

115TH CONGRESS
1ST SESSION

H. R. 4021

To amend title 49, United States Code, to provide funding for public transportation services offered by high-performing public and private systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2017

Mr. PERRY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to provide funding for public transportation services offered by high-performing public and private systems, 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 “Leveraging Perform-
5 ance-Based Transportation Services Act of 2017”.

1 **SEC. 2. FUNDING FOR CAPITAL PROJECTS OF LEVERAGED**
2 **SYSTEMS.**

3 (a) NATIONAL TRANSIT DATABASE.—Section 5335
4 of title 49, United States Code, is amended by adding at
5 the end the following:

6 “(d) DIRECT REPORTING BY LEVERAGED SYS-
7 TEMS.—

8 “(1) IN GENERAL.—An owner or operator of a
9 leveraged system may submit directly to the Na-
10 tional Transit Database data regarding the public
11 transportation service provided by the system.

12 “(2) NOTICE TO DESIGNATED RECIPIENT.—On
13 the date of a submission under paragraph (1), the
14 owner or operator of a leveraged system shall pro-
15 vide to the appropriate designated recipient under
16 section 5307, 5311, or 5339 and metropolitan plan-
17 ning organization a copy of the submission.

18 “(3) LEVERAGED SYSTEM DEFINED.—In this
19 subsection, the term ‘leveraged system’ means a pro-
20 vider of public transportation services, whether pub-
21 lic or private, including commuter bus services and
22 including services provided by a private provider of
23 public transportation by vanpool (as defined in sec-
24 tion 5323(i)(2)(C)), that the Secretary determines—

25 “(A) is able to recover, through fare rev-
26 enue or payments made directly by the pro-

1 vider, all operating costs associated with the
2 services;

3 “(B) meets the requirements of the Fed-
4 eral Transit Administration with respect to the
5 provision of the services; and

6 “(C) does not, through the provision of the
7 services, negatively impact other publicly sub-
8 sidized or privately provided public transpor-
9 tation services.”.

10 (b) LEVERAGING TRANSIT SERVICES.—Section 5315
11 of title 49, United States Code, is amended—

12 (1) by redesignating subsection (d) as sub-
13 section (e); and

14 (2) by inserting after subsection (c) the fol-
15 lowing:

16 “(d) LEVERAGING TRANSIT SERVICES.—

17 “(1) PASSTHROUGH.—

18 “(A) APPORTIONMENTS.—The data sub-
19 mitted by the owner or operator of a leveraged
20 system to the National Transit Database under
21 section 5335(d) shall be used by the Secretary
22 in calculating apportionments for capital pay-
23 ments under each of sections 5307, 5311, and
24 5339.

1 “(B) AGREEMENTS.—A designated recipi-
2 ent that receives additional amounts in appor-
3 tionments for a fiscal year as a result of data
4 submitted to the National Transit Database by
5 the owner or operator of a leveraged system
6 under section 5335(d) shall enter into an agree-
7 ment with the owner or operator that includes
8 assurances that not less than 90 percent of the
9 additional amounts will be transferred to the
10 owner or operator if the owner or operator dem-
11 onstrates that the transferred amounts will be
12 used for capital expenditures to expand public
13 transportation services meeting the require-
14 ments of paragraph (2) in the geographic area
15 represented by the designated recipient.

16 “(2) SERVICES.—A public transportation serv-
17 ice meets the requirements of this paragraph un-
18 less—

19 “(A) the service—

20 “(i) overlaps or directly competes with
21 a service provided by the designated recipi-
22 ent concerned; and

23 “(ii) has a direct effect on such serv-
24 ice, including a projected ridership reduc-

1 tion of more than 3 percent along a cor-
2 ridor served by the designated recipient; or

3 “(B) the service is provided by a service
4 provider that has less than 10 vehicles serving
5 the recipient’s designated area.

6 “(3) LOCAL CONSENT.—

7 “(A) OPPORTUNITY TO OBJECT.—During
8 the 30-day period beginning on the date the
9 owner or operator of a leveraged system sub-
10 mits data to the National Transit Database
11 under section 5335(d), the metropolitan plan-
12 ning organization representing the geographic
13 area in which the owner or operator proposes to
14 provide expanded public transportation services
15 using amounts made available under this sub-
16 section may submit to the Secretary a letter
17 that—

18 “(i) objects to such use of funds based
19 on a determination by the metropolitan
20 planning organization that the expanded
21 public transportation services do not meet
22 the requirements of paragraph (2); or

23 “(ii) objects to the use of the data in
24 calculating apportionments based on a de-
25 termination by the metropolitan planning

1 organization that the owner or operator
2 has not met the requirements of section
3 5335(d).

4 “(B) EFFECT OF OBJECTION.—In carrying
5 out this subsection, the Secretary shall take
6 into account any letter received from a metro-
7 politan planning organization under this para-
8 graph.

9 “(4) STATUTORY CONSTRUCTION.—Nothing in
10 this subsection may be construed—

11 “(A) to allow a designated recipient to dic-
12 tate the service provided by the owner or oper-
13 ator of a leveraged system; or

14 “(B) to authorize the use of funds in a
15 manner that is inconsistent with this chapter.

16 “(5) LEVERAGED SYSTEM DEFINED.—In this
17 subsection, the term ‘leveraged system’ has the
18 meaning given that term in section 5335(d).”.

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