Editorial Notes

AMENDMENTS

2005—Subsec. (a). Pub. L. 109–59 inserted ‘‘, as determined by local policies, criteria, and decisionmaking,’’ after ‘‘feasible’’.

§ 5307. Urbanized area formula grants

(a) GENERAL AUTHORITY.—

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

(A) capital projects;

(B) planning;

(C) job access and reverse commute projects; and

(D) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census.

(2) The Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in public transportation, excluding rail fixed guideway, in an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census—

(A) for public transportation systems that—

(i) operate 75 or fewer buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 75 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; or

(ii) operate a minimum of 76 buses and a maximum of 100 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 50 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; or

(B) subject to paragraph (3), for public transportation systems that—

(i) operate 75 or fewer buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 75 percent of the share of the apportionment allocated to such systems within the urbanized area, as determined by the local planning process and included in the designated recipient's final program of projects prepared under subsection (b); or

(ii) operate a minimum of 76 buses and a maximum of 100 buses in fixed route service or demand response service, excluding ADA complementary paratransit service during peak service hours, in an amount not to exceed 50 percent of the share of the apportionment allocated to such systems within the urbanized area, as determined by the local planning process and included in the designated recipient's final program of projects prepared under subsection (b).

(3) The amount available to a public transportation system under subparagraph (B) of paragraph (2) shall be not more than 10 percent greater than the amount that would otherwise be available to the system under subparagraph (A) of that paragraph.

(b) PROGRAM OF PROJECTS.—Each recipient of a grant shall—

(1) make available to the public information on amounts available to the recipient under this section;

(2) develop, in consultation with interested parties, including private transportation providers, a proposed program of projects for activities to be financed;

(3) publish a proposed program of projects in a way that affected individuals, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the recipient;

(4) provide an opportunity for a public hearing in which to obtain the views of individuals on the proposed program of projects;

(5) ensure that the proposed program of projects provides for the coordination of public transportation services assisted under section 5336 of this title with transportation services assisted from other United States Government sources;

(6) consider comments and views received, especially those of private transportation providers, in preparing the final program of projects; and

(7) make the final program of projects available to the public.

(c) GRANT RECIPIENT REQUIREMENTS.—A recipient may receive a grant in a fiscal year only if—

(1) the recipient, within the time the Secretary prescribes, submits a final program of projects prepared under subsection (b) of this section and a certification for that fiscal year that the recipient (including a person receiving amounts from a Governor under this section)—

(A) has or will have the legal, financial, and technical capacity to carry out the program, including safety and security aspects of the program;

(B) has or will have satisfactory continuing control over the use of equipment and facilities;

(C) will maintain equipment and facilities in accordance with the recipient's transit asset management plan;

(D) will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—

(i) senior;

(ii) individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use a public transportation service or a public transportation

facility effectively without special facilities, planning, or design; and

(iii) individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. 401 et seq. and 1395 et seq.);

(E) in carrying out a procurement under this section, will comply with sections 5323 and 5325;

(F) has complied with subsection (b) of this section;

(G) has available and will provide the required amounts as provided by subsection (d) of this section;

(H) will comply with sections 5303 and 5304;

(I) has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;

(J)(i) will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under section 5336 of this title; or

(ii) has decided that the expenditure for security projects is not necessary;

(K) in the case of a recipient for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under this section for associated transit improvements as defined in section 5302; and

(L) will comply with section 5329(d); and

(2) the Secretary accepts the certification.

(d) GOVERNMENT SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

(2) OPERATING EXPENSES.—A grant for operating expenses under this section may not exceed 50 percent of the net project cost of the project.

(3) REMAINING COSTS.—Subject to paragraph (4), the remainder of the net project costs shall be provided—

(A) in cash from non-Government sources other than revenues from providing public transportation services;

(B) from revenues from the sale of advertising and concessions;

(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

(D) from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; and

(E) from amounts received under a service agreement with a State or local social service agency or private social service organization.

(4) USE OF CERTAIN FUNDS.—For purposes of subparagraphs (D) and (E) of paragraph (3), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

(e) UNDERTAKING PROJECTS IN ADVANCE.—

(1) PAYMENT.—The Secretary may pay the Government share of the net project cost to a State or local governmental authority that carries out any part of a project eligible under subparagraph (A) or (B) of subsection (a)(1) without the aid of amounts of the Government and according to all applicable procedures and requirements if—

(A) the recipient applies for the payment;

(B) the Secretary approves the payment; and

(C) before carrying out any part of the project, the Secretary approves the plans and specifications for the part in the same way as for other projects under this section.

(2) APPROVAL OF APPLICATION.—The Secretary may approve an application under paragraph (1) of this subsection only if an authorization for this section is in effect for the fiscal year to which the application applies. The Secretary may not approve an application if the payment will be more than—

(A) the recipient's expected apportionment under section 5336 of this title if the total amount authorized to be appropriated for the fiscal year to carry out this section is appropriated; less

(B) the maximum amount of the apportionment that may be made available for projects for operating expenses under this section.

(3) 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 recipient to the extent proceeds of the bonds are expended in carrying out the part.

(B) LIMITATION ON THE AMOUNT OF INTEREST.—The amount of interest allowed under this paragraph may not be more than the most favorable financing 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.

(f) REVIEWS, AUDITS, AND EVALUATIONS.—

(1) ANNUAL REVIEW.—

(A) IN GENERAL.—At least annually, the Secretary shall carry out, or require a recipient to have carried out independently,

reviews and audits the Secretary considers appropriate to establish whether the recipient has carried out—

(i) the activities proposed under subsection (c) of this section in a timely and effective way and can continue to do so; and

(ii) those activities and its certifications and has used amounts of the Government in the way required by law.

(B) AUDITING PROCEDURES.—An audit of the use of amounts of the Government shall comply with the auditing procedures of the Comptroller General.

(2) TRIENNIAL REVIEW.—At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient's program, specifically referring to compliance with statutory and administrative requirements and the extent to which actual program activities are consistent with the activities proposed under subsection (c) of this section and the planning process required under sections 5303, 5304, and 5305 of this title. To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.

(3) ACTIONS RESULTING FROM REVIEW, AUDIT, OR EVALUATION.—The Secretary may take appropriate action consistent with a review, audit, and evaluation under this subsection, including making an appropriate adjustment in the amount of a grant or withdrawing the grant.

(g) TREATMENT.—For purposes of this section, the United States Virgin Islands shall be treated as an urbanized area, as defined in section 5302.

(h) PASSENGER FERRY GRANTS.—

(1) IN GENERAL.—The Secretary may make grants under this subsection to recipients for passenger ferry projects that are eligible for a grant under subsection (a).

(2) GRANT REQUIREMENTS.—Except as otherwise provided in this subsection, a grant under this subsection shall be subject to the same terms and conditions as a grant under subsection (a).

(3) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 795; Pub. L. 103–429, §6(7), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 104–287, §5(11), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 105–178, title III, §3007(a)(1), (b)–(h), June 9, 1998, 112 Stat. 347, 348; Pub. L. 105–206, title IX, §9009(e), July 22, 1998, 112 Stat. 855; Pub. L. 107–232, §1, Oct. 1, 2002, 116 Stat. 1478; Pub. L. 108–88, §8(n), Sept. 30, 2003, 117 Stat. 1125; Pub. L. 108–202, §9(n), Feb. 29, 2004, 118 Stat. 488; Pub. L. 108–224, §7(n), Apr. 30, 2004, 118 Stat. 636; Pub. L. 108–263, §7(n), June 30, 2004, 118 Stat. 708; Pub. L. 108–280, §7(n), July 30, 2004, 118 Stat. 885; Pub. L. 108–310, §8(n), Sept. 30, 2004, 118 Stat. 1158; Pub. L. 109–14, §7(m), May 31, 2005, 119 Stat. 333; Pub. L. 109–20, §7(m), July 1, 2005, 119 Stat. 355; Pub. L. 109–35, §7(m), July 20, 2005, 119 Stat. 389; Pub. L. 109–37, §7(m), July 22, 2005, 119 Stat. 404; Pub. L. 109–40, §7(m), July 28, 2005, 119 Stat. 420; Pub. L. 109–59, title III, §§3002(b)(4), 3009(a)–(h), Aug. 10, 2005, 119 Stat. 1545, 1568–1571; Pub. L. 110–244, title II, §201(c), June 6, 2008, 122 Stat. 1609; Pub. L. 111–147, title IV, §432, Mar. 18, 2010, 124 Stat. 88; Pub. L. 111–322, title II, §2302, Dec. 22, 2010, 124 Stat. 3526; Pub. L. 112–5, title III, §302, Mar. 4, 2011, 125 Stat. 18; Pub. L. 112–30, title I, §132, Sept. 16, 2011, 125 Stat. 350; Pub. L. 112–102, title III, §302, Mar. 30, 2012, 126 Stat. 275; Pub. L. 112–140, title III, §302, June 29, 2012, 126 Stat. 396; Pub. L. 112–141, div. B, §20007, div. G, title III, §113002, July 6, 2012, 126 Stat. 652, 983; Pub. L. 114–94, div. A, title III, §3004, Dec. 4, 2015, 129 Stat. 1450; Pub. L. 115–31, div. K, title I, §165, May 5, 2017, 131 Stat. 749.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5307(a)(1)	49 App.:1607a(j)(1) (last sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(j)(1) (last sentence); added Jan. 6, 1983, Pub. L. 97–424, §303, 96 Stat. 2145; Apr. 2, 1987, Pub. L. 100–17, §§309(b)(1), (2), 327(b), 101 Stat. 227, 238.
5307(a)(2)	49 App.:1607a(m)(1).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(h), (i), (m)(1); added Jan. 6, 1983, Pub. L. 97–424, §303, 96 Stat. 2145, 2147; Apr. 2, 1987, Pub. L. 100–17, §327(b), 101 Stat. 238; Oct. 6, 1992, Pub. L. 102–388, §503(2), 106 Stat. 1567.
5307(b)(1)	49 App.:1607a(j)(1) (1st sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(j)(1) (1st sentence); added Jan. 6, 1983, Pub. L. 97–424, §303, 96 Stat. 2145; Apr. 2, 1987, Pub. L. 100–17, §§309(b)(3), 327(b), 101 Stat. 227, 238.
5307(b)(2)	49 App.:1607a(j)(1) (2d sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(j)(1) (2d sentence); added Dec. 18, 1991, Pub. L. 102–240, §3013(h)(1), 105 Stat. 2107.
5307(b)(3)	49 App.:1607a(j)(1) (3d, 4th sentences).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(j)(1) (3d, 4th sentences); added Apr. 2, 1987, Pub. L. 100–17, §308, 101 Stat. 226.
5307(b)(4)	49 App.:1607a(j)(2).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(j)(2); added Apr. 2, 1987, Pub. L. 100–17, §309(b)(4), 101 Stat. 227.
5307(b)(5)	49 App.:1607a(j)(3).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(j)(3); added Dec. 18, 1991, Pub. L. 102–240, §3013(h)(2), 105 Stat. 2107.
5307(c)	49 App.:1607a(f).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(f); added Jan. 6, 1983, Pub. L. 97–424, §303, 96 Stat. 2144; Apr. 2, 1987, Pub. L. 100–17, §327(b), 101 Stat. 238; Dec. 18, 1991, Pub. L. 102–240, §3013(g), 105 Stat. 2107.
5307(d)(1)	49 App.:1607a(e)(2) (1st, last sentences).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(e)(2); added Jan. 6, 1983, Pub. L. 97–424, §303, 96 Stat. 2143; Apr. 2, 1987, Pub. L. 100–17, §§312(a), 327(b), 101 Stat. 228, 238; Dec. 18, 1991, Pub. L. 102–240, §3013(d), 105 Stat. 2106.
	49 App.:1607a(e)(3).	July 9, 1964, Pub. L. 88–365, 78 Stat. 202, §9(e)(3); added Jan. 6, 1983, Pub. L. 97–424, §303, 96 Stat. 2143; Apr. 2, 1987, Pub. L. 100–17, §327(b), 101 Stat. 238; Dec. 18, 1991, Pub. L. 102–240, §3013(f), 105 Stat. 2106.
5307(d)(2)	49 App.:1607a(e)(5).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(e)(5); added Apr. 2, 1987, Pub. L. 100–17, §312(f)(1), 101 Stat. 229.

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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5307(e)	49 App.:1607a(k)(1).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(k)(1); added Jan. 6, 1983, Pub. L. 97–424, §303, 96 Stat. 2145; Apr. 2, 1987, Pub. L. 100–17, §§309(c), (d), (f), 312(b)(1), 327(b), 101 Stat. 227, 228, 238.
5307(f)	49 App.:1607a (note).	Nov. 21, 1989, Pub. L. 101–164, §334(c), 103 Stat. 1098.
5307(g)	49 App.:1607a(p).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(p); added Apr. 2, 1987, Pub. L. 100–17, §306(b), 101 Stat. 225.
5307(h)	49 App.:1607a(e)(6).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(e)(6); added Dec. 18, 1991, Pub. L. 102–240, §3013(e), 105 Stat. 2106.
5307(i)	49 App.:1607a(g).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(g); added Jan. 6, 1983, Pub. L. 97–424, §303, 96 Stat. 2144; Apr. 2, 1987, Pub. L. 100–17, §§312(f)(2), 327(b), 101 Stat. 229, 238.
5307(j)	49 App.:1607a(e)(4).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(e)(4); added Apr. 2, 1987, Pub. L. 100–17, §312(b)(2), 101 Stat. 228.
5307(k)	49 App.:1607a(e)(2) (2d, 3d sentences).	
5307(*l*)	49 App.:1607a(i).	
5307(m)	49 App.:1607a(r).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(r); added Dec. 18, 1991, Pub. L. 102–240, §3013(j), 105 Stat. 2107.
5307(n)(1)	49 App.:1607a(h).	
5307(n)(2)	49 App.:1607a(e)(1).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §9(e)(1); added Jan. 6, 1983, Pub. L. 97–424, §303, 96 Stat. 2143; Apr. 2, 1987, Pub. L. 100–17, §327(b), 101 Stat. 238; Dec. 18, 1991, Pub. L. 102–240, §3013(c), 105 Stat. 2106.

In subsection (a)(2)(A), the word ''required'' is omitted as surplus. The word ''apportion'' is substituted for ''dispense'' for consistency in this chapter. The word ''appropriated'' is omitted for clarity.

In subsection (a)(2)(B), the word ''authority'' is substituted for ''agency'' for consistency in the revised title and with other titles of the United States Code. The words ''by lease, contract, or otherwise'' are omitted as surplus.

In subsection (b)(1), the words ''by operation or lease or otherwise'' are omitted as surplus.

In subsection (b)(3), the words ''the Secretary prescribes'' are added for clarity. The text of 49 App.:1607a(j)(1) (4th sentence) is omitted as executed.

In subsection (b)(4), the words ''(whether by employees of the grant recipient or by contract)'' are omitted as surplus.

In subsection (c)(1), the words ''of funds'' are omitted as surplus. The words ''to the recipient'' are added for clarity. The words ''with such funds'' are omitted as surplus.

In subsection (c)(3), the words ''as appropriate'' are omitted as surplus.

In subsection (c)(5), the words ''and shall, if deemed appropriate by the recipient, modify the proposed program of projects'' are omitted as surplus.

In subsection (d)(1)(B), the words ''through operation or lease or otherwise'' are omitted as surplus.

In subsection (d)(1)(D), the words ''ensure that elderly and handicapped individuals . . . will be charged during non-peak hours for transportation using or involving a facility or equipment of a project financed under this chapter not more than 50 percent of the peak hour fare'' are substituted for 49 App.:1607a(e)(3)(C) and the words ''will give the rate required by section 1604(m) of this Appendix'' for clarity and consistency in the revised title. The word ''duly'' is omitted as surplus.

In subsection (d)(1)(J)(ii), the words ''has decided'' are added for clarity to correct an error in the source provisions being restated.

In subsection (e), the words ''at its option'', ''public'', ''the amount of any'', ''by such system'', ''Any public or private'', ''solely'', and ''available in'' are omitted as surplus.

In subsection (f), the word ''authority'' is substituted for ''agency or instrumentality'' for consistency in the revised title and with other titles of the Code.

In subsection (f)(1), the words ''is responsible under State laws for the financing, construction and operation, directly by lease, contract or otherwise, of public transportation services'' are omitted as surplus because a State that is a designated recipient has that responsibility. The words ''of UMTA funds'', ''combined total permissible'', and ''regardless of whether the amount for any particular urbanized area is exceeded'' are omitted as surplus.

In subsection (f)(2), the word ''Secretary'' is substituted for ''UMTA'' [subsequently changed to ''FTA'' because of section 3004(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2088)] because of 49:102(b) and 107(a). The words ''This provision shall take effect with the fiscal year 1990 section 9 apportionment'' are omitted as obsolete.

In subsection (g)(2), before clause (A), the word ''applies'' is substituted for ''is sought beyond the currently authorized funds for such recipient'' to eliminate unnecessary words. In clause (A), the words ''of funds'' are omitted as surplus.

In subsection (g)(3), 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.

In subsection (i)(1)(A), before clause (i), the words ''necessary or'' are omitted as surplus. In clause (ii), the words ''required by law'' are substituted for ''which is consistent with the applicable requirements of this chapter and other applicable laws'' to eliminate unnecessary words.

In subsection (i)(1)(B), the words ''Comptroller General'' are substituted for ''General Accounting Office'' because of 31:702(b).

In subsection (i)(2), the words ''In addition to the reviews and audits described in paragraph (1)'' and ''perform a'' are omitted as surplus.

Subsection (i)(3) is substituted for 49 App.:1607a(g)(3) to eliminate unnecessary words.

In subsection (*l*), the words ''Administrator for Federal Procurement Policy'' are substituted for ''Office of Federal Procurement Policy'' because of 41:404(b). The words ''Such approval shall be binding until withdrawn'' are omitted as surplus.

In subsection (n)(1), the words ''available under section 5336 of this title'' are substituted for ''available under this subsection'' for clarity.

In subsection (n)(2), the references to sections 5302(a)(8) and 5318 are added for clarity. The source provisions of sections 5302(a)(8) and 5318, enacted by section 317 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17, 101 Stat. 233), were not intended to come under the exclusion stated in 49 App.:1607a(e)(1). The reference to 49 App.:1604(k)(3) is omitted as obsolete. The words ''condition, limitation, or other'' and ''for programs of projects'' are omitted as surplus.

PUB. L. 103–429, §6(7)(A)

This amends 49:5307(d)(1)(D) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 797).

PUB. L. 103–429, §6(7)(B)

This makes a clarifying amendment to 49:5307(d)(1)(E)(iii).

PUB. L. 104–287

This amends 49:5307(a)(2) to delete an obsolete provision.

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (c)(1)(D)(iii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Titles II and XVIII of such Act are classified generally to subchapters II (§ 401 et seq.) and XVIII (§ 1395 et seq.) respectively, of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

2017—Subsec. (a)(2), (3). Pub. L. 115–31 added pars. (2) and (3) and struck out former pars. (2) and (3) which read as follows:

''(2) SPECIAL RULE.—The Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in public transportation, excluding rail fixed guideway, in an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census—

''(A) for public transportation systems that operate 75 or fewer buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 75 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; and

''(B) for public transportation systems that operate a minimum of 76 buses and a maximum of 100 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 50 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours.

''(3) EXCEPTION TO THE SPECIAL RULE.—Notwithstanding paragraph (2), if a public transportation system described in such paragraph executes a written agreement with 1 or more other public transportation systems within the urbanized area to allocate funds for the purposes described in the paragraph by a method other than by measuring vehicle revenue hours, each public transportation system that is a party to the written agreement may follow the terms of the written agreement without regard to measured vehicle revenue hours referred to in the paragraph.''

2015—Subsec. (a)(2). Pub. L. 114–94, § 3004(1)(A), inserted ''or demand response service, excluding ADA complementary paratransit service,'' before ''during peak'' in subpars. (A) and (B).

Subsec. (a)(3). Pub. L. 114–94, § 3004(1)(B), added par. (3).

Subsec. (c)(1)(C). Pub. L. 114–94, § 3004(2)(A), inserted ''in accordance with the recipient's transit asset management plan'' after ''equipment and facilities''.

Subsec. (c)(1)(K). Pub. L. 114–94, § 3004(2)(B), substituted ''Census, will submit an annual report listing projects carried out in the preceding fiscal year under this section for associated transit improvements as defined in section 5302; and'' for ''Census—

''(i) will expend not less than 1 percent of the amount the recipient receives each fiscal year under this section for associated transit improvements, as defined in section 5302; and

''(ii) will submit an annual report listing projects carried out in the preceding fiscal year with those funds; and''.

2012—Pub. L. 112–141, § 20007, amended section generally. Prior to amendment, section related to urbanized area formula grants and consisted of subsecs. (a) to (*l*).

Subsec. (b)(2). Pub. L. 112–141, § 113002(1), substituted ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2012'' for ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 30, 2012'' in heading.

Pub. L. 112–140, §§ 1(c), 302(1), temporarily substituted ''ENDING ON JULY 6, 2012'' for ''ENDING ON JUNE 30, 2012'' in heading. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112–102, § 302(1), substituted ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 30, 2012'' for ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012'' in heading.

Subsec. (b)(2)(A). Pub. L. 112–141, § 113002(2), substituted ''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), 302(2), temporarily substituted ''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, § 302(2), substituted ''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. (b)(2)(E). Pub. L. 112–141, § 113002(3), substituted ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2012'' for ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 30, 2012'' in heading and ''2012'' for ''2011 and during the period beginning on October 1, 2011, and ending on June 30, 2012'' in introductory provisions.

Pub. L. 112–140, §§ 1(c), 302(3), 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, § 302(3), substituted ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 30, 2012'' for ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012'' in heading and ''2011 and during the period beginning on October 1, 2011, and ending on June 30, 2012'' for ''2011 and during the period beginning on October 1, 2011, and ending on March 31, 2012'' in introductory provisions.

2011—Subsec. (b)(2). Pub. L. 112–30, § 132(1), substituted ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012'' for ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011'' in heading.

Pub. L. 112–5, § 302(1), substituted ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011'' for ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING MARCH 4, 2011'' in heading.

Subsec. (b)(2)(A). Pub. L. 112–30, § 132(2), substituted ''2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,'' for ''2011,'' in introductory provisions.

Pub. L. 112–5, § 302(2), substituted ''2011,'' for ''2010, and the period beginning October 1, 2010, and ending March 4, 2011,'' in introductory provisions.

Subsec. (b)(2)(E). Pub. L. 112–30, § 132(3), substituted ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON MARCH 31, 2012'' for ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011'' in heading and ''2011 and during the period beginning on October 1, 2011, and ending on March 31, 2012'' for ''2011'' in introductory provisions.

Pub. L. 112–5, § 302(3), substituted ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011'' for ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING MARCH 4, 2011'' in heading and ''In each of fiscal years 2008 through 2011'' for ''In fiscal years 2008 through 2010, and during the period beginning October 1, 2010, and ending March 4, 2011,'' in introductory provisions.

2010—Subsec. (b)(2). Pub. L. 111–322, § 2302(1), substituted ''MARCH 4, 2011'' for ''DECEMBER 31, 2010'' in heading.

Pub. L. 111–147, § 432(1), substituted ''2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010'' for ''2009'' in heading.

Subsec. (b)(2)(A). Pub. L. 111–322, § 2302(2), substituted ''March 4, 2011'' for ''December 31, 2010'' in introductory provisions.

Pub. L. 111–147, § 432(2), substituted ''2010, and the period beginning October 1, 2010, and ending December 31, 2010,'' for ''2009,'' in introductory provisions.

Subsec. (b)(2)(E). Pub. L. 111–322, § 2302(3), 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, § 432(3), substituted ''THROUGH 2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010'' for ''AND 2009'' in heading and ''through 2010, and during the period beginning October 1, 2010, and ending December 31, 2010,'' for ''and 2009'' in introductory provisions.

2008—Subsec. (b)(2). Pub. L. 110–244, § 201(c)(1), substituted ''2009'' for ''2007'' in heading.

Subsec. (b)(2)(A). Pub. L. 110–244, § 201(c)(2), in introductory provisions, substituted ''2009'' for ''2007'' and ''public'' for ''mass''.

Subsec. (b)(2)(E). Pub. L. 110–244, § 201(c)(3), added subpar. (E).

Subsec. (b)(3). Pub. L. 110–244, § 201(c)(4), substituted ''section 5303(k)'' for ''section 5305(a)'' in introductory provisions.

2005—Subsec. (a)(1). Pub. L. 109–59, § 3009(b)(1), substituted ''means—'' for ''means'', designated part of existing provisions as subpar. (A), and added subpar. (B).

Subsec. (a)(2)(A). Pub. L. 109–59, § 3009(b)(2), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''a person designated, consistent with the planning process under sections 5303–5306 of this title, by the chief executive officer of a State, responsible local officials, and publicly owned operators of mass transportation to receive and apportion amounts under section 5336 of this title that are attributable to transportation management areas established under section 5305(a) of this title; or''.

Subsec. (a)(2)(B). Pub. L. 109–59, § 3002(b)(4), substituted ''public transportation'' for ''mass transportation''.

Subsec. (b)(1). Pub. L. 109–59, § 3009(c)(1), added par. (1) and struck out former par. (1) which read as follows: ''The Secretary of Transportation may make grants under this section for capital projects and to finance the planning and improvement costs of equipment, facilities, and associated capital maintenance items for use in mass transportation, including the renovation and improvement of historic transportation facilities with related private investment. The Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of less than 200,000.''

Subsec. (b)(2). Pub. L. 109–59, § 3009(c)(2), added par. (2) and struck out former par. (2) which related to special rule for fiscal years 2003 and 2004 and for the period of Oct. 1, 2004, through July 30, 2005.

Pub. L. 109–40, § 7(m)(1), substituted ''JULY 30, 2005'' for ''JULY 27, 2005'' in heading.

Pub. L. 109–37, § 7(m)(1), substituted ''JULY 27, 2005'' for ''JULY 21, 2005'' in heading.

Pub. L. 109–35, § 7(m)(1), substituted ''JULY 21, 2005'' for ''JULY 19, 2005'' in heading.

Pub. L. 109–20, § 7(m)(1), substituted ''JULY 19, 2005'' for ''JUNE 30, 2005'' in heading.

Pub. L. 109–14, § 7(m)(1), substituted ''JUNE 30, 2005'' for ''MAY 31, 2005'' in heading.

Subsec. (b)(2)(A). Pub. L. 109–40, § 7(m)(2), substituted ''July 30, 2005'' for ''July 27, 2005'' in introductory provisions.

Pub. L. 109–37, § 7(m)(2), substituted ''July 27, 2005'' for ''July 21, 2005'' in introductory provisions.

Pub. L. 109–35, § 7(m)(2), substituted ''July 21, 2005'' for ''July 19, 2005'' in introductory provisions.

Pub. L. 109–20, § 7(m)(2), substituted ''July 19, 2005'' for ''June 30, 2005'' in introductory provisions.

Pub. L. 109–14, § 7(m)(2), substituted ''June 30, 2005'' for ''May 31, 2005'' in introductory provisions.

Subsec. (b)(3)(A). Pub. L. 109–59, § 3002(b)(4), substituted ''public transportation'' for ''mass transportation''.

Subsec. (b)(4). Pub. L. 109–59, § 3009(c)(3), struck out par. (4) which read as follows: ''A project for the reconstruction of equipment and material, each of which after reconstruction will have a fair market value of at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and material will be used, is a capital project for an associated capital maintenance item under this section.''

Subsec. (c)(5). Pub. L. 109–59, § 3002(b)(4), substituted ''public transportation'' for ''mass transportation''.

Subsec. (d)(1)(A). Pub. L. 109–59, § 3009(d)(1), inserted '', including safety and security aspects of the program'' before semicolon at end.

Subsec. (d)(1)(E)(iv). Pub. L. 109–59, § 3009(d)(2), added cl. (iv).

Subsec. (d)(1)(H). Pub. L. 109–59, § 3009(d)(3), substituted ''section 5301(a), section 5301(d), and sections 5303 through 5306'' for ''sections 5301(a) and (d), 5303–5306, and 5310(a)–(d) of this title''.

Subsec. (d)(1)(J)(i). Pub. L. 109–59, § 3002(b)(4), substituted ''public transportation'' for ''mass transportation'' wherever appearing.

Subsec. (d)(1)(K). Pub. L. 109–59, § 3009(d)(4), (5), added subpar. (K).

Subsec. (e). Pub. L. 109–59, § 3009(e), reenacted heading without change and amended text of subsec. (e) generally. Prior to amendment, text read as follows: ''A grant of the Government for a capital project (including associated capital maintenance items) under this section is for 80 percent of the net project cost of the project. A recipient may provide additional local matching amounts. A grant for operating expenses may not be more than 50 percent of the net project cost of the project. The remainder of the net project cost shall be provided in cash from sources other than amounts of the Government or revenues from providing mass transportation (excluding revenues derived from the sale of advertising and concessions that are more than the amount of those revenues in the fiscal year that ended September 30, 1985). Transit system amounts that make up the remainder shall be from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.''

Subsec. (f)(1). Pub. L. 109–59, § 3002(b)(4), substituted ''public transportation'' for ''mass transportation''.

Subsec. (g)(4). Pub. L. 109–59, § 3009(f), struck out par. (4) which read as follows: ''The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (3) of this subsection.''

Subsecs. (h), (i). Pub. L. 109–59, § 3009(a), redesignated subsecs. (i) and (*l*) as (h) and (i), respectively, and struck out heading and text of former subsec. (h). Text read as follows: ''The Secretary shall prescribe streamlined administrative procedures for complying with the certification requirement under subsection (d)(1)(B) and (C) of this section for track and signal equipment used in existing operations.''

Subsec. (j). Pub. L. 109–59, § 3009(a), redesignated subsec. (m) as (j) and struck out heading and text of former subsec. (j). Text read as follows: ''A recipient (including a person receiving amounts from a chief executive officer of a State under this section) shall submit annually to the Secretary a report on the revenues the recipient derives from the sale of advertising and concessions.''

Subsec. (k). Pub. L. 109–59, § 3009(g), reenacted heading without change and amended text of subsec. (k) generally. Prior to amendment, text read as follows:

''(1) Section 1001 of title 18 applies to a certificate or submission under this section. The Secretary may end a grant under this section and seek reimbursement, directly or by offsetting amounts available under section 5336 of this title, when a false or fraudulent statement

or related act within the meaning of section 1001 is made in connection with a certification or submission.

''(2) Sections 5302, 5318, 5319, 5323(a)(1), (d), and (f), 5332, and 5333 of this title apply to this section and to a grant made under this section. Except as provided in this section, no other provision of this chapter applies to this section or to a grant made under this section.''

Pub. L. 109–59, §3009(a), redesignated subsec. (n) as (k) and struck out heading and text of former subsec. (k). Text read as follows:

''(1) IN GENERAL.—One percent of the funds apportioned to urbanized areas with a population of at least 200,000 under section 5336 for a fiscal year shall be made available for transit enhancement activities in accordance with section 5302(a)(15).

''(2) PERIOD OF AVAILABILITY.—Funds apportioned under paragraph (1) shall be available for obligation for 3 years following the fiscal year in which the funds are apportioned. Funds that are not obligated at the end of such period shall be reapportioned under the urbanized area formula program of section 5336.

''(3) REPORT.—A recipient of funds apportioned under paragraph (1) shall submit, as part of the recipient's annual certification to the Secretary, a report listing the projects carried out during the preceding fiscal year with those funds.''

Subsec. (*l*). Pub. L. 109–59, §3009(h), added subsec. (*l*).

Pub. L. 109–59, §3009(a)(2), redesignated subsec. (*l*) as (i).

Subsecs. (m), (n). Pub. L. 109–59, §3009(a)(2), redesignated subsecs. (m) and (n) as (j) and (k), respectively.

2004—Subsec. (b)(2). Pub. L. 108–310 inserted ''AND FOR THE PERIOD OF OCTOBER 1, 2004, THROUGH MAY 31, 2005'' after ''2004'' in heading and directed the insertion of ''and for the period of October 1, 2004, through May 31, 2005'' after ''2004,'' in subpar. (A), which was executed by making the insertion after ''2004'' in introductory provisions of subpar. (A), to reflect the probable intent of Congress.

Pub. L. 108–280 substituted ''FISCAL YEARS 2003 AND 2004'' for ''FISCAL YEAR 2003 AND FOR THE PERIOD OF OCTOBER 1, 2003, THROUGH JULY 31, 2004'' in heading and ''fiscal years 2003 and 2004'' for ''fiscal year 2003, and for the period of October 1, 2003, through July 31, 2004'' in introductory provisions of subpar. (A).

Pub. L. 108–263 substituted ''JULY 31, 2004'' for ''JUNE 30, 2004'' in heading and ''July 31, 2004'' for ''June 30, 2004'' in introductory provisions of subpar. (A).

Pub. L. 108–224 substituted ''JUNE 30, 2004'' for ''APRIL 30, 2004'' in heading and ''June 30, 2004'' for ''April 30, 2004'' in introductory provisions of subpar. (A).

Pub. L. 108–202 substituted ''APRIL 30, 2004'' for ''FEBRUARY 29, 2004'' in heading and ''April 30, 2004'' for ''February 29, 2004'' in introductory provisions of subpar. (A).

2003—Subsec. (b)(2). Pub. L. 108–88, §8(n)(1), inserted ''and for the period of October 1, 2003, through February 29, 2004'' after ''2003'' in heading.

Subsec. (b)(2)(A). Pub. L. 108–88, §8(n)(2), inserted ''and for the period of October 1, 2003, through February 29, 2004'' after ''2003,'' and added cl. (iv).

Subsec. (b)(2)(B). Pub. L. 108–88, §8(n)(3), inserted at end ''Each portion of an area not designated as an urbanized area under the 1990 Federal decennial census and eligible to receive funds under subparagraph (A)(iv) shall receive an amount of funds made available to carry out this section that is no less than the amount the portion of the area received under section 5311 in fiscal year 2002.''

2002—Subsec. (b)(1). Pub. L. 107–232, §1(1), struck out at end ''The Secretary may make grants under this section from funds made available for fiscal year 1998 to finance the operating costs of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000.''

Subsec. (b)(2) to (4). Pub. L. 107–232, §1(2)–(4), added par. (2), redesignated former pars. (2) and (3) as (3) and (4), respectively, and realigned margins of par. (3)(C), as redesignated.

1998—Pub. L. 105–178, §3007(a)(1), substituted ''Urbanized area formula grants'' for ''Block grants'' in section catchline.

Subsec. (a). Pub. L. 105–178, §3007(b)(1), substituted ''In this section, the following definitions apply:'' for ''In this section—'' in introductory provisions.

Subsec. (a)(1). Pub. L. 105–178, §3007(b)(2), inserted ''ASSOCIATED CAPITAL MAINTENANCE ITEMS.—The term'' after ''(1)''.

Subsec. (a)(2). Pub. L. 105–178, §3007(b)(3), inserted ''DESIGNATED RECIPIENT.—The term'' after ''(2)''.

Subsec. (b)(1). Pub. L. 105–178, §3007(h)(1), as added by Pub. L. 105–206, §9009(e), inserted at end ''The Secretary may make grants under this section from funds made available for fiscal year 1998 to finance the operating costs of equipment and facilities for use in mass transportation in an urbanized area with a population of at least 200,000.''

Pub. L. 105–178, §3007(c)(1), substituted ''and improvement costs of equipment'' for '', improvement, and operating costs of equipment'' and inserted at end ''The Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of less than 200,000.''

Subsec. (b)(2)(A). Pub. L. 105–178, §3007(c)(2)(A), inserted '', in writing,'' after ''approved''.

Subsec. (b)(2)(C). Pub. L. 105–178, §3007(c)(2)(B)–(4), added subpar. (C).

Subsec. (b)(3), (4). Pub. L. 105–178, §3007(c)(5), (6), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: ''A grant for a capital project under this section also is available to finance the leasing of equipment and facilities for use in mass transportation, subject to regulations the Secretary prescribes limiting the grant to leasing arrangements that are more cost effective than acquisition or construction.''

Subsec. (b)(5). Pub. L. 105–178, §3007(c)(5), struck out par. (5) which read as follows: ''Amounts under this section are available for a highway project under title 23 only if amounts used for the State or local share of the project are eligible to finance either a highway or mass transportation project.''

Subsec. (g)(3). Pub. L. 105–178, §3007(d), substituted ''the most favorable financing terms reasonably available for the project at the time of borrowing. 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.'' for ''the amount by which the estimated cost of carrying out the part (if it would be carried out at the time the part is converted to a regularly financed project) exceeds the actual cost (except interest) of carrying out the part.''

Subsec. (i)(2). Pub. L. 105–178, §3007(e), inserted at end ''To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.''

Subsec. (k). Pub. L. 105–178, §3007(f), amended heading and text of subsec. (k) generally. Prior to amendment, text read as follows: ''A certification under subsection (d) of this section and any additional certification required by law to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of the grant application under this section. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2) of this title.''

Subsec. (k)(3). Pub. L. 105–178, §3007(h)(2), as added by Pub. L. 105–206, §9009(e), inserted ''preceding'' before ''fiscal year''.

Subsec. (n)(2). Pub. L. 105–178, §3007(g), inserted ''5319,'' after ''5318,''.

1996—Subsec. (a)(2). Pub. L. 104–287 substituted ''title; or'' for ''title;'' in subpar. (A) and ''transportation.'' for ''transportation; or'' in subpar. (B) and struck out subpar. (C) which read as follows: ''a recipient designated under section 5(b)(1) of the Federal Transit Act not later than January 5, 1983.''

1994—Subsec. (d)(1)(D). Pub. L. 103–429, §6(7)(A), substituted ''section'' for ''chapter''.

Subsec. (d)(1)(E)(iii). Pub. L. 103–429, § 6(7)(B), substituted ''Buy America'' for ''Buy-American''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE AND TERMINATION DATES OF 2012 AMENDMENT

Amendment by section 20007 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 113002 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 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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

PILOT PROGRAM FOR COOPERATIVE PROCUREMENT OF MAJOR CAPITAL EQUIPMENT

Pub. L. 108–447, div. H, title I, § 167, Dec. 8, 2004, 118 Stat. 3228, required the Secretary to continue the pilot 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. 309, required the Secretary to establish a pilot program consisting of 3 pilot projects related to cooperative procurement of major capital equipment and required reports on the results of the projects.

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.

Statutory Notes and Related Subsidiaries

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