

# Department of Transportation Act

SECTION 4(I) AS CREATED BY THE AMTRAK IMPROVEMENT ACT OF 1974, AS AMENDED

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The Amtrak Improvement Act became law on October 28, 1974 (Public Law 93-496, 49 U.S.C. 5561-5567, formerly 49 U.S.C. 1653i) as an amendment to the Department of Transportation Act (Public Law 89-670). It has been amended seven times. The description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code. We have added extra code citations because of the complex amendment history.

49 U.S.C. 5561-5567,  
Terminals

49 U.S.C. 5562,  
Terminal assistance  
projects

49 U.S.C. 5562(a),  
Requirements to pro-  
vide assistance

49 U.S.C. 5562(a)(1)-(4),  
Purposes

49 U.S.C. 5563,  
Conversion of cer-  
tain rail passenger  
terminals, authority  
to provide assistance

## Section 4(i)

(1) The Secretary of Transportation shall provide financial, technical, and advisory assistance under this chapter to—

(A) promote, on a feasibility demonstration basis, the conversion of at least 3 rail passenger terminals into intermodal transportation terminals;

(B) preserve rail passenger terminals that reasonably are likely to be converted or maintained pending preparation of plans for their reuse;

(C) acquire and use space in suitable buildings of historic or architectural significance but only if use of the space is feasible and prudent when compared to available alternatives; and

(D) encourage State and local governments, local and regional transportation authorities, common carriers, philanthropic organizations, and other responsible persons to develop plans to convert rail passenger terminals into intermodal transportation terminals and civic and cultural activity centers.

(2) The Secretary of Transportation may provide financial assistance to convert a rail passenger terminal to an intermodal transportation terminal under section 4(i)(1)(A) of this Act [49 U.S.C. 5562(a)(1)] only if—

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- 49 U.S.C. 5563(a)(1) (A) the terminal can be converted to accommodate other modes of transportation the Secretary of Transportation decides are appropriate, including—
- 49 U.S.C. 5563 (a)(1)(i) (i) motorbus transportation;
- (ii) mass transit (rail or rubber tire); and
- (iii) airline ticket offices and passenger terminals providing direct transportation to area airports;
- 49 U.S.C. 5563(a)(2) (B) the terminal is listed on the National Register of Historic Places maintained by the Secretary of the Interior;
- 49 U.S.C. 5563(a)(3) (C) the architectural integrity of the terminal will be preserved;
- 49 U.S.C. 5563(a)(4) (D) to the extent practicable, the use of the terminal facilities for transportation may be combined with use of those facilities for other civic and cultural activities, especially when another activity is recommended by—
- 49 U.S.C. 5563(a)(4)(A) (i) the Advisory Council on Historic Preservation;
- (ii) the Chairman of the National Endowment for the Arts; or
- (iii) consultants retained under subsection(b) of this section; and
- 49 U.S.C. 5563(a)(5) (E) the terminal and the conversion project meet other criteria prescribed by the Secretary of Transportation after consultation with the Council and the Chairman.
- 49 U.S.C. 5563(b), Architectural integrity The Secretary of Transportation must employ consultants on whether the architectural integrity of the rail passenger terminal will be preserved under subsection (i)(1)(C) of this section. The Secretary may decide that the architectural integrity will be preserved only if the consultants concur. The Council and Chairman shall recommend consultants to be employed by the Secretary. The consultants also may make recommendations referred to in subsection (i)(1)(D) [49 U.S.C. 5563 (A)(4)] of this section.
- 49 U.S.C. 5563(c), Government's share of costs The Secretary of Transportation may not make a grant under this section for more than 80 percent of the total cost of converting a rail passenger terminal into an intermodal transportation terminal.

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49 U.S.C. 5564,  
Interim preservation of  
certain rail passenger  
terminals

49 U.S.C. 5564(a),  
General grant  
authority

49 U.S.C. 5564(b),  
Grant requirements

49 U.S.C. 5564(b)(i)

49 U.S.C. 5564(c),  
Maximizing preserva-  
tion of terminals

49 U.S.C. 5564(c)(i)

49 U.S.C. 5564(c)(i)(A)

49 U.S.C. 5564(c)(2)

(3)(A) Subject to paragraph 4(i)(3)(B) of this section [49 U.S.C. 5564(b)], the Secretary of Transportation may make a grant of financial assistance to a responsible person (including a governmental authority) to preserve a rail passenger terminal under section 4(i)(1)(B) of this Act [49 U.S.C. 5562(a)(2)]. To receive assistance under this section, the person must be qualified, prepared, committed, and authorized by law to maintain (and prevent the demolition, dismantling, or further deterioration of) the terminal until plans for its reuse are prepared.

(B) The Secretary of Transportation may make a grant of financial assistance under this section only if—

(i) the Secretary decides the rail passenger terminal has a reasonable likelihood of being converted to, or conditioned for reuse as, an intermodal transportation terminal, a civic or cultural activities center, or both; and

(ii) planning activity directed toward conversion or reuse has begun and is proceeding in a competent way.

(C) Maximizing Preservation of Terminals.—

(i) Amounts appropriated to carry out this section and section 4(i)(1)(B) of this Act [49 U.S.C. 5562(a)(2)] of this title shall be expended in the way most likely to maximize the preservation of rail passenger terminals that are—

(I) reasonably capable of conversion to intermodal transportation terminals;

(II) listed in the National Register of Historic Places maintained by the Secretary of Interior; or

(III) recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation or the Chairman of the National Endowment for the Arts.

(ii) The Secretary of Transportation may not make a grant under this section for more than 80 percent of the total cost of maintaining the terminal for an interim period of not more than 5 years.

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49 U.S.C. 5562(c),  
Consultation

(4) The Secretary may acquire space under subsection (1)(c) [49 U.S.C. 5562(a)(3)] of this section only after consulting with the Advisory Council on Historic Preservation and the Chairman of the National Endowment for the Arts.

49 U.S.C. 5565,  
Encouraging the development of plans for converting certain rail passenger terminals

(5)(A) The Secretary of Transportation may make a grant of financial assistance to a qualified person (including a governmental authority) to encourage the development of plans for converting a rail passenger terminal under section 4(i)(1)(D) of this Act [49 U.S.C. 5562(a)(4)]. To receive assistance under this section, the person must—

49 U.S.C. 5565(a),  
General grant authority

(i) be prepared to develop practicable plans that meet zoning, land use, and other requirements of the applicable State and local jurisdictions in which the terminal is located;

49 U.S.C. 5565(a)(1)

(ii) incorporate into the designs and plans proposed for converting the terminal, features that reasonably appear likely to attract private investors willing to carry out the planned conversion and its subsequent maintenance and operation; and

(iii) complete the designs and plans for the conversion within the period of time prescribed by the Secretary.

49 U.S.C. 5565(b),  
Preference

(B) In making a grant under this section, the Secretary of Transportation shall give preferential consideration to an applicant whose completed designs and plans will be carried out within 3 years after their completion.

49 U.S.C. 5565(c),  
Maximizing conversion and continued public use

(C)(i) Amounts appropriated to carry out this section and section 4(i)(2)(D) of this Act [49 U.S.C. 5562(a)(4)] shall be expended in the way most likely to maximize the conversion and continued public use of rail passenger terminals that are—

49 U.S.C. 5565 (c)(i)

(I) listed in the National Register of Historic Places maintained by the Secretary of Interior; or

49 U.S.C. 5565(c)(i)(A)

(II) recommended (on the basis of architectural integrity and quality) by the Advisory Council on Historic Preservation or the Chairman of the National Endowment for the Arts.

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49 U.S.C. 5565(c)(2)

(ii) The Secretary of Transportation may not make a grant under this section for more than 80 percent of the total cost of the project for which the financial assistance is provided.

(Subsection 4(i)(6) omitted)

49 U.S.C. 5567,  
Amtrak use, prefer-  
ence for preserving  
buildings of historic  
or architectural  
significance

(7) Amtrak shall give preference to the use of rail passenger terminal facilities that will preserve buildings of historic or architectural significance.

(Subsections 4(i)(8) and (9) omitted)

49 U.S.C. 5561,  
Definition

(10) In this chapter, “**civic and cultural activities**” includes libraries, musical and dramatic presentations, art exhibits, adult education programs, public meeting places, and other facilities for carrying on an activity any part of which is supported under a law of the United States.

49 U.S.C. 5562(b),  
Effects on eligibility

(11) This Act does not affect the eligibility of any rail passenger terminal for preservation or reuse assistance under another program or law.

(Remainder of the Act omitted)