

program authorized under section 166 of Pub. L. 108-199, increased the program to 5 pilot projects, and required reports on the results of the projects.

Pub. L. 108-199, div. F, title I, §166, Jan. 23, 2004, 118 Stat. 637; Pub. L. 108-263, §7(u), June 30, 2004, 118 Stat. 708; Pub. L. 108-280, §7(u), July 30, 2004, 118 Stat. 886; Pub. L. 108-310, §8(u), Sept. 30, 2004, 118 Stat. 1158; Pub. L. 109-14, §7(t), May 31, 2005, 119 Stat. 334; Pub. L. 109-20, §7(s), July 1, 2005, 119 Stat. 356; Pub. L. 109-35, §7(s), July 20, 2005, 119 Stat. 389; Pub. L. 109-37, §7(s), July 22, 2005, 119 Stat. 404; Pub. L. 109-40, §7(s), July 28, 2005, 119 Stat. 421, allowed recipients of assistance under section 5307 or 5309 of this title to use proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project for fiscal years 1999 to 2004 and from Oct. 1, 2004, to July 30, 2005.

LOCAL SHARE

Pub. L. 105-178, title III, §3011, June 9, 1998, 112 Stat. 357, as amended by Pub. L. 108-202, §9(u), Feb. 29, 2004, 118 Stat. 489; Pub. L. 108-224, §7(u), Apr. 30, 2004, 118 Stat. 637; Pub. L. 108-263, §7(u), June 30, 2004, 118 Stat. 708; Pub. L. 108-280, §7(u), July 30, 2004, 118 Stat. 886; Pub. L. 108-310, §8(u), Sept. 30, 2004, 118 Stat. 1158; Pub. L. 109-14, §7(t), May 31, 2005, 119 Stat. 334; Pub. L. 109-20, §7(s), July 1, 2005, 119 Stat. 356; Pub. L. 109-35, §7(s), July 20, 2005, 119 Stat. 389; Pub. L. 109-37, §7(s), July 22, 2005, 119 Stat. 404; Pub. L. 109-40, §7(s), July 28, 2005, 119 Stat. 421, allowed recipients of assistance under section 5307 or 5309 of this title to use proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project for fiscal years 1999 to 2004 and from Oct. 1, 2004, to July 30, 2005.

PILOT PROGRAM FOR INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND

Pub. L. 105-178, title III, §3021, June 9, 1998, 112 Stat. 363; as amended by Pub. L. 105-206, title IX, §9009(m), July 22, 1998, 112 Stat. 857; Pub. L. 105-277, div. A, §101(g) [title III, §354], Oct. 21, 1998, 112 Stat. 2681-439, 2681-476; Pub. L. 106-69, title III, §323, Oct. 9, 1999, 113 Stat. 1020, required the Secretary of Transportation to establish a pilot program to determine the benefits of using funds from the Mass Transit Account of the Highway Trust Fund for intercity passenger rail and required a report evaluating the program to be submitted no later than Oct. 1, 2002.

CONTINUATION OF OPERATING ASSISTANCE TO CERTAIN LARGER URBANIZED AREAS

Pub. L. 105-178, title III, §3027(c), June 9, 1998, 112 Stat. 366; as amended by Pub. L. 105-206, title IX, §9009(o)(1), July 22, 1998, 112 Stat. 858; Pub. L. 105-277, div. A, §101(g) [title III, §360], Oct. 21, 1998, 112 Stat. 2681-439, 2681-477; Pub. L. 106-31, title VI, §6004, May 21, 1999, 113 Stat. 113; Pub. L. 106-346, §101(a) [title III, §341], Oct. 23, 2000, 114 Stat. 1356, 1356A-32; Pub. L. 108-199, div. F, title I, §176, Jan. 23, 2004, 118 Stat. 311, authorized the Secretary of Transportation to continue helping to finance mass transportation operating costs in certain urban areas for the period beginning on June 9, 1998, and ending no later than 3 years after that date.

[§ 5308. Repealed. Pub. L. 112-141, div. B, § 20002(a), July 6, 2012, 126 Stat. 622]

Section, Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 800; Pub. L. 105-178, title III, §3008(a), (c), June 9, 1998, 112 Stat. 348; Pub. L. 105-206, title IX, §9009(f), July 22, 1998, 112 Stat. 855; Pub. L. 109-59, title III, §3010(a), Aug. 10, 2005, 119 Stat. 1572, related to a grant program for clean fuel buses.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

NATIONAL FUEL CELL BUS TECHNOLOGY DEVELOPMENT PROGRAM

Pub. L. 109-59, title III, §3045, Aug. 10, 2005, 119 Stat. 1705, which provided for the establishment of a national fuel cell bus technology development program, was repealed by Pub. L. 112-141, div. B, § 20002(c)(4), July 6, 2012, 126 Stat. 622.

§ 5309. Fixed guideway capital investment grants

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) APPLICANT.—The term “applicant” means a State or local governmental authority that applies for a grant under this section.

(2) CORE CAPACITY IMPROVEMENT PROJECT.—The term “core capacity improvement project” means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent. The term does not include project elements designed to maintain a state of good repair of the existing fixed guideway system.

(3) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.—The term “corridor-based bus rapid transit project” means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems, including defined stations; traffic signal priority for public transportation vehicles; short headway bidirectional services for a substantial part of weekdays and weekend days; and any other features the Secretary may determine support a long-term corridor investment, but the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods.

(4) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.—The term “fixed guideway bus rapid transit project” means a bus capital project—

(A) in which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

(B) that represents a substantial investment in a single route in a defined corridor or subarea; and

(C) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

(i) defined stations;

(ii) traffic signal priority for public transportation vehicles;

(iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and

(iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

(5) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term “new fixed guideway capital project” means—

(A) a new fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

(B) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

(6) PROGRAM OF INTERRELATED PROJECTS.—The term “program of interrelated projects” means the simultaneous development of—

(A) 2 or more new fixed guideway capital projects or core capacity improvement projects; or

(B) 1 or more new fixed guideway capital projects and 1 or more core capacity improvement projects.

(7) SMALL START PROJECT.—The term “small start project” means a new fixed guideway capital project or corridor-based bus rapid transit project for which—

(A) the Federal assistance provided or to be provided under this section is less than \$75,000,000; and

(B) the total estimated net capital cost is less than \$250,000,000.

(b) GENERAL AUTHORITY.—The Secretary may make grants under this section to State and local governmental authorities to assist in financing—

(1) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for fixed guideway corridor development for projects in the advanced stages of project development or engineering; and

(2) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by at least 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(c) GRANT REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may make a grant under this section for new fixed guideway capital projects, small start projects, or core capacity improvement projects, if the Secretary determines that—

(A) the project is part of an approved transportation plan required under sections 5303 and 5304; and

(B) the applicant has, or will have—

(i) the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of the project;

(ii) satisfactory continuing control over the use of the equipment or facilities; and

(iii) the technical and financial capacity to maintain new and existing equipment and facilities.

(2) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this subsection.

(3) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity re-

view process for applicants that have recently and successfully completed at least 1 new fixed guideway capital project, or core capacity improvement project, if—

(A) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

(B) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

(4) RECIPIENT REQUIREMENTS.—A recipient of a grant awarded under this section shall be subject to all terms, conditions, requirements, and provisions that the Secretary determines to be necessary or appropriate for purposes of this section.

(d) NEW FIXED GUIDEWAY GRANTS.—

(1) PROJECT DEVELOPMENT PHASE.—

(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A new fixed guideway capital project shall enter into the project development phase when—

(i) the applicant—

(I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and

(II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and

(ii) the Secretary—

(I) responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including, when necessary, a detailed description of any information deemed insufficient; and

(II) provides concurrent notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of whether the new fixed guideway capital project is entering the project development phase.

(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification, policies and land use patterns that promote public transportation, and local financial commitment under this subsection.

(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.—

(i) IN GENERAL.—Not later than 2 years after the date on which a project enters into the project development phase, the applicant shall complete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.

(ii) EXTENSION OF TIME.—Upon the request of an applicant, the Secretary may

extend the time period under clause (i), if the applicant submits to the Secretary—

(I) a reasonable plan for completing the activities required under this paragraph; and

(II) an estimated time period within which the applicant will complete such activities.

(2) ENGINEERING PHASE.—

(A) IN GENERAL.—A new fixed guideway capital project may advance to the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that the project—

(i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) is adopted into the metropolitan transportation plan required under section 5303;

(iii) is justified based on a comprehensive review of the project's mobility improvements, the project's environmental benefits, congestion relief associated with the project, economic development effects associated with the project, policies and land use patterns of the project that support public transportation, and the project's cost-effectiveness as measured by cost per rider;

(iv) is supported by policies and land use patterns that promote public transportation, including plans for future land use and rezoning, and economic development around public transportation stations; and

(v) is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).

(B) DETERMINATION THAT PROJECT IS JUSTIFIED.—In making a determination under subparagraph (A)(iii), the Secretary shall evaluate, analyze, and consider—

(i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient; and

(ii) population density and current public transportation ridership in the transportation corridor.

(e) CORE CAPACITY IMPROVEMENT PROJECTS.—

(1) PROJECT DEVELOPMENT PHASE.—

(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A core capacity improvement project shall be deemed to have entered into the project development phase if—

(i) the applicant—

(I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and

(II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and

(ii) the Secretary—

(I) responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including when necessary a detailed description of any information deemed insufficient; and

(II) provides concurrent notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of whether the core capacity improvement project is entering the project development phase.

(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification and local financial commitment under this subsection.

(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.—

(i) IN GENERAL.—Not later than 2 years after the date on which a project enters into the project development phase, the applicant shall complete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.

(ii) EXTENSION OF TIME.—Upon the request of an applicant, the Secretary may extend the time period under clause (i), if the applicant submits to the Secretary—

(I) a reasonable plan for completing the activities required under this paragraph; and

(II) an estimated time period within which the applicant will complete such activities.

(2) ENGINEERING PHASE.—

(A) IN GENERAL.—A core capacity improvement project may advance into the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that the project—

(i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969;

(ii) is adopted into the metropolitan transportation plan required under section 5303;

(iii) is in a corridor that is—

(I) at or over capacity; or

(II) projected to be at or over capacity within the next 5 years;

(iv) is justified based on a comprehensive review of the project's mobility improvements, the project's environmental benefits, congestion relief associated with the project, economic development effects associated with the project, the capacity needs of the corridor, and the project's cost-effectiveness as measured by cost per rider; and

(v) is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).

(B) DETERMINATION THAT PROJECT IS JUSTIFIED.—In making a determination under subparagraph (A)(iv), the Secretary shall evaluate, analyze, and consider—

(i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient;

(ii) whether the project will increase capacity at least 10 percent in a corridor;

(iii) whether the project will improve interconnectivity among existing systems; and

(iv) whether the project will improve environmental outcomes.

(f) FINANCING SOURCES.—

(1) REQUIREMENTS.—In determining whether a project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subsection (d)(2)(A)(v) or (e)(2)(A)(v), the Secretary shall require that—

(A) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases or funding shortfalls;

(B) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

(C) local resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary to achieve the projected ridership levels without requiring a reduction in existing public transportation services or level of service to operate the project.

(2) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing for purposes of subsection (d)(2)(A)(v) or (e)(2)(A)(v), the Secretary shall consider—

(A) the reliability of the forecasting methods used to estimate costs and revenues made by the recipient and the contractors to the recipient;

(B) existing grant commitments;

(C) the degree to which financing sources are dedicated to the proposed purposes;

(D) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose;

(E) the extent to which the project has a local financial commitment that exceeds the required non-Government share of the cost of the project; and

(F) private contributions to the project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(g) PROJECT ADVANCEMENT AND RATINGS.—

(1) PROJECT ADVANCEMENT.—A new fixed guideway capital project or core capacity improvement project proposed to be carried out using a grant under this section may not advance from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that—

(A) the project meets the applicable requirements under this section; and

(B) there is a reasonable likelihood that the project will continue to meet the requirements under this section.

(2) RATINGS.—

(A) OVERALL RATING.—In making a determination under paragraph (1), the Secretary shall evaluate and rate a project as a whole on a 5-point scale (high, medium-high, medium, medium-low, or low) based on—

(i) in the case of a new fixed guideway capital project, the project justification criteria under subsection (d)(2)(A)(iii), the policies and land use patterns that support public transportation, and the degree of local financial commitment; and

(ii) in the case of a core capacity improvement project, the capacity needs of the corridor, the project justification criteria under subsection (e)(2)(A)(iv), and the degree of local financial commitment.

(B) INDIVIDUAL RATINGS FOR EACH CRITERION.—In rating a project under this paragraph, the Secretary shall—

(i) provide, in addition to the overall project rating under subparagraph (A), individual ratings for each of the criteria established under subsection (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable; and

(ii) give comparable, but not necessarily equal, numerical weight to each of the criteria established under subsections (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable, in calculating the overall project rating under clause (i).

(C) MEDIUM RATING NOT REQUIRED.—The Secretary shall not require that any single project justification criterion meet or exceed a "medium" rating in order to advance the project from one phase to another.

(3) WARRANTS.—The Secretary shall, to the maximum extent practicable, develop and use special warrants for making a project justification determination under subsection (d)(2) or (e)(2), as applicable, for a project proposed to be funded using a grant under this section, if—

(A) the share of the cost of the project to be provided under this section does not exceed—

- (i) \$100,000,000; or
 - (ii) 50 percent of the total cost of the project;
 - (B) the applicant requests the use of the warrants;
 - (C) the applicant certifies that its existing public transportation system is in a state of good repair; and
 - (D) the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection.
- (4) **LETTERS OF INTENT AND EARLY SYSTEMS WORK AGREEMENTS.**—In order to expedite a project under this subsection, the Secretary shall, to the maximum extent practicable, issue letters of intent and enter into early systems work agreements upon issuance of a record of decision for projects that receive an overall project rating of medium or better.
- (5) **POLICY GUIDANCE.**—The Secretary shall issue policy guidance regarding the review and evaluation process and criteria—
- (A) not later than 180 days after the date of enactment of the Federal Public Transportation Act of 2012; and
 - (B) each time the Secretary makes significant changes to the process and criteria, but not less frequently than once every 2 years.
- (6) **RULES.**—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue rules establishing an evaluation and rating process for—
- (A) new fixed guideway capital projects that is based on the results of project justification, policies and land use patterns that promote public transportation, and local financial commitment, as required under this subsection; and
 - (B) core capacity improvement projects that is based on the results of the capacity needs of the corridor, project justification, and local financial commitment.
- (7) **APPLICABILITY.**—This subsection shall not apply to a project for which the Secretary issued a letter of intent, entered into a full funding grant agreement, or entered into a project construction agreement before the date of enactment of the Federal Public Transportation Act of 2012.
- (h) **SMALL START PROJECTS.**—
- (1) **IN GENERAL.**—A small start project shall be subject to the requirements of this subsection.
 - (2) **PROJECT DEVELOPMENT PHASE.**—
 - (A) **ENTRANCE INTO PROJECT DEVELOPMENT PHASE.**—A new small starts project shall enter into the project development phase when—
 - (i) the applicant—
 - (I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and
 - (II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and
 - (ii) the Secretary—

- (I) responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including, when necessary, a detailed description of any information deemed insufficient; and

- (II) provides concurrent notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of whether the small starts project is entering the project development phase.

(B) **ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.**—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification, policies and land use patterns that promote public transportation, and local financial commitment under this subsection.

(3) **SELECTION CRITERIA.**—The Secretary may provide Federal assistance for a small start project under this subsection only if the Secretary determines that the project—

- (A) has been adopted as the locally preferred alternative as part of the metropolitan transportation plan required under section 5303;

- (B) is based on the results of an analysis of the benefits of the project as set forth in paragraph (4); and

- (C) is supported by an acceptable degree of local financial commitment.

(4) **EVALUATION OF BENEFITS AND FEDERAL INVESTMENT.**—In making a determination for a small start project under paragraph (3)(B), the Secretary shall analyze, evaluate, and consider the following evaluation criteria for the project (as compared to a no-action alternative): mobility improvements, environmental benefits, congestion relief, economic development effects associated with the project, policies and land use patterns that support public transportation and cost-effectiveness as measured by cost per rider.

(5) **EVALUATION OF LOCAL FINANCIAL COMMITMENT.**—For purposes of paragraph (3)(C), the Secretary shall require that each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

(6) **RATINGS.**—In carrying out paragraphs (4) and (5) for a small start project, the Secretary shall evaluate and rate the project on a 5-point scale (high, medium-high, medium, medium-low, or low) based on an evaluation of the benefits of the project as compared to the Federal assistance to be provided and the degree of local financial commitment, as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established by this subsection and shall give comparable, but not necessarily equal, numerical weight to the

benefits that the project will bring to the community in calculating the overall project rating.

(7) GRANTS AND EXPEDITED GRANT AGREEMENTS.—

(A) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal assistance under this subsection in a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

(B) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under this subsection, the Secretary may include in the agreement terms similar to those established under subsection (k)(2).

(C) NOTICE OF PROPOSED GRANTS AND EXPEDITED GRANT AGREEMENTS.—At least 10 days before making a grant award or entering into a grant agreement for a project under this subsection, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate of the proposed grant or expedited grant agreement, as well as the evaluations and ratings for the project.

(i) PROGRAMS OF INTERRELATED PROJECTS.—

(1) PROJECT DEVELOPMENT PHASE.—A federally funded project in a program of interrelated projects shall advance through project development as provided in subsection (d) or (e), as applicable.

(2) ENGINEERING PHASE.—A federally funded project in a program of interrelated projects may advance into the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that—

(A) the project is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969;

(B) the project is adopted into the metropolitan transportation plan required under section 5303;

(C) the program of interrelated projects involves projects that have a logical connectivity to one another;

(D) the program of interrelated projects, when evaluated as a whole, meets the requirements of subsection (d)(2) or (e)(2), as applicable;

(E) the program of interrelated projects is supported by a program implementation plan demonstrating that construction will begin on each of the projects in the program of interrelated projects within a reasonable time frame; and

(F) the program of interrelated projects is supported by an acceptable degree of local financial commitment, as described in subsection (f).

(3) PROJECT ADVANCEMENT AND RATINGS.—

(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements.

(B) RATINGS.—

(i) OVERALL RATING.—In making a determination under subparagraph (A), the Secretary shall evaluate and rate a program of interrelated projects on a 5-point scale (high, medium-high, medium, medium-low, or low) based on the criteria described in paragraph (2).

(ii) INDIVIDUAL RATING FOR EACH CRITERION.—In rating a program of interrelated projects, the Secretary shall provide, in addition to the overall program rating, individual ratings for each of the criteria described in paragraph (2) and shall give comparable, but not necessarily equal, numerical weight to each such criterion in calculating the overall program rating.

(iii) MEDIUM RATING NOT REQUIRED.—The Secretary shall not require that any single criterion described in paragraph (2) meet or exceed a “medium” rating in order to advance the program of interrelated projects from one phase to another.

(4) ANNUAL REVIEW.—

(A) REVIEW REQUIRED.—The Secretary shall annually review the program implementation plan required under paragraph (2)(E) to determine whether the program of interrelated projects is adhering to its schedule.

(B) EXTENSION OF TIME.—If a program of interrelated projects is not adhering to its schedule, the Secretary may, upon the request of the applicant, grant an extension of time if the applicant submits a reasonable plan that includes—

(i) evidence of continued adequate funding; and

(ii) an estimated time frame for completing the program of interrelated projects.

(C) SATISFACTORY PROGRESS REQUIRED.—If the Secretary determines that a program of interrelated projects is not making satisfactory progress, no Federal funds shall be provided for a project within the program of interrelated projects.

(5) FAILURE TO CARRY OUT PROGRAM OF INTERRELATED PROJECTS.—

(A) REPAYMENT REQUIRED.—If an applicant does not carry out the program of interrelated projects within a reasonable time, for reasons within the control of the appli-

cant, the applicant shall repay all Federal funds provided for the program, and any reasonable interest and penalty charges that the Secretary may establish.

(B) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

(6) NON-FEDERAL FUNDS.—Any non-Federal funds committed to a project in a program of interrelated projects may be used to meet a non-Government share requirement for any other project in the program of interrelated projects, if the Government share of the cost of each project within the program of interrelated projects does not exceed 80 percent.

(7) PRIORITY.—In making grants under this section, the Secretary may give priority to programs of interrelated projects for which the non-Government share of the cost of the projects included in the programs of interrelated projects exceeds the non-Government share required under subsection (1).

(8) NON-GOVERNMENT PROJECTS.—Including a project not financed by the Government in a program of interrelated projects does not impose Government requirements that would not otherwise apply to the project.

(j) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—Subsections (d) and (e) shall not apply to projects for which the Secretary has issued a letter of intent, approved entry into final design, entered into a full funding grant agreement, or entered into a project construction grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

(k) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

(1) LETTERS OF INTENT.—

(A) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a new fixed guideway capital project or core capacity improvement project, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. When a letter is issued for a capital project under this section, the amount shall be sufficient to complete at least an operable segment.

(B) TREATMENT.—The issuance of a letter under subparagraph (A) is deemed not to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31 or an administrative commitment.

(2) FULL FUNDING GRANT AGREEMENTS.—

(A) IN GENERAL.—A new fixed guideway capital project or core capacity improvement project shall be carried out through a full funding grant agreement.

(B) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based on the evaluations and ratings required under subsection (d), (e), or (i), as applicable,

with each grantee receiving assistance for a new fixed guideway capital project or core capacity improvement project that has been rated as high, medium-high, or medium, in accordance with subsection (g)(2)(A) or (i)(3)(B), as applicable.

(C) TERMS.—A full funding grant agreement shall—

(i) establish the terms of participation by the Government in a new fixed guideway capital project or core capacity improvement project;

(ii) establish the maximum amount of Federal financial assistance for the project;

(iii) include the period of time for completing the project, even if that period extends beyond the period of an authorization; and

(iv) make timely and efficient management of the project easier according to the law of the United States.

(D) SPECIAL FINANCIAL RULES.—

(i) IN GENERAL.—A full funding grant agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

(ii) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Government.

(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(iv) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this paragraph for a new fixed guideway capital project shall be sufficient to complete at least an operable segment.

(E) BEFORE AND AFTER STUDY.—

(i) IN GENERAL.—A full funding grant agreement under this paragraph shall require the applicant to conduct a study that—

(I) describes and analyzes the impacts of the new fixed guideway capital project or core capacity improvement project on public transportation services and public transportation ridership;

(II) evaluates the consistency of predicted and actual project characteristics and performance; and

(III) identifies reasons for differences between predicted and actual outcomes.

(ii) INFORMATION COLLECTION AND ANALYSIS PLAN.—

(I) SUBMISSION OF PLAN.—Applicants seeking a full funding grant agreement under this paragraph shall submit a complete plan for the collection and analysis of information to identify the impacts of the new fixed guideway capital project or core capacity improvement project and the accuracy of the forecasts prepared during the development of the project. Preparation of this plan shall be included in the full funding grant agreement as an eligible activity.

(II) CONTENTS OF PLAN.—The plan submitted under subclause (I) shall provide for—

(aa) collection of data on the current public transportation system regarding public transportation service levels and ridership patterns, including origins and destinations, access modes, trip purposes, and rider characteristics;

(bb) documentation of the predicted scope, service levels, capital costs, operating costs, and ridership of the project;

(cc) collection of data on the public transportation system 2 years after the opening of a new fixed guideway capital project or core capacity improvement project, including analogous information on public transportation service levels and ridership patterns and information on the as-built scope, capital, and financing costs of the project; and

(dd) analysis of the consistency of predicted project characteristics with actual outcomes.

(F) COLLECTION OF DATA ON CURRENT SYSTEM.—To be eligible for a full funding grant agreement under this paragraph, recipients shall have collected data on the current system, according to the plan required under subparagraph (E)(ii), before the beginning of construction of the proposed new fixed guideway capital project or core capacity improvement project. Collection of this data shall be included in the full funding grant agreement as an eligible activity.

(3) EARLY SYSTEMS WORK AGREEMENTS.—

(A) CONDITIONS.—The Secretary may enter into an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

(i) a full funding grant agreement for the project will be made; and

(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

(B) CONTENTS.—

(i) IN GENERAL.—An early systems work agreement under this paragraph obligates budget authority available under this chapter and title 23 and shall provide for

reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier.

(ii) CONTINGENT COMMITMENT.—An early systems work agreement may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

(iii) PERIOD COVERED.—An early systems work agreement under this paragraph shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization.

(iv) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out the early systems work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(v) FAILURE TO CARRY OUT PROJECT.—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Federal grant funds awarded for the project from all Federal funding sources, for all project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law or established by the Secretary in the early systems work agreement.

(vi) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

(4) LIMITATION ON AMOUNTS.—

(A) IN GENERAL.—The Secretary may enter into full funding grant agreements under this subsection for new fixed guideway capital projects and core capacity improvement projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

(B) APPROPRIATION REQUIRED.—An obligation may be made under this subsection only when amounts are appropriated for the obligation.

(5) NOTIFICATION TO CONGRESS.—At least 30 days before issuing a letter of intent, entering into a full funding grant agreement, or entering into an early systems work agreement under this section, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on

Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

(l) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.—

(1) IN GENERAL.—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost. A grant for a fixed guideway project or small start project shall not exceed 80 percent of the net capital project cost. A grant for a core capacity project shall not exceed 80 percent of the net capital project cost of the incremental cost of increasing the capacity in the corridor.

(2) ADJUSTMENT FOR COMPLETION UNDER BUDGET.—The Secretary may adjust the final net capital project cost of a new fixed guideway capital project or core capacity improvement project evaluated under subsection (d), (e), or (i) to include the cost of eligible activities not included in the originally defined project if the Secretary determines that the originally defined project has been completed at a cost that is significantly below the original estimate.

(3) MAXIMUM GOVERNMENT SHARE.—The Secretary may provide a higher grant percentage than requested by the grant recipient if—

(A) the Secretary determines that the net capital project cost of the project is not more than 10 percent higher than the net capital project cost estimated at the time the project was approved for advancement into the engineering phase; and

(B) the ridership estimated for the project is not less than 90 percent of the ridership estimated for the project at the time the project was approved for advancement into the engineering phase.

(4) REMAINDER OF NET CAPITAL PROJECT COST.—The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost.

(6) SPECIAL RULE FOR ROLLING STOCK COSTS.—In addition to amounts allowed pursuant to paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

(7) LIMITATION ON APPLICABILITY.—This subsection shall not apply to projects for which

the Secretary entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

(8) SPECIAL RULE FOR FIXED GUIDEWAY BUS RAPID TRANSIT PROJECTS.—For up to three fixed-guideway bus rapid transit projects each fiscal year the Secretary shall—

(A) establish a Government share of at least 80 percent; and

(B) not lower the project's rating for degree of local financial commitment for purposes of subsections (d)(2)(A)(v) or (h)(3)(C) as a result of the Government share specified in this paragraph.

(m) UNDERTAKING PROJECTS IN ADVANCE.—

(1) IN GENERAL.—The Secretary may pay the Government share of the net capital project cost to a State or local governmental authority that carries out any part of a project described in this section without the aid of amounts of the Government and according to all applicable procedures and requirements if—

(A) the State or local governmental authority applies for the payment;

(B) the Secretary approves the payment; and

(C) before the State or local governmental authority carries out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

(2) FINANCING COSTS.—

(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part.

(B) LIMITATION ON AMOUNT OF INTEREST.—The amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing.

(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

(n) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall remain available to that project for 5 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any amounts that are unobligated to the project at the end of the 5-fiscal-year period may be used by the Secretary for any purpose under this section.

(2) USE OF DEOBLIGATED AMOUNTS.—An amount available under this section that is deobligated may be used for any purpose under this section.

(o) REPORTS ON NEW FIXED GUIDEWAY AND CORE CAPACITY IMPROVEMENT PROJECTS.—

(1) ANNUAL REPORT ON FUNDING RECOMMENDATIONS.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Hous-

ing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes—

(A) a proposal of allocations of amounts to be available to finance grants for projects under this section among applicants for these amounts;

(B) evaluations and ratings, as required under subsections (d), (e), and (i), for each such project that is in project development, engineering, or has received a full funding grant agreement; and

(C) recommendations of such projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years based on information currently available to the Secretary.

(2) REPORTS ON BEFORE AND AFTER STUDIES.—Not later than the first Monday in August of each year, the Secretary shall submit to the committees described in paragraph (1) a report containing a summary of the results of any studies conducted under subsection (k)(2)(E).

(3) BIENNIAL GAO REVIEW.—The Comptroller General of the United States shall—

(A) conduct a biennial review of—

(i) the processes and procedures for evaluating, rating, and recommending new fixed guideway capital projects and core capacity improvement projects; and

(ii) the Secretary's implementation of such processes and procedures; and

(B) report to Congress on the results of such review by May 31 of each year.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 800; Pub. L. 104-287, §5(9), (12), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 102-240, title III, §3049(a), as added Pub. L. 105-130, §8, Dec. 1, 1997, 111 Stat. 2559; Pub. L. 105-178, title III, §3009(a), (c)-(h)(1), (3)(D), (i)-(k), June 9, 1998, 112 Stat. 352-357; Pub. L. 105-206, title IX, §9009(g), (h)(3), July 22, 1998, 112 Stat. 855, 856; Pub. L. 106-69, title III, §347, Oct. 9, 1999, 113 Stat. 1024; Pub. L. 106-346, §101(a) [title III, §380], Oct. 23, 2000, 114 Stat. 1356, 1356A-42; Pub. L. 106-554, §1(a)(4) [div. A, §1101], Dec. 21, 2000, 114 Stat. 2763, 2763A-201; Pub. L. 108-88, §8(a), Sept. 30, 2003, 117 Stat. 1121; Pub. L. 108-202, §9(a), Feb. 29, 2004, 118 Stat. 484; Pub. L. 108-224, §7(a), Apr. 30, 2004, 118 Stat. 632; Pub. L. 108-263, §7(a), June 30, 2004, 118 Stat. 704; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 108-280, §7(a), July 30, 2004, 118 Stat. 882; Pub. L. 108-310, §8(a), Sept. 30, 2004, 118 Stat. 1154; Pub. L. 109-14, §7(a), May 31, 2005, 119 Stat. 330; Pub. L. 109-20, §7(a), July 1, 2005, 119 Stat. 352; Pub. L. 109-35, §7(a), July 20, 2005, 119 Stat. 386; Pub. L. 109-37, §7(a), July 22, 2005, 119 Stat. 401; Pub. L. 109-40, §7(a), July 28, 2005, 119 Stat. 417; Pub. L. 109-59, title III, §3011(a), Aug. 10, 2005, 119 Stat. 1573; Pub. L. 110-244, title II, §201(d), June 6, 2008, 122 Stat. 1610; Pub. L. 111-147, title IV, §433, Mar. 18, 2010, 124 Stat. 88; Pub. L. 111-322, title II, §2303, Dec. 22, 2010, 124 Stat. 3527; Pub. L. 112-5, title III, §303, Mar. 4, 2011, 125 Stat. 18; Pub. L. 112-30, title I, §133, Sept. 16, 2011, 125 Stat. 350; Pub. L. 112-102, title III, §303, Mar. 30, 2012, 126 Stat. 275; Pub. L. 112-140, title III, §303, June 29,

2012, 126 Stat. 396; Pub. L. 112-141, div. B, §20008(a), div. G, title III, §113003, July 6, 2012, 126 Stat. 656, 984.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5309(a)(1)-(5).	49 App.:1602(a)(1)(A).	July 9, 1964, Pub. L. 88-365, §3(a)(1)(A), 78 Stat. 303; May 25, 1967, Pub. L. 90-19, §20(a), 81 Stat. 25; Oct. 15, 1970, Pub. L. 91-453, §2(2), 84 Stat. 962; Nov. 26, 1974, Pub. L. 93-503, §§102, 104, 106, 88 Stat. 1566, 1571, 1572; Nov. 6, 1978, Pub. L. 95-599, §302(a), 92 Stat. 2735; Jan. 6, 1983, Pub. L. 97-424, §313, 96 Stat. 2152.
	49 App.:1602(a)(1)(B), (C), (D) (1st, 3d sentences).	July 9, 1964, Pub. L. 88-365, §3(a)(1)(B)-(D), (2)(B), (3), 78 Stat. 303; May 25, 1967, Pub. L. 90-19, §20(a), 81 Stat. 25; Oct. 15, 1970, Pub. L. 91-453, §2(2), 84 Stat. 962; Nov. 26, 1974, Pub. L. 93-503, §§102, 104, 106, 88 Stat. 1566, 1571, 1572; restated Nov. 6, 1978, Pub. L. 95-599, §302(a), 92 Stat. 2735, 2736.
5309(a)(6)	49 App.:1602(a)(1)(E).	July 9, 1964, Pub. L. 88-365, §3(a)(1)(E), 78 Stat. 303; May 25, 1967, Pub. L. 90-19, §20(a), 81 Stat. 25; Oct. 15, 1970, Pub. L. 91-453, §2(2), 84 Stat. 962; Nov. 26, 1974, Pub. L. 93-503, §§102, 104, 106, 88 Stat. 1566, 1571, 1572; Nov. 6, 1978, Pub. L. 95-599, §302(a), 92 Stat. 2736; restated Dec. 18, 1991, Pub. L. 102-240, §3006(a), 105 Stat. 2089.
5309(a)(7)	49 App.:1602(a)(1)(F).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §3(a)(1)(F); added Dec. 18, 1991, Pub. L. 102-240, §3006(b), 105 Stat. 2089.
5309(b)(1)	49 App.:1602(b) (1st sentence).	July 9, 1964, Pub. L. 88-365, §3(b), 78 Stat. 303; May 25, 1967, Pub. L. 90-19, §20(a), 81 Stat. 25; restated Oct. 15, 1970, Pub. L. 91-453, §2(2), 84 Stat. 963; Nov. 6, 1978, Pub. L. 95-599, §302(b), 92 Stat. 2737.
5309(b)(2)	49 App.:1602(a)(2)(B).	
5309(b)(3)	49 App.:1602(b) (8th, last sentences).	
5309(b)(4), (5).	49 App.:1602(b) (2d-6th sentences).	
5309(c)	49 App.:1602(a)(5).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §3(a)(5); added Jan. 6, 1983, Pub. L. 97-424, §304(b), 96 Stat. 2149.
5309(d)	49 App.:1602(a)(2)(A).	July 9, 1964, Pub. L. 88-365, §3(a)(2)(A), 78 Stat. 303; May 25, 1967, Pub. L. 90-19, §20(a), 81 Stat. 25; Oct. 15, 1970, Pub. L. 91-453, §2(2), 84 Stat. 962; Nov. 26, 1974, Pub. L. 93-503, §§102, 104, 106, 88 Stat. 1566, 1571, 1572; Nov. 6, 1978, Pub. L. 95-599, §302(a), 92 Stat. 2736; Jan. 6, 1983, Pub. L. 97-424, §304(a), 96 Stat. 2149; restated Apr. 2, 1987, Pub. L. 100-17, §309(e), 101 Stat. 227.
5309(e)(1)	49 App.:1602(a)(3). 49 App.:1602 (note).	Apr. 2, 1987, Pub. L. 100-17, §303(b), 101 Stat. 223.
5309(e)(2)-(7).	49 App.:1602(i).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §3(i); added Apr. 2, 1987, Pub. L. 100-17, §303(a), 101 Stat. 223; restated Dec. 18, 1991, Pub. L. 102-240, §3010, 105 Stat. 2093.
5309(f)(1)	49 App.:1602(a)(1)(D) (last sentence).	
5309(f)(2)	49 App.:1602(a)(1)(D) (2d sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5309(g)	49 App.:1602(a)(4).	July 9, 1964, Pub. L. 88-365, §3(a)(4), 78 Stat. 303; May 25, 1967, Pub. L. 90-19, §20(a), 81 Stat. 25; Oct. 15, 1970, Pub. L. 91-453, §2(2), 84 Stat. 962; Nov. 26, 1974, Pub. L. 93-503, §§102, 104, 106, 88 Stat. 1566, 1571, 1572; restated Nov. 6, 1978, Pub. L. 95-599, §302(a), 92 Stat. 2736; Jan. 6, 1983, Pub. L. 97-424, §305, 96 Stat. 2150; Apr. 2, 1987, Pub. L. 100-17, §302, 101 Stat. 223; Dec. 18, 1991, Pub. L. 102-240, §3007, 105 Stat. 2090.
5309(h)	49 App.:1603(a).	July 9, 1964, Pub. L. 88-365, §4(a), 78 Stat. 304; May 25, 1967, Pub. L. 90-19, §20(a), 81 Stat. 25; Aug. 1, 1968, Pub. L. 90-448, §704(a), 82 Stat. 535; Oct. 15, 1970, Pub. L. 91-453, §3(a), 84 Stat. 965; Aug. 13, 1973, Pub. L. 93-87, §301(a), 87 Stat. 295; Nov. 26, 1974, Pub. L. 93-503, §103(b), 88 Stat. 1571; Nov. 6, 1978, Pub. L. 95-599, §303(b), 92 Stat. 2737; Jan. 6, 1983, Pub. L. 97-424, §302(b), 96 Stat. 2141; Dec. 18, 1991, Pub. L. 102-240, §3006(f), (g), 105 Stat. 2089.
5309(i)	49 App.:1602(c) (2d, last sentences).	July 9, 1964, Pub. L. 88-365, §3(c), 78 Stat. 303; May 25, 1967, Pub. L. 90-19, §20(a), 81 Stat. 25; restated Oct. 15, 1970, Pub. L. 91-453, §2(2), 84 Stat. 964.
5309(j)	49 App.:1602(b) (7th sentence).	
5309(k)	49 App.:1602(c) (1st sentence).	
5309(l)	49 App.:1603(d).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §4(d); added Dec. 18, 1991, Pub. L. 102-240, §3006(h)(2), 105 Stat. 2090.
5309(m)(1) ..	49 App.:1602(k)(1).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §3(k)(1); added Apr. 2, 1987, Pub. L. 100-17, §305, 101 Stat. 224; restated Dec. 18, 1991, Pub. L. 102-240, §3006(d)(1), 105 Stat. 2089.
5309(m)(2) ..	49 App.:1602(k)(3).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §3(k)(3); added Dec. 18, 1991, Pub. L. 102-240, §3006(d)(2), 105 Stat. 2089.
5309(m)(3) ..	49 App.:1602(j).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §3(j); added Apr. 2, 1987, Pub. L. 100-17, §304, 101 Stat. 223.
5309(m)(4) ..	49 App.:1602(k)(2).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §3(k)(2); added Apr. 2, 1987, Pub. L. 100-17, §305, 101 Stat. 224.
5309(n)	49 App.:1602(l).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §3(l); added Apr. 2, 1987, Pub. L. 100-17, §306(a), 101 Stat. 224; Dec. 18, 1991, Pub. L. 102-240, §3006(e), 105 Stat. 2089.
5309(o)	49 App.:1602(n).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §3(n); added Oct. 6, 1992, Pub. L. 102-388, §502(d), 106 Stat. 1566.

In subsection (a), before clause (1), the words “in accordance with the provisions of this chapter” are omitted as surplus. The words “and on such terms and conditions as the Secretary may prescribe” and 49 App.:1602(a)(1)(D) (3d sentence) are omitted as unnecessary because of section 5334(a) of the revised title and 49:322(a). The words “(directly, through the purchase of securities or equipment trust certificates, or otherwise)” and “and agencies thereof” are omitted as surplus. In clause (1), the word “detailed” is omitted as surplus. In clause (2), the words “capital projects” are substituted for “the acquisition, construction, recon-

struction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service” for clarity and consistency in this section. The words “Eligible facilities and equipment may include personal property such as buses and other rolling stock, and rail and bus facilities, and real” are omitted as surplus. The text of 49 App.:1602(a)(1)(B) (last sentence) is omitted as obsolete because former 49 App.:1604(a)(4) is executed and is not included in this restatement. In clause (3), the words “the capital costs of” are added for clarity and consistency in this section. The words “highway and” are omitted as surplus.

In subsection (b)(1), the word “finance” is omitted as surplus.

In subsection (b)(2), the words “for real property acquisition” are omitted as surplus. The words “for an approved project” are added for clarity and consistency. The words “which shall be in lieu of the determination required by subparagraph (A)”, “real”, and “connection with” are omitted as surplus.

In subsection (b)(3), the word “comprehensive” is omitted as surplus. The words “by the project” are added for clarity. The words “a period of” and “longer” are omitted as surplus.

In subsection (b)(4), the words “a period not exceeding” and “Each agreement shall provide that” are omitted as surplus. The words “shall be made within the 10-year period” are substituted for “shall not be later than 10 years following the fiscal year in which the agreement is made” to eliminate unnecessary words. The words “if any, over the original cost of the real property” are omitted as surplus. The words “deposit in” are substituted for “credit to” for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(5), the word “actual” is omitted as surplus. The words “deposited in” are substituted for “credited to” for consistency in the revised title and with other titles of the Code.

In subsection (c), before clause (1), the words “grant or loan” are substituted for “assistance” for consistency in the revised section. In clause (1), the words “rail carrier” are substituted for “railroad” for consistency in the revised title and with other titles of the Code.

In subsection (d), before clause (1), the words “Except as provided in subsections (b)(2) and (e) of this section” are added for clarity. In clause (1), the words “through operation or lease or otherwise” are omitted as surplus.

In subsection (e)(2), before clause (A), the word “existing” is added for clarity and consistency.

In subsection (e)(6)(C), the words “Part A of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 1915)” are substituted for “the Federal-Aid Highway Act of 1991” because the Federal-Aid Highway Act of 1991 was title I of H.R. 1531, that was not enacted into law but contained predecessor provisions to Part A of title I of H.R. 2950, enacted into law as the Intermodal Surface Transportation Efficiency Act of 1991.

In subsection (f)(1), the words “or entity” are omitted as surplus.

In subsection (f)(2), before clause (A), the words “for a project under subsection (a)(5) of this section” are added for clarity. In clause (B), the words “whether publicly or privately owned” are omitted as surplus.

In subsection (g)(1)(A), the words “The letter shall be regarded as an intention to obligate” are omitted as surplus.

In subsection (g)(1)(D), the words “pursuant to such a letter of intent” are omitted as surplus.

In subsection (g)(2)(A)(i), the words “and conditions” are omitted as being included in “terms”.

In subsection (g)(4), the word “issued” is omitted as surplus. The text of 49 App.:1602(a)(4)(E) (3d sentence) is omitted as executed. The text of 49 App.:1602(a)(4)(E) (4th and last sentences) is omitted as obsolete.

In subsection (h), the words “nature and extent of” are omitted as surplus. The words “net project cost”

are substituted for “what portion of the cost of a project to be assisted under section 1602 of this Appendix cannot be reasonably financed from revenues— which portion shall hereinafter be called ‘net project cost’” because of the definition of “net project cost” in section 5302(a) of the revised title. The words “Except as provided in paragraph (2) of this subsection” are added for clarity. The words “Such remainder may be provided in whole or in part from other than public sources and any public or private”, “solely”, and “at any time” are omitted as surplus. The words “shall be deemed” are omitted as unnecessary since the text is a statement of a legal conclusion.

In subsection (i), before clause (1), the words “Except for a loan under subsection (b) of this section” are added for clarity. The words “made under this section” and “at a rate” are omitted as surplus. In clause (1), the word “market” is omitted as surplus. In clause (2), the words “under the program” are omitted as surplus.

In subsection (j), the words “loan and interest” are substituted for “principal and accrued interest on the loan then outstanding” to eliminate unnecessary words.

In subsection (m)(1)(B) and (3), the word “existing” is added for clarity and consistency.

In subsection (m)(1), before clause (A), the words “Subject to paragraph (3)” are omitted as surplus. The reference to fiscal year 1992 is omitted as obsolete.

In subsection (m)(3), before clause (A), the words “Not later than 30 days after April 2, 1987” are omitted as executed. The words “prepare and” are omitted as surplus. The text of 49 App.:1602(j)(1) is omitted as obsolete because 49 App.:1602(k)(1) was restated by section 3006(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2089) and clause (D) was not carried forward.

In subsection (m)(4), the text of 49 App.:1602(k)(2)(B) is omitted as expired.

In subsection (n)(2), the words “Subject to the provisions of this paragraph”, “the Federal share of which the Secretary is authorized to pay under this subsection”, and “actually” are omitted as surplus.

PUB. L. 104–287, §5(12)(A)

This amends 49:5309(a) to clarify the restatement of 49 App.:1602(a)(1) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 800).

PUB. L. 104–287, §5(12)(B)

This amends 49:5309(e)(4)(B) to correct an erroneous cross-reference.

PUB. L. 104–287, §5(12)(C)

This amends 49:5309(m)(1)(A) to make a conforming amendment.

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsecs. (d)(1)(A)(i)(II), (B), (2)(A), (e)(1)(A)(i)(II), (B), (2)(A), (h)(2)(A)(i)(II), (B), (i)(2), and (k)(3)(A), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The date of enactment of the Federal Public Transportation Act of 2012, referred to in subsecs. (g)(5)(A), (6), (7), (j), and (l)(7) is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways.

CODIFICATION

Pub. L. 111–322, §2303(4)–(7), which directed amendment of subpars. (B) to (E) of subsec. (m) of this section without specifying the paragraph to be amended, was executed to subpars. (B) to (E) of par. (7) of subsec. (m), to reflect the probable intent of Congress. See 2010 Amendment notes below.

AMENDMENTS

2012—Pub. L. 112–141, §20008(a), amended section generally. Prior to amendment, section related to capital investment grants and consisted of subsecs. (a) to (m).

Subsec. (m)(2). Pub. L. 112–141, §113003(1)(A), (B), substituted “FISCAL YEARS 2006 THROUGH 2012” for “FISCAL YEARS 2006 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 30, 2012” in heading and “2012” for “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” in introductory provisions.

Pub. L. 112–140, §§1(c), 303(1)(A), (B), temporarily substituted “ENDING ON JULY 6, 2012” for “ENDING ON JUNE 30, 2012” in heading and “ending on July 6, 2012,” for “ending on June 30, 2012,” in introductory provisions. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112–102, §303(1)(A), (B), substituted “FISCAL YEARS 2006 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 30, 2012” for “FISCAL YEARS 2006 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012” in heading and “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” for “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,” in introductory provisions.

Subsec. (m)(2)(A)(i). Pub. L. 112–141, §113003(1)(C), substituted “2012” for “2011 and \$150,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,”.

Pub. L. 112–140, §§1(c), 303(1)(C), temporarily substituted “2011 and \$152,000,000 for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “2011 and \$150,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112–102, §303(1)(C), substituted “2011 and \$150,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “2011 and \$100,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,”.

Subsec. (m)(6)(B). Pub. L. 112–141, §113003(2)(A), substituted “2012” for “2011 and \$11,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,”.

Pub. L. 112–140, §§1(c), 303(2)(A), temporarily substituted “2011 and \$11,400,000 shall be available for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “2011 and \$11,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112–102, §303(2)(A), substituted “2011 and \$11,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,”.

Subsec. (m)(6)(C). Pub. L. 112–141, §113003(2)(B), substituted “through 2012” for “though 2011 and \$3,750,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,”.

Pub. L. 112–140, §§1(c), 303(2)(B), temporarily substituted “through 2011 and \$3,800,000 shall be available for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “though 2011 and \$3,750,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112–102, §303(2)(B), substituted “2011 and \$3,750,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “2011 and \$2,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,”.

Subsec. (m)(7)(A). Pub. L. 112–141, §113003(3)(A)(i), in introductory provisions, substituted “2012” for “2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserted “each fiscal year” before colon at end.

Pub. L. 112–140, §§1(c), 303(3)(A)(i), temporarily substituted “2011 and \$7,600,000 shall be available for the

period beginning on October 1, 2011, and ending on July 6, 2012,” for “2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” and “shall be set aside:” for “shall be set aside for:” in introductory provisions. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, §303(3)(A)(i), substituted “2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “2011 and \$5,000,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” in introductory provisions.

Subsec. (m)(7)(A)(i), (ii). Pub. L. 112-141, §113003(3)(A)(ii), (iii), struck out “for each fiscal year and \$1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” after “\$2,500,000”.

Pub. L. 112-140, §§1(c), 303(3)(a)(ii), (iii), temporarily substituted “\$1,900,000 for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “\$1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, §303(3)(A)(ii), (iii), substituted “for each fiscal year and \$1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “for each fiscal year and \$1,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

Subsec. (m)(7)(A)(iii) to (vi). Pub. L. 112-141, §113003(3)(A)(iv)–(vii), struck out “for each fiscal year and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” after “\$1,000,000”.

Pub. L. 112-140, §§1(c), 303(3)(A)(iv)–(vii), temporarily substituted “\$760,000 for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “\$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, §303(3)(A)(iv)–(vii), substituted “for each fiscal year and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

Subsec. (m)(7)(A)(vii). Pub. L. 112-141, §113003(3)(A)(viii), struck out “for each fiscal year and \$487,500 for the period beginning on October 1, 2011, and ending on June 30, 2012,” after “\$650,000”.

Pub. L. 112-140, §§1(c), 303(3)(A)(viii), temporarily substituted “\$494,000 for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “\$487,500 for the period beginning on October 1, 2011, and ending on June 30, 2012.”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, §303(3)(A)(viii), substituted “for each fiscal year and \$487,500 for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “for each fiscal year and \$325,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

Subsec. (m)(7)(A)(viii). Pub. L. 112-141, §113003(3)(A)(ix), struck out “for each fiscal year and \$262,500 for the period beginning on October 1, 2011, and ending on June 30, 2012,” after “\$350,000”.

Pub. L. 112-140, §§1(c), 303(3)(A)(ix), temporarily substituted “\$266,000 for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “\$262,500 for the period beginning on October 1, 2011, and ending on June 30, 2012.”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, §303(3)(A)(ix), substituted “for each fiscal year and \$262,500 for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “for each fiscal year and \$175,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

Subsec. (m)(7)(B)(vii). Pub. L. 112-141, §113003(3)(B), added cl. (vii) and struck out former cl. (vii) which read as follows: “\$10,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”

Pub. L. 112-140, §§1(c), 303(3)(B), temporarily added cl. (vii), which set aside \$10,260,000 for the period beginning on October 1, 2011, and ending on July 6, 2012, and temporarily struck out former cl. (vii) which read as fol-

lows: “\$10,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, §303(3)(B), added cl. (vii) and struck out former cl. (vii) which read as follows: “\$6,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

Subsec. (m)(7)(C). Pub. L. 112-141, §113003(3)(C), struck out “and during the period beginning on October 1, 2011, and ending on June 30, 2012,” after “each fiscal year”.

Pub. L. 112-140, §§1(c), 303(3)(C), temporarily substituted “ending on July 6, 2012,” for “ending on June 30, 2012.”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, §303(3)(C), substituted “and during the period beginning on October 1, 2011, and ending on June 30, 2012,” for “and during the period beginning on October 1, 2011, and ending on March 31, 2012.”.

Subsec. (m)(7)(D). Pub. L. 112-141, §113003(3)(D), struck out “and not less than \$26,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” after “each fiscal year”.

Pub. L. 112-140, §§1(c), 303(3)(D), temporarily substituted “and not less than \$26,600,000 shall be available for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “and not less than \$26,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012.”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, §303(3)(D), substituted “and not less than \$26,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “and not less than \$17,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

Subsec. (m)(7)(E). Pub. L. 112-141, §113003(3)(E), struck out “and \$2,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” after “each fiscal year”.

Pub. L. 112-140, §§1(c), 303(3)(E), temporarily substituted “and \$2,280,000 shall be available for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “and \$2,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012.”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, §303(3)(E), substituted “and \$2,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “and \$1,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012.”.

2011—Subsec. (m)(2). Pub. L. 112-30, §133(1)(A), (B), substituted “FISCAL YEARS 2006 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012” for “FISCAL YEARS 2006 THROUGH 2011” in heading and “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011” in introductory provisions.

Pub. L. 112-5, §303(1)(A), (B), substituted “FISCAL YEARS 2006 THROUGH 2011” for “FISCAL YEARS 2006 THROUGH 2010 AND OCTOBER 1, 2010, THROUGH MARCH 4, 2011” in heading and “2011” for “2010, and during the period beginning October 1, 2010, and ending March 4, 2011,” in introductory provisions.

Subsec. (m)(2)(A)(i). Pub. L. 112-30, §133(1)(C), substituted “2011 and \$100,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011”.

Pub. L. 112-5, §303(1)(C), substituted “2011” for “2010, and \$84,931,000 for the period beginning October 1, 2010 and ending March 4, 2011.”.

Subsec. (m)(6)(B). Pub. L. 112-30, §133(2)(A), substituted “2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011”.

Pub. L. 112-5, §303(2)(A), substituted “2011” for “2010, and \$6,369,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011.”.

Subsec. (m)(6)(C). Pub. L. 112-30, §133(2)(B), substituted “2011 and \$2,500,000 shall be available for the

period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011”.

Pub. L. 112-5, § 303(2)(B), substituted “2011” for “2010, and \$2,123,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011.”

Subsec. (m)(7)(A). Pub. L. 112-30, § 133(3)(A)(i), substituted “2011 and \$5,000,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011” and struck out “each fiscal year” before colon.

Pub. L. 112-5, § 303(3)(A)(i)-(iii), struck out cl. (i) designation and heading, substituted “\$10,000,000 shall be available in each of fiscal years 2006 through 2011” for “\$10,000,000 shall be available in each of fiscal years 2006 through 2010” in introductory provisions, redesignated subcls. (I) to (VIII) of former cl. (i) as cls. (i) to (viii), respectively, struck out former cl. (ii) which provided a special rule for Oct. 1, 2010, through Mar. 4, 2011, and realigned margins.

Subsec. (m)(7)(A)(i), (ii). Pub. L. 112-30, § 133(3)(A)(ii), (iii), substituted “\$2,500,000 for each fiscal year and \$1,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “\$2,500,000”.

Subsec. (m)(7)(A)(iii). Pub. L. 112-30, § 133(3)(A)(iv), substituted “\$1,000,000 for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “\$1,000,000”.

Subsec. (m)(7)(A)(iv). Pub. L. 112-30, § 133(3)(A)(v), substituted “\$1,000,000 for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “\$1,000,000”.

Pub. L. 112-5, § 303(3)(A)(iv), inserted a period at the end.

Subsec. (m)(7)(A)(v), (vi). Pub. L. 112-30, § 133(3)(A)(vi), (vii), substituted “\$1,000,000 for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “\$1,000,000”.

Subsec. (m)(7)(A)(vii). Pub. L. 112-30, § 133(3)(A)(viii), substituted “\$650,000 for each fiscal year and \$325,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “\$650,000”.

Subsec. (m)(7)(A)(viii). Pub. L. 112-30, § 133(3)(A)(ix), substituted “\$350,000 for each fiscal year and \$175,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “\$350,000”.

Subsec. (m)(7)(B). Pub. L. 112-5, § 303(3)(B)(i), struck out “\$5,732,000 for the period beginning October 1, 2010 and ending March 4, 2011” after cl. (v).

Subsec. (m)(7)(B)(vi). Pub. L. 112-5, § 303(3)(B)(ii), added cl. (vi).

Subsec. (m)(7)(B)(vii). Pub. L. 112-30, § 133(3)(B), added cl. (vii).

Subsec. (m)(7)(C). Pub. L. 112-30, § 133(3)(C), substituted “fiscal year and during the period beginning on October 1, 2011, and ending on March 31, 2012,” for “fiscal year”.

Pub. L. 112-5, § 303(3)(C), struck out “, and during the period beginning October 1, 2010, and ending March 4, 2011,” after “year”.

Subsec. (m)(7)(D). Pub. L. 112-30, § 133(3)(D), substituted “fiscal year and not less than \$17,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “fiscal year”.

Pub. L. 112-5, § 303(3)(D), struck out “, and not less than \$14,863,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011,” after “year”.

Subsec. (m)(7)(E). Pub. L. 112-30, § 133(3)(E), substituted “fiscal year and \$1,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “fiscal year”.

Pub. L. 112-5, § 303(3)(E), struck out “, and \$1,273,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011,” after “year”.

2010—Subsec. (m)(2). Pub. L. 111-322, § 2303(1)(A), (B), substituted “MARCH 4, 2011” for “DECEMBER 31, 2010” in heading and “March 4, 2011” for “December 31, 2010” in introductory provisions.

Pub. L. 111-147, § 433(1)(A), (B), substituted “2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010” for “2009” in

heading and “2010, and during the period beginning October 1, 2010, and ending December 31, 2010,” for “2009” in introductory provisions.

Subsec. (m)(2)(A)(i). Pub. L. 111-322, § 2303(1)(C), substituted “\$84,931,000 for the period beginning October 1, 2010 and ending March 4, 2011” for “\$50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010”.

Pub. L. 111-147, § 433(1)(C), substituted “2010, and \$50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010,” for “2009”.

Subsec. (m)(6)(B). Pub. L. 111-322, § 2303(2)(A), which directed substitution of “\$6,369,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011” for “\$3,750,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010”, was executed by making the substitution for “\$3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010”, to reflect the probable intent of Congress.

Pub. L. 111-147, § 433(2)(A), substituted “2010, and \$3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” for “2009”.

Subsec. (m)(6)(C). Pub. L. 111-322, § 2303(2)(B), substituted “\$2,123,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011” for “\$1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010”.

Pub. L. 111-147, § 433(2)(B), substituted “2010, and \$1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010,” for “2009”.

Subsec. (m)(7)(A). Pub. L. 111-147, § 433(3)(A), inserted cl. (i) designation and heading, substituted “\$10,000,000 shall be available in each of fiscal years 2006 through 2010” for “\$10,000,000 shall be available in each of fiscal years 2006 through 2009” in introductory provisions, redesignated former cls. (i) to (viii) as subcls. (I) to (VIII), respectively, of cl. (i), and added cl. (ii).

Subsec. (m)(7)(A)(ii). Pub. L. 111-322, § 2303(3)(A)(iii), substituted “¹⁵/₆₅ths” for “25 percent”.

Pub. L. 111-322, § 2303(3)(A)(ii), which directed substitution of “\$4,246,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011” for “\$2,500,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010”, was executed by making the substitution for “\$2,500,000 shall be available in the period beginning October 1, 2010, and ending December 31, 2010”, to reflect the probable intent of Congress.

Pub. L. 111-322, § 2303(3)(A)(i), substituted “MARCH 4, 2011” for “DECEMBER 31, 2010” in heading.

Subsec. (m)(7)(B). Pub. L. 111-322, § 2303(4), which directed general amendment of cl. (vi), was executed by substituting “\$5,732,000 for the period beginning October 1, 2010 and ending March 4, 2011” for “(vi) \$3,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.” See Codification note above.

Subsec. (m)(7)(B)(v). Pub. L. 111-147, § 433(3)(B), added cl. (v).

Subsec. (m)(7)(B)(vi). Pub. L. 111-147, § 433(3)(B), added cl. (vi).

Subsec. (m)(7)(C). Pub. L. 111-322, § 2303(5), substituted “March 4, 2011” for “December 31, 2010”. See Codification note above.

Pub. L. 111-147, § 433(3)(C), inserted “, and during the period beginning October 1, 2010, and ending December 31, 2010,” after “fiscal year”.

Subsec. (m)(7)(D). Pub. L. 111-322, § 2303(6), substituted “\$14,863,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011” for “\$8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010”. See Codification note above.

Pub. L. 111-147, § 433(3)(D), inserted “, and not less than \$8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” after “year”.

Subsec. (m)(7)(E). Pub. L. 111-322, § 2303(7), substituted “\$1,273,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011” for “\$750,000

shall be available for the period beginning October 1, 2010, and ending December 31, 2010". See Codification note above.

Pub. L. 111-147, §433(3)(E), inserted ", and \$750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010," after "year".

2008—Subsec. (d)(5)(B). Pub. L. 110-244, §201(d)(1), substituted "this subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating." for "regulation."

Subsec. (e)(6)(B). Pub. L. 110-244, §201(d)(2), substituted "subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating." for "subsection."

Subsec. (m)(2)(A). Pub. L. 110-244, §201(d)(3), substituted "CAPITAL" for "MAJOR CAPITAL" in heading.

Subsec. (m)(7)(B). Pub. L. 110-244, §201(d)(4), substituted "section 3045" for "section 3039" in introductory provisions.

2005—Pub. L. 109-59 amended section catchline and text generally. Prior to amendment, text consisted of subsecs. (a) to (p) providing for grants and loans to assist State and local governmental authorities in financing capital projects related to fixed guideway systems, capital projects needed for an efficient and coordinated mass transportation system, the capital costs of coordinating mass transportation with other transportation, the introduction of new technology, and mass transportation projects to meet the special needs of elderly individuals and individuals with disabilities.

Subsec. (m)(1). Pub. L. 109-40, §7(a)(1), substituted "July 30, 2005" for "July 27, 2005" in introductory provisions.

Pub. L. 109-37, §7(a)(1), substituted "July 27, 2005" for "July 21, 2005" in introductory provisions.

Pub. L. 109-35, §7(a)(1), substituted "July 21, 2005" for "July 19, 2005" in introductory provisions.

Pub. L. 109-20, §7(a)(1), substituted "July 19, 2005" for "June 30, 2005" in introductory provisions.

Pub. L. 109-14, §7(a)(1), substituted "June 30, 2005" for "May 31, 2005" in introductory provisions.

Subsec. (m)(2)(B)(iii). Pub. L. 109-40, §7(a)(2), substituted "JULY 30, 2005" for "JULY 27, 2005" in heading and "July 30, 2005" for "July 27, 2005" and "\$8,550,000" for "\$8,547,000" in text.

Pub. L. 109-37, §7(a)(2), substituted "JULY 27, 2005" for "JULY 21, 2005" in heading and "July 27, 2005" for "July 21, 2005" and "\$8,547,000" for "\$8,424,000" in text.

Pub. L. 109-35, §7(a)(2), substituted "JULY 21, 2005" for "JULY 19, 2005" in heading and "July 21, 2005" for "July 19, 2005" and "\$8,424,000" for "\$8,320,000" in text.

Pub. L. 109-20, §7(a)(2), substituted "JULY 19, 2005" for "JUNE 30, 2005" in heading and "July 19, 2005" for "June 30, 2005" and "\$8,320,000" for "\$7,800,000" in text.

Pub. L. 109-14, §7(a)(2), substituted "JUNE 30, 2005" for "MAY 31, 2005" in heading and "June 30, 2005" for "May 31, 2005" and "\$7,800,000" for "\$6,933,333" in text.

Subsec. (m)(3)(B). Pub. L. 109-40, §7(a)(3), substituted "\$2,470,000" for "\$2,465,754" and "July 30, 2005" for "July 27, 2005".

Pub. L. 109-37, §7(a)(3), substituted "\$2,465,754" for "\$2,430,000" and "July 27, 2005" for "July 21, 2005".

Pub. L. 109-35, §7(a)(3), substituted "\$2,430,000" for "\$2,400,000" and "July 21, 2005" for "July 19, 2005".

Pub. L. 109-20, §7(a)(3), substituted "\$2,400,000" for "\$2,250,000" and "July 19, 2005" for "June 30, 2005".

Pub. L. 109-14, §7(a)(3), substituted "\$2,250,000" for "\$2,000,000" and "June 30, 2005" for "May 31, 2005".

Subsec. (m)(3)(C). Pub. L. 109-40, §7(a)(4), substituted "\$41,506,850" for "\$41,095,900" and "July 30, 2005" for "July 27, 2005".

Pub. L. 109-37, §7(a)(4), substituted "\$41,095,900" for "\$40,500,000" and "July 27, 2005" for "July 21, 2005".

Pub. L. 109-35, §7(a)(4), substituted "\$40,500,000" for "\$40,000,000" and "July 21, 2005" for "July 19, 2005".

Pub. L. 109-20, §7(a)(4), substituted "\$40,000,000" for "\$37,500,000" and "July 19, 2005" for "June 30, 2005".

Pub. L. 109-14, §7(a)(4), substituted "\$37,500,000" for "\$33,333,333" and "June 30, 2005" for "May 31, 2005".

2004—Subsec. (m)(1). Pub. L. 108-310, §8(a)(1), inserted "and for the period of October 1, 2004, through May 31, 2005" after "2004" in introductory provisions.

Pub. L. 108-280, §7(a)(1)(A), struck out "2003 and for the period of October 1, 2003, through July 31," before "2004" in introductory provisions.

Pub. L. 108-263, §7(a)(1)(A), substituted "July 31, 2004" for "June 30, 2004" in introductory provisions.

Pub. L. 108-224, §7(a)(1)(A), substituted "June 30, 2004" for "April 30, 2004" in introductory provisions.

Pub. L. 108-202, §9(a)(1)(A), substituted "April 30, 2004" for "February 29, 2004" in introductory provisions.

Subsec. (m)(1)(A). Pub. L. 108-280, §7(a)(1)(B), substituted ", except for fiscal year 2004 during which \$1,206,506,000 will be available" for ", except for the period beginning on October 1, 2003, and ending on July 31, 2004, during which \$999,489,679 will be available".

Pub. L. 108-263, §7(a)(1)(A), (B), substituted "July 31, 2004" for "June 30, 2004" and "\$999,489,679" for "\$899,540,711".

Pub. L. 108-224, §7(a)(1)(B), substituted "June 30, 2004, during which \$899,540,711 will be available" for "April 30, 2004, during which \$699,642,775 will be available".

Pub. L. 108-202, §9(a)(1)(B), inserted ", except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which \$699,642,775 will be available" after "modernization".

Subsec. (m)(1)(B). Pub. L. 108-280, §7(a)(1)(C), substituted ", except for fiscal year 2004 during which \$1,323,794,000 will be available" for ", except for the period beginning on October 1, 2003, and ending on July 31, 2004, during which \$1,096,653,013 will be available".

Pub. L. 108-263, §7(a)(1)(A), (C), substituted "July 31, 2004" for "June 30, 2004" and "\$1,096,653,013" for "\$986,987,712".

Pub. L. 108-224, §7(a)(1)(C), substituted "June 30, 2004, during which \$986,987,712 will be available" for "April 30, 2004, during which \$767,657,109 will be available".

Pub. L. 108-202, §9(a)(1)(C), inserted ", except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which \$767,657,109 will be available" before the semicolon.

Subsec. (m)(1)(C). Pub. L. 108-280, §7(a)(1)(D), substituted ", except for fiscal year 2004 during which \$607,200,000 will be available" for ", except for the period beginning on October 1, 2003, and ending on July 31, 2004, during which \$503,014,600 will be available".

Pub. L. 108-263, §7(a)(1)(A), (D), substituted "July 31, 2004" for "June 30, 2004" and "\$503,014,600" for "\$452,713,140".

Pub. L. 108-224, §7(a)(1)(D), which directed the amendment of subpar. (C) without providing closing quotation marks designating the provisions to be inserted, was executed by substituting "2003, and ending on June 30, 2004, during which \$452,713,140 will be available" for "2003 and ending on April 30, 2004, during which \$352,110,220 will be available", to reflect the probable intent of Congress.

Pub. L. 108-202, §9(a)(1)(D), inserted ", except for the period beginning on October 1, 2003 and ending on April 30, 2004, during which \$352,110,220 will be available" after "facilities".

Subsec. (m)(2)(B)(i). Pub. L. 108-280, §7(a)(2)(A), substituted "2004" for "2003".

Subsec. (m)(2)(B)(iii). Pub. L. 108-310, §8(a)(2), added cl. (iii).

Pub. L. 108-280, §7(a)(2)(B), struck out heading and text of cl. (iii). Text read as follows: "Of the amounts made available under paragraph (1)(B), \$8,615,533 shall be available for the period beginning on October 1, 2003, and ending on July 31, 2004, for capital projects described in clause (i)."

Pub. L. 108-263, §7(a)(2), inserted cl. (iii) and struck out heading and text of former cl. (iii). Prior to amendment, text read as follows: "Of the amounts made available under paragraph (1)(B), \$7,753,980 shall be available for the period beginning on October 1, 2003, and ending on June 30, 2004, for capital projects described in clause (i)."

Pub. L. 108-224, §7(a)(2), amended heading and text of cl. (iii) generally. Prior to amendment, text read as follows: "Of the amounts made available under paragraph (1)(B), \$6,066,667 shall be available for the period beginning on October 1, 2003, and ending on April 30, 2004, for capital projects described in clause (i)."

Pub. L. 108-202, §9(a)(2), amended heading and text of cl. (iii) generally. Prior to amendment, text read as follows: "Of the amounts made available under paragraph (1)(B), \$4,333,333 shall be available for the period of October 1, 2003, through February 29, 2004, for capital projects described in clause (i)."

Subsec. (m)(3)(B). Pub. L. 108-310, §8(a)(3), inserted "(and \$2,000,000 shall be available for the period October 1, 2004, through May 31, 2005)" after "2004".

Pub. L. 108-280, §7(a)(3), substituted "2004" for "2003 (and \$2,485,250 shall be available for the period October 1, 2003, through July 31, 2004)".

Pub. L. 108-263, §7(a)(3), substituted "\$2,485,250" for "\$2,236,725" and "July 31, 2004" for "June 30, 2004".

Pub. L. 108-224, §7(a)(3), substituted "\$2,236,725" for "\$1,750,000" and "June 30, 2004" for "April 30, 2004".

Pub. L. 108-202, §9(a)(3), substituted "\$1,750,000" for "\$1,250,000" and "April 30, 2004" for "February 29, 2004".

Subsec. (m)(3)(C). Pub. L. 108-310, §8(a)(4), inserted ", and \$33,333,333 shall be available for the period October 1, 2004, through May 31, 2005," after "2004".

Pub. L. 108-280, §7(a)(4), substituted "1999 through 2004" for "1999 through 2003", "\$50,000,000" for "\$41,420,833", and "fiscal year 2004" for "the period October 1, 2003, through July 31, 2004".

Pub. L. 108-263, §7(a)(4), substituted "\$41,420,833" for "\$37,278,750" and "July 31, 2004" for "June 30, 2004".

Pub. L. 108-224, §7(a)(4), substituted "\$37,278,750" for "\$28,994,583" and "June 30, 2004" for "April 30, 2004".

Pub. L. 108-202, §9(a)(4), substituted "\$28,994,583 shall be transferred to and administered under section 5309 for buses and bus facilities" for "\$20,833,334 shall be available" and "April 30, 2004" for "February 29, 2004".

Subsec. (o)(3). Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office" in introductory provisions.

2003—Subsec. (m)(1). Pub. L. 108-88, §8(a)(1), inserted "and for the period of October 1, 2003, through February 29, 2004" after "2003".

Subsec. (m)(2)(B). Pub. L. 108-88, §8(a)(2), added cl. (iii).

Subsec. (m)(3)(B). Pub. L. 108-88, §8(a)(3), inserted "(and \$1,250,000 shall be available for the period October 1, 2003, through February 29, 2004)" after "2003".

Subsec. (m)(3)(C). Pub. L. 108-88, §8(a)(4), inserted "(and \$20,833,334 shall be available for the period October 1, 2003, through February 29, 2004)" after "2003".

2000—Subsec. (g)(4). Pub. L. 106-346 designated existing provisions as subpar. (A) and added subpars. (B) to (G).

Subsec. (g)(4)(D)(2). Pub. L. 106-554 struck out "light" before "rail extension".

1999—Subsec. (g)(1)(B). Pub. L. 106-69 inserted "and the House and Senate Committees on Appropriations" after "Committee on Banking, Housing, and Urban Affairs of the Senate".

1998—Pub. L. 105-178, §3009(a), substituted "Capital investment" for "Discretionary" in section catchline.

Subsec. (a)(1)(E) to (H). Pub. L. 105-178, §3009(c), added subpars. (E) and (F), redesignated former subpars. (F) and (G) as (G) and (H), respectively, and struck out former subpar. (E) which read as follows: "transportation projects that enhance urban economic development or incorporate private investment, including commercial and residential development, because the projects—

"(i) enhance the effectiveness of a mass transportation project and are related physically or functionally to that mass transportation project; or

"(ii) establish new or enhanced coordination between mass transportation and other transportation";

Subsec. (c). Pub. L. 105-178, §3009(d), amended subsec. (c) generally, substituting "[Reserved.]" for former heading and text which read as follows:

"(c) CONSIDERATION OF DECREASED COMMUTER RAIL TRANSPORTATION.—The Secretary of Transportation shall consider the adverse effect of decreased commuter rail transportation when deciding whether to approve a grant or loan under this section to acquire a rail line and all related facilities—

"(1) owned by a rail carrier subject to reorganization under title 11; and

"(2) used to provide commuter rail transportation."

Subsec. (e). Pub. L. 105-178, §3009(k)(1), as added by Pub. L. 105-206, §9009(g), in par. (3)(C), substituted "suburban sprawl" for "urban sprawl", and in par. (6), substituted "or 'not recommended', based" for "or not 'recommended', based" in second sentence and inserted "of the" before "criteria established" in last sentence.

Pub. L. 105-178, §3009(e), reenacted heading without change and amended text of subsec. (e) generally. Prior to amendment, subsec. (e) related to, in par. (1), applicability of subsection to projects, in par. (2), approval of grants or loans for capital projects, in par. (3), criteria for making approval decisions, in par. (4), issuance of guidelines on evaluation of alternatives, project justification, and degree of local financial commitment, in par. (5), advancement of project from alternatives analysis to preliminary engineering, in par. (6), exemptions from requirements of subsection, and in par. (7), requirement of full financing agreement.

Subsec. (f). Pub. L. 105-178, §3009(h)(1), amended subsec. (f) generally, substituting "[Reserved.]" for former heading and text which read as follows:

"(f) REQUIRED PAYMENTS AND ELIGIBLE COSTS OF PROJECTS THAT ENHANCE URBAN ECONOMIC DEVELOPMENT OR INCORPORATE PRIVATE INVESTMENT.—(1) Each grant or loan under subsection (a)(5) of this section shall require that a person making an agreement to occupy space in a facility pay a reasonable share of the costs of the facility through rental payments and other means.

"(2) Eligible costs for a project under subsection

(a)(5) of this section—

"(A) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; but

"(B) do not include construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation."

Subsec. (g). Pub. L. 105-178, §3009(f)(1), substituted "Funding" for "Financing" in heading.

Subsec. (g)(1)(B). Pub. L. 105-178, §3009(f)(3), substituted "At least 60 days" for "At least 30 days" and "letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project" for "issuance of the letter" and inserted "or entering into a full funding grant agreement" after "subparagraph (A) of this paragraph".

Subsec. (g)(2)(A), (B), (3)(A)(i). Pub. L. 105-178, §3009(f)(2), substituted "full funding" for "full financing".

Subsec. (g)(4). Pub. L. 105-178, §3009(k)(2), as added by Pub. L. 105-206, §9009(g), substituted "5338(b) of this title for new fixed guideway systems and extensions to existing fixed guideway systems and the amount appropriated under section 5338(h)(5) or an amount equivalent to the last 2 fiscal years of funding authorized under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems" for "5338(a) of this title to carry out this section or an amount equivalent to the total authorizations under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems for fiscal years 2002 and 2003".

Pub. L. 105-178, §3009(f)(2), (4), substituted "full funding" for "full financing" before "grant agreements" in two places and "an amount equivalent to the total authorizations under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway

systems for fiscal years 2002 and 2003” for “50 percent of the uncommitted cash balance remaining in the Mass Transit Account of the Highway Trust Fund (including amounts received from taxes and interest earned that are more than amounts previously obligated)”.

Subsec. (m). Pub. L. 105-178, §3009(k)(3), as added by Pub. L. 105-206, §9009(g), substituted “5338(b)” for “5338” in introductory provisions of par. (1), added par. (2) and struck out former par. (2) relating to limitation on amounts available for activities other than final design and construction, redesignated par. (4) as (3)(C), added pars. (3)(D) and (4), and struck out par. (5) relating to funding for ferry boat systems.

Pub. L. 105-178, §3009(g), reenacted heading without change and amended text of subsec. (m) generally, substituting provisions allocating amounts for fiscal years 1998 to 2003 for provisions allocating amounts for each fiscal year ending Sept. 30 from 1993 to 1997 and for period of Oct. 1, 1997 to Mar. 31, 1998.

Subsec. (n)(2). Pub. L. 105-178, §3009(h)(3)(D), as added by Pub. L. 105-206, §9009(h)(3), substituted “in a manner satisfactory” for “in a way satisfactory”.

Subsec. (o). Pub. L. 105-178, §3009(i), added subsec. (o) relating to reports.

Subsec. (p). Pub. L. 105-178, §3009(j), added subsec. (p). 1997—Subsec. (m)(1). Pub. L. 102-240, §3049(a), as added by Pub. L. 105-130, inserted “, and for the period of October 1, 1997, through March 31, 1998” after “1997”.

1996—Subsec. (a). Pub. L. 104-287, §5(12)(A), designated existing provisions as par. (1), redesignated former pars. (1) to (7) as subpars. (A) to (G) of par. (1), respectively, and former subpars. (A) and (B) of par. (5) as subcls. (i) and (ii) of subpar. (E), respectively, and added par. (2).

Subsec. (e)(4)(B). Pub. L. 104-287, §5(12)(B), substituted “paragraph (2)” for “paragraph (1)(B)”.

Subsec. (g)(1)(B). Pub. L. 104-287, §5(9), substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

Subsec. (m)(1)(A). Pub. L. 104-287, §5(12)(C), inserted “rail” before “fixed guideway modernization”.

Subsec. (m)(3). Pub. L. 104-287, §5(9), substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

EFFECTIVE AND TERMINATION DATES OF 2012 AMENDMENT

Amendment by section 20008(a) of Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as a note under section 101 of Title 23, Highways.

Amendment by section 113003 of Pub. L. 112-141 effective July 1, 2012, see section 114001 of Pub. L. 112-141, set out as a note under section 5305 of this title.

Amendment by Pub. L. 112-140 to cease to be effective on July 6, 2012, with text as amended by Pub. L. 112-140 to revert back to read as it did on the day before June 29, 2012, and amendments by Pub. L. 112-141 to be executed as if Pub. L. 112-140 had not been enacted, see section 1(c) of Pub. L. 112-140, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 5(12) of Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

DEVELOPMENT OF IMPLEMENTATION GUIDANCE

Pub. L. 113-235, div. K, title I, §167, Dec. 16, 2014, 128 Stat. 2720, provided that: “In developing guidance im-

plementing 49 U.S.C. 5309(i) Program of Interrelated Projects, the Secretary shall consider projects eligible under section 5309(h) Small Starts Projects, including streetcars.”

PILOT PROGRAM FOR EXPEDITED PROJECT DELIVERY

Pub. L. 112-141, div. B, §20008(b), July 6, 2012, 126 Stat. 674, provided that:

“(1) DEFINITIONS.—In this subsection the following definitions shall apply:

“(A) ELIGIBLE PROJECT.—The term ‘eligible project’ means a new fixed guideway capital project or a core capacity improvement project, as those terms are defined in section 5309 of title 49, United States Code, as amended by this section, that has not entered into a full funding grant agreement with the Federal Transit Administration before the date of enactment of the Federal Public Transportation Act of 2012 [deemed to be Oct. 1, 2012].

“(B) PROGRAM.—The term ‘program’ means the pilot program for expedited project delivery established under this subsection.

“(C) RECIPIENT.—The term ‘recipient’ means a recipient of funding under chapter 53 of title 49, United States Code.

“(D) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(2) ESTABLISHMENT.—The Secretary shall establish and implement a pilot program to demonstrate whether innovative project development and delivery methods or innovative financing arrangements can expedite project delivery for certain meritorious new fixed guideway capital projects and core capacity improvement projects.

“(3) LIMITATION ON NUMBER OF PROJECTS.—The Secretary shall select 3 eligible projects to participate in the program, of which—

“(A) at least 1 shall be an eligible project requesting more than \$100,000,000 in Federal financial assistance under section 5309 of title 49, United States Code; and

“(B) at least 1 shall be an eligible project requesting less than \$100,000,000 in Federal financial assistance under section 5309 of title 49, United States Code.

“(4) GOVERNMENT SHARE.—The Government share of the total cost of an eligible project that participates in the program may not exceed 50 percent.

“(5) ELIGIBILITY.—A recipient that desires to participate in the program shall submit to the Secretary an application that contains, at a minimum—

“(A) identification of an eligible project;

“(B) a schedule and finance plan for the construction and operation of the eligible project;

“(C) an analysis of the efficiencies of the proposed project development and delivery methods or innovative financing arrangement for the eligible project; and

“(D) a certification that the recipient’s existing public transportation system is in a state of good repair.

“(6) SELECTION CRITERIA.—The Secretary may award a full funding grant agreement under this subsection if the Secretary determines that—

“(A) the recipient has completed planning and the activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(B) the recipient has the necessary legal, financial, and technical capacity to carry out the eligible project.

“(7) BEFORE AND AFTER STUDY AND REPORT.—

“(A) STUDY REQUIRED.—A full funding grant agreement under this paragraph shall require a recipient to conduct a study that—

“(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

“(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

“(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

“(B) SUBMISSION OF REPORT.—Not later than 9 months after an eligible project selected to participate in the program begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study under subparagraph (A).”

NON-NEW STARTS SHARE OF PUBLIC TRANSPORTATION ELEMENT OF INTERSTATE MULTI-MODAL PROJECTS

Pub. L. 111–117, div. A, title I, §173, Dec. 16, 2009, 123 Stat. 3066, provided that the rating under former subsec. (d) of this section of the non-New Starts share of the public transportation element of certain interstate multi-modal projects would be based on the percentage of non-New Starts funds in the unified finance plan.

TRANSIT TUNNELS

Pub. L. 110–244, title II, §201(p), June 6, 2008, 122 Stat. 1615, required the Secretary of Transportation to analyze the various benefits of transit tunnels.

PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM

Pub. L. 109–59, title III, §3011(c), Aug. 10, 2005, 119 Stat. 1588, as amended by Pub. L. 111–147, title IV, §437(b)(1), Mar. 18, 2010, 124 Stat. 92; Pub. L. 111–322, title II, §2307(b)(1), Dec. 22, 2010, 124 Stat. 3530; Pub. L. 112–5, title III, §307(b)(1), Mar. 4, 2011, 125 Stat. 21; Pub. L. 112–30, title I, §137(b)(1), Sept. 16, 2011, 125 Stat. 354; Pub. L. 112–102, title III, §307(b)(1), Mar. 30, 2012, 126 Stat. 280; Pub. L. 112–140, title III, §307(b)(1), June 29, 2012, 126 Stat. 401; Pub. L. 112–141, div. G, title III, §113007(b)(1), July 6, 2012, 126 Stat. 987, which provided for the establishment and implementation of a pilot program to demonstrate the advantages and disadvantages of public-private partnerships for certain new fixed guideway capital projects, was repealed by Pub. L. 112–141, div. B, §20002(c)(2), July 6, 2012, 126 Stat. 622.

REPORT TO CONGRESS ON USE OF FUNDS UNDER PUB. L. 105–178

Pub. L. 105–200, title IV, §403(b), July 16, 1998, 112 Stat. 670, required the Secretary of Transportation to submit a report, no later than 2 years after July 16, 1998, on the use of funds made available under section 3037 of Pub. L. 105–178.

DOLLAR VALUE OF MOBILITY IMPROVEMENTS

Pub. L. 105–178, title III, §3010, June 9, 1998, 112 Stat. 357, as amended by Pub. L. 105–206, title IX, §9009(i), July 22, 1998, 112 Stat. 856, prohibited the consideration of the dollar value of mobility improvements in performing certain duties of the Secretary and required the Comptroller General to study and report on the dollar value of mobility improvements no later than Jan. 1, 2000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

Pub. L. 105–178, title III, §3037, June 9, 1998, 112 Stat. 387, as amended by Pub. L. 105–206, title IX, §9009(w), July 22, 1998, 112 Stat. 862; Pub. L. 108–88, §8(l), Sept. 30, 2003, 117 Stat. 1124; Pub. L. 108–202, §9(l), Feb. 29, 2004, 118 Stat. 488; Pub. L. 108–224, §7(l), Apr. 30, 2004, 118 Stat. 636; Pub. L. 108–263, §7(l), June 30, 2004, 118 Stat. 707; Pub. L. 108–280, §7(l), July 30, 2004, 118 Stat. 884; Pub. L. 108–310, §8(l), Sept. 30, 2004, 118 Stat. 1157; Pub. L. 109–14, §7(k), May 31, 2005, 119 Stat. 333; Pub. L. 109–20, §7(k), July 1, 2005, 119 Stat. 355; Pub. L. 109–35, §7(k), July 20, 2005, 119 Stat. 388; Pub. L. 109–37, §7(k), July 22, 2005, 119 Stat. 403; Pub. L. 109–40, §7(k), July 28, 2005, 119 Stat. 420, which authorized the Secretary of Transportation to make access to jobs grants and reverse commute grants to assist qualified entities in financing eligible projects, was repealed by Pub. L. 109–59, title III, §3018(c), Aug. 10, 2005, 119 Stat. 1605, effective Oct. 1, 2005.

ENCOURAGEMENT OF ADVERSELY AFFECTED INDUSTRIES TO COMPETE FOR CONTRACTS

Pub. L. 91–453, §10, Oct. 15, 1970, 84 Stat. 968, as amended by Pub. L. 102–240, title III, §3003(b), Dec. 18, 1991, 105 Stat. 2088, encouraged industries adversely affected by reductions in Federal Government spending to compete for contracts under former sections 5309 and 5312 of this title.

§ 5310. Formula grants for the enhanced mobility of seniors and individuals with disabilities

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) RECIPIENT.—The term “recipient” means a designated recipient or a State that receives a grant under this section directly.

(2) SUBRECIPIENT.—The term “subrecipient” means a State or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a grant under this section indirectly through a recipient.

(b) GENERAL AUTHORITY.—

(1) GRANTS.—The Secretary may make grants under this section to recipients for—

(A) public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;

(B) public transportation projects that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(C) public transportation projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit; and

(D) alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

(2) LIMITATIONS FOR CAPITAL PROJECTS.—

(A) AMOUNT AVAILABLE.—The amount available for capital projects under paragraph (1)(A) shall be not less than 55 percent of the funds apportioned to the recipient under this section.

(B) Allocation to subrecipients.—A recipient of a grant under paragraph (1)(A) may allocate the amounts provided under the grant to—

(i) a private nonprofit organization; or

(ii) a State or local governmental authority that—

(I) is approved by a State to coordinate services for seniors and individuals with disabilities; or

(II) certifies that there are no private nonprofit organizations readily available in the area to provide the services described in paragraph (1)(A).

(3) ADMINISTRATIVE EXPENSES.—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

(4) ELIGIBLE CAPITAL EXPENSES.—The acquisition of public transportation services is an eligible capital expense under this section.