

Section 204 of title 23, referred to in subsec. (d)(3)(B)(ii), was repealed and a new section 204 was enacted by Pub. L. 112-141, div. A, title I, § 1119(a), July 6, 2012, 126 Stat. 473, 489. As enacted by Pub. L. 112-141, section 204 relates to the Federal lands access program.

The date of enactment of the Federal Public Transportation Act of 2012, referred to in subsec. (h)(1), 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.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-94, § 3006(a)(1), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “The term ‘recipient’ means a designated recipient or a State that receives a grant under this section directly.”

Subsec. (i). Pub. L. 114-94, § 3006(a)(2), added subsec. (i).

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to formula grants for special needs of elderly individuals and individuals with disabilities.

2005—Pub. L. 109-59, § 3012(a), amended section catchline and text generally. Prior to amendment, text consisted of subsecs. (a) to (j) relating to formula grants and loans for special needs of elderly individuals and individuals with disabilities.

Subsec. (h). Pub. L. 109-59, § 3002(b)(2), substituted “Public” for “Mass”.

1998—Pub. L. 105-178 substituted “Formula grants” for “Grants” in section catchline.

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 DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 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.

PILOT PROGRAM FOR INNOVATIVE COORDINATED ACCESS AND MOBILITY

Pub. L. 114-94, div. A, title III, § 3006(b), Dec. 4, 2015, 129 Stat. 1462, provided that:

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible project’ has the meaning given the term ‘capital project’ in section 5302 of title 49, United States Code; and

“(B) the term ‘eligible recipient’ means a recipient or subrecipient, as those terms are defined in section 5310 of title 49, United States Code.

“(2) GENERAL AUTHORITY.—The Secretary [of Transportation] may make grants under this subsection to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and nonemergency medical transportation services, including—

“(A) the deployment of coordination technology;

“(B) projects that create or increase access to community One-Call/One-Click Centers; and

“(C) such other projects as determined appropriate by the Secretary.

“(3) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

“(A) a detailed description of the eligible project;

“(B) an identification of all eligible project partners and their specific role in the eligible project, including—

“(i) private entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; or

“(ii) nonprofit entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged;

“(C) a description of how the eligible project would—

“(i) improve local coordination or access to coordinated transportation services;

“(ii) reduce duplication of service, if applicable; and

“(iii) provide innovative solutions in the State or community; and

“(D) specific performance measures the eligible project will use to quantify actual outcomes against expected outcomes.

“(4) REPORT.—The Secretary shall make publicly available an annual report on the pilot program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under the pilot program, and an evaluation of the program, including an evaluation of the performance measures described in paragraph (3)(D).

“(5) GOVERNMENT SHARE OF COSTS.—

“(A) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

“(B) NON-GOVERNMENT SHARE.—The non-Government share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.

“(6) RULE OF CONSTRUCTION.—For purposes of this subsection, nonemergency medical transportation services shall be limited to services eligible under Federal programs other than programs authorized under chapter 53 of title 49, United States Code.”

ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM

Pub. L. 109-59, title III, § 3012(b), Aug. 10, 2005, 119 Stat. 1591, as amended by Pub. L. 111-147, title IV, § 437(c), Mar. 18, 2010, 124 Stat. 92; Pub. L. 111-322, title II, § 2307(c), Dec. 22, 2010, 124 Stat. 3530; Pub. L. 112-5, title III, § 307(c), Mar. 4, 2011, 125 Stat. 21; Pub. L. 112-30, title I, § 137(c), Sept. 16, 2011, 125 Stat. 354; Pub. L. 112-102, title III, § 307(c), Mar. 30, 2012, 126 Stat. 280; Pub. L. 112-140, title III, § 307(c), June 29, 2012, 126 Stat. 401; Pub. L. 112-141, div. G, title III, § 113007(c), July 6, 2012, 126 Stat. 987, which established a pilot program for certain States to carry out projects for public transportation of elderly individuals and individuals with disabilities, was repealed by Pub. L. 112-141, div. B, § 20002(c)(3), July 6, 2012, 126 Stat. 622.

OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM

Pub. L. 105-178, title III, § 3038, June 9, 1998, 112 Stat. 392, as amended by Pub. L. 105-206, title IX, § 9009(x), July 22, 1998, 112 Stat. 862; Pub. L. 106-346, § 101(a) [title III, § 336], Oct. 23, 2000, 114 Stat. 1356, 1356A-31; Pub. L. 108-88, § 8(m), Sept. 30, 2003, 117 Stat. 1125; Pub. L. 108-202, § 9(m), Feb. 29, 2004, 118 Stat. 488; Pub. L. 108-224, § 7(m), Apr. 30, 2004, 118 Stat. 636; Pub. L. 108-263, § 7(m), June 30, 2004, 118 Stat. 707; Pub. L. 108-280, § 7(m), July 30, 2004, 118 Stat. 885; Pub. L. 108-310, § 8(m), Sept. 30, 2004, 118 Stat. 1158; Pub. L. 109-14, § 7(l), May 31, 2005, 119 Stat. 333; Pub. L. 109-20, § 7(l), July 1, 2005, 119 Stat. 355; Pub. L. 109-35, § 7(l), July 20, 2005, 119 Stat. 388; Pub. L. 109-37, § 7(l), July 22, 2005, 119 Stat. 403; Pub. L. 109-40, § 7(l), July 28, 2005, 119 Stat. 420; Pub. L. 109-59, title III, § 3039(a), Aug. 10, 2005, 119 Stat. 1638, which provided for grants to over-the-road bus operators to finance costs associated with bus accessibility for persons with disabilities, was repealed by Pub. L. 112-141, div. B, § 20002(b), July 6, 2012, 126 Stat. 622.

§ 5311. Formula grants for rural areas

(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) **RECIPIENT.**—The term “recipient” means a State or Indian tribe that receives a Federal transit program grant directly from the Government.

(2) **SUBRECIPIENT.**—The term “subrecipient” means a State or local governmental authority, a nonprofit organization, or an operator of public transportation or intercity bus service that receives Federal transit program grant funds indirectly through a recipient.

(b) **GENERAL AUTHORITY.**—

(1) **GRANTS AUTHORIZED.**—Except as provided by paragraph (2), the Secretary may award grants under this section to recipients located in rural areas for—

(A) planning, provided that a grant under this section for planning activities shall be in addition to funding awarded to a State under section 5305 for planning activities that are directed specifically at the needs of rural areas in the State;

(B) public transportation capital projects;

(C) operating costs of equipment and facilities for use in public transportation;

(D) job access and reverse commute projects; and

(E) the acquisition of public transportation services, including service agreements with private providers of public transportation service.

(2) **STATE PROGRAM.**—

(A) **IN GENERAL.**—A project eligible for a grant under this section shall be included in a State program for public transportation service projects, including agreements with private providers of public transportation service.

(B) **SUBMISSION TO SECRETARY.**—Each State shall submit to the Secretary annually the program described in subparagraph (A).

(C) **APPROVAL.**—The Secretary may not approve the program unless the Secretary determines that—

(i) the program provides a fair distribution of amounts in the State, including Indian reservations; and

(ii) the program provides the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.

(3) **RURAL TRANSPORTATION ASSISTANCE PROGRAM.**—

(A) **IN GENERAL.**—The Secretary shall carry out a rural transportation assistance program in rural areas.

(B) **GRANTS AND CONTRACTS.**—In carrying out this paragraph, the Secretary may use not more than 2 percent of the amount made available under section 5338(a)(2)(F) to make grants and contracts for transportation research, technical assistance, training, and related support services in rural areas.

(C) **PROJECTS OF A NATIONAL SCOPE.**—Not more than 15 percent of the amounts available under subparagraph (B) may be used by the Secretary to carry out competitively selected projects of a national scope, with the remaining balance provided to the States.

(4) **DATA COLLECTION.**—Each recipient under this section shall submit an annual report to

the Secretary containing information on capital investment, operations, and service provided with funds received under this section, including—

(A) total annual revenue;

(B) sources of revenue;

(C) total annual operating costs;

(D) total annual capital costs;

(E) fleet size and type, and related facilities;

(F) vehicle revenue miles; and

(G) ridership.

(c) **APPORTIONMENTS.**—

(1) **IN GENERAL.**—Of the amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(F) to carry out this section—

(A) an amount equal to 5 percent shall be available to carry out paragraph (2); and

(B) 3 percent shall be available to carry out paragraph (3).

(2) **PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.**—For each fiscal year, the amounts made available under paragraph (1)(A) shall be apportioned for grants to Indian tribes for any purpose eligible under this section, under such terms and conditions as may be established by the Secretary, of which—

(A) 20 percent shall be distributed by the Secretary on a competitive basis; and

(B) 80 percent shall be apportioned as formula grants as provided in subsection (j).

(3) **APPALACHIAN DEVELOPMENT PUBLIC TRANSPORTATION ASSISTANCE PROGRAM.**—

(A) **DEFINITIONS.**—In this paragraph—

(i) the term “Appalachian region” has the same meaning as in section 14102 of title 40; and

(ii) the term “eligible recipient” means a State that participates in a program established under subtitle IV of title 40.

(B) **IN GENERAL.**—The Secretary shall carry out a public transportation assistance program in the Appalachian region.

(C) **APPORTIONMENT.**—Of amounts made available or appropriated for each fiscal year under section 5338(a)(2)(F) to carry out this paragraph, the Secretary shall apportion funds to eligible recipients for any purpose eligible under this section, based on the guidelines established under section 9.5(b) of the Appalachian Regional Commission Code.

(D) **SPECIAL RULE.**—An eligible recipient may use amounts that cannot be used for operating expenses under this paragraph for a highway project if—

(i) that use is approved, in writing, by the eligible recipient after appropriate notice and an opportunity for comment and appeal are provided to affected public transportation providers; and

(ii) the eligible recipient, in approving the use of amounts under this subparagraph, determines that the local transit needs are being addressed.

(4) **REMAINING AMOUNTS.**—

(A) **IN GENERAL.**—The amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(F) that are not ap-

portioned under paragraph (1) or (2) shall be apportioned in accordance with this paragraph.

(B) APPORTIONMENT BASED ON LAND AREA AND POPULATION IN NONURBANIZED AREAS.—

(i) IN GENERAL.—83.15 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.

(ii) LAND AREA.—

(I) IN GENERAL.—Subject to subclause (II), each State shall receive an amount that is equal to 20 percent of the amount apportioned under clause (i), multiplied by the ratio of the land area in rural areas in that State and divided by the land area in all rural areas in the United States, as shown by the most recent decennial census of population.

(II) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under subclause (I).

(iii) POPULATION.—Each State shall receive an amount equal to 80 percent of the amount apportioned under clause (i), multiplied by the ratio of the population of rural areas in that State and divided by the population of all rural areas in the United States, as shown by the most recent decennial census of population.

(C) APPORTIONMENT BASED ON LAND AREA, VEHICLE REVENUE MILES, AND LOW-INCOME INDIVIDUALS IN NONURBANIZED AREAS.—

(i) IN GENERAL.—16.85 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.

(ii) LAND AREA.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of the land area in rural areas in that State and divided by the land area in all rural areas in the United States, as shown by the most recent decennial census of population.

(iii) VEHICLE REVENUE MILES.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of vehicle revenue miles in rural areas in that State and divided by the vehicle revenue miles in all rural areas in the United States, as determined by national transit database reporting.

(iv) LOW-INCOME INDIVIDUALS.—Each State shall receive an amount that is equal to 40.64 percent of the amount apportioned under clause (i), multiplied by the ratio of low-income individuals in rural areas in that State and divided by the number of low-income individuals in all rural areas in the United States, as shown by the Bureau of the Census.

(v) MAXIMUM APPORTIONMENT.—No State shall receive—

(I) more than 5 percent of the amount apportioned under clause (ii); or

(II) more than 5 percent of the amount apportioned under clause (iii).

(d) USE FOR LOCAL TRANSPORTATION SERVICE.—A State may use an amount apportioned under this section for a project included in a program under subsection (b) of this section and eligible for assistance under this chapter if the project will provide local transportation service, as defined by the Secretary of Transportation, in a rural area.

(e) USE FOR ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE.—The Secretary may allow a State to use not more than 10 percent of the amount apportioned under this section to administer this section and provide technical assistance to a subrecipient, including project planning, program and management development, coordination of public transportation programs, and research the State considers appropriate to promote effective delivery of public transportation to a rural area.

(f) INTERCITY BUS TRANSPORTATION.—

(1) IN GENERAL.—A State shall expend at least 15 percent of the amount made available in each fiscal year to carry out a program to develop and support intercity bus transportation. Eligible activities under the program include—

(A) planning and marketing for intercity bus transportation;

(B) capital grants for intercity bus facilities;

(C) joint-use facilities;

(D) operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects; and

(E) coordinating rural connections between small public transportation operations and intercity bus carriers.

(2) CERTIFICATION.—A State does not have to comply with paragraph (1) of this subsection in a fiscal year in which the Governor of the State certifies to the Secretary, after consultation with affected intercity bus service providers, that the intercity bus service needs of the State are being met adequately.

(g) GOVERNMENT SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—

(A) IN GENERAL.—Except as provided by subparagraph (B), a grant awarded under this section for a capital project or project administrative expenses shall be for 80 percent of the net costs of the project, as determined by the Secretary.

(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net costs in accordance with the formula under that section.

(2) OPERATING ASSISTANCE.—

(A) IN GENERAL.—Except as provided by subparagraph (B), a grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net operating costs equal to 62.5 percent of the Government share provided for under paragraph (1)(B).

(3) REMAINDER.—The remainder of net project costs—

(A) may be provided in cash from non-Government sources;

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

(C) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital;

(D) may be derived 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;

(E) notwithstanding subparagraph (B), may be derived from amounts made available to carry out the Federal lands highway program established by section 204¹ of title 23; and

(F) in the case of an intercity bus project that includes both feeder service and an unsubsidized segment of intercity bus service to which the feeder service connects, may be derived from the costs of a private operator for the unsubsidized segment of intercity bus service, including all operating and capital costs of such service whether or not offset by revenue from such service, as an in-kind match for the operating costs of connecting rural intercity bus feeder service funded under subsection (f), if the private operator agrees in writing to the use of the costs of the private operator for the unsubsidized segment of intercity bus service as an in-kind match.

(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), 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.

(5) LIMITATION ON OPERATING ASSISTANCE.—A State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

(h) TRANSFER OF FACILITIES AND EQUIPMENT.—With the consent of the recipient currently having a facility or equipment acquired with assistance under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

(i) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—Section 5333(b) applies to this section if the Secretary of Labor utilizes a special warranty that provides a fair and equitable arrangement to protect the interests of employees.

(2) RULE OF CONSTRUCTION.—This subsection does not affect or discharge a responsibility of the Secretary of Transportation under a law of the United States.

(j) FORMULA GRANTS FOR PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—

(1) APPORTIONMENT.—

(A) IN GENERAL.—Of the amounts described in subsection (c)(2)(B)—

(i) 50 percent of the total amount shall be apportioned so that each Indian tribe providing public transportation service shall receive an amount equal to the total amount apportioned under this clause multiplied by the ratio of the number of vehicle revenue miles provided by an Indian tribe divided by the total number of vehicle revenue miles provided by all Indian tribes, as reported to the Secretary;

(ii) 25 percent of the total amount shall be apportioned equally among each Indian tribe providing at least 200,000 vehicle revenue miles of public transportation service annually, as reported to the Secretary; and

(iii) 25 percent of the total amount shall be apportioned among each Indian tribe providing public transportation on tribal lands (American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census) on which more than 1,000 low-income individuals reside (as determined by the Bureau of the Census) so that each Indian tribe shall receive an amount equal to the total amount apportioned under this clause multiplied by the ratio of the number of low-income individuals residing on an Indian tribe's lands divided by the total number of low-income individuals on tribal lands on which more than 1,000 low-income individuals reside.

(B) LIMITATION.—No recipient shall receive more than \$300,000 of the amounts apportioned under subparagraph (A)(iii) in a fiscal year.

(C) REMAINING AMOUNTS.—Of the amounts made available under subparagraph (A)(iii), any amounts not apportioned under that subparagraph shall be allocated among Indian tribes receiving less than \$300,000 in a fiscal year according to the formula specified in that clause.

(D) LOW-INCOME INDIVIDUALS.—For purposes of subparagraph (A)(iii), the term "low-income individual" means an individual whose family income is at or below 100 percent of the poverty line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section, for a family of the size involved.

(E) ALLOCATION BETWEEN MULTIPLE INDIAN TRIBES.—If more than 1 Indian tribe provides public transportation service on tribal lands in a single Tribal Statistical Area, and the Indian tribes do not determine how to allocate the funds apportioned under clause (iii) of subparagraph (A) between the Indian tribes, the Secretary shall allocate the funds so that each Indian tribe shall receive an amount equal to the total amount apportioned under such clause (iii) multiplied by the ratio of the number of annual unlinked passenger trips provided by each Indian tribe, as reported to the National Transit

¹ See References in Text note below.

Database, to the total unlinked passenger trips provided by all Indian tribes in the Tribal Statistical Area.

(2) NON-TRIBAL SERVICE PROVIDERS.—A recipient that is an Indian tribe may use funds apportioned under this subsection to finance public transportation services provided by a non-tribal provider of public transportation that connects residents of tribal lands with surrounding communities, improves access to employment or healthcare, or otherwise addresses the mobility needs of tribal members.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 809; Pub. L. 105–178, title III, §3014(a), June 9, 1998, 112 Stat. 359; Pub. L. 109–59, title III, §3002(b)(4), 3013(a)–(h), Aug. 10, 2005, 119 Stat. 1545, 1593–1596; Pub. L. 110–244, title II, §201(e), June 6, 2008, 122 Stat. 1610; Pub. L. 111–147, title IV, §434, Mar. 18, 2010, 124 Stat. 89; Pub. L. 111–322, title II, §2304, Dec. 22, 2010, 124 Stat. 3527; Pub. L. 112–5, title III, §304, Mar. 4, 2011, 125 Stat. 19; Pub. L. 112–30, title I, §134, Sept. 16, 2011, 125 Stat. 351; Pub. L. 112–102, title III, §304, Mar. 30, 2012, 126 Stat. 277; Pub. L. 112–140, title III, §304, June 29, 2012, 126 Stat. 398; Pub. L. 112–141, div. B, §20010, div. G, title III, §113004, July 6, 2012, 126 Stat. 680, 985; Pub. L. 113–159, title I, §1201, Aug. 8, 2014, 128 Stat. 1845; Pub. L. 114–21, title I, §1201, May 29, 2015, 129 Stat. 222; Pub. L. 114–41, title I, §1201, July 31, 2015, 129 Stat. 450; Pub. L. 114–73, title I, §1201, Oct. 29, 2015, 129 Stat. 572; Pub. L. 114–87, title I, §1201, Nov. 20, 2015, 129 Stat. 681; Pub. L. 114–94, div. A, title III, §3007, Dec. 4, 2015, 129 Stat. 1464; Pub. L. 117–58, div. C, §30006, Nov. 15, 2021, 135 Stat. 900.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5311(a)	49 App.:1614(c) (3d sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §18(b), (c) (2d, 3d sentences), (d), (e) (1st–4th sentences), (f); added Nov. 6, 1978, Pub. L. 95–599, §313, 92 Stat. 2749, 2750.
5311(b)(1)	49 App.:1614(b) (1st sentence 18th–last words, 2d, last sentences), (c) (2d sentence words between 1st and 2d commas).	
5311(b)(2)	49 App.:1614(h).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §18(h); added Apr. 2, 1987, Pub. L. 100–17, §323, 101 Stat. 235.
5311(c)	49 App.:1614(a) (1st sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §18(a) (1st sentence); added Nov. 6, 1978, Pub. L. 95–599, §313, 92 Stat. 2748; Jan. 6, 1983, Pub. L. 97–424, §316(a), 96 Stat. 2153.
	49 App.:1614(a) (2d sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §18(a) (2d sentence); added Nov. 6, 1978, Pub. L. 95–599, §313, 92 Stat. 2748; Dec. 18, 1991, Pub. L. 102–240, §3024, 105 Stat. 2112.
	49 App.:1614(c) (1st sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §18(c) (1st sentence); added Nov. 6, 1978, Pub. L. 95–599, §313, 92 Stat. 2749; Jan. 6, 1983, Pub. L. 97–424, §316(b), 96 Stat. 2153.
5311(d)	49 App.:1614(b) (1st sentence 1st–17th words), (c) (2d sentence words before 1st and after 2d commas).	
5311(e)(1)	49 App.:1614(d).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5311(e)(2)	49 App.:1614(c) (4th sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §18(c) (4th sentence); added Apr. 2, 1987, Pub. L. 100–17, §322, 101 Stat. 235.
5311(f)	49 App.:1614(i).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §18(i); added Dec. 18, 1991, Pub. L. 102–240, §3023, 105 Stat. 2111.
5311(g)(1)	49 App.:1614(e) (last sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §18(e) (last sentence); added Dec. 19, 1985, Pub. L. 99–190, §326, 99 Stat. 1289.
5311(g)(2)	49 App.:1614(e) (1st–4th sentences).	
5311(h)	49 App.:1614(c) (last sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §18(c) (last sentence); added Oct. 6, 1992, Pub. L. 102–388, §502(f), 106 Stat. 1567.
5311(i)	49 App.:1614(g) (related to this section).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §18(g) (related to this section); added Nov. 6, 1978, Pub. L. 95–599, §313(a), 92 Stat. 2750; re-stated Dec. 18, 1991, Pub. L. 102–240, §3022, 105 Stat. 2111.
5311(j)	49 App.:1614(f).	

In subsection (a), the words “Eligible” and “and agencies thereof” are omitted as surplus.

In subsection (b)(1), the words “The Secretary of Transportation may make grants” are added for clarity and consistency in this chapter. The word “equitable” is omitted as being included in “fair”.

In subsection (b)(2), the words “establish and” are omitted as executed. The word “direct” is omitted as surplus.

In subsection (c), the words “for expenditure in each fiscal year” are omitted as surplus. The words “so that” are substituted for “Such sums shall be made available for expenditure for public transportation projects in areas other than urbanized areas on the basis of a formula under which” to eliminate unnecessary words. The words “will be entitled to” and “as designated by the Bureau of the Census” are omitted as surplus. The words “United States” are substituted for “all the States” for consistency in the revised title and with other titles of the Code. The words “available”, “a period of”, and “the close of” are omitted as surplus.

In subsection (d), the words “included in a program under subsection (b) of this section” are substituted for 49 App.:1614(b) (1st–17th words) and “which are appropriate for areas other than urbanized areas” to eliminate unnecessary words. The words “for assistance” are added for clarity.

In subsection (e)(1), the words “of funds under this section. Such technical assistance” and “(public and private)” are omitted as surplus.

In subsections (e)(2) and (g)(2), the word “grant” is substituted for “share” for consistency in this chapter.

In subsection (f), the text of 49 App.:1614(i)(3) is omitted as obsolete.

In subsection (f)(1), before clause (A), the words “Subject to paragraph (2)” are omitted as surplus. The reference to fiscal year 1992 is omitted as obsolete.

In subsection (g)(2), the words “under this chapter”, “as defined by the Secretary”, “Any public or private”, “solely”, and “available in” are omitted as surplus.

Subsection (h) is substituted for 49 App.:1614(c) (last sentence) for clarity and consistency in this chapter and to eliminate unnecessary words.

In subsection (j)(1), the text of 49 App.:1614(f) (1st sentence) is omitted as unnecessary because of section 5334(a) of the revised title and 49:322(a). The words “in carrying out projects” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Section 204 of title 23, referred to in subsec. (g)(3)(E), was repealed and a new section 204 was enacted by Pub. L. 112-141, div. A, title I, §1119(a), July 6, 2012, 126 Stat. 473, 489. As enacted by Pub. L. 112-141, section 204 relates to the Federal lands access program.

AMENDMENTS

2021—Subsec. (c). Pub. L. 117-58, §30006(1), added pars. (1) and (2), struck out former par. (1) which related to public transportation on Indian reservations, and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (j)(1)(A). Pub. L. 117-58, §30006(2), substituted “subsection (c)(2)(B)” for “subsection (c)(1)(B)” in introductory provisions.

2015—Subsec. (b)(3)(B). Pub. L. 114-94, §3007(b)(1), substituted “5338(a)(2)(F)” for “5338(a)(2)(E)”.

Subsec. (c)(1). Pub. L. 114-94, §3007(b)(2)(A), substituted “5338(a)(2)(F)” for “5338(a)(2)(E)” in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 114-94, §3007(a)(1), added subpar. (A) and struck out former subpar. (A), which read as follows: “\$5,000,000 for each fiscal year ending before October 1, 2015, and \$887,978 for the period beginning on October 1, 2015, and ending on December 4, 2015, shall be distributed on a competitive basis by the Secretary.”

Pub. L. 114-87, §1201(1), substituted “and \$887,978 for the period beginning on October 1, 2015, and ending on December 4, 2015,” for “and \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73, §1201(1), substituted “and \$696,721 for the period beginning on October 1, 2015, and ending on November 20, 2015,” for “and \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41, §1201(1), substituted “for each fiscal year ending before October 1, 2015, and \$396,175 for the period beginning on October 1, 2015, and ending on October 29, 2015,” for “for each fiscal year ending before October 1, 2014, and \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, §1201(1), substituted “and \$4,164,384 for the period beginning on October 1, 2014, and ending on July 31, 2015,” for “and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

Subsec. (c)(1)(B). Pub. L. 114-94, §3007(a)(1), added subpar. (B) and struck out former subpar. (B), which read as follows: “\$25,000,000 for each fiscal year ending before October 1, 2015, and \$4,439,891 for the period beginning on October 1, 2015, and ending on December 4, 2015, shall be apportioned as formula grants, as provided in subsection (j).”

Pub. L. 114-87, §1201(2), substituted “and \$4,439,891 for the period beginning on October 1, 2015, and ending on December 4, 2015,” for “and \$3,483,607 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73, §1201(2), substituted “and \$3,483,607 for the period beginning on October 1, 2015, and ending on November 20, 2015,” for “and \$1,980,874 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41, §1201(2), substituted “for each fiscal year ending before October 1, 2015, and \$1,980,874 for the period beginning on October 1, 2015, and ending on October 29, 2015,” for “for each fiscal year ending before October 1, 2014, and \$20,821,918 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, §1201(2), substituted “and \$20,821,918 for the period beginning on October 1, 2014, and ending on July 31, 2015,” for “and \$16,643,836 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

Subsec. (c)(2)(C). Pub. L. 114-94, §3007(b)(2)(B), substituted “5338(a)(2)(F)” for “5338(a)(2)(E)”.

Subsec. (c)(3)(A). Pub. L. 114-94, §3007(b)(2)(C), substituted “5338(a)(2)(F)” for “5338(a)(2)(E)”.

Subsec. (g)(3). Pub. L. 114-94, §3007(a)(2), added subpars. (A) and (B), redesignated former subpars. (A) to (D) as (C) to (F), respectively, and in subpar. (F), inserted “, including all operating and capital costs of such service whether or not offset by revenue from such service,” after “the costs of a private operator for the unsubsidized segment of intercity bus service”.

Subsec. (j)(1)(A)(iii). Pub. L. 114-94, §3007(a)(3)(A), substituted “(American Indian Areas, Alaska Native Areas, and Hawaiian Home Lands, as defined by the Bureau of the Census)” for “(as defined by the Bureau of the Census)”.

Subsec. (j)(1)(E). Pub. L. 114-94, §3007(a)(3)(B), added subpar. (E).

2014—Subsec. (c)(1)(A). Pub. L. 113-159, §1201(1), inserted “for each fiscal year ending before October 1, 2014, and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be distributed”.

Subsec. (c)(1)(B). Pub. L. 113-159, §1201(2), inserted “for each fiscal year ending before October 1, 2014, and \$16,643,836 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be apportioned”.

2012—Pub. L. 112-141, §20010, amended section generally. Prior to amendment, section related to formula grants for other than urbanized areas.

Subsec. (c)(1)(G). Pub. L. 112-141, §113004, amended subpar. (G) generally. Prior to amendment, subpar. (G) read as follows: “\$11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”

Pub. L. 112-140, §§1(c), 304, temporarily amended subpar. (G) generally, apportioning \$11,400,000 for the period beginning on October 1, 2011, and ending on July 6, 2012. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102 amended subpar. (G) generally. Prior to amendment, subpar. (G) read as follows: “\$7,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

2011—Subsec. (c)(1)(F). Pub. L. 112-5 amended subpar. (F) generally. Prior to amendment, text read as follows: “\$6,369,000 for the period beginning October 1, 2010 and ending March 4, 2011.”

Subsec. (c)(1)(G). Pub. L. 112-30 added subpar. (G).

2010—Subsec. (c)(1)(E). Pub. L. 111-147 added subpar. (E).

Subsec. (c)(1)(F). Pub. L. 111-322 amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “\$3,750,000 for the period beginning October 1, 2010, and ending December 31, 2010.”

Pub. L. 111-147 added subpar. (F).

2008—Subsec. (g)(1)(A). Pub. L. 110-244, §201(e)(1), (2), substituted “for a capital project or project administrative expenses” for “for any purpose other than operating assistance” and struck out “capital” after “net”.

Subsec. (g)(1)(B). Pub. L. 110-244, §201(e)(2), struck out “capital” after “net”.

Subsec. (i)(1). Pub. L. 110-244, §201(e)(3), substituted “Section 5333(b) applies” for “Sections 5323(a)(1)(D) and 5333(b) of this title apply”.

2005—Subsec. (a). Pub. L. 109-59, §3013(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “In this section, ‘recipient’ includes a State authority, a local governmental authority, a nonprofit organization, and an operator of mass transportation service.”

Subsec. (b). Pub. L. 109-59, §3013(b), reenacted heading without change and amended text of subsec. (b) generally. Prior to amendment, text read as follows:

“(1) The Secretary of Transportation may make grants for transportation projects that are included in a State program of mass transportation service projects (including service agreements with private providers of mass transportation service) for areas other than urbanized areas. The program shall be submitted annually to the Secretary. The Secretary may approve the program only if the Secretary finds that the program provides a fair distribution of amounts in the State, including Indian reservations, and the max-

imum feasible coordination of mass transportation service assisted under this section with transportation service assisted by other United States Government sources.

“(2) The Secretary of Transportation shall carry out a rural transportation assistance program in nonurbanized areas. In carrying out this paragraph, the Secretary may make grants and contracts for transportation research, technical assistance, training, and related support services in nonurbanized areas.”

Subsec. (c). Pub. L. 109-59, §3013(c), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “The Secretary of Transportation shall apportion amounts made available under section 5338(a) of this title so that the chief executive officer of each State receives an amount equal to the total amount apportioned multiplied by a ratio equal to the population of areas other than urbanized areas in a State divided by the population of all areas other than urbanized areas in the United States, as shown by the most recent of the following: the latest Government census, the population estimate the Secretary of Commerce prepares after the 4th year after the date the latest census is published, or the population estimate the Secretary of Commerce prepares after the 8th year after the date the latest census is published. The amount may be obligated by the chief executive officer for 2 years after the fiscal year in which the amount is apportioned. An amount that is not obligated at the end of that period shall be reapportioned among the States for the next fiscal year.”

Subsec. (e). Pub. L. 109-59, §3013(d), inserted “, Planning,” after “Administration” in heading and in text struck out “(1)” before “The Secretary”, substituted “subrecipient” for “recipient”, and struck out par. (2) which read as follows: “Except as provided in this section, a State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.”

Subsec. (e)(1). Pub. L. 109-59, §3002(b)(4), substituted “public transportation” for “mass transportation” in two places.

Subsec. (f)(1). Pub. L. 109-59, §3013(e)(1), inserted heading, struck out “after September 30, 1993,” after “in each fiscal year” in introductory provisions and realigned margins of subpars. (A) to (D).

Subsec. (f)(1)(E). Pub. L. 109-59, §3002(b)(4), substituted “public transportation” for “mass transportation”.

Subsec. (f)(2). Pub. L. 109-59, §3013(e)(2), inserted heading and substituted “Secretary, after consultation with affected intercity bus service providers,” for “Secretary of Transportation”.

Subsec. (g). Pub. L. 109-59, §3013(f), substituted “Government” for “Government’s” in heading and amended text generally. Prior to amendment, text read as follows:

“(1) In this subsection, ‘amounts of the Government or revenues’ do not include amounts received under a service agreement with a State or local social service agency or a private social service organization.

“(2) A grant of the Government for a capital project under this section may not be more than 80 percent of the net cost of the project, as determined by the Secretary of Transportation. A grant to pay a subsidy for operating expenses may not be more than 50 percent of the net cost of the operating expense project. At least 50 percent of the remainder shall be provided in cash from sources other than amounts of the Government or revenues from providing mass transportation. 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. (h). Pub. L. 109-59, §3013(g), redesignated subsec. (i) as (h) and struck out heading and text of former subsec. (h). Text read as follows: “An amount made available under this section may be used for operating assistance.”

Subsec. (i). Pub. L. 109-59, §3013(g)(2), redesignated subsec. (j) as (i). Former subsec. (i) redesignated (h).

Subsec. (i)(1). Pub. L. 109-59, §3013(h), which directed amendment of subsec. (j)(1) by substituting “if the Secretary of Labor utilizes a special warranty that provides a fair and equitable arrangement to protect the interests of employees” for “but the Secretary of Labor may waive the application of section 5333(b)”, was executed by making the substitution in subsec. (i)(1) to reflect the probable intent of Congress and the redesignation of subsec. (j) as (i) by Pub. L. 109-59, §3013(g)(2). See above.

Subsec. (j). Pub. L. 109-59, §3013(g)(2), redesignated subsec. (j) as (i).

1998—Pub. L. 105-178, §3014(a)(1), substituted “Formula grants” for “Financial assistance” in section catchline.

Subsec. (f)(1). Pub. L. 105-178, §3014(a)(2), struck out “10 percent of the amount made available in the fiscal year ending September 30, 1993, and” before “15 percent of the amount” in introductory provisions.

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 20010 of Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out a note under section 101 of Title 23, Highways.

Amendment by section 113004 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.

§ 5312. Public transportation innovation

(a) IN GENERAL.—The Secretary shall provide assistance for projects and activities to advance innovative public transportation research and development in accordance with the requirements of this section.

(b) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.—

(1) IN GENERAL.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements for research, development, demonstration, and deployment projects, and evaluation of research and technology of national significance to public transportation, that the Secretary determines will improve public transportation.

(2) AGREEMENTS.—In order to carry out paragraph (1), the Secretary may make grants to and enter into contracts, cooperative agreements, and other agreements with—

- (A) departments, agencies, and instrumentalities of the Government, including Federal laboratories;
- (B) State and local governmental entities;
- (C) providers of public transportation;
- (D) private or non-profit organizations;
- (E) institutions of higher education; and
- (F) technical and community colleges.

(3) APPLICATION.—

(A) IN GENERAL.—To receive a grant, contract, cooperative agreement, or other