

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2011

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

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## 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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