(5) Shall determine that the State, or
the political subdivision thereof, where
the project is to be located, or any
agency or instrumentality of such
State or political subdivision, has the
authority and capability of con-
structing, maintaining, and operating
the facility.
(6) Shall receive assurance from the
State that the facility will remain in
public ownership as long as the facility
is needed and that any change in own-
ership shall have prior FHWA approval;
(7) Shall enter into an agreement
with the State, political subdivision,
agency, or instrumentality governing
the financing, maintenance, and oper-
ation of the parking facility; and
(8) Shall approve design standards for
constructing the facility as developed
in cooperation with the State highway
agency.
(b) A State political subdivision,
agency, or instrumentality thereof
may contract with any person to oper-
ate any parking facility constructed
under this section.
(c) In authorizing projects involving
fringe and transportation corridor
parking facilities, the class of Federal-
aid funds (primary, secondary, or urban
system) used for projects under this
subpart may be either funds designated
for the Federal-aid system on which
the facility is located or the Federal-
aid system substantially benefited. For
Interstate funds to be used for such eli-
gible projects the Federal-aid Inter-
state system must be the system which
substantially benefits. The benefiting
system is that system which would
have otherwise carried the high occu-
pancy vehicle or rail passengers to
their destination. Interstate construc-
tion funds may be used only where the
parking facility was approved in the
1981 Interstate Cost Estimate and is
constructed in conjunction with a high
occupancy vehicle lane approved in the
1981 Interstate Cost Estimate.
§ 810.200 Purpose.
The purpose of this subpart is to im-
plement 23 U.S.C. 142(g), which permits
the Federal Highway Administrator to
authorize a State to make available to
a publicly-owned mass transit author-
ity existing highway rights-of-way for
rail or other non-highway public mass
transit facilities.
§ 810.202 Applicability.
(a) The provisions of this subpart are
applicable to the rights-of-way of all
Federal-aid highways in which Federal-
aid highway funds have participated or
will participate in any part of the cost
of the highway.
(b) The provisions of this subpart do
not preclude acquisition of rights-of-
way for use involving mass transit fa-
cilities under the provisions of sub-
parts B and D of this part. Rights-of-
way made available under this subpart
public or private locations) for fringe
and transportation corridor parking.
(1) Eligible activities include the ac-
quision of or the initial and renewal
costs for leasing existing parking
space, signing of and modifications to
existing facilities, trail blazer signs,
and passenger loading areas and facili-
ties.
(2) The approval criteria in 23 CFR
810.106 (a)(1), (4), (5), (7) and (8) apply to
these parking facilities.
(b) In accordance with the provisions
of 23 CFR 810.102, the Federal Highway
Administrator may approve on any
Federal-aid system the work necessary
to designate existing highway lanes as
high occupancy vehicle lanes.
(c) Interstate construction funds may
be used only where the proposed
projects were approved in the 1981
Interstate Cost Estimate.
Subpart C—Making Highway
Rights-of-Way Available for
Mass Transit Projects
§ 810.108 Designation of existing facili-
ties.
(a) In accordance with the provisions
of 23 CFR 810.102, the Federal Highway
Administrator may approve on any
Federal-aid system the work necessary
to designate existing parking facilities
(such as at shopping centers or other
Federal Highway Administration, DOT
§ 810.202

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