of the grant is expanding,
2 or certifies to the Secretary within the time the Sec-
3 retary prescribes that, during the term of the grant,
4 the recipient will expand public transportation serv-
5 ice, or in the case of subsection (f) of such section
6 5311, intercity bus service, those operating and cap-
7 ital costs of equipment and facilities being used to
8 provide the public transportation service, or in the
9 case of subsection (f) of such section 5311, intercity
10 bus service, that the recipient incurs as a result of
11 the expansion of such service.

12 (4) If the recipient of the grant is acquiring, or
13 certifies to the Secretary within the time the Sec-
14 retary prescribes that, during the term of the grant,
15 the recipient will acquire, clean fuel or alternative
16 fuel vehicle-related equipment or facilities for the
17 purpose of improving fuel efficiency, the costs of ac-
18 quiring the equipment or facilities.

19 (5) If the recipient of the grant is establishing
20 or expanding, or certifies to the Secretary within the
21 time the Secretary prescribes that, during the term
22 of the grant, the recipient will establish or expand
23 commuter matching services to provide commuters
24 with information and assistance about alternatives

1 to single occupancy vehicle use, those administrative
2 costs in establishing or expanding such services.

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

6 (d) PERIOD OF AVAILABILITY.—Funds appropriated
7 under this section shall remain available for a period of
8 2 fiscal years.

9 **SEC. 4. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT**
10 **COMPLIANCE.**

11 Notwithstanding section 5323(i)(1) of title 49,
12 United States Code, a grant for a project to be assisted
13 under chapter 53 of such title during fiscal years 2011
14 and 2012 that involves acquiring clean fuel or alternative
15 fuel vehicle-related equipment or facilities for the purposes
16 of complying with or maintaining compliance with the
17 Clean Air Act (42 U.S.C. 7401 et seq.) shall be for 100
18 percent of the net project cost of the equipment or facility
19 attributable to compliance with that Act unless the grant
20 recipient requests a lower grant percentage.

21 **SEC. 5. TRANSPORTATION FRINGE BENEFITS.**

22 (a) IN GENERAL.—Requirement that agencies offer
23 transit pass transportation fringe benefits to their employ-
24 ees nationwide.—

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

5 (A) by striking “Effective” and all that
6 follows through “each covered agency” and in-
7 serting “Each agency”; and

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

12 (2) CONFORMING AMENDMENTS.—Section
13 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat.
14 1711) is amended—

15 (A) in paragraph (3)—

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

17 (ii) by redesignating subparagraphs
18 (B) through (F) as subparagraphs (A)
19 through (E), respectively; and

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

22 (b) BENEFITS DESCRIBED.—Section 3049(a)(2) of
23 such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended
24 by striking the period at the end and inserting the fol-
25 lowing: “, except that the maximum level of such benefits

1 shall be the maximum amount which may be excluded
2 from gross income for qualified parking as in effect for
3 a month under section 132(f)(2)(B) of the Internal Rev-
4 enue Code of 1986.”.

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

8 “(5) GUIDANCE.—

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

15 “(B) UNIFORM APPLICATION.—

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

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

1 and a certification of the employee's eligi-
2 bility for benefits under the program.

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

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

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

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

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

21 “(D) PROGRAM IMPLEMENTATION RE-
22 QUIREMENTS.—The guidance to be issued
23 under subparagraph (A) shall contain program
24 implementation requirements applicable to each
25 agency to ensure that—

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

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

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

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

23 “(F) PERIODIC REVIEWS.—The guidance
24 to be issued under subparagraph (A) shall re-
25 quire each agency, not later than September 1

1 of the first fiscal year beginning after the date
2 of enactment of this paragraph, and every 3
3 years thereafter, to develop and submit to the
4 Secretary a review of the agency's implementa-
5 tion of the program. Each such review shall
6 contain, at a minimum, the following:

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

12 “(ii) Information on the total number
13 of employees of the agency that are partici-
14 pating in the program.

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

20 “(iv) Information on energy savings
21 and emissions reductions, including reduc-
22 tions in greenhouse gas emissions, result-
23 ing from reductions in single occupancy ve-
24 hicle use by employees of the agency that
25 are participating in the program.

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

6 “(vi) Recommendations to increase
7 program participation and thereby reduce
8 single occupancy vehicle use by Federal
9 employees nationwide.

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

23 (d) EFFECTIVE DATE.—Except as otherwise specifi-
24 cally provided, the amendments made by this section shall

1 become effective on the first day of the first fiscal year
2 beginning after the date of enactment of this Act.

3 **SEC. 6. CAPITAL COST OF CONTRACTING VANPOOL PILOT**
4 **PROGRAM.**

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

10 (b) **PILOT PROGRAM.**—

11 (1) **IN GENERAL.**—Notwithstanding section
12 5323(i) of title 49, United States Code, for each
13 project selected for participation in the pilot pro-
14 gram, the Secretary shall allow the non-Federal
15 share provided by a recipient of assistance for a cap-
16 ital project under chapter 53 of such title to include
17 the amounts described in paragraph (2).

18 (2) **CONDITIONS ON ACQUISITION OF VANS.**—
19 The amounts referred to in paragraph (1) are any
20 amounts expended by a private provider of public
21 transportation by vanpool for the acquisition of vans
22 to be used by such private provider in the recipient's
23 service area, excluding any amounts the provider
24 may have received in Federal, State, or local govern-
25 ment assistance for such acquisition, if the private

1 provider enters into a legally binding agreement with
2 the recipient that requires the private provider to
3 use all revenues it receives in providing public trans-
4 portation in such service area, in excess of its oper-
5 ating costs, for the purpose of acquiring vans to be
6 used by the private provider in such service area.

7 (c) PROGRAM TERM.—The Secretary may approve an
8 application for a vanpool demonstration project for fiscal
9 years 2011 through 2012.

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

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