

49 USC 5309: Fixed guideway capital investment grants

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From Title 49-TRANSPORTATION

SUBTITLE III-GENERAL AND INTERMODAL PROGRAMS

CHAPTER 53-PUBLIC TRANSPORTATION

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§5309. Fixed guideway capital investment grants

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

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

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

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

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

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

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

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

(i) defined stations;

(ii) traffic signal priority for public transportation vehicles;

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

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

(5) NEW FIXED GUIDEWAY CAPITAL PROJECT.-The term "new fixed guideway capital project" means-

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

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

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

(A) the Federal assistance provided or to be provided under this section is less than \$150,000,000; and

(B) the total estimated net capital cost is less than \$400,000,000.

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

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

(2) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock

associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by at least 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

(c) GRANT REQUIREMENTS.-

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

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

(B) the applicant has, or will have-

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

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

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

(C) the applicant has made progress toward meeting the performance targets in section 5326(c)(2).

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

(3) TECHNICAL CAPACITY.-The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed at least 1 new fixed guideway capital project, or core capacity improvement project, if-

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

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

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

(d) NEW FIXED GUIDEWAY GRANTS.-

(1) PROJECT DEVELOPMENT PHASE.-

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

(i) the applicant-

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

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

(ii) the Secretary-

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

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

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

(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.-

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

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

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

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

(2) ENGINEERING PHASE.-

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

- (i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- (ii) is adopted into the metropolitan transportation plan required under section 5303;
- (iii) is justified based on a comprehensive review of the project's mobility improvements, the project's environmental benefits, congestion relief associated with the project, economic development effects associated with the project, policies and land use patterns of the project that support public transportation, and the project's cost-effectiveness as measured by cost per rider; and
- (iv) is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).

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

- (i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient; and
- (ii) population density and current public transportation ridership in the transportation corridor.

(e) CORE CAPACITY IMPROVEMENT PROJECTS.-**(1) PROJECT DEVELOPMENT PHASE.-**

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

- (i) the applicant-
 - (I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and
 - (II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and
- (ii) the Secretary-
 - (I) responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including when necessary a detailed description of any information deemed insufficient; and
 - (II) provides concurrent notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of whether the core capacity improvement project is entering the project development phase.

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

(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.-

- (i) **IN GENERAL.-**Not later than 2 years after the date on which a project enters into the project development phase, the applicant shall complete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.
- (ii) **EXTENSION OF TIME.-**Upon the request of an applicant, the Secretary may extend the time period under clause (i), if the applicant submits to the Secretary-
 - (I) a reasonable plan for completing the activities required under this paragraph; and
 - (II) an estimated time period within which the applicant will complete such activities.

(2) ENGINEERING PHASE.-

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

- (i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969;
- (ii) is adopted into the metropolitan transportation plan required under section 5303;
- (iii) is in a corridor that is-
 - (I) at or over capacity; or

(II) projected to be at or over capacity within the next 10 years, without regard to any temporary measures employed by the applicant expected to increase short-term capacity within the next 10 years;

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

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

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

- (i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient;
- (ii) whether the project will increase capacity at least 10 percent in a corridor;
- (iii) whether the project will improve interconnectivity among existing systems; and
- (iv) whether the project will improve environmental outcomes.

(f) FINANCING SOURCES.-

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

- (A) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases or funding shortfalls;
- (B) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and
- (C) local resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary to achieve the projected ridership levels without requiring a reduction in existing public transportation services or level of service to operate the project.

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

- (A) the reliability of the forecasting methods used to estimate costs and revenues made by the recipient and the contractors to the recipient;
- (B) existing grant commitments;
- (C) the degree to which financing sources are dedicated to the proposed purposes;
- (D) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose;
- (E) the extent to which the project has a local financial commitment that exceeds the required non-Government share of the cost of the project; and
- (F) private contributions to the project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

(g) PROJECT ADVANCEMENT AND RATINGS.-

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

- (A) the project meets the applicable requirements under this section; and
- (B) there is a reasonable likelihood that the project will continue to meet the requirements under this section.

(2) RATINGS.-

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

- (i) in the case of a new fixed guideway capital project, the project justification criteria under subsection (d)(2)(A)(iii), and the degree of local financial commitment; and
- (ii) in the case of a core capacity improvement project, the capacity needs of the corridor, the project justification criteria under subsection (e)(2)(A)(iv), and the degree of local financial commitment.

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

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

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

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

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

(A) the share of the cost of the project to be provided under this section does not exceed 50 percent of the total cost of the project;

(B) the applicant requests the use of the warrants;

(C) the applicant certifies that its existing public transportation system is in a state of good repair; and

(D) the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection.

(4) LETTERS OF INTENT AND EARLY SYSTEMS WORK AGREEMENTS.-In order to expedite a project under this subsection, the Secretary shall, to the maximum extent practicable, issue letters of intent and enter into early systems work agreements upon issuance of a record of decision for projects that receive an overall project rating of medium or better.

(5) POLICY GUIDANCE.-The Secretary shall issue policy guidance regarding the review and evaluation process and criteria-

(A) not later than 180 days after the date of enactment of the Federal Public Transportation Act of 2012; and

(B) each time the Secretary makes significant changes to the process and criteria, but not less frequently than once every 2 years.

(6) RULES.-Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue rules establishing an evaluation and rating process for-

(A) new fixed guideway capital projects that is based on the results of project justification, policies and land use patterns that promote public transportation, and local financial commitment, as required under this subsection; and

(B) core capacity improvement projects that is based on the results of the capacity needs of the corridor, project justification, and local financial commitment.

(7) PROJECT RE-ENTRY.-In carrying out ratings and evaluations under this subsection, the Secretary shall provide full and fair consideration to projects that seek an updated rating after a period of inactivity following an earlier rating and evaluation.

(8) APPLICABILITY.-This subsection shall not apply to a project for which the Secretary issued a letter of intent, entered into a full funding grant agreement, or entered into a project construction agreement before the date of enactment of the Federal Public Transportation Act of 2012.

(h) SMALL START PROJECTS.-

(1) IN GENERAL.-A small start project shall be subject to the requirements of this subsection.

(2) PROJECT DEVELOPMENT PHASE.-

(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.-A new small starts project shall enter into the project development phase when-

(i) the applicant-

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

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

(ii) the Secretary-

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

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

(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.-Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient

information to enable the Secretary to make findings of project justification, policies and land use patterns that promote public transportation, and local financial commitment under this subsection.

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

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

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

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

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

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

(6) **RATINGS.**-

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

(B) **OPTIONAL EARLY RATING.**-At the request of the project sponsor, the Secretary shall evaluate and rate the project in accordance with paragraphs (4) and (5) and subparagraph (A) of this paragraph upon completion of the analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(7) **GRANTS AND EXPEDITED GRANT AGREEMENTS.**-

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

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

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

(i) **PROGRAMS OF INTERRELATED PROJECTS.**-

(1) **FUTURE BUNDLING.**-

(A) **DEFINITION.**-In this paragraph, the term "future bundling request" means a letter described in subparagraph (B) that requests future funding for additional projects.

(B) **REQUEST.**-When an applicant submits a letter to the Secretary requesting entry of a project into the project development phase under subsection (d)(1)(A)(i)(I), (e)(1)(A)(i)(I), or (h)(2)(A)(i)(I), the applicant may include a description of other projects for consideration for future funding under this section. An applicant shall include in the request the amount of funding requested under this section for each additional project and the estimated capital cost of each project.

(C) **READINESS.**-Other projects included in the request shall be ready to enter the project development phase under subsection (d)(1)(A), (e)(1)(A), or (h)(2)(A), within 5 years of the initial project submitted as part of the request.

(D) **PLANNING.**-Projects in the future bundling request shall be included in the metropolitan transportation plan in accordance with section 5303(i).

(E) **PROJECT SPONSOR.**-The applicant that submits a future bundling request shall be the project sponsor for each project included in the request.

(F) **PROGRAM AND PROJECT SHARE.**-A future bundling request submitted under this paragraph shall include a proposed share of each of the request's projects that is consistent with the requirements of subsections (k)(2)(C) (ii) or (h)(7), as applicable.

(G) BENEFITS.-The bundling of projects under this subsection-

(i) shall enhance, or increase the capacity of-

(I) the total transportation system of the applicant; or

(II) the transportation system of the region the applicant serves (which, in the case of a State whose request addresses a single region, means that region); and

(ii) shall-

(I) streamline procurements for the applicant; or

(II) enable time or cost savings for the projects.

(H) EVALUATION.-Each project submitted for consideration for funding in a future bundling request shall be subject to the applicable evaluation criteria under this section for the project type, including demonstrating the availability of local resources to recapitalize, maintain, and operate the overall existing and proposed public transportation system pursuant to subsection (f)(1)(C).

(I) LETTER OF INTENT.-

(i) **IN GENERAL.-**Upon entering into a grant agreement for the initial project for which an applicant submits a future bundling request, the Secretary may issue a letter of intent to the applicant that announces an intention to obligate, for 1 or more additional projects included in the request, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the additional project or projects in the future bundling. Such letter may include a condition that the project or projects must meet the evaluation criteria in this subsection before a grant agreement can be executed.

(ii) **AMOUNT.-**The amount that the Secretary announces an intention to obligate for an additional project in the future bundling request through a letter of intent issued under clause (i) shall be sufficient to complete at least an operable segment of the project.

(iii) **TREATMENT.-**The issuance of a letter of intent under clause (i) shall not be deemed to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31 or an administrative commitment.

(2) IMMEDIATE BUNDLING.-

(A) DEFINITION.-In this paragraph, the term "immediate bundling request" means a letter described in subparagraph (B) that requests immediate funding for multiple projects.

(B) REQUEST.-An applicant may submit a letter to the Secretary requesting entry of multiple projects into the project development phase under subsection (d)(1)(A)(i)(I), (e)(1)(A)(i)(I), or (h)(2)(A)(i)(I), for consideration for funding under this section. An applicant shall include in the request the amount of funding requested under this section for each additional project and the estimated capital cost of each project.

(C) READINESS.-Projects included in the request must be ready to enter the project development phase under subsection (d)(1)(A), (e)(1)(A), or (h)(2)(A) at the same time.

(D) PLANNING.-Projects in the bundle shall be included in the metropolitan transportation plan in accordance with section 5303(i).

(E) PROJECT SPONSOR.-The applicant that submits an immediate bundling request shall be the project sponsor for each project included in the request.

(F) PROGRAM AND PROJECT SHARE.-An immediate bundling request submitted under this subsection shall include a proposed share of each of the request's projects that is consistent with the requirements of subsections (k)(2)(C)(ii) or (h)(7), as applicable.

(G) BENEFITS.-The bundling of projects under this subsection-

(i) shall enhance, or increase the capacity of-

(I) the total transportation system of the applicant; or

(II) the transportation system of the region the applicant serves (which, in the case of a State whose request addresses a single region, means that region); and

(ii) shall-

(I) streamline procurements for the applicant; or

(II) enable time or cost savings for the projects.

(H) EVALUATION.-A project submitted for consideration for immediate funding in an immediate bundling request shall be subject to the applicable evaluation criteria under this section for the project type, including demonstrating the availability of local resources to recapitalize, maintain, and operate the overall existing and proposed public transportation system pursuant to subsection (f)(1)(C).

(I) LETTER OF INTENT OR SINGLE GRANT AGREEMENT.-

(i) **IN GENERAL.-**Upon entering into a grant agreement for the initial project for which an applicant submits a request, the Secretary may issue a letter of intent or single, combined grant agreement to the applicant.

(ii) LETTER OF INTENT.-

(I) **IN GENERAL.-**A letter of intent announces an intention to obligate, for 1 or more additional projects included in the request, an amount from future available budget authority specified in law that is not more than

the amount stipulated as the financial participation of the Secretary in the additional project or projects. Such letter may include a condition that the project or projects must meet the evaluation criteria in this subsection before a grant agreement can be executed.

(II) AMOUNT.-The amount that the Secretary announces an intention to obligate for an additional project in a letter of intent issued under clause (i) shall be sufficient to complete at least an operable segment of the project.

(III) TREATMENT.-The issuance of a letter of intent under clause (i) shall not be deemed to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31 or an administrative commitment.

(3) EVALUATION CRITERIA.-When the Secretary issues rules or policy guidance under this section, the Secretary may request comment from the public regarding potential changes to the evaluation criteria for project justification and local financial commitment under subsections (d), (e), (f), and (h) for the purposes of streamlining the evaluation process for projects included in a future bundling request or an immediate bundling request, including changes to enable simultaneous evaluation of multiple projects under 1 or more evaluation criteria. Notwithstanding paragraphs (1)(H) and (2)(H), such criteria may be utilized for projects included in a future bundling request or an immediate bundling request under this subsection upon promulgation of the applicable rule or policy guidance.

(4) GRANT AGREEMENTS.-

(A) NEW START AND CORE CAPACITY IMPROVEMENT PROJECTS.-A new start project or core capacity improvement project in an immediate bundling request or future bundling request shall be carried out through a full funding grant agreement or expedited grant agreement pursuant to subsection (k)(2).

(B) SMALL START.-A small start project shall be carried out through a grant agreement pursuant to subsection (h)(7).

(C) REQUIREMENT.-A combined grant agreement described in paragraph (2)(1)(i) shall-

(i) include only projects in an immediate future bundling request that are ready to receive a grant agreement under this section,

(ii) be carried out through a full funding grant agreement or expedited grant agreement pursuant to subsection (k)(2) for the included projects, if a project seeking assistance under the combined grant agreement is a new start project or core capacity improvement project; and

(iii) be carried out through a grant agreement pursuant to subsection (h)(7) for the included projects, if the projects seeking assistance under the combined grant agreement consist entirely of small start projects.

(D) SAVINGS PROVISION.-The use of a combined grant agreement shall not waive or amend applicable evaluation criteria under this section for projects included in the combined grant agreement.

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

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

(1) LETTERS OF INTENT.-

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

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

(2) FULL FUNDING GRANT AGREEMENTS.-

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

(B) CRITERIA.-The Secretary shall enter into a full funding grant agreement, based on the evaluations and ratings required under subsection (d), (e), or (i), as applicable, with each grantee receiving assistance for a new fixed guideway capital project or core capacity improvement project that has been rated as high, medium-high, or medium, in accordance with subsection (g)(2)(A) or (i)(3)(B), as applicable.

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

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

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

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

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

(D) SPECIAL FINANCIAL RULES.-

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

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

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

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

(E) INFORMATION COLLECTION AND ANALYSIS PLAN.-

(i) **SUBMISSION OF PLAN.**-APPLICANTS SEEKING A FULL FUNDING GRANT AGREEMENT UNDER THIS PARAGRAPH SHALL SUBMIT A COMPLETE PLAN FOR THE COLLECTION AND ANALYSIS OF INFORMATION TO IDENTIFY THE IMPACTS OF THE NEW FIXED GUIDEWAY CAPITAL PROJECT OR CORE CAPACITY IMPROVEMENT PROJECT AND THE ACCURACY OF THE FORECASTS PREPARED DURING THE DEVELOPMENT OF THE PROJECT. PREPARATION OF THIS PLAN SHALL BE INCLUDED IN THE FULL FUNDING GRANT AGREEMENT AS AN ELIGIBLE ACTIVITY.

(ii) **CONTENTS OF PLAN.**-The plan submitted under clause (i) shall provide for-

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

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

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

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

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

(3) EARLY SYSTEMS WORK AGREEMENTS.-

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

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

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

(B) CONTENTS.-

(i) **IN GENERAL.**-An early systems work agreement under this paragraph obligates budget authority available under this chapter and title 23 and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier.

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

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

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

(v) **FAILURE TO CARRY OUT PROJECT.**-If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Federal grant funds awarded for the project from all Federal

funding sources, for all project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law or established by the Secretary in the early systems work agreement.

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

(4) LIMITATION ON AMOUNTS.-

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

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

(5) NOTIFICATION TO CONGRESS.-Not later than 15 days before issuing a letter of intent, entering into a full funding grant agreement, or entering into an early systems work agreement under this section, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

(I) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.-

(1) IN GENERAL.-

(A) ESTIMATION OF NET CAPITAL PROJECT COST.-Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost.

(B) GRANTS.-

(i) GRANT FOR NEW FIXED GUIDEWAY CAPITAL PROJECT.-A grant for a new fixed guideway capital project shall not exceed 80 percent of the net capital project cost.

(ii) FULL FUNDING GRANT AGREEMENT FOR NEW FIXED GUIDEWAY CAPITAL PROJECT.-A full funding grant agreement for a new fixed guideway capital project shall not include a share of more than 60 percent from the funds made available under this section.

(iii) GRANT FOR CORE CAPACITY IMPROVEMENT PROJECT.-A grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

(iv) GRANT FOR SMALL START PROJECT.-A grant for a small start project shall not exceed 80 percent of the net capital project costs.

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

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

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

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

(4) REMAINING COSTS.-The remainder of the net capital project costs shall be provided-

(A) in cash from non-Government sources;

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

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

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

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

(7) LIMITATION ON APPLICABILITY.-This subsection shall not apply to projects for which the Secretary entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

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

- (A) establish a Government share of at least 80 percent; and
- (B) not lower the project's rating for degree of local financial commitment for purposes of subsections (d)(2)(A) (v) or (h)(3)(C) as a result of the Government share specified in this paragraph.

(m) UNDERTAKING PROJECTS IN ADVANCE.-

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

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

(2) FINANCING COSTS.-

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

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

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

(n) AVAILABILITY OF AMOUNTS.-

(1) IN GENERAL.-An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall remain available to that project for 4 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any amounts that are unobligated to the project at the end of the 4-fiscal-year period may be used by the Secretary for any purpose under this section.

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

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

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

- (A) a proposal of allocations of amounts to be available to finance grants for projects under this section among applicants for these amounts;
- (B) evaluations and ratings, as required under subsections (d), (e), and (i), for each such project that is in project development, engineering, or has received a full funding grant agreement; and
- (C) recommendations of such projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years based on information currently available to the Secretary.

(2) BIENNIAL GAO REVIEW.-The Comptroller General of the United States shall-

- (A) conduct a biennial review that-
 - (i) assesses-
 - (I) the processes and procedures for evaluating, rating, and recommending all new fixed guideway capital projects and core capacity improvement projects for grant agreements under this section and section 3005(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5309 note; Public Law 114-94); and
 - (II) the Secretary's implementation of such processes and procedures;
 - (ii) includes, with respect to projects that entered into revenue service since the previous biennial review-
 - (I) a description and analysis of the impacts of the projects on public transportation services and public transportation ridership;
 - (II) a description and analysis of the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods of, or innovative financing for, the projects; and
 - (III) an identification of the reasons for any differences between predicted and actual outcomes for the projects; and
 - (iii) in conducting the review under clause (ii), incorporates information from the plans submitted by applicants under subsection (k)(2)(E)(i); and

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

(p) SPECIAL RULE.-For the purposes of calculating the cost effectiveness of a project described in subsection (d) or (e), the Secretary shall not reduce or eliminate the capital costs of art and non-functional landscaping elements from the annualized capital cost calculation.

(q) JOINT PUBLIC TRANSPORTATION AND INTERCITY PASSENGER RAIL PROJECTS.-

(1) IN GENERAL.-The Secretary may make grants for new fixed guideway capital projects and core capacity improvement projects that provide both public transportation and intercity passenger rail service.

(2) ELIGIBLE COSTS.-Eligible costs for a project under this subsection shall be limited to the net capital costs of the public transportation costs attributable to the project based on projected use of the new segment or expanded capacity of the project corridor, not including project elements designed to achieve or maintain a state of good repair, as determined by the Secretary under paragraph (4).

(3) PROJECT JUSTIFICATION AND LOCAL FINANCIAL COMMITMENT.-A project under this subsection shall be evaluated for project justification and local financial commitment under subsections (d), (e), (f), and (h), as applicable to the project, based on-

(A) the net capital costs of the public transportation costs attributable to the project as determined under paragraph (4); and

(B) the share of funds dedicated to the project from sources other than this section included in the unified finance plan for the project.

(4) CALCULATION OF NET CAPITAL PROJECT COST.-The Secretary shall estimate the net capital costs of a project under this subsection based on-

(A) engineering studies;

(B) studies of economic feasibility;

(C) the expected use of equipment or facilities; and

(D) the public transportation costs attributable to the project.

(5) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.-

(A) GOVERNMENT SHARE.-The Government share shall not exceed 80 percent of the net capital cost attributable to the public transportation costs of a project under this subsection as determined under paragraph (4).

(B) NON-GOVERNMENT SHARE.-The remainder of the net capital cost attributable to the public transportation costs of a project under this subsection shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

(r) CAPITAL INVESTMENT GRANT DASHBOARD.-

(1) IN GENERAL.-The Secretary shall make publicly available in an easily identifiable location on the website of the Department of Transportation a dashboard containing the following information for each project seeking a grant agreement under this section:

(A) Project name.

(B) Project sponsor.

(C) City or urbanized area and State in which the project will be located.

(D) Project type.

(E) Project mode.

(F) Project length and number of stops, including length of exclusive bus rapid transit lanes, if applicable.

(G) Anticipated total project cost.

(H) Anticipated share of project costs to be sought under this section.

(I) Date of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(J) Date on which the project entered the project development phase.

(K) Date on which the project entered the engineering phase, if applicable.

(L) Date on which a Letter of No Prejudice was requested, and date on which a Letter of No Prejudice was issued or denied, if applicable.

(M) Date of the applicant's most recent project ratings, including date of request for updated ratings, if applicable.

(N) Status of the project sponsor in securing non-Federal matching funds.

(O) Date on which a project grant agreement is anticipated to be executed.

(2) UPDATES.-The Secretary shall update the information provided under paragraph (1) not less frequently than monthly.

(3) PROJECT PROFILES.-The Secretary shall continue to make profiles for projects that have applied for or are receiving assistance under this section publicly available in an easily identifiable location on the website of the Department of Transportation, in the same manner as the Secretary did as of the day before the date of enactment of this subsection.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 800 ; Pub. L. 104–287, §5(9), (12), Oct. 11, 1996, 110 Stat. 3389 ; Pub. L. 102–240, title III, §3049(a), as added Pub. L. 105–130, §8, Dec. 1, 1997, 111 Stat. 2559 ; Pub. L. 105–178, title III, §3009(a), (c)–(h)(1), (3)(D), (i)–(k), June 9, 1998, 112 Stat. 352–357 ; Pub. L. 105–206, title IX, §9009(g), (h)(3), July 22, 1998, 112 Stat. 855 , 856; Pub. L. 106–69, title III, §347, Oct. 9, 1999, 113 Stat. 1024 ; Pub. L. 106–346, §101(a) [title III, §380], Oct. 23, 2000, 114 Stat. 1356 , 1356A-42; Pub. L. 106–554, §1(a)(4) [div. A, §1101], Dec. 21, 2000, 114 Stat. 2763 , 2763A-201; Pub. L. 108–88, §8(a), Sept. 30, 2003, 117 Stat. 1121 ; Pub. L. 108–202, §9(a), Feb. 29, 2004, 118 Stat. 484 ; Pub. L. 108–224, §7(a), Apr. 30, 2004, 118 Stat. 632 ; Pub. L. 108–263, §7(a), June 30, 2004, 118 Stat. 704 ; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814 ; Pub. L. 108–280, §7(a), July 30, 2004, 118 Stat. 882 ; Pub. L. 108–310, §8(a), Sept. 30, 2004, 118 Stat. 1154 ; Pub. L. 109–14, §7(a), May 31, 2005, 119 Stat. 330 ; Pub. L. 109–20, §7(a), July 1, 2005, 119 Stat. 352 ; Pub. L. 109–35, §7(a), July 20, 2005, 119 Stat. 386 ; Pub. L. 109–37, §7(a), July 22, 2005, 119 Stat. 401 ; Pub. L. 109–40, §7(a), July 28, 2005, 119 Stat. 417 ; Pub. L. 109–59, title III, §3011(a), Aug. 10, 2005, 119 Stat. 1573 ; Pub. L. 110–244, title II, §201(d), June 6, 2008, 122 Stat. 1610 ; Pub. L. 111–147, title IV, §433, Mar. 18, 2010, 124 Stat. 88 ; Pub. L. 111–322, title II, §2303, Dec. 22, 2010, 124 Stat. 3527 ; Pub. L. 112–5, title III, §303, Mar. 4, 2011, 125 Stat. 18 ; Pub. L. 112–30, title I, §133, Sept. 16, 2011, 125 Stat. 350 ; Pub. L. 112–102, title III, §303, Mar. 30, 2012, 126 Stat. 275 ; Pub. L. 112–140, title III, §303, June 29, 2012, 126 Stat. 396 ; Pub. L. 112–141, div. B, §20008(a), div. G, title III, §113003, July 6, 2012, 126 Stat. 656 , 984; Pub. L. 114–94, div. A, title III, §3005(a), Dec. 4, 2015, 129 Stat. 1450 ; Pub. L. 117–58, div. C, §30005(a), Nov. 15, 2021, 135 Stat. 894 .)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

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

5309(d)	49 App.:1602(a)(2)(A).	424, §304(b), 96 Stat. 2149 . July 9, 1964, Pub. L. 88–365, §3(a)(2)(A), 78 Stat. 303 ; May 25, 1967, Pub. L. 90–19, §20(a), 81 Stat. 25 ; Oct. 15, 1970, Pub. L. 91–453, §2(2), 84 Stat. 962 ; Nov. 26, 1974, Pub. L. 93–503, §§102, 104, 106, 88 Stat. 1566 , 1571, 1572; Nov. 6, 1978, Pub. L. 95–599, §302(a), 92 Stat. 2736 ; Jan. 6, 1983, Pub. L. 97–424, §304(a), 96 Stat. 2149 ; restated Apr. 2, 1987, Pub. L. 100–17, §309(e), 101 Stat. 227 .
5309(e)(1)	49 App.:1602(a)(3). 49 App.:1602 (note).	Apr. 2, 1987, Pub. L. 100–17, §303(b), 101 Stat. 223 .
5309(e) (2)–(7)	49 App.:1602(i).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302 , §3(i); added Apr. 2, 1987, Pub. L. 100–17, §303(a), 101 Stat. 223 ; restated Dec. 18, 1991, Pub. L. 102–240, §3010, 105 Stat. 2093 .
5309(f)(1)	49 App.:1602(a)(1)(D) (last sentence).	
5309(f)(2)	49 App.:1602(a)(1)(D) (2d sentence).	
5309(g)	49 App.:1602(a)(4).	July 9, 1964, Pub. L. 88–365, §3(a)(4), 78 Stat. 303 ; May 25, 1967, Pub. L. 90–19, §20(a), 81 Stat. 25 ; Oct. 15, 1970, Pub. L. 91–453, §2(2), 84 Stat. 962 ; Nov. 26, 1974, Pub. L. 93–503, §§102, 104, 106, 88 Stat. 1566 , 1571, 1572; restated Nov. 6, 1978, Pub. L. 95–599, §302(a), 92 Stat. 2736 ; Jan. 6, 1983, Pub. L. 97–424, §305, 96 Stat. 2150 ; Apr. 2, 1987, Pub. L. 100–17, §302, 101 Stat. 223 ; Dec. 18, 1991, Pub. L. 102–240, §3007, 105 Stat. 2090 .
5309(h)	49 App.:1603(a).	July 9, 1964, Pub. L. 88–365, §4(a), 78 Stat. 304 ; May 25, 1967, Pub. L. 90–19, §20(a), 81 Stat. 25 ; Aug. 1, 1968, Pub. L. 90–448, §704(a), 82 Stat. 535 ; Oct. 15, 1970, Pub. L. 91–453, §3(a), 84 Stat. 965 ; Aug. 13, 1973, Pub. L. 93–87, §301(a), 87 Stat. 295 ; Nov. 26, 1974, Pub. L. 93–503, §103(b), 88 Stat. 1571 ; Nov. 6, 1978, Pub. L. 95–599, §303(b), 92 Stat. 2737 ; Jan. 6, 1983, Pub. L. 97–424, §302(b), 96 Stat. 2141 ; Dec. 18, 1991, Pub. L. 102–240, §3006(f), (g), 105 Stat. 2089 .
5309(i)	49 App.:1602(c) (2d, last sentences).	July 9, 1964, Pub. L. 88–365, §3(c), 78 Stat. 303 ; May 25, 1967, Pub. L. 90–19, §20(a), 81 Stat. 25 ; restated Oct. 15, 1970, Pub. L. 91–453, §2(2), 84 Stat. 964 .
5309(j)	49 App.:1602(b) (7th sentence).	
5309(k)	49 App.:1602(c) (1st sentence).	
5309(l)	49 App.:1603(d).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302 , §4(d); added Dec. 18, 1991, Pub. L. 102–240, §3006(h)(2), 105 Stat. 2090 .
5309(m)(1)	49 App.:1602(k)(1).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302 , §3(k)(1); added Apr. 2, 1987, Pub. L. 100–17, §305, 101 Stat. 224 ; restated Dec. 18, 1991, Pub. L. 102–240, §3006(d)(1), 105 Stat. 2089 .
5309(m)(2)	49 App.:1602(k)(3).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302 , §3(k)(3); added Dec. 18, 1991, Pub. L. 102–240, §3006(d)(2), 105 Stat. 2089 .
5309(m)(3)	49 App.:1602(j).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302 ,

5309(m)(4)	49 App.:1602(k)(2).	§3(j); added Apr. 2, 1987, Pub. L. 100–17, §304, 101 Stat. 223 . July 9, 1964, Pub. L. 88–365, 78 Stat. 302 , §3(k)(2); added Apr. 2, 1987, Pub. L. 100–17, §305, 101 Stat. 224 .
5309(n)	49 App.:1602(l).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302 , §3(l); added Apr. 2, 1987, Pub. L. 100–17, §306(a), 101 Stat. 224 ; Dec. 18, 1991, Pub. L. 102–240, §3006(e), 105 Stat. 2089 .
5309(o)	49 App.:1602(n).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302 , §3(n); added Oct. 6, 1992, Pub. L. 102–388, §502(d), 106 Stat. 1566 .

In subsection (a), before clause (1), the words "in accordance with the provisions of this chapter" are omitted as surplus. The words "and on such terms and conditions as the Secretary may prescribe" and 49 App.:1602(a)(1)(D) (3d sentence) are omitted as unnecessary because of section 5334(a) of the revised title and 49:322(a). The words "(directly, through the purchase of securities or equipment trust certificates, or otherwise)" and "and agencies thereof" are omitted as surplus. In clause (1), the word "detailed" is omitted as surplus. In clause (2), the words "capital projects" are substituted for "the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service" for clarity and consistency in this section. The words "Eligible facilities and equipment may include personal property such as buses and other rolling stock, and rail and bus facilities, and real" are omitted as surplus. The text of 49 App.:1602(a)(1) (B) (last sentence) is omitted as obsolete because former 49 App.:1604(a)(4) is executed and is not included in this restatement. In clause (3), the words "the capital costs of" are added for clarity and consistency in this section. The words "highway and" are omitted as surplus.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUB. L. 104–287, §5(12)(A)

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

PUB. L. 104–287, §5(12)(B)

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

PUB. L. 104–287, §5(12)(C)

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

EDITORIAL NOTES

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsecs. (d)(1)(A)(i)(II), (B), (2)(A), (e)(1)(A)(i)(II), (B), (2)(A), (h)(2)(A)(i)(II), (B), (6)(B), (i)(2), (k)(3)(A), and (r)(1)(I), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The date of enactment of the Federal Public Transportation Act of 2012, referred to in subsecs. (g)(5)(A), (6), (8), (j), and (l)(7) is deemed to be Oct. 1, 2012, see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways.

The date of enactment of this subsection, referred to in subsec. (r)(3), is the date of enactment of Pub. L. 117–58, which was approved Nov. 15, 2021.

CODIFICATION

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

AMENDMENTS

2021-Subsec. (a)(6), (7). Pub. L. 117–58, §30005(a)(1), struck out par. (6), which defined "program of interrelated projects", redesignated former par. (7) as (6), and in par. (6), substituted "\$150,000,000" for "\$100,000,000" in subpar. (A) and "\$400,000,000" for "\$300,000,000" in subpar. (B).

Subsec. (c)(1)(C). Pub. L. 117–58, §30005(a)(2), added subpar. (C).

Subsec. (e)(2)(A)(iii)(II). Pub. L. 117–58, §30005(a)(3), substituted "the next 10 years, without regard to any temporary measures employed by the applicant expected to increase short-term capacity within the next 10 years" for "the next 5 years".

Subsec. (g)(3)(A). Pub. L. 117–58, §30005(a)(4)(A), substituted "exceed 50 percent" for "exceed-

"(i) \$100,000,000; or

"(ii) 50 percent".

Subsec. (g)(7), (8). Pub. L. 117–58, §30005(a)(4)(B), (C), added par. (7) and redesignated former par. (7) as (8).

Subsec. (i). Pub. L. 117–58, §30005(a)(5), added pars. (1) to (4) and struck out former pars. (1) to (8), which related to programs of interrelated projects.

Subsec. (k)(2)(E). Pub. L. 117–58, §30005(a)(6)(A), substituted "Information collection and analysis plan" for "Before and after study" in heading, struck out cl. (i), which set out study requirements, redesignated cl. (ii) as (i) and substituted "Submission of plan" for "Information collection and analysis plan" in cl. heading, redesignated subcl. (II) of cl. (i) as cl. (ii), redesignated items (aa) to (dd) as subcls. (I) to (IV), respectively, substituted "clause (i)" for "subclause (I)" in introductory provisions of cl. (ii), and realigned margins.

Subsec. (k)(5). Pub. L. 117–58, §30005(a)(6)(B), substituted "Not later than 15" for "At least 30".

Subsec. (o)(2). Pub. L. 117–58, §30005(a)(7)(A), (B), redesignated par. (3) as (2) and struck out former par. (2). Prior to amendment, text read as follows: "Not later than the first Monday in August of each year, the Secretary shall submit to the committees described in paragraph (1) a report containing a summary of the results of any studies conducted under subsection (k)(2)(E)."

Subsec. (o)(2)(A). Pub. L. 117–58, §30005(a)(7)(C)(i)(I)–(III), substituted "that" for "of" in introductory provisions, inserted "(i) assesses-", redesignated former cls. (i) and (ii) as subcls. (I) and (II), respectively, and realigned margins.

Subsec. (o)(2)(A)(i)(I). Pub. L. 117–58, §30005(a)(7)(C)(i)(IV)(aa), substituted "all new fixed guideway capital projects and core capacity improvement projects for grant agreements under this section and section 3005(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5309 note; Public Law 114–94)" for "new fixed guideway capital projects and core capacity improvement projects".

Subsec. (o)(2)(A)(ii). Pub. L. 117–58, §30005(a)(7)(C)(i)(IV)(bb), (V), added cl. (ii).

Subsec. (o)(2)(B). Pub. L. 117–58, §30005(a)(7)(C)(ii), substituted "the applicable year" for "each year".

Subsec. (o)(3). Pub. L. 117–58, §30005(a)(7)(B), redesignated par. (3) as (2).

Subsec. (r). Pub. L. 117–58, §30005(a)(8), added subsec. (r).

2015-Subsec. (a)(3). Pub. L. 114–94, §3005(a)(1)(A), struck out "and weekend days" after "substantial part of weekdays".

Subsec. (a)(6)(A). Pub. L. 114–94, §3005(a)(1)(B)(i), inserted ", small start projects," after "new fixed guideway capital projects".

Subsec. (a)(6)(B). Pub. L. 114–94, §3005(a)(1)(B)(ii), added subpar. (B) and struck out former subpar. (B), which read as follows: "1 or more new fixed guideway capital projects and 1 or more core capacity improvement projects."

Subsec. (a)(7)(A). Pub. L. 114–94, §3005(a)(1)(C)(i), substituted "\$100,000,000" for "\$75,000,000".

Subsec. (a)(7)(B). Pub. L. 114–94, §3005(a)(1)(C)(ii), substituted "\$300,000,000" for "\$250,000,000".

Subsec. (d)(1)(B). Pub. L. 114–94, §3005(a)(2)(A), struck out ", policies and land use patterns that promote public transportation," after "project justification".

Subsec. (d)(2)(A)(iii) to (v). Pub. L. 114–94, §3005(a)(2)(B), inserted "and" after semicolon in cl. (iii), redesignated cl. (v) as (iv), and struck out former cl. (iv), which read as follows: "is supported by policies and land use patterns that promote public transportation, including plans for future land use and rezoning, and economic development around public transportation stations; and".

Subsec. (g)(2)(A)(i). Pub. L. 114–94, §3005(a)(3), struck out "the policies and land use patterns that support public transportation," after "subsection (d)(2)(A)(iii),".

Subsec. (h)(6). Pub. L. 114–94, §3005(a)(4), designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

Subsec. (i)(1). Pub. L. 114–94, §3005(a)(5)(A), substituted "subsection (d), (e), or (h)" for "subsection (d) or (e)".

Subsec. (i)(2). Pub. L. 114–94, §3005(a)(5)(B)(i), inserted "new fixed guideway capital project or core capacity improvement" after "federally funded" in introductory provisions.

Subsec. (i)(2)(D). Pub. L. 114–94, §3005(a)(5)(B)(ii), added subpar. (D) and struck out former subpar. (D), which read as follows: "the program of interrelated projects, when evaluated as a whole, meets the

requirements of subsection (d)(2) or (e)(2), as applicable;"

Subsec. (i)(2)(F). Pub. L. 114–94, §3005(a)(5)(B)(iii), inserted "or subsection (h)(5), as applicable" after "subsection (f)".

Subsec. (i)(3)(A). Pub. L. 114–94, §3005(a)(5)(C), added subpar. (A) and struck out former subpar. (A). Prior to amendment, text read as follows: "A project receiving a grant under this section that is part of a program of interrelated projects may not advance from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable likelihood that the program will continue to meet such requirements."

Subsec. (l)(1). Pub. L. 114–94, §3005(a)(6)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: "Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost. A grant for a fixed guideway project or small start project shall not exceed 80 percent of the net capital project cost. A grant for a core capacity project shall not exceed 80 percent of the net capital project cost of the incremental cost of increasing the capacity in the corridor."

Subsec. (l)(4). Pub. L. 114–94, §3005(a)(6)(B), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: "The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital."

Subsec. (n). Pub. L. 114–94, §3005(a)(7), added subsec. (n) and struck out former subsec. (n), which related to availability of amounts for a new fixed guideway capital project.

Subsecs. (p), (q). Pub. L. 114–94, §3005(a)(8), added subsecs. (p) and (q).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pub. L. 112–140, §§1(c), 303(3)(A)(i), temporarily substituted "2011 and \$7,600,000 shall be available for the period beginning on October 1, 2011, and ending on July 6, 2012," for "2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012," and "shall be set aside:" for "shall be set aside for:" in introductory provisions. See Effective and Termination Dates of 2012 Amendment note below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pub. L. 112–140, §§1(c), 303(3)(B), temporarily added cl. (vii), which set aside \$10,260,000 for the period beginning on October 1, 2011, and ending on July 6, 2012, and temporarily struck out former cl. (vii) which read as follows: "\$10,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012." See Effective and Termination Dates of 2012 Amendment note below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"\$1,000,000".

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

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

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

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

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

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

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

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

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

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

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

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

Pub. L. 111-147, §433(1)(A), (B), substituted "2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010" for "2009" in heading and "2010, and during the period beginning October 1, 2010, and ending December 31, 2010," for "2009" in introductory provisions.

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

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

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

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

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

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

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

Subsec. (m)(7)(A)(ii). Pub. L. 111-322, §2303(3)(A)(iii), substituted "155/365ths" for "25 percent".

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

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

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

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

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

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

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

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

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

Subsec. (m)(7)(E). Pub. L. 111–322, §2303(7), substituted "\$1,273,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011" for "\$750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010". See Codification note above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(2) Eligible costs for a project under subsection (a)(5) of this section-

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

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

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

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

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

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

Pub. L. 105-178, §3009(f)(2), (4), substituted "full funding" for "full financing" before "grant agreements" in two places and "an amount equivalent to the total authorizations under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems for fiscal years 2002 and 2003" for "50 percent of the uncommitted cash balance remaining in the Mass Transit Account of the Highway Trust Fund (including amounts received from taxes and interest earned that are more than amounts previously obligated)".

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

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

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

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

Subsec. (p). Pub. L. 105-178, §3009(j), added subsec. (p).

1997-Subsec. (m)(1). Pub. L. 102-240, §3049(a), as added by Pub. L. 105-130, inserted ", and for the period of October 1, 1997, through March 31, 1998" after "1997".

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

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

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

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

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

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

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

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

EFFECTIVE DATE OF 1998 AMENDMENT

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

EFFECTIVE DATE OF 1996 AMENDMENT

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

EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM

Pub. L. 114–94, div. A, title III, §3005(b), Dec. 4, 2015, 129 Stat. 1454, as amended by Pub. L. 117–58, div. C, §30005(b), Nov. 15, 2021, 135 Stat. 900, provided that:

"(1) DEFINITIONS.-In this subsection, the following definitions shall apply:

"(A) APPLICANT.-The term 'applicant' means a State or local governmental authority that applies for a grant under this subsection.

"(B) CAPITAL PROJECT; FIXED GUIDEWAY; LOCAL GOVERNMENTAL AUTHORITY; PUBLIC TRANSPORTATION; STATE; STATE OF GOOD REPAIR.-The terms 'capital project', 'fixed guideway', 'local governmental authority', 'public transportation', 'State', and 'state of good repair' have the meanings given those terms in section 5302 of title 49, United States Code.

"(C) CORE CAPACITY IMPROVEMENT PROJECT.-The term 'core capacity improvement project'-

"(i) 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; and

"(ii) may include project elements designed to aid the existing fixed guideway system in making substantial progress towards achieving a state of good repair.

"(D) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.-The term 'corridor-based bus rapid transit project' means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems-

"(i) including-

"(I) defined stations;

"(II) traffic signal priority for public transportation vehicles;

"(III) short headway bidirectional services for a substantial part of weekdays; and

"(IV) any other features the Secretary may determine support a long-term corridor

investment; and

"(ii) the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods.

"(E) ELIGIBLE PROJECT.-The term 'eligible project' means a new fixed guideway capital project, a small start project, or a core capacity improvement project that has not entered into a full funding grant agreement with the Federal Transit Administration before the date of enactment of this Act [Dec. 4, 2015].

"(F) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.-The term 'fixed guideway bus rapid transit project' means a bus capital project-

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

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

"(iii) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including-

"(I) defined stations;

"(II) traffic signal priority for public transportation vehicles;

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

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

"(G) NEW FIXED GUIDEWAY CAPITAL PROJECT.-The term 'new fixed guideway capital project' means-

"(i) a fixed guideway capital project that is a minimum operable segment or extension to an existing fixed guideway system; or

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

"(H) RECIPIENT.-The term 'recipient' means a recipient of funding under chapter 53 of title 49, United States Code.

"(I) SMALL START PROJECT.-The term 'small start project' means a new fixed guideway capital project, a fixed guideway bus rapid transit project, or a corridor-based bus rapid transit project for which-

"(i) the Federal assistance provided or to be provided under this subsection is less than \$150,000,000; and

"(ii) the total estimated net capital cost is less than \$400,000,000.

"(2) GENERAL AUTHORITY.-The Secretary may make grants under this subsection to States and local governmental authorities to assist in financing-

"(A) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for projects in the advanced stages of planning and design; and

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

"(3) GRANT REQUIREMENTS.-

"(A) IN GENERAL.-The Secretary may make not more than 8 grants under this subsection for eligible projects if the Secretary determines that-

"(i) the eligible project is part of an approved transportation plan required under sections 5303 and 5304 of title 49, United States Code;

"(ii) the applicant has, or will have-

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

"(II) satisfactory continuing control over the use of the equipment or facilities;

"(III) the technical and financial capacity to maintain new and existing equipment and facilities; and

"(IV) advisors providing guidance to the applicant on the terms and structure of the project that are independent from investors in the project;

"(iii) the eligible project is supported, or will be supported, in part, through a public-private partnership, provided such support is determined by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

"(iv) the eligible project is justified based on findings presented by the project sponsor to the Secretary, including-

"(I) mobility improvements attributable to the project;

"(II) environmental benefits associated with the project;

"(III) congestion relief associated with the project;

"(IV) economic development effects derived as a result of the project; and

"(V) estimated ridership projections;

"(v) the eligible project is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources); and

"(vi) the eligible project will be operated and maintained by employees of an existing provider of fixed guideway or bus rapid transit public transportation in the service area of the project, or if none exists, by employees of an existing public transportation provider in the service area.

"(B) CERTIFICATION.-An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) of title 49, United States Code, shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this paragraph.

"(C) TECHNICAL CAPACITY.-The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed not less than 1 new fixed guideway capital project, small start project, or core capacity improvement project, if-

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

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

"(D) FINANCIAL COMMITMENT.-

"(i) REQUIREMENTS.-In determining whether an eligible project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subparagraph (A)(v), the Secretary shall require that-

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

"(II) resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary, without degradation to the existing level of public transportation services.

"(ii) CONSIDERATIONS.-In assessing the stability, reliability, and availability of proposed sources of financing under clause (i), the Secretary shall consider-

"(I) the reliability of the forecasting methods used to estimate costs and revenues made by the applicant and the contractors to the applicant;

"(II) existing grant commitments;

"(III) the degree to which financing sources are dedicated to the proposed eligible project;

"(IV) any debt obligation that exists or is proposed by the applicant, for the proposed eligible project or other public transportation purpose; and

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

"(E) LABOR STANDARDS.-The requirements under section 5333 of title 49, United States Code, shall apply to each recipient of a grant under this subsection.

"(4) PROJECT ADVANCEMENT.-An applicant that desires a grant under this subsection and meets the requirements of paragraph (3) shall submit to the Secretary, and the Secretary shall approve for advancement, a grant request that contains-

"(A) identification of an eligible project;

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

"(C) an analysis of the efficiencies of the proposed eligible project development and delivery methods and innovative financing arrangement for the eligible project, including any documents related to the-

"(i) public-private partnership required under paragraph (3)(A)(iii); and

"(ii) project justification required under paragraph (3)(A)(iv); and

"(D) a certification that the existing public transportation system of the applicant or, in the event that the applicant does not operate a public transportation system, the public transportation system to which the proposed project will be attached, is in a state of good repair.

"(5) WRITTEN NOTICE FROM THE SECRETARY.-

"(A) IN GENERAL.-Not later than 120 days after the date on which the Secretary receives a grant request of an applicant under paragraph (4), the Secretary shall provide written notice to the applicant-

"(i) of approval of the grant request; or

"(ii) if the grant request does not meet the requirements under paragraph (4), of disapproval of the grant request, including a detailed explanation of the reasons for the disapproval.

"(B) CONCURRENT NOTICE.-The Secretary shall provide concurrent notice of an approval or disapproval of a grant request under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

"(6) WAIVER.-The Secretary may grant a waiver to an applicant that does not comply with paragraph (4) (D) if-

"(A) the eligible project meets the definition of a core capacity improvement project; and

"(B) the Secretary certifies that the eligible project will allow the applicant to make substantial progress in achieving a state of good repair.

"(7) SELECTION CRITERIA.-The Secretary may enter into a full funding grant agreement with an applicant under this subsection for an eligible project for which an application has been submitted and approved for advancement by the Secretary under paragraph (4), only if the applicant has completed the planning and activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(8) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.-

"(A) LETTERS OF INTENT.-

"(i) AMOUNTS INTENDED TO BE OBLIGATED.-The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for an eligible project under this subsection, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the eligible project. When a letter is issued for an eligible project under this subsection, the amount shall be sufficient to complete at least an operable segment.

"(ii) TREATMENT.-The issuance of a letter under clause (i) is deemed not to be an obligation under section 1108(c), 1501, or 1502(a) of title 31, United States Code, or an administrative commitment.

"(B) FULL FUNDING GRANT AGREEMENTS.-

"(i) IN GENERAL.-Except as provided in clause (v), an eligible project shall be carried out under this subsection through a full funding grant agreement.

"(ii) CRITERIA.-The Secretary shall enter into a full funding grant agreement, based on the requirements of this subparagraph, with each applicant receiving assistance for an eligible project that has received a written notice of approval under paragraph (5)(A)(i).

"(iii) TERMS.-A full funding grant agreement shall-

"(I) establish the terms of participation by the Federal Government in the eligible project;

"(II) establish the maximum amount of Federal financial assistance for the eligible project;

"(III) include the period of time for completing construction of the eligible project, consistent with the terms of the public-private partnership agreement, even if that period extends beyond the period of an authorization; and

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

"(iv) SPECIAL FINANCIAL RULES.-

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

"(II) STATEMENT OF CONTINGENT COMMITMENT.-A full funding grant agreement shall state that the contingent commitment is not an obligation of the Federal Government.

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

"(IV) COMPLETION OF OPERABLE SEGMENT.-The amount stipulated in an agreement under this subparagraph for a new fixed guideway capital project, core capacity improvement project, or small start project shall be sufficient to complete at least an operable segment.

"(v) EXCEPTION.-

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

"(II) TERMS OF EXPEDITED GRANT AGREEMENTS.-In executing an expedited grant agreement under this clause, the Secretary may include in the agreement terms similar to those established under clause (iii).

"(C) LIMITATION ON AMOUNTS.-

"(i) IN GENERAL.-The Secretary may enter into full funding grant agreements under this paragraph for eligible projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

"(ii) APPROPRIATION REQUIRED.-An obligation may be made under this paragraph only when amounts are appropriated for obligation.

"(D) NOTIFICATION TO CONGRESS.-

"(i) IN GENERAL.-Not later than 15 days before the date on which the Secretary issues a letter of intent or enters into a full funding grant agreement for an eligible project under this paragraph, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure

and the Committee on Appropriations of the House of Representatives of the proposed letter of intent or full funding grant agreement.

"(ii) CONTENTS.-The written notification under clause (i) shall include a copy of the proposed letter of intent or full funding grant agreement for the eligible project.

"(9) GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.-

"(A) IN GENERAL.-A grant for an eligible project shall not exceed 25 percent of the net capital project cost.

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

"(C) LIMITATION ON STATUTORY CONSTRUCTION.-Nothing in this subsection shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 75 percent of the net capital project cost.

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

"(E) FAILURE TO CARRY OUT PROJECT.-If an applicant does not carry out an eligible project for reasons within the control of the applicant, the applicant shall repay all Federal funds awarded for the eligible project from all Federal funding sources, for all eligible project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law.

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

"(10) AVAILABILITY OF AMOUNTS.-

"(A) IN GENERAL.-An amount made available for an eligible project shall remain available to that eligible project for 4 fiscal years, including the fiscal year in which the amount is made available. Any amounts that are unobligated to the eligible project at the end of the 4-fiscal-year period may be used by the Secretary for any purpose under this subsection.

"(B) USE OF DEOBLIGATED AMOUNTS.-An amount available under this subsection that is deobligated may be used for any purpose under this subsection.

"(11) ANNUAL REPORT ON EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS.-Not later than the first Monday in February of each year, the Secretary shall submit 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 a report that includes a proposed amount to be available to finance grants for anticipated projects under this subsection.

"(12) RULE OF CONSTRUCTION.-Nothing in this subsection shall be construed to-

"(A) require the privatization of the operation or maintenance of any project for which an applicant seeks funding under this subsection;

"(B) revise the determinations by local policies, criteria, and decisionmaking under section 5306(a) of title 49, United States Code;

"(C) alter the requirements for locally developed, coordinated, and implemented transportation plans under sections 5303 and 5304 of title 49, United States Code; or

"(D) alter the eligibilities or priorities for assistance under this subsection or section 5309 of title 49, United States Code."

DEVELOPMENT OF IMPLEMENTATION GUIDANCE

Pub. L. 113–235, div. K, title I, §167, Dec. 16, 2014, 128 Stat. 2720 , provided that: "In developing guidance implementing 49 U.S.C. 5309(i) Program of Interrelated Projects, the Secretary shall consider projects eligible under section 5309(h) Small Starts Projects, including streetcars."

PILOT PROGRAM FOR EXPEDITED PROJECT DELIVERY

Pub. L. 112–141, div. B, §20008(b), July 6, 2012, 126 Stat. 674 , which related to a pilot program for expedited project delivery, was repealed by Pub. L. 114–94, div. A, title III, §3030(a), Dec. 4, 2015, 129 Stat. 1496 .

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

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

TRANSIT TUNNELS

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

PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM

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

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

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

DOLLAR VALUE OF MOBILITY IMPROVEMENTS

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

JOB ACCESS AND REVERSE COMMUTE GRANTS

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

ENCOURAGEMENT OF ADVERSELY AFFECTED INDUSTRIES TO COMPETE FOR CONTRACTS

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