

NV-90-X021. This paragraph shall not serve as a basis for objections under section 215.3(d) of title 29, Code of Federal Regulations.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 835; Pub. L. 104-88, title III, § 308(e), Dec. 29, 1995, 109 Stat. 947; Pub. L. 105-178, title III, § 3029(b)(9), June 9, 1998, 112 Stat. 372; Pub. L. 107-217, §3(n)(3), Aug. 21, 2002, 116 Stat. 1302; Pub. L. 109-59, title III, §§3002(b)(4), 3031, Aug. 10, 2005, 119 Stat. 1545, 1625; Pub. L. 112-141, div. B, § 20030(h), July 6, 2012, 126 Stat. 731.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5333(a)	49 App.:1609(a), (b).	July 9, 1964, Pub. L. 88-365, §13, 78 Stat. 307; Sept. 8, 1966, Pub. L. 89-562, §2(a)(1), (b)(2), 80 Stat. 715, 716; May 25, 1967, Pub. L. 90-19, §20(a), 81 Stat. 25.
5333(b)	49 App.:1609(c).	

In subsection (a), the words “take such action as may be necessary to”, “the performance of”, “the assistance of”, and “at rates” are omitted as surplus. The word “same” is added for clarity. The words “duties and powers” are substituted for “authority and functions” for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), the reference to sections 5307, 5308, 5310, and 5311 of the revised title is added for clarity because of 49 App.:1607a(e)(1), 1607a-2(a), 1612(b), and 1614(f), restated as sections 5307(n)(2), 5308(b)(1), 5310(a), and 5311(i) of the revised title. The reference to section 5312 is added for clarity because it is intended that 49 App.:1609(c) cover research, development, training, and demonstration projects. The words “terms and conditions of the protective” are omitted as surplus.

In subsection (b)(2), before clause (A), the words “without being limited to” are omitted as being included in “include”. The words “such provisions as may be necessary for” are omitted as surplus. In clause (C), the word “individual” is omitted as surplus.

In subsection (b)(3), the words “section 11347 of this title” are substituted for and coextensive with “section 5(2)(f) of the Act of February 4, 1887 (24 Stat. 379), as amended” in section 13(c) of the Urban Mass Transportation Act of 1964 (Public Law 88-365, 78 Stat. 307) on authority of section 3(b) of the Act of October 17, 1978 (Public Law 95-473, 92 Stat. 1466).

Editorial Notes

REFERENCES IN TEXT

Reorganization Plan No. 14 of 1950, referred to in subsec. (a), is set out in the Appendix to Title 5, Government Organization and Employees.

Sections 5316 and 5328 of this title, referred to in subsec. (b)(1), were repealed by Pub. L. 112-141, div. B, § 20002(a), July 6, 2012, 126 Stat. 622.

AMENDMENTS

2012—Subsec. (a). Pub. L. 112-141 substituted “sections 3141 through 3144” for “sections 3141-3144”.

2005—Subsec. (b)(1). Pub. L. 109-59, §3031(1), substituted “5316, 5318, 5323(a)(1), 5323(b), 5323(d), 5328, 5337, and 5338(b)” for “5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(b)” in two places.

Subsec. (b)(2)(D). Pub. L. 109-59, §3002(b)(4), substituted “public transportation” for “mass transportation”.

Subsec. (b)(4), (5). Pub. L. 109-59, §3031(2), added pars. (4) and (5).

2002—Subsec. (a). Pub. L. 107-217 substituted “sections 3141-3144, 3146, and 3147 of title 40” for “the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a-276a-5)” and “section 3145 of title 40” for “section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)”.

1998—Subsec. (b)(1). Pub. L. 105-178 substituted “5338(b)” for “5338(j)(5)” in two places.

1995—Subsec. (b)(3). Pub. L. 104-88 substituted “11326” for “11347”.

Statutory Notes and Related Subsidiaries

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.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 1301 of this title.

§ 5334. Administrative provisions

(a) GENERAL AUTHORITY.—In carrying out this chapter, the Secretary of Transportation may—

- (1) prescribe terms for a project that receives Federal financial assistance under this chapter (except terms the Secretary of Labor prescribes under section 5333(b) of this title);
- (2) sue and be sued;
- (3) foreclose on property or bring a civil action to protect or enforce a right conferred on the Secretary of Transportation by law or agreement;

- (4) buy property related to a loan under this chapter;
- (5) agree to pay an annual amount in place of a State or local tax on real property acquired or owned under this chapter;
- (6) sell, exchange, or lease property, a security, or an obligation;
- (7) obtain loss insurance for property and assets the Secretary of Transportation holds;
- (8) consent to a modification in an agreement under this chapter;
- (9) include in an agreement or instrument under this chapter a covenant or term the Secretary of Transportation considers necessary to carry out this chapter;
- (10) collect fees to cover the costs of training or conferences, including costs of promotional materials, sponsored by the Federal Transit Administration to promote public transportation and credit amounts collected to the appropriation concerned; and

- (11) issue regulations as necessary to carry out the purposes of this chapter.
- (b) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—
- (1) IN GENERAL.—Except for purposes of national defense or in the event of a national or regional emergency, or for purposes of establishing and enforcing a program to improve the safety of public transportation systems in the United States as described in section 5329, the Secretary may not regulate the operation, routes, or schedules of a public transportation system for which a grant is made under this chapter. The Secretary may not regulate the rates, fares, tolls, rentals, or other charges prescribed by any provider of public transportation.
 - (2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Secretary from requiring

a recipient of funds under this chapter to comply with the terms and conditions of its Federal assistance agreement.

(c) PROCEDURES FOR PRESCRIBING REGULATIONS.—(1) The Secretary shall prepare an agenda listing all areas in which the Secretary intends to propose regulations governing activities under this chapter within the following 12 months. The Secretary shall publish the proposed agenda in the Federal Register as part of the Secretary's semiannual regulatory agenda that lists regulatory activities of the Federal Transit Administration. The Secretary shall submit the agenda to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives on the day the agenda is published.

(2) Except for emergency regulations, the Secretary shall give interested parties at least 60 days to participate in a regulatory proceeding under this chapter by submitting written information, views, or arguments, with or without an oral presentation, except when the Secretary for good cause finds that public notice and comment are unnecessary because of the routine nature or insignificant impact of the regulation or that an emergency regulation should be issued. The Secretary may extend the 60-day period if the Secretary decides the period is insufficient to allow diligent individuals to prepare comments or that other circumstances justify an extension.

(3) An emergency regulation ends 120 days after it is issued.

(4) The Secretary shall comply with this subsection when proposing or carrying out a regulation governing an activity under this chapter, except for a routine matter or a matter with no significant impact.

(d) BUDGET PROGRAM AND SET OF ACCOUNTS.—The Secretary shall—

(1) submit each year a budget program as provided in section 9103 of title 31; and

(2) maintain a set of accounts for audit under chapter 35 of title 31.

(e) DEPOSITORY AND AVAILABILITY OF AMOUNTS.—The Secretary shall deposit amounts made available to the Secretary under this chapter in a checking account in the Treasury. Receipts, assets, and amounts obtained or held by the Secretary to carry out this chapter are available for administrative expenses to carry out this chapter.

(f) BINDING EFFECT OF FINANCIAL TRANSACTION.—A financial transaction of the Secretary under this chapter and a related voucher are binding on all officers and employees of the United States Government.

(g) DEALING WITH ACQUIRED PROPERTY.—Notwithstanding another law related to the Government acquiring, using, or disposing of real property, the Secretary may deal with property acquired under paragraph (3) or (4) of subsection (a) in any way. However, this subsection does not—

(1) deprive a State or political subdivision of a State of jurisdiction of the property; or

(2) impair the civil rights, under the laws of a State or political subdivision of a State, of an inhabitant of the property.

(h) TRANSFER OF ASSETS NO LONGER NEEDED.—

(1) IN GENERAL.—If a recipient of assistance under this chapter decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which such asset was acquired, the Secretary may authorize the recipient to transfer such asset to—

(A) a local governmental authority to be used for a public purpose with no further obligation to the Government if the Secretary decides—

(i) the asset will remain in public use for at least 5 years after the date the asset is transferred;

(ii) there is no purpose eligible for assistance under this chapter for which the asset should be used;

(iii) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(iv) through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land; or

(B) a local governmental authority, nonprofit organization, or other third party entity to be used for the purpose of transit-oriented development with no further obligation to the Government if the Secretary decides—

(i) the asset is a necessary component of a proposed transit-oriented development project;

(ii) the transit-oriented development project will increase transit ridership;

(iii) at least 40 percent of the housing units offered in the transit-oriented development, including housing units owned by nongovernmental entities, are legally binding affordability restricted to tenants with incomes at or below 60 percent of the area median income and owners with incomes at or below 60 percent¹ the area median income, which shall include at least 20 percent of such housing units offered restricted to tenants with incomes at or below 30 percent of the area median income and owners with incomes at or below 30 percent the area median income;

(iv) the asset will remain in use as described in this section for at least 30 years after the date the asset is transferred; and

(v) with respect to a transfer to a third party entity—

(I) a local government authority or nonprofit organization is unable to receive the property;

(II) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Gov-

¹ So in original. Probably should be followed by "of".

ernment in the asset, after considering fair market value and other factors; and (III) the third party has demonstrated a satisfactory history of construction or operating an affordable housing development.

(2) A decision under paragraph (1) must be in writing and include the reason for the decision.

(3) This subsection is in addition to any other law related to using and disposing of a facility or equipment under an assistance agreement.

(4) PROCEEDS FROM THE SALE OF TRANSIT ASSETS.—

(A) IN GENERAL.—When real property, equipment, or supplies acquired with assistance under this chapter are no longer needed for public transportation purposes as determined under the applicable assistance agreement, the Secretary may authorize the sale, transfer, or lease of the assets under conditions determined by the Secretary and subject to the requirements of this subsection.

(B) REIMBURSEMENT.—

(i) FAIR MARKET VALUE OF LESS THAN \$5,000.—With respect to rolling stock and equipment with a unit fair market value of \$5,000 or less per unit and unused supplies with a total aggregate fair market value of \$5,000 or less that was purchased using Federal financial assistance under this chapter, the rolling stock, equipment, and supplies may be retained, sold, or otherwise disposed of at the end of the service life of the rolling stock, equipment, or supplies without any obligation to reimburse the Federal Transit Administration.

(ii) FAIR MARKET VALUE OF MORE THAN \$5,000.—

(I) IN GENERAL.—With respect to rolling stock and equipment with a unit fair market value of more than \$5,000 per unit and unused supplies with a total aggregate fair market value of more than \$5,000 that was purchased using Federal financial assistance under this chapter, the rolling stock, equipment, and supplies may be retained or sold at the end of the service life of the rolling stock, equipment, or supplies.

(II) REIMBURSEMENT REQUIRED.—If rolling stock, equipment, or supplies described in subclause (I) is sold, of the proceeds from the sale—

(aa) the recipient shall retain an amount equal to the sum of—

(AA) \$5,000; and

(BB) of the remaining proceeds, a percentage of the amount equal to the non-Federal share expended by the recipient in making the original purchase; and

(bb) any amounts remaining after application of item (aa) shall be returned to the Federal Transit Administration.

(iii) ROLLING STOCK AND EQUIPMENT RETAINED.—Rolling stock, equipment, or supplies described in clause (i) or (ii) that is retained by a recipient under those clauses

may be used by the recipient for other public transportation projects or programs with no obligation to reimburse the Federal Transit Administration, and no approval of the Secretary to retain that rolling stock, equipment, or supplies is required.

(C) USE.—The net income from asset sales, uses, or leases (including lease renewals) under this subsection shall be used by the recipient to reduce the gross project cost of other capital projects carried out under this chapter.

(D) RELATIONSHIP TO OTHER AUTHORITY.—The authority of the Secretary under this subsection is in addition to existing authorities controlling allocation or use of recipient income otherwise permissible in law or regulation in effect prior to the date of enactment of this paragraph.

(i) TRANSFER OF AMOUNTS AND NON-GOVERNMENT SHARE.—(1) Amounts made available for a public transportation project under title 23 may be transferred to and administered by the Secretary under this chapter. Amounts made available for a highway project under this chapter shall be transferred to and administered by the Secretary under title 23.

(2) The provisions of title 23 related to the non-Government share apply to amounts under title 23 used for public transportation projects. The provisions of this chapter related to the non-Government share apply to amounts under this chapter used for highway projects.

(j) NOTIFICATION OF PENDING DISCRETIONARY GRANTS.—Not less than 3 full business days before announcement of award by the Secretary of any discretionary grant, letter of intent, or full funding grant agreement totaling \$1,000,000 or more, the Secretary shall notify the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(k) AGENCY STATEMENTS.—

(1) IN GENERAL.—The Administrator of the Federal Transit Administration shall follow applicable rulemaking procedures under section 553 of title 5 before the Federal Transit Administration issues a statement that imposes a binding obligation on recipients of Federal assistance under this chapter.

(2) BINDING OBLIGATION DEFINED.—In this subsection, the term “binding obligation” means a substantive policy statement, rule, or guidance document issued by the Federal Transit Administration that grants rights, imposes obligations, produces significant effects on private interests, or effects a significant change in existing policy.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 836; Pub. L. 104-287, §5(9), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 104-316, title I, §127(a), Oct. 19, 1996, 110 Stat. 3840; Pub. L. 105-178, title III, §§3023(c), 3025(a), (b)(1), (c), June 9, 1998, 112 Stat. 364, 365; Pub. L. 109-59, title III, §§3002(b)(4), 3032, Aug. 10, 2005, 119 Stat. 1545, 1626; Pub. L. 111-350, §5(o)(3), Jan. 4, 2011, 124 Stat. 3853; Pub. L. 112-141, div. B, §§20024, 20030(i), July 6, 2012, 126 Stat. 718, 731;

Pub. L. 117-58, div. C, §30013, Nov. 15, 2021, 135 Stat. 909; Pub. L. 117-81, div. F, title LXVI, § 6609, Dec. 27, 2021, 135 Stat. 2446.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5334(a)	49 App.:1608(a) (1st sentence related to 12:1749a(c) (1)-(3) (1st sentence), (4)-(8), (10)).	July 9, 1964, Pub. L. 88-365, §12(a), 78 Stat. 306; Sept. 8, 1966, Pub. L. 89-562, §2(a)(1), 80 Stat. 715; May 25, 1967, Pub. L. 90-19, §20(a), 81 Stat. 25.
5334(b)	49 App.:1608(i)(1), (2). 49 App.:1608(i)(3).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §12(i)(1), (2); added Apr. 2, 1987, Pub. L. 100-17, §318(a), 101 Stat. 233. July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §12(i)(3); added Dec. 18, 1991, Pub. L. 102-240, §3017, 105 Stat. 2108.
5334(c)	49 App.:1608(a) (1st sentence related to 12:1749a(a) (less proviso)).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §12(k); added Dec. 18, 1991, Pub. L. 102-240, §3018, 105 Stat. 2108.
5334(d)	49 App.:1608(a) (1st sentence related to 12:1749a(b), last sentence).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §8(k); added Nov. 6, 1978, Pub. L. 95-599, §305(b), 92 Stat. 2743; Apr. 2, 1987, Pub. L. 100-17, §310, 101 Stat. 227; re-stated Dec. 18, 1991, Pub. L. 102-240, §3012, 105 Stat. 2104; Oct. 6, 1992, Pub. L. 102-388, §502(a), 106 Stat. 1566.
5334(e)	49 App.:1608(a) (1st sentence related to 12:1749a(a) (proviso)).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §12(i)(3); added Dec. 18, 1991, Pub. L. 102-240, §3018, 105 Stat. 2108.
5334(f)	49 App.:1608(a) (1st sentence related to 12:1749a(c)(3) (last sentence)).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §12(i)(3); added Dec. 18, 1991, Pub. L. 102-240, §3012, 105 Stat. 2104; Oct. 6, 1992, Pub. L. 102-388, §502(a), 106 Stat. 1566.
5334(g)	49 App.:1608(k).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §12(k); added Dec. 18, 1991, Pub. L. 102-240, §3018, 105 Stat. 2108.
5334(h)	49 App.:1607(k).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §8(k); added Nov. 6, 1978, Pub. L. 95-599, §305(b), 92 Stat. 2743; Apr. 2, 1987, Pub. L. 100-17, §310, 101 Stat. 227; re-stated Dec. 18, 1991, Pub. L. 102-240, §3012, 105 Stat. 2104; Oct. 6, 1992, Pub. L. 102-388, §502(a), 106 Stat. 1566.
5334(i)	49 App.:1608 (note) (related to authority and functions reserved to Secretary of Housing and Urban Development).	Reorg. Plan No. 2 of 1968, eff. June 30, 1968, §1(a)(1) (related to authority and functions reserved to Secretary of Housing and Urban Development), 82 Stat. 1369.
5334(j)(1)	49 App.:1608(a) (1st sentence related to 12:1749a(e)).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §12(i)(3); added Dec. 18, 1991, Pub. L. 102-240, §3012, 105 Stat. 2104; Oct. 6, 1992, Pub. L. 102-388, §502(a), 106 Stat. 1566.
5334(j)(2)	49 App.:1608(a) (1st sentence related to 12:1749a(d)).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §12(i)(3); added Dec. 18, 1991, Pub. L. 102-240, §3012, 105 Stat. 2104; Oct. 6, 1992, Pub. L. 102-388, §502(a), 106 Stat. 1566.

In subsections (c)–(f), and (j), the relevant substantive provisions of 12:1749a are substituted for “shall . . . have the functions, powers, and duties set forth in section 1749a of title 12, except subsections (c)(2) and (f) of such section” for clarity. The reference to subsection (c)(2) is omitted as obsolete because section 201(d)(1) of the Housing and Community Development Technical Amendments Act of 1984 (Public Law 98-479, 98 Stat. 2228) repealed 12:1749a(c)(2). The words “(in addition to any authority otherwise vested in him)” are omitted as surplus.

In subsection (a), the text of 49 App.:1608(a) (1st sentence related to 12:1749a(c)(8)) is omitted as obsolete. Before clause (1), the words “carrying out this chapter” are substituted for “the performance of, and with respect to, the functions, powers, and duties vested in him by this chapter” to eliminate unnecessary words. In clause (1), the words “(except terms the Secretary of Labor prescribes under section 5333(b) of this title)” are added for clarity because 49 App.:1608(a) only applies to the Secretary of Transportation and does not supersede the responsibility of the Secretary of Labor. In clause (3), the word “civil” is added for clarity. The words “contract, or other” are omitted as surplus. In clause

(4), the words “bid for and . . . at any foreclosure or any other sale” are omitted as surplus. In clause (6), the words “at public or private sale”, “real or personal”, and “upon such terms as he may fix” are omitted as surplus. Clause (8) is substituted for 49 App.:1608(a) (1st sentence related to 12:1749a(c)(7)) to eliminate unnecessary words. In clause (9), the word “provisions” is omitted as surplus. The words “carry out this chapter” are substituted for “assure that the purposes of this subchapter will be achieved” to eliminate unnecessary words.

In subsection (b), the words “regulatory” and “regulatory proceeding” are substituted for “rulemaking” for consistency in the revised title and because “rule” and “regulation” are synonymous.

In subsection (b)(1), the words “Federal Transit Administration” are substituted for “Urban Mass Transportation Administration” because of section 3004(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 2088). The words “also” and “required by the first sentence of this paragraph” are omitted as surplus.

In subsection (c), before clause (1), the words “In the performance of, and with respect to, the functions, powers, and duties vested in him by this subchapter . . . notwithstanding the provisions of any other law” are omitted as surplus. In clause (1), the words “prepare . . . and” and “for wholly owned Government corporations” are omitted as surplus.

Subsection (d) is substituted for 49 App.:1608(a) (1st sentence related to 12:1749a(b) and last sentence) to eliminate unnecessary words.

In subsection (e), the words “such . . . as the making of loans” are omitted as surplus. The words “under this chapter” are added for clarity. The word “related” is substituted for “in connection with such financial transactions” to eliminate unnecessary words. The words “approved by the Secretary” are omitted as surplus. The word “binding” is substituted for “final and conclusive” to eliminate unnecessary words. The words “and employees” are added for consistency in the revised title and with other titles of the United States Code.

In subsection (f), before clause (1), the words “in any way” are substituted for “complete, administer, remodel and convert, dispose of, lease and otherwise” to eliminate unnecessary words. In clause (1), the words “civil or criminal” are omitted as surplus. In clause (2), the words “political subdivision of a State” are substituted for “local” for consistency.

In subsection (g)(1), before clause (A), the words “facilities and equipment and other”, “(including land)”, and “first” are omitted as surplus.

In subsection (g)(3), the words “and not in lieu of” are omitted as surplus.

Subsection (i) is substituted for section 1(a)(1) (related to authority and functions reserved to Secretary of Housing and Urban Development) of Reorganization Plan No. 2 of 1968 to eliminate unnecessary words. The reference to 49 App.:1602(c)(1) is translated as a reference to 49 App.:1602(e)(1) because section 2(1) of the Urban Mass Transportation Assistance Act of 1970 (Public Law 91-453, 84 Stat. 962) redesignated subsection (c) as subsection (e). The references to 49 App.:1603(a) (1st sentence), 1604, and 1607c(b) and former 49 App.:1607a are omitted as obsolete because of section 103(a) of the National Mass Transportation Act of 1974 (Public Law 93-503, 88 Stat. 1567) and sections 303(b), 305(a), and 307 of the Federal Public Transportation Act of 1978 (Public Law 95-599, 92 Stat. 2737, 2743, 2747). Reference to 49 App.:1607c(c) is omitted because it was enacted after the Reorganization Plan and was not intended to be within the scope of the Plan.

Subsection (j)(1) is substituted for 49 App.:1608(a) (1st sentence related to 12:1749a(e)) to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (h)(4)(D), is the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

AMENDMENTS

2021—Subsec. (h)(1). Pub. L. 117-81 amended par. (1) generally. Prior to amendment, par. (1) related to authorization by Secretary of assets no longer needed.

Subsec. (h)(4)(B) to (D). Pub. L. 117-58 added subpar. (B) and redesignated former subpars. (B) and (C) as (C) and (D), respectively.

2012—Subsec. (a)(1). Pub. L. 112-141, §20024(1), substituted “that receives Federal financial assistance under this chapter” for “under sections 5307 and 5309-5311 of this title”.

Subsec. (b)(1). Pub. L. 112-141, §20024(2), inserted “or for purposes of establishing and enforcing a program to improve the safety of public transportation systems in the United States as described in section 5329,” after “emergency,” and substituted “chapter. The Secretary may not” for “chapter, nor may the Secretary”.

Subsec. (c)(1). Pub. L. 112-141, §20030(i)(1), substituted “Secretary shall prepare” for “Secretary of Transportation shall prepare” and “Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives” for “Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate”.

Subsec. (c)(2). Pub. L. 112-141, §20030(i)(1)(A), substituted “Secretary shall give” for “Secretary of Transportation shall give”.

Subsec. (c)(4). Pub. L. 112-141, §§20030(i)(1)(A), 20024(3), substituted “Secretary shall comply” for “Secretary of Transportation shall comply” and “subsection” for “section (except subsection (i)) and sections 5318(e), 5323(a)(2), 5325(a), 5325(b), and 5325(f)”.

Subsec. (d). Pub. L. 112-141, §20030(i)(2), struck out “of Transportation” after “Secretary” in introductory provisions.

Subsec. (e). Pub. L. 112-141, §20030(i)(3), struck out “of Transportation” after “The Secretary”.

Subsec. (f). Pub. L. 112-141, §20030(i)(4), struck out “of Transportation” after “Secretary”.

Subsec. (g). Pub. L. 112-141, §20030(i)(5), in introductory provisions, struck out “of Transportation” after “Secretary” and substituted “paragraph (3) or (4) of subsection (a)” for “subsection (a)(3) or (4) of this section”.

Subsec. (h)(1). Pub. L. 112-141, §20030(i)(6)(A), struck out “of Transportation” after “acquired, the Secretary” in introductory provisions.

Subsec. (h)(2). Pub. L. 112-141, §20030(i)(6)(B), struck out “of this section” after “paragraph (1)”.

Subsec. (h)(3). Pub. L. 112-141, §20024(4), substituted “any other” for “another”.

Subsec. (i)(1). Pub. L. 112-141, §§20024(5), 20030(i)(7), substituted “title 23 may” for “title 23 shall” and “Secretary under this chapter” for “Secretary of Transportation under this chapter”.

Subsec. (j). Pub. L. 112-141, §20030(i)(8), which directed substitution of “Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives” for “Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate and Committees on Transportation and Infrastructure and Appropriations of the House of Representatives” in subsec. (j) as redesignated by section 20025 of Pub. L. 112-141, was executed to subsec. (j) as redesignated by section 20024 of Pub. L. 112-141, to reflect the probable intent of Congress.

Pub. L. 112-141, §20024(6), (7), redesignated subsec. (k) as (j) and struck out former subsec. (j). Prior to amendment, text read as follows:

“(1) Section 9107(a) of title 31 applies to the Secretary of Transportation under this chapter.

“(2) Section 6101(b) to (d) of title 41 applies to a contract for more than \$1,000 for services or supplies related to property acquired under this chapter.”

Subsecs. (k), (l). Pub. L. 112-141, §20024(7), redesignated subsecs. (k) and (l) as (j) and (k), respectively.

2011—Subsec. (j)(2). Pub. L. 111-350 substituted “Section 6101(b) to (d) of title 41” for “Section 3709 of the Revised Statutes (41 U.S.C. 5)”.

2005—Subsec. (a)(10). Pub. L. 109-59, §3002(b)(4), substituted “public transportation” for “mass transportation”.

Subsec. (a)(11). Pub. L. 109-59, §3032(1), added par. (11).

Subsec. (b). Pub. L. 109-59, §3032(4), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 109-59, §3032(3), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (c)(4). Pub. L. 109-59, §3032(5), added par. (4) and struck out former par. (4) which read as follows: “The Secretary of Transportation shall comply with this section (except subsections (h) and (i)) and sections 5323(a)(2), 5323(c), 5323(e), 5324(c), 5325(a), 5325(b), 5326(c), and 5326(d) when proposing or carrying out a regulation governing an activity under this chapter, except for a routine matter or a matter with no significant impact.”

Subsecs. (d) to (f). Pub. L. 109-59, §3032(3), redesignated subsecs. (c) to (e) as (d) to (f), respectively. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 109-59, §3032(3), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

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

Subsec. (h). Pub. L. 109-59, §3032(3), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Pub. L. 109-59, §3002(b)(4), substituted “public transportation” for “mass transportation” in pars. (1) and (2).

Subsec. (i). Pub. L. 109-59, §3032(2), (3), redesignated subsec. (h) as (i) and struck out heading and text of former subsec. (i). Text read as follows: “The Secretary of Housing and Urban Development shall—

“(1) carry out section 5312(a) and (b)(1) of this title related to—

“(A) urban transportation systems and planned development of urban areas; and

“(B) the role of transportation planning in overall urban planning; and

“(2) advise and assist the Secretary of Transportation in making findings under section 5323(a)(1)(A) of this title.”

Subsecs. (k), (l). Pub. L. 109-59, §3032(6), added subsecs. (k) and (l).

1998—Pub. L. 105-178, §3025(b)(1), inserted “provisions” after “Administrative” in section catchline.

Subsec. (a)(10). Pub. L. 105-178, §3025(a), added par. (10).

Subsec. (b)(4). Pub. L. 105-178, §3023(c), substituted “5323(a)(2), 5323(c), 5323(e), 5324(c), 5325(a), 5325(b), 5326(c), and 5326(d)” for “5323(a)(2), (c) and (e), 5324(c), and 5325 of this title”.

Subsec. (g)(4). Pub. L. 105-178, §3025(c), added par. (4).

1996—Subsec. (b)(1). Pub. L. 104-287 substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

Subsec. (c)(2). Pub. L. 104-316 substituted “for” for “the Comptroller General shall”.

Statutory Notes and Related Subsidiaries

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.

§ 5335. National transit database

(a) NATIONAL TRANSIT DATABASE.—To help meet the needs of individual public transportation systems, the United States Government, State and local governments, and the public for information on which to base public transportation service planning, the Secretary shall maintain a reporting system, using uniform categories to accumulate public transportation financial, operating, geographic service area coverage, and asset condition information and using a uniform system of accounts. The reporting and uniform systems shall contain appropriate information to help any level of government make a public sector investment decision. The Secretary may request and receive appropriate information from any source.

(b) REPORTING AND UNIFORM SYSTEMS.—The Secretary may award a grant under section 5307 or 5311 only if the applicant, and any person that will receive benefits directly from the grant, are subject to the reporting and uniform systems.

(c) DATA REQUIRED TO BE REPORTED.—Each recipient of a grant under this chapter shall report to the Secretary, for inclusion in the national transit database under this section—

- (1) any information relating to a transit asset inventory or condition assessment conducted by the recipient;
- (2) any data on assaults on transit workers of the recipients; and
- (3) any data on fatalities that result from an impact with a bus.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 838; Pub. L. 104–287, §5(9), (18), Oct. 11, 1996, 110 Stat. 3389, 3390; Pub. L. 104–316, title I, §127(b), Oct. 19, 1996, 110 Stat. 3840; Pub. L. 105–178, title III, §3026, June 9, 1998, 112 Stat. 365; Pub. L. 109–59, title III, §§3002(b)(4), 3033(a), Aug. 10, 2005, 119 Stat. 1545, 1627; Pub. L. 112–141, div. B, §§20025(a), 20030(j), July 6, 2012, 126 Stat. 718, 731; Pub. L. 117–58, div. C, §30014, Nov. 15, 2021, 135 Stat. 910.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5335(a)	49 App.:1608(j).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §12(j); added Apr. 2, 1987, Pub. L. 100–17, §319, 101 Stat. 234.
	49 App.:1611(a).	July 9, 1964, Pub. L. 88–365, §15(a), 78 Stat. 308; Sept. 8, 1966, Pub. L. 89–562, §§2(a)(1), 4, 80 Stat. 715, 717; Oct. 15, 1970, Pub. L. 91–453, §7, 84 Stat. 967; re-stated Nov. 26, 1974, Pub. L. 93–503, §111, 88 Stat. 1573.
	49 App.:1611(b).	July 9, 1964, Pub. L. 88–365, §15(b), 78 Stat. 308; Sept. 8, 1966, Pub. L. 89–562, §§2(a)(1), 4, 80 Stat. 715, 717; Oct. 15, 1970, Pub. L. 91–453, §7, 84 Stat. 967; re-stated Nov. 26, 1974, Pub. L. 93–503, §111, 88 Stat. 1573; Jan. 6, 1983, Pub. L. 97–424, §304(c), 96 Stat. 2150.
5335(b)	49 App.:1603(b)(1).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §4(b)(1); added Nov. 6, 1978, Pub. L. 95–599, §303(e), 92 Stat. 2738; re-stated Apr. 2, 1987, Pub. L. 100–17, §307, 101 Stat. 226; Dec. 18, 1991, Pub. L. 102–240, §3006(h) (1), 105 Stat. 2090.

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5335(c)	49 App.:1623(a).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §27; added Dec. 18, 1991, Pub. L. 102–240, §3028, 105 Stat. 2115.
5335(d)	49 App.:1623(b).	

In subsection (a), the text of 49 App.:1608(j) is omitted as superseded by 31:ch. 75.

In subsection (a)(1), the words “by January 10, 1977” are omitted as executed. The word “maintain” is substituted for “develop, test, and prescribe” for clarity. The text of 49 App.:1611(a) (3d and 4th sentences) is omitted as executed. The words “or data as he deems” and “public or private” are omitted as surplus.

In subsection (a)(2), the words “After July 1, 1978” are omitted as executed. The reference to 49 App.:1604 is omitted as obsolete. The words “for such grant”, “or organization”, “each . . . both”, and “prescribed under subsection (a) of this section” are omitted as surplus.

In subsection (b)(1), the words “commitments, and reservations” are omitted as surplus.

In subsection (b)(2) and (3), the words “uncommitted, and unreserved” are omitted as surplus.

In subsection (b)(3) and (5), the words “last day” are substituted for “close” for consistency.

In subsection (b)(4), the words “a listing of” are omitted as surplus.

In subsection (b)(5), the words “a status report on all” are omitted as surplus.

In subsection (b)(6), the words “a status report on”, “a letter of credit or other”, and “already” are omitted as surplus.

In subsection (d), before clause (1), the words “the transferability provisions of” are omitted as surplus.

PUB. L. 104–287, §5(18)

This amends 49:5335(d)(2)(B) to amend an erroneous cross-reference.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 117–58, §30014(1), inserted “geographic service area coverage,” after “operating,” in first sentence.

Subsec. (c). Pub. L. 117–58, §30014(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “The recipient of a grant under this chapter shall report to the Secretary, for inclusion in the National Transit Database, any information relating to a transit asset inventory or condition assessment conducted by the recipient.”

2012—Subsec. (a). Pub. L. 112–141, §§20025(a)(1), 20030(j), struck out “of Transportation” after “the Secretary” and substituted “public transportation financial, operating, and asset condition information” for “public transportation financial and operating information”.

Subsec. (c). Pub. L. 112–141, §20025(a)(2), added subsec. (c).

2005—Pub. L. 109–59, §3033(a), substituted “National transit database” for “Reports and audits” in section catchline, redesignated pars. (1) and (2) of subsec. (a) as subsecs. (a) and (b), respectively, inserted subsec. (b) heading, substituted “The Secretary may award a grant under section 5307 or 5311” for “The Secretary may make a grant under section 5307 of this title” in subsec. (b), and struck out former subsec. (b) which related to submission of a report in January–1993, on carrying out former section 5307(b)(5) of this title.

Subsec. (a)(1). Pub. L. 109–59, §3002(b)(4), substituted “public transportation” for “mass transportation” wherever appearing.

1998—Subsec. (a). Pub. L. 105–178, §3026(a)(1), substituted “National Transit Database” for “Reporting