

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3684
OFFERED BY MR. AUCHINCLOSS OF
MASSACHUSETTS**

At the end of subtitle B of title II of division B of the bill, add the following:

**1 SEC. 2206. NEW MUNICIPAL TRANSIT SERVICES TO BETTER
2 CONNECT COMMUNITIES.**

3 Section 5336 of title 49, United States Code, is fur-
4 ther amended by adding at the end the following:

5 “(l) PASS THROUGH FUNDING.—

6 “(1) PASS THROUGH TO SERVICE PROVIDERS.—

7 Designated recipients, upon request of a provider of
8 new public transportation service, shall enter into a
9 split letter or some other agreement under which not
10 less than 80 percent of the funding apportioned
11 under subparagraphs (A)(i) and (B)(i) of subsection
12 (c)(1) to a service provider that results from the
13 provision of new qualified transit services provided
14 by such provider is passed through to such provider
15 so long as the following conditions are met—

16 “(A) the service being provided as well as
17 the service provider are eligible for assistance

1 and meets or exceeds all Federal Transit Ad-
2 ministration requirements, including the re-
3 quirements of sections 5320 and 5333;

4 “(B) the service provided has submitted
5 the appropriate data to the National Transit
6 Database or has submitted such data to an-
7 other regional entity for submission to the Na-
8 tional Transit Database;

9 “(C) the service provider is eligible to be a
10 recipient of Federal transit funds;

11 “(D) the service provider is able to use the
12 funding for continued service or expansion of el-
13 igible transit services so long as any new service
14 being provided does not duplicate existing serv-
15 ice being provided; and

16 “(E) the regional metropolitan planning
17 organization does not opt out of the pass-
18 through requirement as allowed by paragraph
19 (2).

20 “(2) OPT-OUT.—A metropolitan planning orga-
21 nization may elect to have designated recipients
22 under the jurisdiction of such planning organization
23 opt-out if such planning organization certifies with
24 the Administrator that 1 of the following conditions
25 are met:

1 “(A) The new service has not met the con-
2 ditions outlined by paragraph (1) of this sub-
3 section.

4 “(B) The new service does not address or
5 align with the policies and goals identified in
6 the region’s transportation plan.

7 “(C) The metropolitan planning organiza-
8 tion or designated recipient has in place a proc-
9 ess or policy that addresses multi-agency or re-
10 gional issues with formula funds and includes
11 an opportunity for new service providers to par-
12 ticipate and receive necessary funding from
13 such policy or program.

14 “(3) SERVICE PROVIDER DEFINED.—In this
15 subsection, the term ‘service provider’—

16 “(A) has the meaning given the term ‘local
17 government authority’ in section 5302; and

18 “(B) means a public transportation agen-
19 cy.”.

