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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 SENATE OF THE UNITED STATES

NOVEMBER 29, 2011

Mr. LAUTENBERG (for himself and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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. PREVENTION OF UNREASONABLE FEES.**

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

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

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

6 (3) by inserting after paragraph (1) the fol-
7 lowing:

8 “(2) TRANSPORTATION TERMINAL FEES PRO-
9 HIBITED.—An operator of a transportation terminal
10 that, at any time after the date of enactment of the
11 Prevention of Unreasonable Fees Act, uses any Fed-
12 eral funds for the construction, expansion, renova-
13 tion, or other capital improvement of such transpor-
14 tation terminal, or for the purchase or lease of any
15 equipment installed in such transportation terminal
16 or on its property, may not charge any fee to a pro-
17 vider of prearranged ground transportation service
18 described in paragraph (1), except—

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

22 “(B) a fee for the availability of ancillary
23 facilities at the transportation terminal that is
24 reasonable in relation to the costs of operating
25 the ancillary facilities.”;

1 (4) by amending paragraph (3), as redesignated,
2 to read as follows:

3 “(3) DEFINITIONS.—In this section:

4 “(A) ANCILLARY FACILITIES.—The term
5 ‘ancillary facilities’ includes restrooms, vending
6 machines, monitoring facilities that advise parties
7 accessing the transportation terminal of arrivals or
8 departures of aircraft, buses, trains, ships, or boats,
9 and such other facilities determined by the Secretary
10 to be necessary, appropriate, desirable, or useful to the
11 business of providing prearranged ground transportation
12 service.

14 “(B) INTERMEDIATE STOP.—The term ‘intermediate
15 stop’, with respect to transportation by a motor carrier,
16 means a pause in the transportation in order for 1 or more
17 passengers to engage in personal or business activity if the
18 driver providing the transportation to such passengers
19 does not, before resuming the transportation of at least 1
20 of such passengers, provide transportation to any other
21 person not included among the passengers being transported
22 when the pause began.

1 “(C) TRANSPORTATION TERMINAL.—The
 2 term ‘transportation terminal’ means any air-
 3 port, port facility for ships or boats, train sta-
 4 tion, or bus terminal, including any principal
 5 building and all ancillary buildings, roads, run-
 6 ways, and other facilities.”;

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

8 (A) in subparagraph (B)—

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

11 (ii) by striking “and” at the end;

12 (B) by redesignating subparagraph (C) as
 13 subparagraph (D);

14 (C) by inserting after subparagraph (B)
 15 the following:

16 “(C) as prohibiting or restricting a trans-
 17 portation terminal operator from requiring vehi-
 18 cles that cannot safely use parking facilities
 19 that are otherwise available to the general pub-
 20 lic to use segregated facilities, if the fee for
 21 such facilities is not more than the amount
 22 charged to the public for similar facilities;”;

23 (D) in subparagraph (D), as redesignated,
 24 by striking the period at the end and inserting
 25 “; or”; and

1 (E) by inserting after subparagraph (D),
2 as redesignated, the following:

3 “(E) as restricting the right of any State
4 or political subdivision of a State to require a
5 license or fee (other than a fee by a transpor-
6 tation terminal operator prohibited under para-
7 graph (2)) with respect to a vehicle that is pro-
8 viding transportation not described in para-
9 graph (1).”.

10 **SEC. 3. REGULATIONS.**

11 (a) IN GENERAL.—Not later than December 31,
12 2012, the Secretary of Transportation shall promulgate
13 regulations to carry out the provisions of section 14501(d)
14 of title 49, United States Code, as amended by section
15 2.

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

18 (1) a comprehensive list of the ancillary facili-
19 ties determined by the Secretary to be necessary, ap-
20 propriate, desirable, and useful to the business of
21 the provision of prearranged ground transportation
22 service;

23 (2) a schedule of suggested fees that—

24 (A) may be charged for such ancillary fa-
25 cilities by any transportation terminal operator

1 to a provider of prearranged ground transpor-
2 tation service for the availability of the ancillary
3 facility; and

4 (B) are determined by the Secretary to be
5 reasonable in relation to the costs of operating
6 the ancillary facility;

7 (3) a requirement that any fee proposed by a
8 transportation terminal operator for the availability
9 of an ancillary facility may not be greater than the
10 fee for such ancillary facility provided in the sched-
11 ule described in paragraph (2), unless the fee is ap-
12 proved in advance by the Secretary after a public
13 hearing and determination that the proposed fee and
14 the amount of the fee for the availability of such an-
15 cillary facility at such transportation terminal—

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

18 (B) otherwise complies with section
19 14501(d) of title 49, United States Code; and

20 (4) such other provisions as the Secretary de-
21 termines to be necessary or appropriate to carry out
22 such section 14501(d) in a manner that prevents the
23 imposition by a transportation terminal operator
24 of—

1 (A) fees to be paid by or with respect to
2 a motor vehicle that is providing prearranged
3 ground transportation service; or

4 (B) any other discriminatory or punitive
5 action or measure against, or with respect to, a
6 motor vehicle that is providing prearranged
7 ground transportation service.

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