§ 5324. Special provisions for capital projects

(a) Relocation and Real Property Requirements.— The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) shall apply to financial assistance for capital projects under this chapter.

(b) Consideration of Economic, Social, and Environmental Interests.—

(1) Cooperation and consultation.— In carrying out the policy of section 5301 (e), the Secretary shall cooperate and consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment.

(2) Public participation in environmental reviews.— In performing environmental reviews, the Secretary shall review each transcript of a hearing submitted under section 5323 (b) to establish that an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest in the project, and that the project application includes a record of—

(A) the environmental impact of the proposal;
(B) adverse environmental effects that cannot be avoided;
(C) alternatives to the proposal; and
(D) irreversible and irretrievable impacts on the environment.

(3) Approval of applications for assistance.—

(A) Findings by the secretary.— The Secretary may approve an application for financial assistance for a capital project in accordance with this chapter only if the Secretary makes written findings, after reviewing the application and the transcript of any hearing held before a State or local governmental authority under section 5323 (b), that—

(i) an adequate opportunity to present views was given to all parties having a significant economic, social, or environmental interest;
(ii) the preservation and enhancement of the environment and the interest of the community in which the project is located were considered; and
(iii) no adverse environmental effect is likely to result from the project, or no feasible and prudent alternative to the effect exists and all reasonable steps have been taken to minimize the effect.

(B) Hearing.— If a hearing has not been conducted or the Secretary decides that the record of the hearing is inadequate for making the findings required by this subsection, the Secretary shall conduct a hearing on an environmental issue raised by the application after giving adequate notice to interested persons.

(C) Availability of findings.— The Secretary’s findings under subparagraph (A) shall be made a matter of public record.

(c) Railroad Corridor Preservation.—

(1) In general.— The Secretary may assist an applicant to acquire railroad right-of-way before the completion of the environmental reviews for any project that may use the right-of-way if the acquisition is otherwise permitted under Federal law. The Secretary may establish restrictions on such an acquisition as the Secretary determines to be necessary and appropriate.

(2) Environmental reviews.— Railroad right-of-way acquired under this subsection may not be developed in anticipation of the project until all required environmental reviews for the project have been completed.
Historical and Revision Notes

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In subsection (a), before clause (1), the word “provided” is substituted for “extended” for clarity. The words “to any project” are omitted as surplus. In clause (2), the words “available . . . displaced” are omitted as surplus.


In subsection (b)(2), before clause (A), the words “In carrying out section 5306 of this title” are added for clarity and consistency with subsections (b)(3) and (c) of this section. The word “detailed” is omitted as surplus. In clause (B), the words “should the proposal be implemented” are omitted as surplus. In clause (D), the words “which may be involved in the proposed project should it be implemented” are omitted as surplus.

In subsection (b)(3)(A), before clause (i), the word “financial” is added for clarity. The words “full and complete” are omitted as surplus. In clause (ii), the word “fair” is omitted as surplus. In clause (iii), the word “either” is omitted as surplus.

In subsection (b)(3)(B), the words “before the State or local agency pursuant to section 1602 (d) of this Appendix” and “before the State or local public agency . . . to permit him” are omitted as surplus.

In subsection (c), the words “The Secretary of Transportation may not” are substituted for “None of the provisions of this chapter shall be construed to authorize the Secretary to” to eliminate unnecessary words. The words “in any manner . . . mode of” and “rates, fares, tolls, rentals, or other . . . fixed or prescribed . . . by any local public or private transit agency” are omitted as surplus. The words “However, the Secretary may” are substituted for “but nothing in this subsection shall prevent the Secretary from taking such actions as may be necessary to” to eliminate unnecessary words. The words “local governmental authority, corporation, or association” are substituted for “agency or agencies” for consistency with sections 5309 and 5310 of the revised title.
References in Text


Amendments

2005—Pub. L. 109–59 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to requirements of a relocation program for families displaced by a project, consideration of economic, social, and environmental interests, and prohibition against regulating the operation of a mass transportation system for which a grant is made under section 5309 and regulating any charge for the system after a grant is made.