

Borrower's fiscal year and the due date of other reports as required by the loan documents. The Lender must analyze the financial statements and provide the Agency with a written summary of the Lender's analysis and conclusions, including trends, strengths, weaknesses, extraordinary transactions, and other indications of the financial condition of the Borrower.

(e) Neither the Lender nor the Holder shall alter, nor approve any amendments of, any loan instrument without the prior written approval of the Administrator.

## PART 261—CREDIT ASSISTANCE FOR SURFACE TRANSPORTATION PROJECTS

AUTHORITY: Secs. 1501 *et seq.*, Pub. L. 105-178, 112 Stat. 107, 241, as amended; 23 U.S.C. 181-189 and 315; 49 CFR 1.49.

SOURCE: 64 FR 29753, June 2, 1999, unless otherwise noted.

### § 261.1 Cross-reference to credit assistance.

The regulations in 49 CFR part 80 shall be followed in complying with the requirements of this part. Title 49 CFR part 80 implements the Transportation Infrastructure Finance and Innovation Act of 1998, secs. 1501 *et seq.*, Pub. L. 105-178, 112 Stat. 107, 241.

## PART 262—IMPLEMENTATION OF PROGRAM FOR CAPITAL GRANTS FOR RAIL LINE RELOCATION AND IMPROVEMENT PROJECTS

Sec.

- 262.1 Purpose.
- 262.3 Definitions.
- 262.5 Allocation requirements.
- 262.7 Eligibility.
- 262.9 Criteria for selection of projects.
- 262.11 Application process.
- 262.13 Matching requirements.
- 262.15 Environmental assessment.
- 262.17 Combining grant awards.
- 262.19 Close-out procedures.

AUTHORITY: 49 U.S.C. 20154 and 49 CFR 1.49.

SOURCE: 73 FR 39886, July 11, 2008, unless otherwise noted.

### § 262.1 Purpose.

The purpose of this part is to carry out the statutory mandate set forth in 49 U.S.C. 20154 requiring the Secretary of Transportation to promulgate regulations implementing a capital grants program to provide financial assistance for local rail line relocation and improvement projects.

### § 262.3 Definitions.

*Administrator* means the Federal Railroad Administrator, or his or her delegate.

*Allowable costs* means those project costs for which Federal funding may be expended under this part. Only construction and construction-related costs will be allowable.

*Construction* means supervising, inspecting, demolition, actually building, and incurring all costs incidental to building a project described in § 262.9 of this part, including bond costs and other costs related to the issuance of bonds or other debt financing instruments and costs incurred by the Grantee in performing project related audits, and includes:

- (1) Locating, surveying, and mapping;
- (2) Track and related structure installation, restoration, and rehabilitation;
- (3) Acquisition of rights-of-way;
- (4) Relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;
- (5) Elimination of obstacles and relocation of utilities; and
- (6) Any other activities as defined by FRA, including architectural and engineering costs, and costs associated with compliance with the National Environmental Policy Act, National Historic Preservation Act, and related statutes, regulations, and orders.

*FRA* means the Federal Railroad Administration.

*Improvement* means repair or enhancement to existing rail infrastructure, or construction of new rail infrastructure, that results in improvements to the efficiency of the rail system and the safety of those affected by the system.

*Non-federal share* means the portion of the allowable cost of the local rail