

(f) Undertaking of concession facilities or services

Transportation facilities and services provided pursuant to this chapter shall not be considered as concession facilities or services within the meaning of the Act of October 9, 1965 (79 Stat. 969)¹ and may be undertaken by the Secretary directly or by contract without regard to any requirement of local, State, or Federal law respecting determinations of public convenience and necessity or other similar matters: *Provided*, That the Secretary or his contractor shall consult with the appropriate State or local public service commission or other such body having authority to issue certificates of convenience and necessity, and any such contractor shall be subject to applicable requirements of such body unless the Secretary determines that such requirements would not be consistent with the purposes and provisions of this chapter.

(g) Construction of grant of authority respecting operation of motor vehicles excepted from statutory coverage

No grant of authority in this chapter shall be deemed to expand the exemption of section 10526(a)(9)¹ of title 49.

(Pub. L. 95-344, title III, § 302, Aug. 15, 1978, 92 Stat. 478; Pub. L. 103-437, § 6(d)(18), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title VIII, § 814(d)(1)(A), Nov. 12, 1996, 110 Stat. 4195.)

REFERENCES IN TEXT

Act of October 9, 1965, referred to in subsec. (f), is Pub. L. 89-249, Oct. 9, 1965, 79 Stat. 969, known as the National Park System Concessions Policy Act, which was classified generally to subchapter IV (§ 20 et seq.) of chapter 1 of this title prior to repeal by Pub. L. 105-391, title IV, § 415(a), Nov. 13, 1998, 112 Stat. 3515.

Section 10526(a)(9) of title 49, referred to in subsec. (g), was omitted in the general amendment of subtitle IV of Title 49, Transportation, by Pub. L. 104-88, title I, § 102(a), Dec. 29, 1995, 109 Stat. 804. Previously, “section 10526(a)(9) of title 49” was substituted for “section 203(b)(4) of the Interstate Commerce Act (49 U.S.C. 303(b)(4))” on authority of Pub. L. 95-473, § 3(b), Oct. 17, 1978, 92 Stat. 1466, the first section of which enacted subtitle IV (§ 10101 et seq.) of Title 49.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-333 struck out subsec. (c) which read as follows: “Acquisitions pursuant to subsection (b)(3) and (4) of this section shall not commence prior to sixty days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) from the time the Secretary has submitted a detailed proposal for such acquisitions to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.”

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2304 of this title.

§ 2303. Transportation projects

(a) Assistance of heads of other Federal departments and agencies in formulation and implementation

To carry out the purposes of this chapter, the Secretary of Transportation, the Secretary of

Housing and Urban Development, the Secretary of Health and Human Services, and the Secretary of Commerce, and the heads of such other Federal departments or agencies as the Secretary deems necessary are directed to assist the Secretary in the formulation and implementation of transportation projects.

(b) Report to Congressional committees concerning planning, etc.

Within one hundred and eighty days from August 15, 1978, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, a compilation of Federal statutes and programs providing authority for the planning, funding, or operation of transportation projects which might be utilized by the Secretary to carry out the purpose of this chapter. The Secretary shall revise the compilation thereafter as he deems necessary.

(Pub. L. 95-344, title III, § 303, Aug. 15, 1978, 92 Stat. 479; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 103-437, § 6(d)(18), Nov. 2, 1994, 108 Stat. 4584.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsec. (a) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2304. Procedures applicable to formulation and implementation of transportation plans and projects developed pursuant to plans

(a) Public notice and meeting

The Secretary shall, during the formulation of any transportation plan authorized pursuant to section 2302 of this title—

(1) give public notice of intention to formulate such a plan by publication in the Federal Register and in a newspaper or periodical having general circulation in the vicinity of the affected unit of the national park system;

(2) following such notice hold a public meeting at a location or locations convenient to the affected unit of the National Park System.

(b) Notice and opportunity to comment given to State and local governments; report to Congressional committees

Prior to the implementation of any project developed pursuant to the transportation plan formulated pursuant to subsection (a) of this section, the Secretary shall—

(1) establish procedures, including but not limited to public meetings, to give State and local governments and the public adequate notice and an opportunity to comment on the proposed transportation project; and

¹ See References in Text note below.