

Calendar No. \_\_\_\_\_

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

**[Report No. 112-\_\_\_\_\_]**

To reauthorize Federal public transportation programs, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_, from the Committee on Banking, Housing, and Urban Affairs, reported the following original bill; which was read twice and placed on the calendar

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## **A BILL**

To reauthorize Federal public transportation programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Public Trans-  
5 portation Act of 2012”.

1 **SEC. 2. REPEALS.**

2 (a) CHAPTER 53.—Chapter 53 of title 49, United  
3 States Code, is amended by striking sections 5316, 5317,  
4 5321, 5324, 5328, and 5339.

5 (b) TRANSPORTATION EQUITY ACT FOR THE 21ST  
6 CENTURY.—Section 3038 of the Transportation Equity  
7 Act for the 21st Century (49 U.S.C. 5310 note) is re-  
8 pealed.

9 (c) SAFETEA-LU.—The following provisions are  
10 repealed:

11 (1) Section 3009(i) of SAFETEA-LU (Public  
12 Law 109–59; 119 Stat. 1572).

13 (2) Section 3011(c) of SAFETEA-LU (49  
14 U.S.C. 5309 note).

15 (3) Section 3012(b) of SAFETEA-LU (49  
16 U.S.C. 5310 note).

17 (4) Section 3045 of SAFETEA-LU (49 U.S.C.  
18 5308 note).

19 (5) Section 3046 of SAFETEA-LU (49 U.S.C.  
20 5338 note).

21 **SEC. 3. POLICIES, PURPOSES, AND GOALS.**

22 Section 5301 of title 49, United States Code, is  
23 amended to read as follows:

24 **“§ 5301. Policies, purposes, and goals**

25 “(a) DECLARATION OF POLICY.—It is in the interest  
26 of the United States, including the economic interest of

1 the United States, to foster the development and revital-  
2 ization of public transportation systems.

3 “(b) GENERAL PURPOSES.—The purposes of this  
4 chapter are to—

5 “(1) provide funding to support public trans-  
6 portation;

7 “(2) improve the development and delivery of  
8 capital projects;

9 “(3) initiate a new framework for improving the  
10 safety of public transportation systems;

11 “(4) establish standards for the state of good  
12 repair of public transportation infrastructure and ve-  
13 hicles;

14 “(5) promote continuing, cooperative, and com-  
15 prehensive planning that improves the performance  
16 of the transportation network;

17 “(6) establish a technical assistance program to  
18 assist recipients under this chapter to more effec-  
19 tively and efficiently provide public transportation  
20 service;

21 “(7) continue Federal support for public trans-  
22 portation providers to deliver high quality service to  
23 all users, including individuals with disabilities, sen-  
24 iors, and individuals who depend on public transpor-  
25 tation;

1           “(8) support research, development, demonstra-  
2           tion, and deployment projects dedicated to assisting  
3           in the delivery of efficient and effective public trans-  
4           portation service; and

5           “(9) promote the development of the public  
6           transportation workforce.

7           “(c) NATIONAL GOALS.—The goals of this chapter  
8 are to—

9           “(1) increase the availability and accessibility of  
10          public transportation across a balanced, multimodal  
11          transportation network;

12          “(2) promote the environmental benefits of pub-  
13          lic transportation, including reduced reliance on fos-  
14          sil fuels, fewer harmful emissions, and lower public  
15          health expenditures;

16          “(3) improve the safety of public transportation  
17          systems;

18          “(4) achieve and maintain a state of good re-  
19          pair of public transportation infrastructure and vehi-  
20          cles;

21          “(5) provide an efficient and reliable alternative  
22          to congested roadways;

23          “(6) increase the affordability of transportation  
24          for all users; and

1           “(7) maximize economic development opportuni-  
2 ties by—

3           “(A) connecting workers to jobs;

4           “(B) encouraging mixed-use, transit-ori-  
5 ented development; and

6           “(C) leveraging private investment and  
7 joint development.”.

8 **SEC. 4. DEFINITIONS.**

9           Section 5302 of title 49, United States Code, is  
10 amended to read as follows:

11 **“§ 5302. Definitions**

12           “Except as otherwise specifically provided, in this  
13 chapter the following definitions apply:

14           “(1) ASSOCIATED TRANSIT IMPROVEMENT.—

15           The term ‘associated transit improvement’ means,  
16 with respect to any project or an area to be served  
17 by a project, projects that are designed to enhance  
18 public transportation service or use and that are  
19 physically or functionally related to transit facilities.

20           Eligible projects are—

21           “(A) historic preservation, rehabilitation,  
22 and operation of historic public transportation  
23 buildings, structures, and facilities (including  
24 historic bus and railroad facilities) intended for  
25 use in public transportation service;

1 “(B) bus shelters;

2 “(C) landscaping and streetscaping, includ-  
3 ing benches, trash receptacles, and street lights;

4 “(D) pedestrian access and walkways;

5 “(E) bicycle access, including bicycle stor-  
6 age facilities and installing equipment for trans-  
7 porting bicycles on public transportation vehi-  
8 cles;

9 “(F) signage; or

10 “(G) enhanced access for persons with dis-  
11 abilities to public transportation.

12 “(2) BUS RAPID TRANSIT SYSTEM.—The term  
13 ‘bus rapid transit system’ means a bus transit sys-  
14 tem—

15 “(A) in which the majority of each line op-  
16 erates in a separated right-of-way dedicated for  
17 public transportation use during peak periods;  
18 and

19 “(B) that includes features that emulate  
20 the services provided by rail fixed guideway  
21 public transportation systems, including—

22 “(i) defined stations;

23 “(ii) traffic signal priority for public  
24 transportation vehicles;

1                   “(iii) short headway bidirectional serv-  
2                   ices for a substantial part of weekdays and  
3                   weekend days; and

4                   “(iv) any other features the Secretary  
5                   may determine are necessary to produce  
6                   high-quality public transportation services  
7                   that emulate the services provided by rail  
8                   fixed guideway public transportation sys-  
9                   tems.

10                  “(3) CAPITAL PROJECT.—The term ‘capital  
11                  project’ means a project for—

12                   “(A) acquiring, constructing, supervising,  
13                   or inspecting equipment or a facility for use in  
14                   public transportation, expenses incidental to the  
15                   acquisition or construction (including designing,  
16                   engineering, location surveying, mapping, and  
17                   acquiring rights-of-way), payments for the cap-  
18                   ital portions of rail trackage rights agreements,  
19                   transit-related intelligent transportation sys-  
20                   tems, relocation assistance, acquiring replace-  
21                   ment housing sites, and acquiring, constructing,  
22                   relocating, and rehabilitating replacement hous-  
23                   ing;

24                   “(B) rehabilitating a bus;

25                   “(C) remanufacturing a bus;

1 “(D) overhauling rail rolling stock;

2 “(E) preventive maintenance;

3 “(F) leasing equipment or a facility for use  
4 in public transportation, subject to regulations  
5 that the Secretary prescribes limiting the leas-  
6 ing arrangements to those that are more cost-  
7 effective than purchase or construction;

8 “(G) a joint development improvement  
9 that—

10 “(i) enhances economic development  
11 or incorporates private investment, such as  
12 commercial and residential development;

13 “(ii)(I) enhances the effectiveness of  
14 public transportation and is related phys-  
15 ically or functionally to public transpor-  
16 tation; or

17 “(II) establishes new or enhanced co-  
18 ordination between public transportation  
19 and other transportation;

20 “(iii) provides a fair share of revenue  
21 that will be used for public transportation;

22 “(iv) provides that a person making  
23 an agreement to occupy space in a facility  
24 constructed under this paragraph shall pay



1 a fair share of the costs of the facility  
2 through rental payments and other means;  
3 “(v) may include—  
4 “(I) property acquisition;  
5 “(II) demolition of existing struc-  
6 tures;  
7 “(III) site preparation;  
8 “(IV) utilities;  
9 “(V) building foundations;  
10 “(VI) walkways;  
11 “(VII) pedestrian and bicycle ac-  
12 cess to a public transportation facility;  
13 “(VIII) construction, renovation,  
14 and improvement of intercity bus and  
15 intercity rail stations and terminals;  
16 “(IX) renovation and improve-  
17 ment of historic transportation facili-  
18 ties;  
19 “(X) open space;  
20 “(XI) safety and security equip-  
21 ment and facilities (including lighting,  
22 surveillance, and related intelligent  
23 transportation system applications);

1                   “(XII) facilities that incorporate  
2                   community services such as daycare  
3                   or health care;

4                   “(XIII) a capital project for, and  
5                   improving, equipment or a facility for  
6                   an intermodal transfer facility or  
7                   transportation mall; and

8                   “(XIV) construction of space for  
9                   commercial uses; and

10                  “(vi) does not include outfitting of  
11                  commercial space (other than an intercity  
12                  bus or rail station or terminal) or a part  
13                  of a public facility not related to public  
14                  transportation;

15                  “(H) the introduction of new technology,  
16                  through innovative and improved products, into  
17                  public transportation;

18                  “(I) the provision of nonfixed route para-  
19                  transit transportation services in accordance  
20                  with section 223 of the Americans with Disabil-  
21                  ities Act of 1990 (42 U.S.C. 12143), but only  
22                  for grant recipients that are in compliance with  
23                  applicable requirements of that Act, including  
24                  both fixed route and demand responsive service,  
25                  and only for amounts not to exceed 10 percent

1 of such recipient's annual formula apportion-  
2 ment under sections 5307 and 5311;

3 “(J) establishing a debt service reserve,  
4 made up of deposits with a bondholder's trust-  
5 ee, to ensure the timely payment of principal  
6 and interest on bonds issued by a grant recipi-  
7 ent to finance an eligible project under this  
8 chapter;

9 “(K) mobility management—

10 “(i) consisting of short-range planning  
11 and management activities and projects for  
12 improving coordination among public  
13 transportation and other transportation  
14 service providers carried out by a recipient  
15 or subrecipient through an agreement en-  
16 tered into with a person, including a gov-  
17 ernmental entity, under this chapter (other  
18 than section 5309); but

19 “(ii) excluding operating public trans-  
20 portation services; or

21 “(L) associated capital maintenance, in-  
22 cluding—

23 “(i) equipment, tires, tubes, and ma-  
24 terial, each costing at least .5 percent of  
25 the current fair market value of rolling

1 stock comparable to the rolling stock for  
2 which the equipment, tires, tubes, and ma-  
3 terial are to be used; and

4 “(ii) reconstruction of equipment and  
5 material, each of which after reconstruc-  
6 tion will have a fair market value of at  
7 least .5 percent of the current fair market  
8 value of rolling stock comparable to the  
9 rolling stock for which the equipment and  
10 material will be used.

11 “(4) DISABILITY.—The term ‘disability’ has the  
12 same meaning as in section 3(1) of the Americans  
13 with Disabilities Act of 1990 (42 U.S.C. 12102).

14 “(5) DESIGNATED RECIPIENT.—The term ‘des-  
15 ignated recipient’ means—

16 “(A) an entity designated, in accordance  
17 with the planning process under sections 5303  
18 and 5304, by the Governor of a State, respon-  
19 sible local officials, and publicly owned opera-  
20 tors of public transportation, to receive and ap-  
21 portion amounts under section 5336 to urban-  
22 ized areas of 200,000 or more in population; or

23 “(B) a State or regional authority, if the  
24 authority is responsible under the laws of a

1 State for a capital project and for financing  
2 and directly providing public transportation.

3 “(6) EMERGENCY REGULATION.—The term  
4 ‘emergency regulation’ means a regulation—

5 “(A) that is effective temporarily before  
6 the expiration of the otherwise specified periods  
7 of time for public notice and comment under  
8 section 5334(e); and

9 “(B) prescribed by the Secretary as the re-  
10 sult of a finding that a delay in the effective  
11 date of the regulation—

12 “(i) would injure seriously an impor-  
13 tant public interest;

14 “(ii) would frustrate substantially leg-  
15 islative policy and intent; or

16 “(iii) would damage seriously a person  
17 or class without serving an important pub-  
18 lic interest.

19 “(7) FIXED GUIDEWAY.—The term ‘fixed  
20 guideway’ means a public transportation facility—

21 “(A) using and occupying a separate right-  
22 of-way for the exclusive use of public transpor-  
23 tation;

24 “(B) using rail;

25 “(C) using a fixed catenary system;

1           “(D) for a passenger ferry system; or

2           “(E) for a bus rapid transit system.

3           “(8) GOVERNOR.—The term ‘Governor’—

4           “(A) means the Governor of a State, the  
5           mayor of the District of Columbia, and the  
6           chief executive officer of a territory of the  
7           United States; and

8           “(B) includes the designee of the Gov-  
9           ernor.

10          “(9) LOCAL GOVERNMENTAL AUTHORITY.—The  
11          term ‘local governmental authority’ includes—

12           “(A) a political subdivision of a State;

13           “(B) an authority of at least 1 State or po-  
14           litical subdivision of a State;

15           “(C) an Indian tribe; and

16           “(D) a public corporation, board, or com-  
17           mission established under the laws of a State.

18          “(10) LOW-INCOME INDIVIDUAL.—The term  
19          ‘low-income individual’ means an individual whose  
20          family income is at or below 150 percent of the pov-  
21          erty line, as that term is defined in section 673(2)  
22          of the Community Services Block Grant Act (42  
23          U.S.C. 9902(2)), including any revision required by  
24          that section, for a family of the size involved.

1           “(11) NET PROJECT COST.—The term ‘net  
2 project cost’ means the part of a project that reason-  
3 ably cannot be financed from revenues.

4           “(12) NEW BUS MODEL.—The term ‘new bus  
5 model’ means a bus model (including a model using  
6 alternative fuel)—

7                 “(A) that has not been used in public  
8 transportation in the United States before the  
9 date of production of the model; or

10                “(B) used in public transportation in the  
11 United States, but being produced with a major  
12 change in configuration or components.

13           “(13) PUBLIC TRANSPORTATION.—The term  
14 ‘public transportation’—

15                 “(A) means regular, continuing shared-ride  
16 surface transportation services that are open to  
17 the general public or open to a segment of the  
18 general public defined by age, disability, or low  
19 income; and

20                 “(B) does not include—

21                         “(i) intercity passenger rail transpor-  
22 tation provided by the entity described in  
23 chapter 243 (or a successor to such enti-  
24 ty);

25                         “(ii) intercity bus service;

1 “(iii) charter bus service;

2 “(iv) school bus service;

3 “(v) sightseeing service;

4 “(vi) courtesy shuttle service for pa-  
5 trons of one or more specific establish-  
6 ments; or

7 “(vii) intra-terminal or intra-facility  
8 shuttle services.

9 “(14) REGULATION.—The term ‘regulation’  
10 means any part of a statement of general or par-  
11 ticular applicability of the Secretary designed to  
12 carry out, interpret, or prescribe law or policy in  
13 carrying out this chapter.

14 “(15) SECRETARY.—The term ‘Secretary’  
15 means the Secretary of Transportation.

16 “(16) SENIOR.—The term ‘senior’ means an in-  
17 dividual who is 65 years of age or older.

18 “(17) STATE.—The term ‘State’ means a State  
19 of the United States, the District of Columbia, Puer-  
20 to Rico, the Northern Mariana Islands, Guam,  
21 American Samoa, and the Virgin Islands.

22 “(18) STATE OF GOOD REPAIR.—The term  
23 ‘state of good repair’ has the meaning given that  
24 term by the Secretary, by rule, under section  
25 5326(b).



1           “(19) TRANSIT.—The term ‘transit’ means  
2 public transportation.

3           “(20) URBAN AREA.—The term ‘urban area’  
4 means an area that includes a municipality or other  
5 built-up place that the Secretary, after considering  
6 local patterns and trends of urban growth, decides  
7 is appropriate for a local public transportation sys-  
8 tem to serve individuals in the locality.

9           “(21) URBANIZED AREA.—The term ‘urbanized  
10 area’ means an area encompassing a population of  
11 not less than 50,000 people that has been defined  
12 and designated in the most recent decennial census  
13 as an ‘urbanized area’ by the Secretary of Com-  
14 merce.”.

15 **SEC. 5. METROPOLITAN TRANSPORTATION PLANNING.**

16           (a) IN GENERAL.—Section 5303 of title 49, United  
17 States Code, is amended to read as follows:

18 **“§ 5303. Metropolitan transportation planning**

19           “(a) POLICY.—It is in the national interest—

20                   “(1) to encourage and promote the safe, cost-  
21 effective, and efficient management, operation, and  
22 development of surface transportation systems that  
23 will serve efficiently the mobility needs of individuals  
24 and freight, reduce transportation-related fatalities  
25 and serious injuries, and foster economic growth and

1 development within and between States and urban-  
2 ized areas, while fitting the needs and complexity of  
3 individual communities, maximizing value for tax-  
4 payers, leveraging cooperative investments, and  
5 minimizing transportation-related fuel consumption  
6 and air pollution through the metropolitan and  
7 statewide transportation planning processes identi-  
8 fied in this chapter;

9 “(2) to encourage the continued improvement,  
10 evolution, and coordination of the metropolitan and  
11 statewide transportation planning processes by and  
12 among metropolitan planning organizations, State  
13 departments of transportation, regional planning or-  
14 ganizations, interstate partnerships, and public  
15 transportation and intercity service operators as  
16 guided by the planning factors identified in sub-  
17 section (h) of this section and section 5304(d);

18 “(3) to encourage and promote transportation  
19 needs and decisions that are integrated with other  
20 planning needs and priorities; and

21 “(4) to maximize the effectiveness of transpor-  
22 tation investments.

23 “(b) DEFINITIONS.—In this section and section  
24 5304, the following definitions shall apply:

1           “(1) EXISTING MPO.—The term ‘existing MPO’  
2 means a metropolitan planning organization that  
3 was designated as a metropolitan planning organiza-  
4 tion as of the day before the date of enactment of  
5 the Federal Public Transportation Act of 2012.

6           “(2) LOCAL OFFICIAL.—The term ‘local official’  
7 means any elected or appointed official of general  
8 purpose local government with responsibility for  
9 transportation in a designated area.

10           “(3) MAINTENANCE AREA.—The term ‘mainte-  
11 nance area’ means an area that was designated as  
12 an air quality nonattainment area, but was later re-  
13 designated by the Administrator of the Environ-  
14 mental Protection Agency as an air quality attain-  
15 ment area, under section 107(d) of the Clean Air  
16 Act (42 U.S.C. 7407(d)).

17           “(4) METROPOLITAN PLANNING AREA.—The  
18 term ‘metropolitan planning area’ means a geo-  
19 graphical area determined by agreement between the  
20 metropolitan planning organization for the area and  
21 the applicable Governor under subsection (c).

22           “(5) METROPOLITAN PLANNING ORGANIZA-  
23 TION.—The term ‘metropolitan planning organiza-  
24 tion’ means the policy board of an organization es-  
25 tablished pursuant to subsection (c).

1           “(6) METROPOLITAN TRANSPORTATION  
2 PLAN.—The term ‘metropolitan transportation plan’  
3 means a plan developed by a metropolitan planning  
4 organization under subsection (i).

5           “(7) NONATTAINMENT AREA.—The term ‘non-  
6 attainment area’ has the meaning given the term in  
7 section 171 of the Clean Air Act (42 U.S.C. 7501).

8           “(8) NONMETROPOLITAN AREA.—

9           “(A) IN GENERAL.—The term ‘nonmetro-  
10 politan area’ means a geographical area outside  
11 the boundaries of a designated metropolitan  
12 planning area.

13           “(B) INCLUSIONS.—The term ‘nonmetro-  
14 politan area’ includes a small urbanized area  
15 with a population of more than 50,000, but  
16 fewer than 200,000 individuals, as calculated  
17 according to the most recent decennial census,  
18 and a nonurbanized area.

19           “(9) NONMETROPOLITAN PLANNING ORGANIZA-  
20 TION.—The term ‘nonmetropolitan planning organi-  
21 zation’ means an organization that—

22           “(A) was designated as a metropolitan  
23 planning organization as of the day before the  
24 date of enactment of the Federal Public Trans-  
25 portation Act of 2012; and

1           “(B) is not designated as a tier I MPO or  
2           tier II MPO.

3           “(10) REGIONALLY SIGNIFICANT.—The term  
4           ‘regionally significant’, with respect to a transpor-  
5           tation project, program, service, or strategy, means  
6           a project, program, service, or strategy that—

7           “(A) serves regional transportation needs  
8           (such as access to and from the area outside of  
9           the region, major activity centers in the region,  
10          and major planned developments); and

11          “(B) would normally be included in the  
12          modeling of a transportation network of a met-  
13          ropolitan area.

14          “(11) RURAL PLANNING ORGANIZATION.—The  
15          term ‘rural planning organization’ means a vol-  
16          untary organization of local elected officials and rep-  
17          resentatives of local transportation systems that—

18          “(A) works in cooperation with the depart-  
19          ment of transportation (or equivalent entity) of  
20          a State to plan transportation networks and ad-  
21          vise officials of the State on transportation  
22          planning; and

23          “(B) is located in a rural area—

24                  “(i) with a population of not fewer  
25                  than 5,000 individuals, as calculated ac-

1 cording to the most recent decennial cen-  
2 sus; and

3 “(ii) that is not located in an area  
4 represented by a metropolitan planning or-  
5 ganization.

6 “(12) STATEWIDE TRANSPORTATION IMPROVE-  
7 MENT PROGRAM.—The term ‘statewide transpor-  
8 tation improvement program’ means a statewide  
9 transportation improvement program developed by a  
10 State under section 5304(g).

11 “(13) STATEWIDE TRANSPORTATION PLAN.—  
12 The term ‘statewide transportation plan’ means a  
13 plan developed by a State under section 5304(f).

14 “(14) TIER I MPO.—The term ‘tier I MPO’  
15 means a metropolitan planning organization des-  
16 ignated as a tier I MPO under subsection (e)(4)(A).

17 “(15) TIER II MPO.—The term ‘tier II MPO’  
18 means a metropolitan planning organization des-  
19 ignated as a tier II MPO under subsection  
20 (e)(4)(B).

21 “(16) TRANSPORTATION IMPROVEMENT PRO-  
22 GRAM.—The term ‘transportation improvement pro-  
23 gram’ means a program developed by a metropolitan  
24 planning organization under subsection (j).

1           “(17) URBANIZED AREA.—The term ‘urbanized  
2           area’ means a geographical area with a population  
3           of 50,000 or more individuals, as calculated accord-  
4           ing to the most recent decennial census.

5           “(c) DESIGNATION OF METROPOLITAN PLANNING  
6 ORGANIZATIONS.—

7           “(1) IN GENERAL.—To carry out the metropoli-  
8           tan transportation planning process under this sec-  
9           tion, a metropolitan planning organization shall be  
10          designated for each urbanized area with a population  
11          of 200,000 or more individuals, as calculated accord-  
12          ing to the most recent decennial census—

13                   “(A) by agreement between the applicable  
14                   Governor and local officials that, in the aggre-  
15                   gate, represent at least 75 percent of the af-  
16                   fected population (including the largest incor-  
17                   porated city (based on population), as cal-  
18                   culated according to the most recent decennial  
19                   census); or

20                   “(B) in accordance with procedures estab-  
21                   lished by applicable State or local law.

22           “(2) SMALL URBANIZED AREAS.—To carry out  
23           the metropolitan transportation planning process  
24           under this section, a metropolitan planning organiza-  
25           tion may be designated for any urbanized area with

1 a population of 50,000 or more individuals, but  
2 fewer than 200,000 individuals, as calculated accord-  
3 ing to the most recent decennial census—

4 “(A) by agreement between the applicable  
5 Governor and local officials that, in the aggre-  
6 gate, represent at least 75 percent of the af-  
7 fected population (including the largest incor-  
8 porated city (based on population), as cal-  
9 culated according to the most recent decennial  
10 census); and

11 “(B) with the consent of the Secretary,  
12 based on a finding that the resulting metropoli-  
13 tan planning organization has met the min-  
14 imum requirements under subsection (e)(4)(B).

15 “(3) STRUCTURE.—Not later than 1 year after  
16 the date of enactment of the Federal Public Trans-  
17 portation Act of 2012, a metropolitan planning orga-  
18 nization shall consist of—

19 “(A) elected local officials in the relevant  
20 metropolitan area;

21 “(B) officials of public agencies that ad-  
22 minister or operate major modes of transpor-  
23 tation in the relevant metropolitan area, includ-  
24 ing providers of public transportation; and

25 “(C) appropriate State officials.



1           “(4) EFFECT OF SUBSECTION.—Nothing in this  
2 subsection interferes with any authority under any  
3 State law in effect on December 18, 1991, of a pub-  
4 lic agency with multimodal transportation respon-  
5 sibilities—

6           “(A) to develop the metropolitan transpor-  
7 tation plans and transportation improvement  
8 programs for adoption by a metropolitan plan-  
9 ning organization; or

10           “(B) to develop capital plans, coordinate  
11 public transportation services and projects, or  
12 carry out other activities pursuant to State law.

13           “(5) CONTINUING DESIGNATION.—A designa-  
14 tion of an existing MPO—

15           “(A) for an urbanized area with a popu-  
16 lation of 200,000 or more individuals, as cal-  
17 culated according to the most recent decennial  
18 census, shall remain in effect—

19           “(i) for the period during which the  
20 structure of the existing MPO complies  
21 with the requirements of paragraph (1); or

22           “(ii) until the date on which the exist-  
23 ing MPO is redesignated under paragraph  
24 (6); and

1           “(B) for an urbanized area with a popu-  
2           lation of fewer than 200,000 individuals, as cal-  
3           culated according to the most recent decennial  
4           census, shall remain in effect until the date on  
5           which the existing MPO is redesignated under  
6           paragraph (6) unless—

7                   “(i) the existing MPO requests that  
8                   its planning responsibilities be transferred  
9                   to the State or to another planning organi-  
10                  zation designated by the State; or

11                  “(ii)(I) the applicable Governor deter-  
12                  mines not later than 3 years after the date  
13                  on which the Secretary issues a rule pursu-  
14                  ant to subsection (e)(4)(B)(i), that the ex-  
15                  isting MPO is not meeting the minimum  
16                  requirements established by the rule; and

17                  “(II) the Secretary approves the Gov-  
18                  ernor’s determination.

19           “(C) DESIGNATION AS TIER II MPO.—If  
20           the Secretary determines the existing MPO has  
21           met the minimum requirements under the rule  
22           issued under subsection (e)(4)(B)(i), the Sec-  
23           retary shall designate the existing MPO as a  
24           tier II MPO.

25           “(6) REDESIGNATION.—

1           “(A) IN GENERAL.—The designation of a  
2 metropolitan planning organization under this  
3 subsection shall remain in effect until the date  
4 on which the metropolitan planning organiza-  
5 tion is redesignated, as appropriate, in accord-  
6 ance with the requirements of this subsection  
7 pursuant to an agreement between—

8                   “(i) the applicable Governor; and

9                   “(ii) affected local officials who, in the  
10 aggregate, represent at least 75 percent of  
11 the existing metropolitan planning area  
12 population (including the largest incor-  
13 porated city (based on population), as cal-  
14 culated according to the most recent de-  
15 cennial census).

16           “(B) RESTRUCTURING.—A metropolitan  
17 planning organization may be restructured to  
18 meet the requirements of paragraph (3) without  
19 undertaking a redesignation.

20           “(7) DESIGNATION OF MULTIPLE MPOS.—

21                   “(A) IN GENERAL.—More than 1 metro-  
22 politan planning organization may be des-  
23 ignated within an existing metropolitan plan-  
24 ning area only if the applicable Governor and  
25 an existing MPO determine that the size and

1 complexity of the existing metropolitan planning  
2 area make the designation of more than 1 met-  
3 ropolitan planning organization for the metro-  
4 politan planning area appropriate.

5 “(B) SERVICE JURISDICTIONS.—If more  
6 than 1 metropolitan planning organization is  
7 designated for an existing metropolitan plan-  
8 ning area under subparagraph (A), the existing  
9 metropolitan planning area shall be split into  
10 multiple metropolitan planning areas, each of  
11 which shall be served by the existing MPO or  
12 a new metropolitan planning organization.

13 “(C) TIER DESIGNATION.—The tier des-  
14 igation of each metropolitan planning organi-  
15 zation subject to a designation under this para-  
16 graph shall be determined based on the size of  
17 each respective metropolitan planning area, in  
18 accordance with subsection (e)(4).

19 “(d) METROPOLITAN PLANNING AREA BOUND-  
20 ARIES.—

21 “(1) IN GENERAL.—For purposes of this sec-  
22 tion, the boundaries of a metropolitan planning area  
23 shall be determined by agreement between the appli-  
24 cable metropolitan planning organization and the

1 Governor of the State in which the metropolitan  
2 planning area is located.

3 “(2) INCLUDED AREA.—Each metropolitan  
4 planning area—

5 “(A) shall encompass at least the relevant  
6 existing urbanized area and any contiguous  
7 area expected to become urbanized within a 20-  
8 year forecast period under the applicable metro-  
9 politan transportation plan; and

10 “(B) may encompass the entire relevant  
11 metropolitan statistical area, as defined by the  
12 Office of Management and Budget.

13 “(3) IDENTIFICATION OF NEW URBANIZED  
14 AREAS.—The designation by the Bureau of the Cen-  
15 sus of a new urbanized area within the boundaries  
16 of an existing metropolitan planning area shall not  
17 require the redesignation of the relevant existing  
18 MPO.

19 “(4) NONATTAINMENT AND MAINTENANCE  
20 AREAS.—

21 “(A) EXISTING METROPOLITAN PLANNING  
22 AREAS.—

23 “(i) IN GENERAL.—Except as pro-  
24 vided in clause (ii), notwithstanding para-  
25 graph (2), in the case of an urbanized area

1 designated as a nonattainment area or  
2 maintenance area as of the date of enact-  
3 ment of the Federal Public Transportation  
4 Act of 2012, the boundaries of the existing  
5 metropolitan planning area as of that date  
6 of enactment shall remain in force and ef-  
7 fect.

8 “(ii) EXCEPTION.—Notwithstanding  
9 clause (i), the boundaries of an existing  
10 metropolitan planning area described in  
11 that clause may be adjusted by agreement  
12 of the applicable Governor and the affected  
13 metropolitan planning organizations in ac-  
14 cordance with subsection (c)(7).

15 “(B) NEW METROPOLITAN PLANNING  
16 AREAS.—In the case of an urbanized area des-  
17 ignated as a nonattainment area or mainte-  
18 nance area after the date of enactment of the  
19 Federal Public Transportation Act of 2012, the  
20 boundaries of the applicable metropolitan plan-  
21 ning area—

22 “(i) shall be established in accordance  
23 with subsection (c)(1);

24 “(ii) shall encompass the areas de-  
25 scribed in paragraph (2)(A);

1                   “(iii) may encompass the areas de-  
2                   scribed in paragraph (2)(B); and

3                   “(iv) may address any appropriate  
4                   nonattainment area or maintenance area.

5                   “(e) REQUIREMENTS.—

6                   “(1) DEVELOPMENT OF PLANS AND TIPS.—To  
7                   accomplish the policy objectives described in sub-  
8                   section (a), each metropolitan planning organization,  
9                   in cooperation with the applicable State and public  
10                  transportation operators, shall develop metropolitan  
11                  transportation plans and transportation improve-  
12                  ment programs for metropolitan planning areas of  
13                  the State through a performance-driven, outcome-  
14                  based approach to metropolitan transportation plan-  
15                  ning consistent with subsection (h).

16                  “(2) CONTENTS.—The metropolitan transpor-  
17                  tation plans and transportation improvement pro-  
18                  grams for each metropolitan area shall provide for  
19                  the development and integrated management and  
20                  operation of transportation systems and facilities  
21                  (including accessible pedestrian walkways, bicycle  
22                  transportation facilities, and intermodal facilities  
23                  that support intercity transportation) that will func-  
24                  tion as—

1           “(A) an intermodal transportation system  
2           for the metropolitan planning area; and

3           “(B) an integral part of an intermodal  
4           transportation system for the applicable State  
5           and the United States.

6           “(3) PROCESS OF DEVELOPMENT.—The process  
7           for developing metropolitan transportation plans and  
8           transportation improvement programs shall—

9           “(A) provide for consideration of all modes  
10          of transportation; and

11          “(B) be continuing, cooperative, and com-  
12          prehensive to the degree appropriate, based on  
13          the complexity of the transportation needs to be  
14          addressed.

15          “(4) TIERING.—

16          “(A) TIER I MPOS.—

17          “(i) IN GENERAL.—A metropolitan  
18          planning organization shall be designated  
19          as a tier I MPO if—

20                  “(I) as certified by the Governor  
21                  of each applicable State, the metro-  
22                  politan planning organization operates  
23                  within, and primarily serves, a metro-  
24                  politan planning area with a popu-  
25                  lation of 1,000,000 or more individ-



1 uals, as calculated according to the  
2 most recent decennial census; and

3 “(II) the Secretary determines  
4 the metropolitan planning organiza-  
5 tion—

6 “(aa) meets the minimum  
7 technical requirements under  
8 clause (iv); and

9 “(bb) not later than 2 years  
10 after the date of enactment of  
11 the Federal Public Transpor-  
12 tation Act of 2012, will fully im-  
13 plement the processes described  
14 in subsections (h) through (j).

15 “(ii) ABSENCE OF DESIGNATION.—In  
16 the absence of designation as a tier I MPO  
17 under clause (i), a metropolitan planning  
18 organization shall operate as a tier II  
19 MPO until the date on which the Secretary  
20 determines the metropolitan planning orga-  
21 nization can meet the minimum technical  
22 requirements under clause (iv).

23 “(iii) REDESIGNATION AS TIER I.—A  
24 metropolitan planning organization oper-  
25 ating within a metropolitan planning area

1 with a population of 200,000 or more and  
2 fewer than 1,000,000 individuals and pri-  
3 marily within urbanized areas with popu-  
4 lations of 200,000 or more individuals, as  
5 calculated according to the most recent de-  
6 cennial census, that is designated as a tier  
7 II MPO under subparagraph (B) may re-  
8 quest, with the support of the applicable  
9 Governor, a redesignation as a tier I MPO  
10 on a determination by the Secretary that  
11 the metropolitan planning organization has  
12 met the minimum technical requirements  
13 under clause (iv).

14 “(iv) MINIMUM TECHNICAL REQUIRE-  
15 MENTS.—Not later than 1 year after the  
16 date of enactment of the Federal Public  
17 Transportation Act of 2012, the Secretary  
18 shall issue a rule that establishes the min-  
19 imum technical requirements necessary for  
20 a metropolitan planning organization to be  
21 designated as a tier I MPO, including, at  
22 a minimum, modeling, data, staffing, and  
23 other technical requirements.

24 “(B) TIER II MPOS.—

1                   “(i) IN GENERAL.—Not later than 1  
2                   year after the date of enactment of the  
3                   Federal Public Transportation Act of  
4                   2012, the Secretary shall issue a rule that  
5                   establishes minimum requirements nec-  
6                   essary for a metropolitan planning organi-  
7                   zation to be designated as a tier II MPO.

8                   “(ii) REQUIREMENTS.—The minimum  
9                   requirements established under clause (i)  
10                  shall—

11                   “(I) ensure that each metropoli-  
12                   tan planning organization has the ca-  
13                   pabilities necessary to develop the  
14                   metropolitan transportation plan and  
15                   transportation improvement program  
16                   under this section; and

17                   “(II) include—

18                   “(aa) only the staff re-  
19                   sources necessary to operate the  
20                   metropolitan planning organiza-  
21                   tion; and

22                   “(bb) a requirement that the  
23                   metropolitan planning organiza-  
24                   tion has the technical capacity to  
25                   conduct the modeling necessary,

1 as appropriate to the size and re-  
2 sources of the metropolitan plan-  
3 ning organization, to fulfill the  
4 requirements of this section, ex-  
5 cept that in cases in which a  
6 metropolitan planning organiza-  
7 tion has a formal agreement with  
8 a State to conduct the modeling  
9 on behalf of the metropolitan  
10 planning organization, the metro-  
11 politan planning organization  
12 shall be exempt from the tech-  
13 nical capacity requirement.

14 “(iii) INCLUSION.—A metropolitan  
15 planning organization operating primarily  
16 within an urbanized area with a population  
17 of 200,000 or more individuals, as cal-  
18 culated according to the most recent de-  
19 cennial census, and that does not qualify  
20 as a tier I MPO under subparagraph  
21 (A)(i), shall—

22 “(I) be designated as a tier II  
23 MPO; and

24 “(II) follow the processes under  
25 subsection (k).

1 “(C) CONSOLIDATION.—

2 “(i) IN GENERAL.—Metropolitan plan-  
3 ning organizations operating within contig-  
4 uous or adjacent urbanized areas may elect  
5 to consolidate in order to meet the popu-  
6 lation thresholds required to achieve des-  
7 ignation as a tier I or tier II MPO under  
8 this paragraph.

9 “(ii) EFFECT OF SUBSECTION.—

10 Nothing in this subsection requires or pre-  
11 vents consolidation among multiple metro-  
12 politan planning organizations located  
13 within a single urbanized area.

14 “(f) COORDINATION IN MULTISTATE AREAS.—

15 “(1) IN GENERAL.—The Secretary shall encour-  
16 age each Governor with responsibility for a portion  
17 of a multistate metropolitan area and the appro-  
18 priate metropolitan planning organizations to pro-  
19 vide coordinated transportation planning for the en-  
20 tire metropolitan area.

21 “(2) COORDINATION ALONG DESIGNATED  
22 TRANSPORTATION CORRIDORS.—The Secretary shall  
23 encourage each Governor with responsibility for a  
24 portion of a multistate metropolitan area and the  
25 appropriate metropolitan planning organizations to

1 provide coordinated transportation planning for the  
2 entire designated transportation corridor.

3 “(3) COORDINATION WITH INTERSTATE COM-  
4 PACTS.—The Secretary shall encourage metropolitan  
5 planning organizations to take into consideration,  
6 during the development of metropolitan transpor-  
7 tation plans and transportation improvement pro-  
8 grams, any relevant transportation studies con-  
9 cerning planning for regional transportation (includ-  
10 ing high-speed and intercity rail corridor studies,  
11 commuter rail corridor studies, intermodal termi-  
12 nals, and interstate highways) in support of freight,  
13 intercity, or multistate area projects and services  
14 that have been developed pursuant to interstate com-  
15 pacts or agreements, or by organizations established  
16 under section 5304.

17 “(g) ENGAGEMENT IN METROPOLITAN TRANSPOR-  
18 TATION PLAN AND TIP DEVELOPMENT.—

19 “(1) NONATTAINMENT AND MAINTENANCE  
20 AREAS.—If more than 1 metropolitan planning orga-  
21 nization has authority within a metropolitan area,  
22 nonattainment area, or maintenance area, each met-  
23 ropolitan planning organization shall consult with all  
24 other metropolitan planning organizations des-  
25 igned for the metropolitan area, nonattainment

1 area, or maintenance area and the State in the de-  
2 velopment of metropolitan transportation plans and  
3 transportation improvement programs under this  
4 section.

5 “(2) TRANSPORTATION IMPROVEMENTS LO-  
6 CATED IN MULTIPLE METROPOLITAN PLANNING  
7 AREAS.—If a transportation improvement project  
8 funded under this chapter or title 23 is located with-  
9 in the boundaries of more than 1 metropolitan plan-  
10 ning area, the affected metropolitan planning orga-  
11 nizations shall coordinate metropolitan transpor-  
12 tation plans and transportation improvement pro-  
13 grams regarding the project.

14 “(3) COORDINATION OF ADJACENT PLANNING  
15 ORGANIZATIONS.—

16 “(A) IN GENERAL.—A metropolitan plan-  
17 ning organization that is adjacent or located in  
18 reasonably close proximity to another metropoli-  
19 tan planning organization shall coordinate with  
20 that metropolitan planning organization with  
21 respect to planning processes, including prepa-  
22 ration of metropolitan transportation plans and  
23 transportation improvement programs, to the  
24 maximum extent practicable.

1                   “(B) NONMETROPOLITAN PLANNING ORGA-  
2                   NIZATIONS.—A metropolitan planning organiza-  
3                   tion that is adjacent or located in reasonably  
4                   close proximity to a nonmetropolitan planning  
5                   organization shall consult with that nonmetro-  
6                   politan planning organization with respect to  
7                   planning processes, to the maximum extent  
8                   practicable.

9                   “(4) RELATIONSHIP WITH OTHER PLANNING  
10                  OFFICIALS.—

11                   “(A) IN GENERAL.—The Secretary shall  
12                   encourage each metropolitan planning organiza-  
13                   tion to cooperate with Federal, State, tribal,  
14                   and local officers and entities responsible for  
15                   other types of planning activities that are af-  
16                   fected by transportation in the relevant area  
17                   (including planned growth, economic develop-  
18                   ment, infrastructure services, housing, other  
19                   public services, environmental protection, air-  
20                   port operations, high-speed and intercity pas-  
21                   senger rail, freight rail, port access, and freight  
22                   movements), to the maximum extent prac-  
23                   ticable, to ensure that the metropolitan trans-  
24                   portation planning process, metropolitan trans-  
25                   portation plans, and transportation improve-



1           ment programs are developed in cooperation  
2           with other related planning activities in the  
3           area.

4                   “(B) INCLUSION.—Cooperation under sub-  
5           paragraph (A) shall include the design and de-  
6           livery of transportation services within the met-  
7           ropolitan area that are provided by—

8                           “(i) recipients of assistance under sec-  
9                           tions 202, 203, and 204 of title 23;

10                           “(ii) recipients of assistance under  
11                           this title;

12                           “(iii) government agencies and non-  
13                           profit organizations (including representa-  
14                           tives of the agencies and organizations)  
15                           that receive Federal assistance from a  
16                           source other than the Department of  
17                           Transportation to provide nonemergency  
18                           transportation services; and

19                           “(iv) sponsors of regionally significant  
20                           programs, projects, and services that are  
21                           related to transportation and receive as-  
22                           sistance from any public or private source.

23                   “(5) COORDINATION OF OTHER FEDERALLY RE-  
24           QUIRED PLANNING PROGRAMS.—The Secretary shall  
25           encourage each metropolitan planning organization

1 to coordinate, to the maximum extent practicable,  
2 the development of metropolitan transportation  
3 plans and transportation improvement programs  
4 with other relevant federally required planning pro-  
5 grams.

6 “(h) SCOPE OF PLANNING PROCESS.—

7 “(1) IN GENERAL.—The metropolitan transpor-  
8 tation planning process for a metropolitan planning  
9 area under this section shall provide for consider-  
10 ation of projects and strategies that will—

11 “(A) support the economic vitality of the  
12 metropolitan area, especially by enabling global  
13 competitiveness, productivity, and efficiency;

14 “(B) increase the safety of the transpor-  
15 tation system for motorized and nonmotorized  
16 users;

17 “(C) increase the security of the transpor-  
18 tation system for motorized and nonmotorized  
19 users;

20 “(D) increase the accessibility and mobility  
21 of individuals and freight;

22 “(E) protect and enhance the environment,  
23 promote energy conservation, improve the qual-  
24 ity of life, and promote consistency between  
25 transportation improvements and State and

1 local planned growth and economic development  
2 patterns;

3 “(F) enhance the integration and  
4 connectivity of the transportation system,  
5 across and between modes, for individuals and  
6 freight;

7 “(G) increase efficient system management  
8 and operation; and

9 “(H) emphasize the preservation of the ex-  
10 isting transportation system.

11 “(2) PERFORMANCE-BASED APPROACH.—

12 “(A) IN GENERAL.—The metropolitan  
13 transportation planning process shall provide  
14 for the establishment and use of a performance-  
15 based approach to transportation decision-  
16 making to support the national goals described  
17 in section 5301(c) of this title and in section  
18 150(b) of title 23.

19 “(B) PERFORMANCE TARGETS.—

20 “(i) SURFACE TRANSPORTATION PER-  
21 FORMANCE TARGETS.—

22 “(I) IN GENERAL.—Each metro-  
23 politan planning organization shall es-  
24 tablish performance targets that ad-  
25 dress the performance measures de-

1 scribed in sections 119(f), 148(h),  
2 149(k) (where applicable), and 167(i)  
3 of title 23, to use in tracking attain-  
4 ment of critical outcomes for the re-  
5 gion of the metropolitan planning or-  
6 ganization.

7 “(II) COORDINATION.—Selection  
8 of performance targets by a metropoli-  
9 tan planning organization shall be co-  
10 ordinated with the relevant State to  
11 ensure consistency, to the maximum  
12 extent practicable.

13 “(ii) PUBLIC TRANSPORTATION PER-  
14 FORMANCE TARGETS.—Each metropolitan  
15 planning organization shall adopt the per-  
16 formance targets identified by providers of  
17 public transportation pursuant to sections  
18 5326(e) and 5329(d), for use in tracking  
19 attainment of critical outcomes for the re-  
20 gion of the metropolitan planning organi-  
21 zation.

22 “(C) TIMING.—Each metropolitan plan-  
23 ning organization shall establish or adopt the  
24 performance targets under subparagraph (B)  
25 not later than 90 days after the date on which

1 the relevant State or provider of public trans-  
2 portation establishes the performance targets.

3 “(D) INTEGRATION OF OTHER PERFORM-  
4 ANCE-BASED PLANS.—A metropolitan planning  
5 organization shall integrate in the metropolitan  
6 transportation planning process, directly or by  
7 reference, the goals, objectives, performance  
8 measures, and targets described in other State  
9 plans and processes, as well as asset manage-  
10 ment and safety plans developed by providers of  
11 public transportation, required as part of a per-  
12 formance-based program, including plans such  
13 as—

14 “(i) the State National Highway Sys-  
15 tem asset management plan;

16 “(ii) asset management plans devel-  
17 oped by providers of public transportation;

18 “(iii) the State strategic highway safe-  
19 ty plan;

20 “(iv) safety plans developed by pro-  
21 viders of public transportation;

22 “(v) the congestion mitigation and air  
23 quality performance plan, where applicable;

24 “(vi) the national freight strategic  
25 plan; and

1                   “(vii) the statewide transportation  
2                   plan.

3                   “(E) USE OF PERFORMANCE MEASURES  
4                   AND TARGETS.—The performance measures  
5                   and targets established under this paragraph  
6                   shall be used, at a minimum, by the relevant  
7                   metropolitan planning organization as the basis  
8                   for development of policies, programs, and in-  
9                   vestment priorities reflected in the metropolitan  
10                  transportation plan and transportation improve-  
11                  ment program.

12                  “(3) FAILURE TO CONSIDER FACTORS.—The  
13                  failure to take into consideration 1 or more of the  
14                  factors specified in paragraphs (1) and (2) shall not  
15                  be subject to review by any court under this chapter,  
16                  title 23, subchapter II of chapter 5 of title 5, or  
17                  chapter 7 of title 5 in any matter affecting a metro-  
18                  politan transportation plan, a transportation im-  
19                  provement program, a project or strategy, or the  
20                  certification of a planning process.

21                  “(4) PARTICIPATION BY INTERESTED PAR-  
22                  TIES.—

23                  “(A) IN GENERAL.—Each metropolitan  
24                  planning organization shall provide to affected  
25                  individuals, public agencies, and other inter-

1           ested parties notice and a reasonable oppor-  
2           tunity to comment on the metropolitan trans-  
3           portation plan and transportation improvement  
4           program and any relevant scenarios.

5           “(B) CONTENTS OF PARTICIPATION  
6           PLAN.—Each metropolitan planning organiza-  
7           tion shall establish a participation plan that—

8                   “(i) is developed in consultation with  
9                   all interested parties; and

10                   “(ii) provides that all interested par-  
11                   ties have reasonable opportunities to com-  
12                   ment on the contents of the metropolitan  
13                   transportation plan of the metropolitan  
14                   planning organization.

15           “(C) METHODS.—In carrying out subpara-  
16           graph (A), the metropolitan planning organiza-  
17           tion shall, to the maximum extent practicable—

18                   “(i) develop the metropolitan trans-  
19                   portation plan and transportation improve-  
20                   ment program in consultation with inter-  
21                   ested parties, as appropriate, including by  
22                   the formation of advisory groups represent-  
23                   ative of the community and interested par-  
24                   ties that participate in the development of

1 the metropolitan transportation plan and  
2 transportation improvement program;

3 “(ii) hold any public meetings at  
4 times and locations that are, as applica-  
5 ble—

6 “(I) convenient; and

7 “(II) in compliance with the  
8 Americans with Disabilities Act of  
9 1990 (42 U.S.C. 12101 et seq.);

10 “(iii) employ visualization techniques  
11 to describe metropolitan transportation  
12 plans and transportation improvement pro-  
13 grams; and

14 “(iv) make public information avail-  
15 able in appropriate electronically accessible  
16 formats and means, such as the Internet,  
17 to afford reasonable opportunity for con-  
18 sideration of public information under sub-  
19 paragraph (A).

20 “(i) DEVELOPMENT OF METROPOLITAN TRANSPOR-  
21 TATION PLAN.—

22 “(1) DEVELOPMENT.—

23 “(A) IN GENERAL.—Except as provided in  
24 subparagraph (B), not later than 5 years after  
25 the date of enactment of the Federal Public



1           Transportation Act of 2012, and not less fre-  
2           quently than once every 5 years thereafter, each  
3           metropolitan planning organization shall pre-  
4           pare and update, respectively, a metropolitan  
5           transportation plan for the relevant metropoli-  
6           tan planning area in accordance with this sec-  
7           tion.

8           “(B) EXCEPTIONS.—A metropolitan plan-  
9           ning organization shall prepare or update, as  
10          appropriate, the metropolitan transportation  
11          plan not less frequently than once every 4 years  
12          if the metropolitan planning organization is op-  
13          erating within—

14                   “(i) a nonattainment area; or

15                   “(ii) a maintenance area.

16          “(2) OTHER REQUIREMENTS.—A metropolitan  
17          transportation plan under this section shall—

18                   “(A) be in a form that the Secretary deter-  
19                   mines to be appropriate;

20                   “(B) have a term of not less than 20  
21                   years; and

22                   “(C) contain, at a minimum—

23                           “(i) an identification of the existing  
24                           transportation infrastructure, including  
25                           highways, local streets and roads, bicycle

1 and pedestrian facilities, public transpor-  
2 tation facilities and services, commuter rail  
3 facilities and services, high-speed and  
4 intercity passenger rail facilities and serv-  
5 ices, freight facilities (including freight  
6 railroad and port facilities), multimodal  
7 and intermodal facilities, and intermodal  
8 connectors that, evaluated in the aggre-  
9 gate, function as an integrated metropoli-  
10 tan transportation system;

11 “(ii) a description of the performance  
12 measures and performance targets used in  
13 assessing the existing and future perform-  
14 ance of the transportation system in ac-  
15 cordance with subsection (h)(2);

16 “(iii) a description of the current and  
17 projected future usage of the transpor-  
18 tation system, including a projection based  
19 on a preferred scenario, and further in-  
20 cluding, to the extent practicable, an iden-  
21 tification of existing or planned transpor-  
22 tation rights-of-way, corridors, facilities,  
23 and related real properties;

24 “(iv) a system performance report  
25 evaluating the existing and future condi-

1 tion and performance of the transportation  
2 system with respect to the performance  
3 targets described in subsection (h)(2) and  
4 updates in subsequent system performance  
5 reports, including—

6 “(I) progress achieved by the  
7 metropolitan planning organization in  
8 meeting the performance targets in  
9 comparison with system performance  
10 recorded in previous reports;

11 “(II) an accounting of the per-  
12 formance of the metropolitan planning  
13 organization on outlay of obligated  
14 project funds and delivery of projects  
15 that have reached substantial comple-  
16 tion in relation to—

17 “(aa) the projects included  
18 in the transportation improve-  
19 ment program; and

20 “(bb) the projects that have  
21 been removed from the previous  
22 transportation improvement pro-  
23 gram; and

24 “(III) when appropriate, an anal-  
25 ysis of how the preferred scenario has

1 improved the conditions and perform-  
2 ance of the transportation system and  
3 how changes in local policies, invest-  
4 ments, and growth have impacted the  
5 costs necessary to achieve the identi-  
6 fied performance targets;

7 “(v) recommended strategies and in-  
8 vestments for improving system perform-  
9 ance over the planning horizon, including  
10 transportation systems management and  
11 operations strategies, maintenance strate-  
12 gies, demand management strategies, asset  
13 management strategies, capacity and en-  
14 hancement investments, State and local  
15 economic development and land use im-  
16 provements, intelligent transportation sys-  
17 tems deployment, and technology adoption  
18 strategies, as determined by the projected  
19 support of the performance targets de-  
20 scribed in subsection (h)(2);

21 “(vi) recommended strategies and in-  
22 vestments to improve and integrate dis-  
23 ability-related access to transportation in-  
24 frastructure, including strategies and in-

1 vestments based on a preferred scenario,  
2 when appropriate;

3 “(vii) investment priorities for using  
4 projected available and proposed revenues  
5 over the short- and long-term stages of the  
6 planning horizon, in accordance with the  
7 financial plan required under paragraph  
8 (4);

9 “(viii) a description of interstate com-  
10 pacts entered into in order to promote co-  
11 ordinated transportation planning in  
12 multistate areas, if applicable;

13 “(ix) an optional illustrative list of  
14 projects containing investments that—

15 “(I) are not included in the met-  
16 ropolitan transportation plan; but

17 “(II) would be so included if re-  
18 sources in addition to the resources  
19 identified in the financial plan under  
20 paragraph (4) were available;

21 “(x) a discussion (developed in con-  
22 sultation with Federal, State, and tribal  
23 wildlife, land management, and regulatory  
24 agencies) of types of potential environ-  
25 mental and stormwater mitigation activi-

1 ties and potential areas to carry out those  
2 activities, including activities that may  
3 have the greatest potential to restore and  
4 maintain the environmental functions af-  
5 fected by the metropolitan transportation  
6 plan; and

7 “(xi) recommended strategies and in-  
8 vestments, including those developed by  
9 the State as part of interstate compacts,  
10 agreements, or organizations, that support  
11 intercity transportation.

12 “(3) SCENARIO DEVELOPMENT.—

13 “(A) IN GENERAL.—When preparing the  
14 metropolitan transportation plan, the metropoli-  
15 tan planning organization may, while fitting the  
16 needs and complexity of their community, de-  
17 velop multiple scenarios for consideration as a  
18 part of the development of the metropolitan  
19 transportation plan, in accordance with sub-  
20 paragraph (B).

21 “(B) COMPONENTS OF SCENARIOS.—The  
22 scenarios—

23 “(i) shall include potential regional in-  
24 vestment strategies for the planning hori-  
25 zon;

1                   “(ii) shall include assumed distribu-  
2                   tion of population and employment;

3                   “(iii) may include a scenario that, to  
4                   the maximum extent practicable, maintains  
5                   baseline conditions for the performance  
6                   targets identified in subsection (h)(2);

7                   “(iv) may include a scenario that im-  
8                   proves the baseline conditions for as many  
9                   of the performance targets under sub-  
10                  section (h)(2) as possible;

11                  “(v) may include a revenue con-  
12                  strained scenario based on total revenues  
13                  reasonably expected to be available over  
14                  the 20-year planning period and assumed  
15                  population and employment; and

16                  “(vi) may include estimated costs and  
17                  potential revenues available to support  
18                  each scenario.

19                  “(C) METRICS.—In addition to the per-  
20                  formance targets identified in subsection (h)(2),  
21                  scenarios developed under this paragraph may  
22                  be evaluated using locally developed metrics for  
23                  the following categories:

24                         “(i) Congestion and mobility, includ-  
25                         ing transportation use by mode.

1                   “(ii) Freight movement.

2                   “(iii) Safety.

3                   “(iv) Efficiency and costs to tax-  
4                   payers.

5                   “(4) FINANCIAL PLAN.—A financial plan re-  
6                   ferred to in paragraph (2)(C)(vii) shall—

7                   “(A) be prepared by each metropolitan  
8                   planning organization to support the metropoli-  
9                   tan transportation plan; and

10                  “(B) contain a description of—

11                  “(i) the projected resource require-  
12                  ments for implementing projects, strate-  
13                  gies, and services recommended in the met-  
14                  ropolitan transportation plan, including ex-  
15                  isting and projected system operating and  
16                  maintenance needs, proposed enhancement  
17                  and expansions to the system, projected  
18                  available revenue from Federal, State,  
19                  local, and private sources, and innovative  
20                  financing techniques to finance projects  
21                  and programs;

22                  “(ii) the projected difference between  
23                  costs and revenues, and strategies for se-  
24                  curing additional new revenue (such as by



1 capture of some of the economic value cre-  
2 ated by any new investment);

3 “(iii) estimates of future funds, to be  
4 developed cooperatively by the metropolitan  
5 planning organization, any public transpor-  
6 tation agency, and the State, that are rea-  
7 sonably expected to be available to support  
8 the investment priorities recommended in  
9 the metropolitan transportation plan; and

10 “(iv) each applicable project only if  
11 full funding can reasonably be anticipated  
12 to be available for the project within the  
13 time period contemplated for completion of  
14 the project.

15 “(5) COORDINATION WITH CLEAN AIR ACT  
16 AGENCIES.—The metropolitan planning organization  
17 for any metropolitan area that is a nonattainment  
18 area or maintenance area shall coordinate the devel-  
19 opment of a transportation plan with the process for  
20 development of the transportation control measures  
21 of the State implementation plan required by the  
22 Clean Air Act (42 U.S.C. 7401 et seq.).

23 “(6) PUBLICATION.—On approval by the rel-  
24 evant metropolitan planning organization, a metro-  
25 politan transportation plan involving Federal partici-

1       pation shall be, at such times and in such manner  
2       as the Secretary shall require—

3               “(A) published or otherwise made readily  
4               available by the metropolitan planning organi-  
5               zation for public review, including (to the max-  
6               imum extent practicable) in electronically acces-  
7               sible formats and means, such as the Internet;  
8               and

9               “(B) submitted for informational purposes  
10              to the applicable Governor.

11             “(7) CONSULTATION.—

12               “(A) IN GENERAL.—In each metropolitan  
13               area, the metropolitan planning organization  
14               shall consult, as appropriate, with Federal,  
15               State, tribal, and local agencies responsible for  
16               land use management, natural resources, envi-  
17               ronmental protection, conservation, and historic  
18               preservation concerning the development of a  
19               metropolitan transportation plan.

20               “(B) ISSUES.—The consultation under  
21               subparagraph (A) shall involve, as available,  
22               consideration of—

23                       “(i) metropolitan transportation plans  
24                       with Federal, State, tribal, and local con-  
25                       servation plans or maps; and

1                   “(ii) inventories of natural or historic  
2                   resources.

3                   “(8) SELECTION OF PROJECTS FROM ILLUS-  
4                   TRATIVE LIST.—Notwithstanding paragraph (4), a  
5                   State or metropolitan planning organization shall  
6                   not be required to select any project from the illus-  
7                   trative list of additional projects included in the met-  
8                   ropolitan transportation plan under paragraph  
9                   (2)(C)(ix).

10                  “(j) TRANSPORTATION IMPROVEMENT PROGRAM.—

11                   “(1) DEVELOPMENT.—

12                   “(A) IN GENERAL.—In cooperation with  
13                   the applicable State and any affected public  
14                   transportation operator, the metropolitan plan-  
15                   ning organization designated for a metropolitan  
16                   area shall develop a transportation improvement  
17                   program for the metropolitan planning area  
18                   that—

19                   “(i) contains projects consistent with  
20                   the current metropolitan transportation  
21                   plan;

22                   “(ii) reflects the investment priorities  
23                   established in the current metropolitan  
24                   transportation plan; and

1                   “(iii) once implemented, will make sig-  
2                   nificant progress toward achieving the per-  
3                   formance targets established under sub-  
4                   section (h)(2).

5                   “(B) OPPORTUNITY FOR PARTICIPA-  
6                   TION.—In developing the transportation im-  
7                   provement program, the metropolitan planning  
8                   organization, in cooperation with the State and  
9                   any affected public transportation operator,  
10                  shall provide an opportunity for participation by  
11                  interested parties, in accordance with sub-  
12                  section (h)(4).

13                  “(C) UPDATING AND APPROVAL.—The  
14                  transportation improvement program shall be—

15                         “(i) updated not less frequently than  
16                         once every 4 years, on a cycle compatible  
17                         with the development of the relevant state-  
18                         wide transportation improvement program  
19                         under section 5304; and

20                         “(ii) approved by the applicable Gov-  
21                         ernor.

22                  “(2) CONTENTS.—

23                         “(A) PRIORITY LIST.—The transportation  
24                         improvement program shall include a priority  
25                         list of proposed federally supported projects and

1 strategies to be carried out during the 4-year  
2 period beginning on the date of adoption of the  
3 transportation improvement program, and each  
4 4-year period thereafter, using existing and rea-  
5 sonably available revenues in accordance with  
6 the financial plan under paragraph (3).

7 “(B) DESCRIPTIONS.—Each project de-  
8 scribed in the transportation improvement pro-  
9 gram shall include sufficient descriptive mate-  
10 rial (such as type of work, termini, length, and  
11 other similar factors) to identify the project or  
12 phase of the project and the effect that the  
13 project or project phase will have in addressing  
14 the performance targets described in subsection  
15 (h)(2).

16 “(C) PERFORMANCE TARGET ACHIEVE-  
17 MENT.—The transportation improvement pro-  
18 gram shall include, to the maximum extent  
19 practicable, a description of the anticipated ef-  
20 fect of the transportation improvement program  
21 on attainment of the performance targets estab-  
22 lished in the metropolitan transportation plan,  
23 linking investment priorities to those perform-  
24 ance targets.

1                   “(D) ILLUSTRATIVE LIST OF PROJECTS.—

2                   In developing a transportation improvement  
3                   program, an optional illustrative list of projects  
4                   may be prepared containing additional invest-  
5                   ment priorities that—

6                               “(i) are not included in the transpor-  
7                               tation improvement program; but

8                               “(ii) would be so included if resources  
9                               in addition to the resources identified in  
10                              the financial plan under paragraph (3)  
11                              were available.

12                   “(3) FINANCIAL PLAN.—A financial plan re-  
13                   ferred to in paragraph (2)(D)(ii) shall—

14                               “(A) be prepared by each metropolitan  
15                               planning organization to support the transpor-  
16                               tation improvement program; and

17                               “(B) contain a description of—

18                                       “(i) the projected resource require-  
19                                       ments for implementing projects, strate-  
20                                       gies, and services recommended in the  
21                                       transportation improvement program, in-  
22                                       cluding existing and projected system oper-  
23                                       ating and maintenance needs, proposed en-  
24                                       hancement and expansions to the system,  
25                                       projected available revenue from Federal,

1 State, local, and private sources, and inno-  
2 vative financing techniques to finance  
3 projects and programs;

4 “(ii) the projected difference between  
5 costs and revenues, and strategies for se-  
6 curing additional new revenue (such as by  
7 capture of some of the economic value cre-  
8 ated by any new investment);

9 “(iii) estimates of future funds, to be  
10 developed cooperatively by the metropolitan  
11 planning organization, any public transpor-  
12 tation agency, and the State, that are rea-  
13 sonably expected to be available to support  
14 the investment priorities recommended in  
15 the transportation improvement program;  
16 and

17 “(iv) each applicable project, only if  
18 full funding can reasonably be anticipated  
19 to be available for the project within the  
20 time period contemplated for completion of  
21 the project.

22 “(4) INCLUDED PROJECTS.—

23 “(A) PROJECTS UNDER THIS CHAPTER  
24 AND TITLE 23.—A transportation improvement  
25 program developed under this subsection for a

1 metropolitan area shall include a description of  
2 the projects within the area that are proposed  
3 for funding under this chapter and chapter 1 of  
4 title 23.

5 “(B) PROJECTS UNDER CHAPTER 2.—

6 “(i) REGIONALLY SIGNIFICANT.—

7 Each regionally significant project pro-  
8 posed for funding under chapter 2 of title  
9 23 shall be identified individually in the  
10 transportation improvement program.

11 “(ii) NONREGIONALLY SIGNIFI-

12 CANT.—A description of each project pro-  
13 posed for funding under chapter 2 of title  
14 23 that is not determined to be regionally  
15 significant shall be contained in 1 line item  
16 or identified individually in the transpor-  
17 tation improvement program.

18 “(5) OPPORTUNITY FOR PARTICIPATION.—Be-

19 fore approving a transportation improvement pro-  
20 gram, a metropolitan planning organization, in co-  
21 operation with the State and any affected public  
22 transportation operator, shall provide an opportunity  
23 for participation by interested parties in the develop-  
24 ment of the transportation improvement program, in  
25 accordance with subsection (h)(4).



1 “(6) SELECTION OF PROJECTS.—

2 “(A) IN GENERAL.—Each tier I MPO and  
3 tier II MPO shall select projects carried out  
4 within the boundaries of the applicable metro-  
5 politan planning area from the transportation  
6 improvement program, in consultation with the  
7 relevant State and on concurrence of the af-  
8 fected facility owner, for funds apportioned to  
9 the State under section 104(b)(2) of title 23  
10 and suballocated to the metropolitan planning  
11 area under section 133(d) of title 23.

12 “(B) PROJECTS UNDER CHAPTER 53.—In  
13 the case of projects under this chapter, the se-  
14 lection of federally funded projects in metropoli-  
15 tan areas shall be carried out, from the ap-  
16 proved transportation improvement program, by  
17 the designated recipients of public transpor-  
18 tation funding in cooperation with the metro-  
19 politan planning organization.

20 “(C) CONGESTION MITIGATION AND AIR  
21 QUALITY PROJECTS.—Each tier I MPO shall  
22 select projects carried out within the boundaries  
23 of the applicable metropolitan planning area  
24 from the transportation improvement program,  
25 in consultation with the relevant State and on

1 concurrence of the affected facility owner, for  
2 funds apportioned to the State under section  
3 104(b)(4) of title 23 and suballocated to the  
4 metropolitan planning area under section 149(j)  
5 of title 23.

6 “(D) MODIFICATIONS TO PROJECT PRI-  
7 ORITY.—Notwithstanding any other provision of  
8 law, approval by the Secretary shall not be re-  
9 quired to carry out a project included in a  
10 transportation improvement program in place of  
11 another project in the transportation improve-  
12 ment program.

13 “(7) PUBLICATION.—

14 “(A) IN GENERAL.—A transportation im-  
15 provement program shall be published or other-  
16 wise made readily available by the applicable  
17 metropolitan planning organization for public  
18 review in electronically accessible formats and  
19 means, such as the Internet.

20 “(B) ANNUAL LIST OF PROJECTS.—An an-  
21 nual list of projects, including investments in  
22 pedestrian walkways, bicycle transportation fa-  
23 cilities, and intermodal facilities that support  
24 intercity transportation, for which Federal  
25 funds have been obligated during the preceding

1 fiscal year shall be published or otherwise made  
2 available by the cooperative effort of the State,  
3 public transportation operator, and metropoli-  
4 tan planning organization in electronically ac-  
5 cessible formats and means, such as the Inter-  
6 net, in a manner that is consistent with the cat-  
7 egories identified in the relevant transportation  
8 improvement program.

9 “(k) PLANNING REQUIREMENTS FOR TIER II  
10 MPOs.—

11 “(1) IN GENERAL.—The Secretary may provide  
12 for the performance-based development of a metro-  
13 politan transportation plan and transportation im-  
14 provement program for the metropolitan planning  
15 area of a tier II MPO, as the Secretary determines  
16 to be appropriate, taking into account—

17 “(A) the complexity of transportation  
18 needs in the area; and

19 “(B) the technical capacity of the metro-  
20 politan planning organization.

21 “(2) EVALUATION OF PERFORMANCE-BASED  
22 PLANNING.—In reviewing a tier II MPO under sub-  
23 section (m), the Secretary shall take into consider-  
24 ation the effectiveness of the tier II MPO in imple-

1       menting and maintaining a performance-based plan-  
2       ning process that—

3               “(A) addresses the performance targets de-  
4               scribed in subsection (h)(2); and

5               “(B) demonstrates progress on the  
6               achievement of those performance targets.

7       “(1) CERTIFICATION.—

8               “(1) IN GENERAL.—The Secretary shall—

9               “(A) ensure that the metropolitan trans-  
10              portation planning process of a metropolitan  
11              planning organization is being carried out in ac-  
12              cordance with applicable Federal law; and

13              “(B) subject to paragraph (2), certify, not  
14              less frequently than once every 4 years, that the  
15              requirements of subparagraph (A) are met with  
16              respect to the metropolitan transportation plan-  
17              ning process.

18       “(2) REQUIREMENTS FOR CERTIFICATION.—

19       The Secretary may make a certification under para-  
20       graph (1)(B) if—

21              “(A) the metropolitan transportation plan-  
22              ning process complies with the requirements of  
23              this section and other applicable Federal law;

24              “(B) representation on the metropolitan  
25              planning organization board includes officials of

1 public agencies that administer or operate  
2 major modes of transportation in the relevant  
3 metropolitan area, including providers of public  
4 transportation; and

5 “(C) a transportation improvement pro-  
6 gram for the metropolitan planning area has  
7 been approved by the relevant metropolitan  
8 planning organization and applicable Governor.

9 “(3) DELEGATION OF AUTHORITY.—The Sec-  
10 retary may—

11 “(A) delegate to the appropriate State  
12 fact-finding authority regarding the certification  
13 of a tier II MPO under this subsection; and

14 “(B) make the certification under para-  
15 graph (1) in consultation with the State.

16 “(4) EFFECT OF FAILURE TO CERTIFY.—

17 “(A) WITHHOLDING OF PROJECT  
18 FUNDS.—If a metropolitan transportation plan-  
19 ning process of a metropolitan planning organi-  
20 zation is not certified under paragraph (1), the  
21 Secretary may withhold up to 20 percent of the  
22 funds attributable to the metropolitan planning  
23 area of the metropolitan planning organization  
24 for projects funded under this chapter and title  
25 23.

1                   “(B) RESTORATION OF WITHHELD  
2 FUNDS.—Any funds withheld under subpara-  
3 graph (A) shall be restored to the metropolitan  
4 planning area on the date of certification of the  
5 metropolitan transportation planning process by  
6 the Secretary.

7                   “(5) PUBLIC INVOLVEMENT.—In making a de-  
8 termination regarding certification under this sub-  
9 section, the Secretary shall provide for public in-  
10 volvement appropriate to the metropolitan planning  
11 area under review.

12                   “(m) PERFORMANCE-BASED PLANNING PROCESSES  
13 EVALUATION.—

14                   “(1) IN GENERAL.—The Secretary shall estab-  
15 lish criteria to evaluate the effectiveness of the per-  
16 formance-based planning processes of metropolitan  
17 planning organizations under this section, taking  
18 into consideration the following:

19                   “(A) The extent to which the metropolitan  
20 planning organization has achieved, or is cur-  
21 rently making substantial progress toward  
22 achieving, the performance targets specified in  
23 subsection (h)(2), taking into account whether  
24 the metropolitan planning organization devel-  
25 oped meaningful performance targets.

1           “(B) The extent to which the metropolitan  
2           planning organization has used proven best  
3           practices that help ensure transportation invest-  
4           ment that is efficient and cost-effective.

5           “(C) The extent to which the metropolitan  
6           planning organization—

7                   “(i) has developed an investment proc-  
8                   ess that relies on public input and aware-  
9                   ness to ensure that investments are trans-  
10                  parent and accountable; and

11                   “(ii) provides regular reports allowing  
12                  the public to access the information being  
13                  collected in a format that allows the public  
14                  to meaningfully assess the performance of  
15                  the metropolitan planning organization.

16           “(2) REPORT.—

17                   “(A) IN GENERAL.—Not later than 5 years  
18                  after the date of enactment of the Federal Pub-  
19                  lic Transportation Act of 2012, the Secretary  
20                  shall submit to Congress a report evaluating—

21                   “(i) the overall effectiveness of per-  
22                   formance-based planning as a tool for  
23                   guiding transportation investments; and

24                   “(ii) the effectiveness of the perform-  
25                  ance-based planning process of each metro-

1                   politan planning organization under this  
2                   section.

3                   “(B) PUBLICATION.—The report under  
4                   subparagraph (A) shall be published or other-  
5                   wise made available in electronically accessible  
6                   formats and means, including on the Internet.

7                   “(n) ADDITIONAL REQUIREMENTS FOR CERTAIN  
8 NONATTAINMENT AREAS.—

9                   “(1) IN GENERAL.—Notwithstanding any other  
10                  provision of this chapter or title 23, Federal funds  
11                  may not be advanced in any metropolitan planning  
12                  area classified as a nonattainment area or mainte-  
13                  nance area for any highway project that will result  
14                  in a significant increase in the carrying capacity for  
15                  single-occupant vehicles, unless the owner or oper-  
16                  ator of the project demonstrates that the project will  
17                  achieve or make substantial progress toward achiev-  
18                  ing the performance targets described in subsection  
19                  (h)(2).

20                  “(2) APPLICABILITY.—This subsection applies  
21                  to any nonattainment area or maintenance area  
22                  within the boundaries of a metropolitan planning  
23                  area, as determined under subsection (d).

24                  “(o) EFFECT OF SECTION.—Nothing in this section  
25                  provides to any metropolitan planning organization the



1 authority to impose any legal requirement on any trans-  
2 portation facility, provider, or project not subject to the  
3 requirements of this chapter or title 23.

4 “(p) FUNDING.—Funds apportioned under section  
5 104(b)(6) of title 23 and set aside under section 5305(g)  
6 of this title shall be available to carry out this section.

7 “(q) CONTINUATION OF CURRENT REVIEW PRAC-  
8 TICE.—

9 “(1) IN GENERAL.—In consideration of the fac-  
10 tors described in paragraph (2), any decision by the  
11 Secretary concerning a metropolitan transportation  
12 plan or transportation improvement program shall  
13 not be considered to be a Federal action subject to  
14 review under the National Environmental Policy Act  
15 of 1969 (42 U.S.C. 4321 et seq.).

16 “(2) DESCRIPTION OF FACTORS.—The factors  
17 referred to in paragraph (1) are that—

18 “(A) metropolitan transportation plans and  
19 transportation improvement programs are sub-  
20 ject to a reasonable opportunity for public com-  
21 ment;

22 “(B) the projects included in metropolitan  
23 transportation plans and transportation im-  
24 provement programs are subject to review

1 under the National Environmental Policy Act of  
2 1969 (42 U.S.C. 4321 et seq.); and

3 “(C) decisions by the Secretary concerning  
4 metropolitan transportation plans and transpor-  
5 tation improvement programs have not been re-  
6 viewed under the National Environmental Pol-  
7 icy Act of 1969 (42 U.S.C. 4321 et seq.) as of  
8 January 1, 1997.

9 “(r) SCHEDULE FOR IMPLEMENTATION.—The Sec-  
10 retary shall issue guidance on a schedule for implementa-  
11 tion of the changes made by this section, taking into con-  
12 sideration the established planning update cycle for metro-  
13 politan planning organizations. The Secretary shall not re-  
14 quire a metropolitan planning organization to deviate from  
15 its established planning update cycle to implement  
16 changes made by this section. Metropolitan planning orga-  
17 nizations shall reflect changes made to their transpor-  
18 tation plan or transportation improvement program up-  
19 dates not later than 2 years after the date of issuance  
20 of guidance by the Secretary.”.

21 (b) PILOT PROGRAM FOR TRANSIT-ORIENTED DE-  
22 VELOPMENT PLANNING.—

23 (1) DEFINITIONS.—In this subsection the fol-  
24 lowing definitions shall apply:

1 (A) ELIGIBLE PROJECT.—The term “eligi-  
2 ble project” means a new fixed guideway capital  
3 project or a core capacity improvement project,  
4 as those terms are defined in section 5309 of  
5 title 49, United States Code, as amended by  
6 this Act.

7 (B) SECRETARY.—The term “Secretary”  
8 means the Secretary of Transportation.

9 (2) GENERAL AUTHORITY.—The Secretary may  
10 make grants under this subsection to a State or  
11 local governmental authority to assist in financing  
12 comprehensive planning associated with an eligible  
13 project that seeks to—

14 (A) enhance economic development, rider-  
15 ship, and other goals established during the  
16 project development and engineering processes;

17 (B) facilitate multimodal connectivity and  
18 accessibility;

19 (C) increase access to transit hubs for pe-  
20 destrian and bicycle traffic;

21 (D) enable mixed-use development;

22 (E) identify infrastructure needs associated  
23 with the eligible project; and

24 (F) include private sector participation.

1           (3) ELIGIBILITY.—A State or local govern-  
2           mental authority that desires to participate in the  
3           program under this subsection shall submit to the  
4           Secretary an application that contains, at a min-  
5           imum—

6                   (A) identification of an eligible project;

7                   (B) a schedule and process for the develop-  
8           ment of a comprehensive plan;

9                   (C) a description of how the eligible project  
10           and the proposed comprehensive plan advance  
11           the metropolitan transportation plan of the  
12           metropolitan planning organization;

13                  (D) proposed performance criteria for the  
14           development and implementation of the com-  
15           prehensive plan; and

16                  (E) identification of—

17                   (i) partners;

18                   (ii) availability of and authority for  
19           funding; and

20                   (iii) potential State, local or other im-  
21           pediments to the implementation of the  
22           comprehensive plan.

1 **SEC. 6. STATEWIDE AND NONMETROPOLITAN TRANSPOR-**  
2 **TATION PLANNING.**

3 Section 5304 of title 23, United States Code, is  
4 amended to read as follows:

5 **“§ 5304. Statewide and nonmetropolitan transpor-**  
6 **tation planning**

7 “(a) STATEWIDE TRANSPORTATION PLANS AND  
8 STIPS.—

9 “(1) DEVELOPMENT.—

10 “(A) IN GENERAL.—To accomplish the  
11 policy objectives described in section 5303(a),  
12 each State shall develop a statewide transpor-  
13 tation plan and a statewide transportation im-  
14 provement program for all areas of the State in  
15 accordance with this section.

16 “(B) INCORPORATION OF METROPOLITAN  
17 TRANSPORTATION PLANS AND TIPS.—Each  
18 State shall incorporate in the statewide trans-  
19 portation plan and statewide transportation im-  
20 provement program, without change or by ref-  
21 erence, the metropolitan transportation plans  
22 and transportation improvement programs, re-  
23 spectively, for each metropolitan planning area  
24 in the State.

25 “(C) NONMETROPOLITAN AREAS.—Each  
26 State shall coordinate with local officials in

1 small urbanized areas with a population of  
2 50,000 or more individuals, but fewer than  
3 200,000 individuals, as calculated according to  
4 the most recent decennial census, and non-  
5 urbanized areas of the State in preparing the  
6 nonmetropolitan portions of statewide transpor-  
7 tation plans and statewide transportation im-  
8 provement programs.

9 “(2) CONTENTS.—The statewide transportation  
10 plan and statewide transportation improvement pro-  
11 gram developed for each State shall provide for the  
12 development and integrated management and oper-  
13 ation of transportation systems and facilities (includ-  
14 ing accessible pedestrian walkways, bicycle transpor-  
15 tation facilities, and intermodal facilities that sup-  
16 port intercity transportation) that will function as—

17 “(A) an intermodal transportation system  
18 for the State; and

19 “(B) an integral part of an intermodal  
20 transportation system for the United States.

21 “(3) PROCESS.—The process for developing the  
22 statewide transportation plan and statewide trans-  
23 portation improvement program shall—

24 “(A) provide for consideration of all modes  
25 of transportation; and

1           “(B) be continuing, cooperative, and com-  
2           prehensive to the degree appropriate, based on  
3           the complexity of the transportation needs to be  
4           addressed.

5           “(b) COORDINATION AND CONSULTATION.—

6           “(1) IN GENERAL.—Each State shall—

7           “(A) coordinate planning carried out under  
8           this section with—

9                   “(i) the transportation planning ac-  
10                   tivities carried out under section 5303 for  
11                   metropolitan areas of the State; and

12                   “(ii) statewide trade and economic de-  
13                   velopment planning activities and related  
14                   multistate planning efforts;

15           “(B) coordinate planning carried out under  
16           this section with the transportation planning  
17           activities carried out by each nonmetropolitan  
18           planning organization in the State, as applica-  
19           ble;

20           “(C) coordinate planning carried out under  
21           this section with the transportation planning  
22           activities carried out by each rural planning or-  
23           ganization in the State, as applicable; and

1           “(D) develop the transportation portion of  
2 the State implementation plan as required by  
3 the Clean Air Act (42 U.S.C. 7401 et seq.).

4           “(2) MULTISTATE AREAS.—

5           “(A) IN GENERAL.—The Secretary shall  
6 encourage each Governor with responsibility for  
7 a portion of a multistate metropolitan planning  
8 area and the appropriate metropolitan planning  
9 organizations to provide coordinated transpor-  
10 tation planning for the entire metropolitan  
11 area.

12           “(B) COORDINATION ALONG DESIGNATED  
13 TRANSPORTATION CORRIDORS.—The Secretary  
14 shall encourage each Governor with responsi-  
15 bility for a portion of a multistate transpor-  
16 tation corridor to provide coordinated transpor-  
17 tation planning for the entire designated cor-  
18 ridor.

19           “(C) INTERSTATE COMPACTS.—For pur-  
20 poses of this section, any 2 or more States—

21           “(i) may enter into compacts, agree-  
22 ments, or organizations not in conflict with  
23 any Federal law for cooperative efforts and  
24 mutual assistance in support of activities  
25 authorized under this section, as the activi-



1 ties relate to interstate areas and localities  
2 within the States;

3 “(ii) may establish such agencies  
4 (joint or otherwise) as the States deter-  
5 mine to be appropriate for ensuring the ef-  
6 fectiveness of the agreements and com-  
7 pacts; and

8 “(iii) are encouraged to enter into  
9 such compacts, agreements, or organiza-  
10 tions as are appropriate to develop plan-  
11 ning documents in support of intercity or  
12 multistate area projects, facilities, and  
13 services, the relevant components of which  
14 shall be reflected in statewide transpor-  
15 tation improvement programs and state-  
16 wide transportation plans.

17 “(D) RESERVATION OF RIGHTS.—The  
18 right to alter, amend, or repeal any interstate  
19 compact or agreement entered into under this  
20 subsection is expressly reserved.

21 “(c) RELATIONSHIP WITH OTHER PLANNING OFFI-  
22 CIALS.—

23 “(1) IN GENERAL.—The Secretary shall encour-  
24 age each State to cooperate with Federal, State,  
25 tribal, and local officers and entities responsible for

1 other types of planning activities that are affected  
2 by transportation in the relevant area (including  
3 planned growth, economic development, infrastruc-  
4 ture services, housing, other public services, environ-  
5 mental protection, airport operations, high-speed and  
6 intercity passenger rail, freight rail, port access, and  
7 freight movements), to the maximum extent prac-  
8 ticable, to ensure that the statewide and nonmetro-  
9 politan planning process, statewide transportation  
10 plans, and statewide transportation improvement  
11 programs are developed with due consideration for  
12 other related planning activities in the State.

13 “(2) INCLUSION.—Cooperation under para-  
14 graph (1) shall include the design and delivery of  
15 transportation services within the State that are pro-  
16 vided by—

17 “(A) recipients of assistance under sections  
18 202, 203, and 204 of title 23;

19 “(B) recipients of assistance under this  
20 chapter;

21 “(C) government agencies and nonprofit  
22 organizations (including representatives of the  
23 agencies and organizations) that receive Federal  
24 assistance from a source other than the Depart-

1           ment of Transportation to provide non-  
2           emergency transportation services; and

3           “(D) sponsors of regionally significant pro-  
4           grams, projects, and services that are related to  
5           transportation and receive assistance from any  
6           public or private source.

7           “(d) SCOPE OF PLANNING PROCESS.—

8           “(1) IN GENERAL.—The statewide transpor-  
9           tation planning process for a State under this sec-  
10          tion shall provide for consideration of projects, strat-  
11          egies, and services that will—

12           “(A) support the economic vitality of the  
13           United States, the State, nonmetropolitan  
14           areas, and metropolitan areas, especially by en-  
15           abling global competitiveness, productivity, and  
16           efficiency;

17           “(B) increase the safety of the transpor-  
18           tation system for motorized and nonmotorized  
19           users;

20           “(C) increase the security of the transpor-  
21           tation system for motorized and nonmotorized  
22           users;

23           “(D) increase the accessibility and mobility  
24           of individuals and freight;

1           “(E) protect and enhance the environment,  
2           promote energy conservation, improve the qual-  
3           ity of life, and promote consistency between  
4           transportation improvements and State and  
5           local planned growth and economic development  
6           patterns;

7           “(F) enhance the integration and  
8           connectivity of the transportation system,  
9           across and between modes, for individuals and  
10          freight;

11          “(G) increase efficient system management  
12          and operation; and

13          “(H) emphasize the preservation of the ex-  
14          isting transportation system.

15          “(2) PERFORMANCE-BASED APPROACH.—

16                 “(A) IN GENERAL.—The statewide trans-  
17                 portation planning process shall provide for the  
18                 establishment and use of a performance-based  
19                 approach to transportation decisionmaking to  
20                 support the national goals described in section  
21                 5301(c) of this title and in section 150(b) of  
22                 title 23.

23                 “(B) SURFACE TRANSPORTATION PER-  
24                 FORMANCE TARGETS.—

1                   “(i) IN GENERAL.—Each State shall  
2                   establish performance targets that address  
3                   the performance measures described in sec-  
4                   tions 119(f), 148(h), and 167(i) of title 23  
5                   to use in tracking attainment of critical  
6                   outcomes for the region of the State.

7                   “(ii) COORDINATION.—Selection of  
8                   performance targets by a State shall be co-  
9                   ordinated with relevant metropolitan plan-  
10                  ning organizations to ensure consistency,  
11                  to the maximum extent practicable.

12                  “(C) PUBLIC TRANSPORTATION PERFORM-  
13                  ANCE TARGETS.—For providers of public trans-  
14                  portation operating in urbanized areas with a  
15                  population of fewer than 200,000 individuals,  
16                  as calculated according to the most recent de-  
17                  cennial census, and not represented by a metro-  
18                  politan planning organization, each State shall  
19                  adopt the performance targets identified by  
20                  such providers of public transportation pursu-  
21                  ant to sections 5326(c) and 5329(d), for use in  
22                  tracking attainment of critical outcomes for the  
23                  region of the metropolitan planning organiza-  
24                  tion.

1           “(D) INTEGRATION OF OTHER PERFORM-  
2           ANCE-BASED PLANS.—A State shall integrate  
3           into the statewide transportation planning proc-  
4           ess, directly or by reference, the goals, objec-  
5           tives, performance measures, and performance  
6           targets described in this paragraph in other  
7           State plans and processes, and asset manage-  
8           ment and safety plans developed by providers of  
9           public transportation in urbanized areas with a  
10          population of fewer than 200,000 individuals,  
11          as calculated according to the most recent de-  
12          cennial census, and not represented by a metro-  
13          politan planning organization, required as part  
14          of a performance-based program, including  
15          plans such as—

16                 “(i) the State National Highway Sys-  
17                 tem asset management plan;

18                 “(ii) asset management plans devel-  
19                 oped by providers of public transportation;

20                 “(iii) the State strategic highway safe-  
21                 ty plan;

22                 “(iv) safety plans developed by pro-  
23                 viders of public transportation; and

24                 “(v) the national freight strategic  
25                 plan.

1           “(E) USE OF PERFORMANCE MEASURES  
2           AND TARGETS.—The performance measures  
3           and targets established under this paragraph  
4           shall be used, at a minimum, by a State as the  
5           basis for development of policies, programs, and  
6           investment priorities reflected in the statewide  
7           transportation plan and statewide transpor-  
8           tation improvement program.

9           “(3) FAILURE TO CONSIDER FACTORS.—The  
10          failure to take into consideration 1 or more of the  
11          factors specified in paragraphs (1) and (2) shall not  
12          be subject to review by any court under this chapter,  
13          title 23, subchapter II of chapter 5 of title 5, or  
14          chapter 7 of title 5 in any matter affecting a state-  
15          wide transportation plan, a statewide transportation  
16          improvement program, a project or strategy, or the  
17          certification of a planning process.

18          “(4) PARTICIPATION BY INTERESTED PAR-  
19          TIES.—

20                 “(A) IN GENERAL.—Each State shall pro-  
21                 vide to affected individuals, public agencies, and  
22                 other interested parties notice and a reasonable  
23                 opportunity to comment on the statewide trans-  
24                 portation plan and statewide transportation im-  
25                 provement program.

1           “(B) METHODS.—In carrying out subpara-  
2 graph (A), the State shall, to the maximum ex-  
3 tent practicable—

4           “(i) develop the statewide transpor-  
5 tation plan and statewide transportation  
6 improvement program in consultation with  
7 interested parties, as appropriate, includ-  
8 ing by the formation of advisory groups  
9 representative of the State and interested  
10 parties that participate in the development  
11 of the statewide transportation plan and  
12 statewide transportation improvement pro-  
13 gram;

14           “(ii) hold any public meetings at  
15 times and locations that are, as applica-  
16 ble—

17           “(I) convenient; and

18           “(II) in compliance with the  
19 Americans with Disabilities Act of  
20 1990 (42 U.S.C. 12101 et seq.);

21           “(iii) employ visualization techniques  
22 to describe statewide transportation plans  
23 and statewide transportation improvement  
24 programs; and



1                   “(iv) make public information avail-  
2                   able in appropriate electronically accessible  
3                   formats and means, such as the Internet,  
4                   to afford reasonable opportunity for con-  
5                   sideration of public information under sub-  
6                   paragraph (A).

7                   “(e) COORDINATION AND CONSULTATION.—

8                   “(1) METROPOLITAN AREAS.—

9                   “(A) IN GENERAL.—Each State shall de-  
10                  velop a statewide transportation plan and state-  
11                  wide transportation improvement program for  
12                  each metropolitan area in the State by incor-  
13                  porating, without change or by reference, at a  
14                  minimum, as prepared by each metropolitan  
15                  planning organization designated for the metro-  
16                  politan area under section 5303—

17                   “(i) all regionally significant projects  
18                   to be carried out during the 10-year period  
19                   beginning on the effective date of the rel-  
20                   evant existing metropolitan transportation  
21                   plan; and

22                   “(ii) all projects to be carried out dur-  
23                   ing the 4-year period beginning on the ef-  
24                   fective date of the relevant transportation  
25                   improvement program.

1           “(B) PROJECTED COSTS.—Each metropoli-  
2           tan planning organization shall provide to each  
3           applicable State a description of the projected  
4           costs of implementing the projects included in  
5           the metropolitan transportation plan of the  
6           metropolitan planning organization for purposes  
7           of metropolitan financial planning and fiscal  
8           constraint.

9           “(2) NONMETROPOLITAN AREAS.—With respect  
10          to nonmetropolitan areas in a State, the statewide  
11          transportation plan and statewide transportation im-  
12          provement program of the State shall be developed  
13          in coordination with affected nonmetropolitan local  
14          officials with responsibility for transportation, in-  
15          cluding providers of public transportation.

16          “(3) INDIAN TRIBAL AREAS.—With respect to  
17          each area of a State under the jurisdiction of an In-  
18          dian tribe, the statewide transportation plan and  
19          statewide transportation improvement program of  
20          the State shall be developed in consultation with—

21                   “(A) the tribal government; and

22                   “(B) the Secretary of the Interior.

23          “(4) FEDERAL LAND MANAGEMENT AGEN-  
24          CIES.—With respect to each area of a State under  
25          the jurisdiction of a Federal land management agen-

1 cy, the statewide transportation plan and statewide  
2 transportation improvement program of the State  
3 shall be developed in consultation with the relevant  
4 Federal land management agency.

5 “(5) CONSULTATION, COMPARISON, AND CON-  
6 sideration.—

7 “(A) IN GENERAL.—A statewide transpor-  
8 tation plan shall be developed, as appropriate,  
9 in consultation with Federal, State, tribal, and  
10 local agencies responsible for land use manage-  
11 ment, natural resources, infrastructure permit-  
12 ting, environmental protection, conservation,  
13 and historic preservation.

14 “(B) COMPARISON AND CONSIDERATION.—  
15 Consultation under subparagraph (A) shall in-  
16 volve the comparison of statewide transpor-  
17 tation plans to, as available—

18 “(i) Federal, State, tribal, and local  
19 conservation plans or maps; and

20 “(ii) inventories of natural or historic  
21 resources.

22 “(f) STATEWIDE TRANSPORTATION PLAN.—

23 “(1) DEVELOPMENT.—

24 “(A) IN GENERAL.—Each State shall de-  
25 velop a statewide transportation plan, the fore-

1 cast period of which shall be not less than 20  
2 years for all areas of the State, that provides  
3 for the development and implementation of the  
4 intermodal transportation system of the State.

5 “(B) INITIAL PERIOD.—A statewide trans-  
6 portation plan shall include, at a minimum, for  
7 the first 10-year period of the statewide trans-  
8 portation plan, the identification of existing and  
9 future transportation facilities that will function  
10 as an integrated statewide transportation sys-  
11 tem, giving emphasis to those facilities that  
12 serve important national, statewide, and re-  
13 gional transportation functions.

14 “(C) SUBSEQUENT PERIOD.—For the sec-  
15 ond 10-year period of the statewide transpor-  
16 tation plan (referred to in this subsection as the  
17 ‘outer years period’), a statewide transportation  
18 plan—

19 “(i) may include identification of fu-  
20 ture transportation facilities; and

21 “(ii) shall describe the policies and  
22 strategies that provide for the development  
23 and implementation of the intermodal  
24 transportation system of the State.

1                   “(D) OTHER REQUIREMENTS.—A state-  
2 wide transportation plan shall—

3                   “(i) include, for the 20-year period  
4 covered by the statewide transportation  
5 plan, a description of—

6                   “(I) the projected aggregate cost  
7 of projects anticipated by a State to  
8 be implemented; and

9                   “(II) the revenues necessary to  
10 support the projects;

11                   “(ii) include, in such form as the Sec-  
12 retary determines to be appropriate, a de-  
13 scription of—

14                   “(I) the existing transportation  
15 infrastructure, including an identifica-  
16 tion of highways, local streets and  
17 roads, bicycle and pedestrian facilities,  
18 public transportation facilities and  
19 services, commuter rail facilities and  
20 services, high-speed and intercity pas-  
21 senger rail facilities and services,  
22 freight facilities (including freight  
23 railroad and port facilities),  
24 multimodal and intermodal facilities,  
25 and intermodal connectors that, evalu-

1           ated in the aggregate, function as an  
2           integrated transportation system;

3           “(II) the performance measures  
4           and performance targets used in as-  
5           sessing the existing and future per-  
6           formance of the transportation system  
7           described in subsection (d)(2);

8           “(III) the current and projected  
9           future usage of the transportation  
10          system, including, to the maximum  
11          extent practicable, an identification of  
12          existing or planned transportation  
13          rights-of-way, corridors, facilities, and  
14          related real properties;

15          “(IV) a system performance re-  
16          port evaluating the existing and fu-  
17          ture condition and performance of the  
18          transportation system with respect to  
19          the performance targets described in  
20          subsection (d)(2) and updates to sub-  
21          sequent system performance reports,  
22          including—

23                  “(aa) progress achieved by  
24                  the State in meeting performance  
25                  targets, as compared to system

1 performance recorded in previous  
2 reports; and

3 “(bb) an accounting of the  
4 performance by the State on out-  
5 lay of obligated project funds and  
6 delivery of projects that have  
7 reached substantial completion,  
8 in relation to the projects cur-  
9 rently on the statewide transpor-  
10 tation improvement program and  
11 those projects that have been re-  
12 moved from the previous state-  
13 wide transportation improvement  
14 program;

15 “(V) recommended strategies and  
16 investments for improving system per-  
17 formance over the planning horizon,  
18 including transportation systems man-  
19 agement and operations strategies,  
20 maintenance strategies, demand man-  
21 agement strategies, asset management  
22 strategies, capacity and enhancement  
23 investments, land use improvements,  
24 intelligent transportation systems de-  
25 ployment and technology adoption

1 strategies as determined by the pro-  
2 jected support of performance targets  
3 described in subsection (d)(2);

4 “(VI) recommended strategies  
5 and investments to improve and inte-  
6 grate disability-related access to  
7 transportation infrastructure;

8 “(VII) investment priorities for  
9 using projected available and proposed  
10 revenues over the short- and long-  
11 term stages of the planning horizon,  
12 in accordance with the financial plan  
13 required under paragraph (2);

14 “(VIII) a description of inter-  
15 state compacts entered into in order  
16 to promote coordinated transportation  
17 planning in multistate areas, if appli-  
18 cable;

19 “(IX) an optional illustrative list  
20 of projects containing investments  
21 that—

22 “(aa) are not included in the  
23 statewide transportation plan;  
24 but



1                   “(bb) would be so included if  
2                   resources in addition to the re-  
3                   sources identified in the financial  
4                   plan under paragraph (2) were  
5                   available;

6                   “(X) a discussion (developed in  
7                   consultation with Federal, State, and  
8                   tribal wildlife, land management, and  
9                   regulatory agencies) of types of poten-  
10                  tial environmental and stormwater  
11                  mitigation activities and potential  
12                  areas to carry out those activities, in-  
13                  cluding activities that may have the  
14                  greatest potential to restore and  
15                  maintain the environmental functions  
16                  affected by the statewide transpor-  
17                  tation plan; and

18                  “(XI) recommended strategies  
19                  and investments, including those de-  
20                  veloped by the State as part of inter-  
21                  state compacts, agreements, or orga-  
22                  nizations, that support intercity trans-  
23                  portation; and

24                  “(iii) be updated by the State not less  
25                  frequently than once every 5 years.

1           “(2) FINANCIAL PLAN.—A financial plan re-  
2           ferred to in paragraph (1)(D)(ii)(VII) shall—

3                   “(A) be prepared by each State to support  
4           the statewide transportation plan; and

5                   “(B) contain a description of—

6                           “(i) the projected resource require-  
7                           ments during the 20-year planning horizon  
8                           for implementing projects, strategies, and  
9                           services recommended in the statewide  
10                           transportation plan, including existing and  
11                           projected system operating and mainte-  
12                           nance needs, proposed enhancement and  
13                           expansions to the system, projected avail-  
14                           able revenue from Federal, State, local,  
15                           and private sources, and innovative financ-  
16                           ing techniques to finance projects and pro-  
17                           grams;

18                           “(ii) the projected difference between  
19                           costs and revenues, and strategies for se-  
20                           curing additional new revenue (such as by  
21                           capture of some of the economic value cre-  
22                           ated by any new investment);

23                           “(iii) estimates of future funds, to be  
24                           developed cooperatively by the State, any  
25                           public transportation agency, and relevant

1 metropolitan planning organizations, that  
2 are reasonably expected to be available to  
3 support the investment priorities rec-  
4 ommended in the statewide transportation  
5 plan;

6 “(iv) each applicable project, only if  
7 full funding can reasonably be anticipated  
8 to be available for the project within the  
9 time period contemplated for completion of  
10 the project; and

11 “(v) aggregate cost ranges or bands,  
12 subject to the condition that any future  
13 funding source shall be reasonably ex-  
14 pected to be available to support the pro-  
15 jected cost ranges or bands, for the outer  
16 years period of the statewide transpor-  
17 tation plan.

18 “(3) COORDINATION WITH CLEAN AIR ACT  
19 AGENCIES.—For any nonmetropolitan area that is a  
20 nonattainment area or maintenance area, the State  
21 shall coordinate the development of the statewide  
22 transportation plan with the process for development  
23 of the transportation control measures of the State  
24 implementation plan required by the Clean Air Act  
25 (42 U.S.C. 7401 et seq.).



1           “(ii) reflects the investment priorities  
2           established in the statewide transportation  
3           plan; and

4           “(iii) once implemented, makes sig-  
5           nificant progress toward achieving the per-  
6           formance targets described in subsection  
7           (d)(2).

8           “(B) OPPORTUNITY FOR PARTICIPA-  
9           TION.—In developing a statewide transportation  
10          improvement program, the State, in cooperation  
11          with affected public transportation operators,  
12          shall provide an opportunity for participation by  
13          interested parties in the development of the  
14          statewide transportation improvement program,  
15          in accordance with subsection (e).

16          “(C) OTHER REQUIREMENTS.—

17                 “(i) IN GENERAL.—A statewide trans-  
18                 portation improvement program shall—

19                         “(I) cover a period of not less  
20                         than 4 years; and

21                         “(II) be updated not less fre-  
22                         quently than once every 4 years, or  
23                         more frequently, as the Governor de-  
24                         termines to be appropriate.

1           “(ii) INCORPORATION OF TIPS.—A  
2           statewide transportation improvement pro-  
3           gram shall incorporate any relevant trans-  
4           portation improvement program developed  
5           by a metropolitan planning organization  
6           under section 5303, without change.

7           “(iii) PROJECTS.—Each project in-  
8           cluded in a statewide transportation im-  
9           provement program shall be—

10                   “(I) consistent with the statewide  
11                   transportation plan developed under  
12                   this section for the State;

13                   “(II) identical to a project or  
14                   phase of a project described in a rel-  
15                   evant transportation improvement  
16                   program; and

17                   “(III) for any project located in a  
18                   nonattainment area or maintenance  
19                   area, carried out in accordance with  
20                   the applicable State air quality imple-  
21                   mentation plan developed under the  
22                   Clean Air Act (42 U.S.C. 7401 et  
23                   seq.).

24           “(2) CONTENTS.—

1           “(A) PRIORITY LIST.—A statewide trans-  
2           portation improvement program shall include a  
3           priority list of proposed federally supported  
4           projects and strategies, to be carried out during  
5           the 4-year period beginning on the date of  
6           adoption of the statewide transportation im-  
7           provement program, and during each 4-year pe-  
8           riod thereafter, using existing and reasonably  
9           available revenues in accordance with the finan-  
10          cial plan under paragraph (3).

11          “(B) DESCRIPTIONS.—Each project or  
12          phase of a project included in a statewide trans-  
13          portation improvement program shall include  
14          sufficient descriptive material (such as type of  
15          work, termini, length, estimated completion  
16          date, and other similar factors) to identify—

17                 “(i) the project or project phase; and

18                 “(ii) the effect that the project or  
19                 project phase will have in addressing the  
20                 performance targets described in sub-  
21                 section (d)(2).

22          “(C) PERFORMANCE TARGET ACHIEVE-  
23          MENT.—A statewide transportation improve-  
24          ment program shall include, to the maximum  
25          extent practicable, a discussion of the antici-

1 pated effect of the statewide transportation im-  
2 provement program toward achieving the per-  
3 formance targets established in the statewide  
4 transportation plan, linking investment prior-  
5 ities to those performance targets.

6 “(D) ILLUSTRATIVE LIST OF PROJECTS.—

7 An optional illustrative list of projects may be  
8 prepared containing additional investment pri-  
9 orities that—

10 “(i) are not included in the statewide  
11 transportation improvement program; but

12 “(ii) would be so included if resources  
13 in addition to the resources identified in  
14 the financial plan under paragraph (3)  
15 were available.

16 “(3) FINANCIAL PLAN.—A financial plan re-  
17 ferred to in paragraph (2)(D)(ii) shall—

18 “(A) be prepared by each State to support  
19 the statewide transportation improvement pro-  
20 gram; and

21 “(B) contain a description of—

22 “(i) the projected resource require-  
23 ments for implementing projects, strate-  
24 gies, and services recommended in the  
25 statewide transportation improvement pro-



1           gram, including existing and projected sys-  
2           tem operating and maintenance needs, pro-  
3           posed enhancement and expansions to the  
4           system, projected available revenue from  
5           Federal, State, local, and private sources,  
6           and innovative financing techniques to fi-  
7           nance projects and programs;

8           “(ii) the projected difference between  
9           costs and revenues, and strategies for se-  
10          curing additional new revenue (such as by  
11          capture of some of the economic value cre-  
12          ated by any new investment);

13          “(iii) estimates of future funds, to be  
14          developed cooperatively by the State and  
15          relevant metropolitan planning organiza-  
16          tions and public transportation agencies,  
17          that are reasonably expected to be avail-  
18          able to support the investment priorities  
19          recommended in the statewide transpor-  
20          tation improvement program; and

21          “(iv) each applicable project, only if  
22          full funding can reasonably be anticipated  
23          to be available for the project within the  
24          time period contemplated for completion of  
25          the project.

1 “(4) INCLUDED PROJECTS.—

2 “(A) PROJECTS UNDER THIS CHAPTER  
3 AND TITLE 23.—A statewide transportation im-  
4 provement program developed under this sub-  
5 section for a State shall include the projects  
6 within the State that are proposed for funding  
7 under this chapter and chapter 1 of title 23.

8 “(B) PROJECTS UNDER THIS CHAPTER  
9 AND CHAPTER 2.—

10 “(i) REGIONALLY SIGNIFICANT.—  
11 Each regionally significant project pro-  
12 posed for funding under this chapter and  
13 chapter 2 of title 23 shall be identified in-  
14 dividually in the statewide transportation  
15 improvement program.

16 “(ii) NONREGIONALLY SIGNIFI-  
17 CANT.—A description of each project pro-  
18 posed for funding under this chapter and  
19 chapter 2 of title 23 that is not determined  
20 to be regionally significant shall be con-  
21 tained in 1 line item or identified individ-  
22 ually in the statewide transportation im-  
23 provement program.

24 “(5) PUBLICATION.—

1           “(A) IN GENERAL.—A statewide transpor-  
2           tation improvement program shall be published  
3           or otherwise made readily available by the State  
4           for public review in electronically accessible for-  
5           mats and means, such as the Internet.

6           “(B) ANNUAL LIST OF PROJECTS.—An an-  
7           nual list of projects, including investments in  
8           pedestrian walkways, bicycle transportation fa-  
9           cilities, and intermodal facilities that support  
10          intercity transportation, for which Federal  
11          funds have been obligated during the preceding  
12          fiscal year shall be published or otherwise made  
13          available by the cooperative effort of the State,  
14          public transportation operator, and relevant  
15          metropolitan planning organizations in elec-  
16          tronically accessible formats and means, such  
17          as the Internet, in a manner that is consistent  
18          with the categories identified in the relevant  
19          statewide transportation improvement program.

20          “(6) PROJECT SELECTION FOR URBANIZED  
21          AREAS WITH POPULATIONS OF FEWER THAN 200,000  
22          NOT REPRESENTED BY DESIGNATED MPOS.—  
23          Projects carried out in urbanized areas with popu-  
24          lations of fewer than 200,000 individuals, as cal-  
25          culated according to the most recent decennial cen-

1 sus, and that are not represented by designated met-  
2 ropolitan planning organizations, shall be selected  
3 from the approved statewide transportation improve-  
4 ment program (including projects carried out under  
5 this chapter and projects carried out by the State),  
6 in cooperation with the affected nonmetropolitan  
7 planning organization, if any exists, and in consulta-  
8 tion with the affected nonmetropolitan area local of-  
9 ficials with responsibility for transportation.

10 “(7) APPROVAL BY SECRETARY.—

11 “(A) IN GENERAL.—Not less frequently  
12 than once every 4 years, a statewide transpor-  
13 tation improvement program developed under  
14 this subsection shall be reviewed and approved  
15 by the Secretary, based on the current planning  
16 finding of the Secretary under subparagraph  
17 (B).

18 “(B) PLANNING FINDING.—The Secretary  
19 shall make a planning finding referred to in  
20 subparagraph (A) not less frequently than once  
21 every 5 years regarding whether the transpor-  
22 tation planning process through which statewide  
23 transportation plans and statewide transpor-  
24 tation improvement programs are developed is  
25 consistent with this section and section 5303.

1           “(8) MODIFICATIONS TO PROJECT PRIORITY.—  
2 Approval by the Secretary shall not be required to  
3 carry out a project included in an approved state-  
4 wide transportation improvement program in place  
5 of another project in the statewide transportation  
6 improvement program.

7           “(h) CERTIFICATION.—

8           “(1) IN GENERAL.—The Secretary shall—

9           “(A) ensure that the statewide transpor-  
10 tation planning process of a State is being car-  
11 ried out in accordance with applicable Federal  
12 law; and

13           “(B) subject to paragraph (2), certify, not  
14 less frequently than once every 5 years, that the  
15 requirements of subparagraph (A) are met with  
16 respect to the statewide transportation planning  
17 process.

18           “(2) REQUIREMENTS FOR CERTIFICATION.—

19 The Secretary may make a certification under para-  
20 graph (1)(B) if—

21           “(A) the statewide transportation planning  
22 process complies with the requirements of this  
23 section and other applicable Federal law; and

1           “(B) a statewide transportation improve-  
2           ment program for the State has been approved  
3           by the Governor of the State.

4           “(3) EFFECT OF FAILURE TO CERTIFY.—

5           “(A) WITHHOLDING OF PROJECT  
6           FUNDS.—If a statewide transportation planning  
7           process of a State is not certified under para-  
8           graph (1), the Secretary may withhold up to 20  
9           percent of the funds attributable to the State  
10          for projects funded under this chapter and title  
11          23.

12          “(B) RESTORATION OF WITHHELD  
13          FUNDS.—Any funds withheld under subpara-  
14          graph (A) shall be restored to the State on the  
15          date of certification of the statewide transpor-  
16          tation planning process by the Secretary.

17          “(4) PUBLIC INVOLVEMENT.—In making a de-  
18          termination regarding certification under this sub-  
19          section, the Secretary shall provide for public in-  
20          volvement appropriate to the State under review.

21          “(i) PERFORMANCE-BASED PLANNING PROCESSES  
22          EVALUATION.—

23          “(1) IN GENERAL.—The Secretary shall estab-  
24          lish criteria to evaluate the effectiveness of the per-

1 performance-based planning processes of States, taking  
2 into consideration the following:

3 “(A) The extent to which the State has  
4 achieved, or is currently making substantial  
5 progress toward achieving, the performance tar-  
6 gets described in subsection (d)(2), taking into  
7 account whether the State developed meaningful  
8 performance targets.

9 “(B) The extent to which the State has  
10 used proven best practices that help ensure  
11 transportation investment that is efficient and  
12 cost-effective.

13 “(C) The extent to which the State—

14 “(i) has developed an investment proc-  
15 ess that relies on public input and aware-  
16 ness to ensure that investments are trans-  
17 parent and accountable; and

18 “(ii) provides regular reports allowing  
19 the public to access the information being  
20 collected in a format that allows the public  
21 to meaningfully assess the performance of  
22 the State.

23 “(2) REPORT.—

24 “(A) IN GENERAL.—Not later than 5 years  
25 after the date of enactment of the Federal Pub-

1           lic Transportation Act of 2012, the Secretary  
2           shall submit to Congress a report evaluating—

3                   “(i) the overall effectiveness of per-  
4                   formance-based planning as a tool for  
5                   guiding transportation investments; and

6                   “(ii) the effectiveness of the perform-  
7                   ance-based planning process of each State.

8           “(B) PUBLICATION.—The report under  
9           subparagraph (A) shall be published or other-  
10          wise made available in electronically accessible  
11          formats and means, including on the Internet.

12          “(j) FUNDING.—Funds apportioned under section  
13          104(b)(6) of title 23 and set aside under section 5305(g)  
14          shall be available to carry out this section.

15          “(k) CONTINUATION OF CURRENT REVIEW PRAC-  
16          TICE.—

17                   “(1) IN GENERAL.—In consideration of the fac-  
18                   tors described in paragraph (2), any decision by the  
19                   Secretary concerning a statewide transportation plan  
20                   or statewide transportation improvement program  
21                   shall not be considered to be a Federal action sub-  
22                   ject to review under the National Environmental  
23                   Policy Act of 1969 (42 U.S.C. 4321 et seq.).

24                   “(2) DESCRIPTION OF FACTORS.—The factors  
25                   referred to in paragraph (1) are that—



1           “(A) statewide transportation plans and  
2           statewide transportation improvement programs  
3           are subject to a reasonable opportunity for pub-  
4           lic comment;

5           “(B) the projects included in statewide  
6           transportation plans and statewide transpor-  
7           tation improvement programs are subject to re-  
8           view under the National Environmental Policy  
9           Act of 1969 (42 U.S.C. 4321 et seq.); and

10           “(C) decisions by the Secretary concerning  
11           statewide transportation plans and statewide  
12           transportation improvement programs have not  
13           been reviewed under the National Environ-  
14           mental Policy Act of 1969 (42 U.S.C. 4321 et  
15           seq.) as of January 1, 1997.

16           “(1) SCHEDULE FOR IMPLEMENTATION.—The Sec-  
17           retary shall issue guidance on a schedule for implementa-  
18           tion of the changes made by this section, taking into con-  
19           sideration the established planning update cycle for  
20           States. The Secretary shall not require a State to deviate  
21           from its established planning update cycle to implement  
22           changes made by this section. States shall reflect changes  
23           made to their transportation plan or transportation im-  
24           provement program updates not later than 2 years after

1 the date of issuance of guidance by the Secretary under  
2 this subsection.”.

3 **SEC. 7. PUBLIC TRANSPORTATION EMERGENCY RELIEF**  
4 **PROGRAM.**

5 Section 5306 of title 49, United States Code, is  
6 amended to read as follows:

7 **“§ 5306. Public transportation emergency relief pro-**  
8 **gram**

9 “(a) DEFINITION.—In this section the following defi-  
10 nitions shall apply:

11 “(1) ELIGIBLE OPERATING COSTS.—The term  
12 ‘eligible operating costs’ means costs relating to—

13 “(A) evacuation services;

14 “(B) rescue operations;

15 “(C) temporary public transportation serv-  
16 ice; or

17 “(D) reestablishing, expanding, or relo-  
18 cating public transportation route service be-  
19 fore, during, or after an emergency.

20 “(2) EMERGENCY.—The term ‘emergency’  
21 means a natural disaster affecting a wide area (such  
22 as a flood, hurricane, tidal wave, earthquake, severe  
23 storm, or landslide) or a catastrophic failure from  
24 any external cause, as a result of which—

1           “(A) the Governor of a State has declared  
2           an emergency and the Secretary has concurred;  
3           or

4           “(B) the President has declared a major  
5           disaster under section 401 of the Robert T.  
6           Stafford Disaster Relief and Emergency Assist-  
7           ance Act (42 U.S.C. 5170).

8           “(b) GENERAL AUTHORITY.—

9           “(1) CAPITAL ASSISTANCE.—The Secretary  
10          may make grants and enter into contracts and other  
11          agreements (including agreements with departments,  
12          agencies, and instrumentalities of the Government)  
13          for capital projects to protect, repair, reconstruct, or  
14          replace equipment and facilities of a public transpor-  
15          tation system operating in the United States or on  
16          an Indian reservation that the Secretary determines  
17          is in danger of suffering serious damage, or has suf-  
18          fered serious damage, as a result of an emergency.

19          “(2) OPERATING ASSISTANCE.—Of the funds  
20          appropriated to carry out this section, the Secretary  
21          may make grants and enter into contracts or other  
22          agreements for the eligible operating costs of public  
23          transportation equipment and facilities in an area  
24          directly affected by an emergency during—

1           “(A) the 1-year period beginning on the  
2           date of a declaration described in subsection  
3           (a)(2); or

4           “(B) if the Secretary determines there is a  
5           compelling need, the 2-year period beginning on  
6           the date of a declaration described in subsection  
7           (a)(2).

8           “(c) COORDINATION OF EMERGENCY FUNDS.—

9           “(1) USE OF FUNDS.—Funds appropriated to  
10          carry out this section shall be in addition to any  
11          other funds available—

12           “(A) under this chapter; or

13           “(B) for the same purposes as authorized  
14          under this section by any other branch of the  
15          Government, including the Federal Emergency  
16          Management Agency, or a State agency, local  
17          governmental entity, organization, or person.

18           “(2) NOTIFICATION.—The Secretary shall no-  
19          tify the Secretary of Homeland Security of the pur-  
20          pose and amount of any grant made or contract or  
21          other agreement entered into under this section.

22           “(d) INTERAGENCY TRANSFERS.—Amounts that are  
23          made available for emergency purposes to any other agen-  
24          cy of the Government, including the Federal Emergency  
25          Management Agency, and that are eligible to be expended

1 for purposes authorized under this section may be trans-  
2 ferred to and administered by the Secretary under this  
3 section.

4 “(e) INTERAGENCY AGREEMENT.—

5 “(1) IN GENERAL.—The Secretary shall enter  
6 into an interagency agreement with the Secretary of  
7 Homeland Security which shall provide for the  
8 means by which the Department of Transportation,  
9 including the Federal Transit Administration, and  
10 the Department of Homeland Security, including the  
11 Federal Emergency Management Agency, shall co-  
12 operate in administering emergency relief for public  
13 transportation.

14 “(2) CONTENTS.—The interagency agreement  
15 under paragraph (1) shall provide that funds made  
16 available to the Federal Emergency Management  
17 Agency for emergency relief for public transpor-  
18 tation shall be transferred to the Secretary to carry  
19 out this section, to the maximum extent possible.

20 “(f) GRANT REQUIREMENTS.—A grant awarded  
21 under this section shall be subject to the terms and condi-  
22 tions the Secretary determines are necessary.

23 “(g) GOVERNMENT SHARE OF COSTS.—

24 “(1) CAPITAL PROJECTS AND OPERATING AS-  
25 SISTANCE.—A grant, contract, or other agreement

1 for a capital project or eligible operating costs under  
2 this section shall be, at the option of the recipient,  
3 for not more than 80 percent of the net project cost,  
4 as determined by the Secretary.

5 “(2) NON-FEDERAL SHARE.—The remainder of  
6 the net project cost may be provided from an undis-  
7 tributed cash surplus, a replacement or depreciation  
8 cash fund or reserve, or new capital.

9 “(3) WAIVER.—The Secretary may waive, in  
10 whole or part, the non-Federal share required under  
11 paragraph (2).”.

12 **SEC. 8. URBANIZED AREA FORMULA GRANTS.**

13 Section 5307 of title 49, United States Code, is  
14 amended to read as follows:

15 **“§ 5307. Urbanized area formula grants.**

16 “(a) GENERAL AUTHORITY.—

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

19 “(A) capital projects;

20 “(B) planning; and

21 “(C) operating costs of equipment and fa-  
22 cilities for use in public transportation in an ur-  
23 banized area with a population of fewer than  
24 200,000 individuals, as determined by the Bu-  
25 reau of the Census.

1           “(2) SPECIAL RULE.—The Secretary may make  
2 grants under this section to finance the operating  
3 cost of equipment and facilities for use in public  
4 transportation, excluding rail fixed guideway, in an  
5 urbanized area with a population of not fewer than  
6 200,000 individuals, as determined by the Bureau of  
7 the Census—

8           “(A) for public transportation systems that  
9 operate 75 or fewer buses during peak service  
10 hours, in an amount not to exceed 50 percent  
11 of the share of the apportionment which is at-  
12 tributable to such systems within the urbanized  
13 area, as measured by revenue vehicle-hours; and

14           “(B) for public transportation systems that  
15 operate a minimum of 76 buses and a max-  
16 imum of 100 buses during peak service hours,  
17 in an amount not to exceed 25 percent of the  
18 share of the apportionment which is attrib-  
19 utable to such systems within the urbanized  
20 area, as measured by revenue vehicle-hours.

21           “(3) TEMPORARY AND TARGETED ASSIST-  
22 ANCE.—

23           “(A) ELIGIBILITY.—The Secretary may  
24 make a grant under this section to finance the  
25 operating cost of equipment and facilities to a

1 recipient for use in public transportation in an  
2 area that the Secretary determines has—

3 “(i) a population of not fewer than  
4 200,000 individuals, as determined by the  
5 Bureau of the Census; and

6 “(ii) a 3-month unemployment rate,  
7 as reported by the Bureau of Labor Statis-  
8 tics, that is—

9 “(I) greater than 7 percent; and

10 “(II) at least 2 percentage points  
11 greater than the lowest 3-month un-  
12 employment rate for the area during  
13 the 5-year period preceding the date  
14 of the determination.

15 “(B) AWARD OF GRANT.—

16 “(i) IN GENERAL.—Except as other-  
17 wise provided in this subparagraph, the  
18 Secretary may make a grant under this  
19 section for not more than 2 consecutive fis-  
20 cal years.

21 “(ii) ADDITIONAL YEAR.—If, at the  
22 end of the second fiscal year following the  
23 date on which the Secretary makes a de-  
24 termination under subparagraph (A) with  
25 respect to an area, the Secretary deter-



1 mines that the 3-month unemployment  
2 rate for the area is at least 2 percentage  
3 points greater than the unemployment rate  
4 for the area at the time the Secretary  
5 made the determination under subpara-  
6 graph (A), the Secretary may make a  
7 grant to a recipient in the area for 1 addi-  
8 tional consecutive fiscal year.

9 “(iii) EXCLUSION PERIOD.—Begin-  
10 ning on the last day of the last consecutive  
11 fiscal year for which a recipient receives a  
12 grant under this paragraph, the Secretary  
13 may not make a subsequent grant under  
14 this paragraph to the recipient for a num-  
15 ber of fiscal years equal to the number of  
16 consecutive fiscal years in which the recipi-  
17 ent received a grant under this paragraph.

18 “(C) LIMITATION.—

19 “(i) FIRST FISCAL YEAR.—For the  
20 first fiscal year following the date on which  
21 the Secretary makes a determination under  
22 subparagraph (A) with respect to an area,  
23 not more than 25 percent of the amount  
24 apportioned to a designated recipient  
25 under section 5336 for the fiscal year shall

1 be available for operating assistance for  
2 the area.

3 “(ii) SECOND AND THIRD FISCAL  
4 YEARS.—For the second and third fiscal  
5 years following the date on which the Sec-  
6 retary makes a determination under sub-  
7 paragraph (A) with respect to an area, not  
8 more than 20 percent of the amount ap-  
9 portioned to a designated recipient under  
10 section 5336 for the fiscal year shall be  
11 available for operating assistance for the  
12 area.

13 “(D) PERIOD OF AVAILABILITY FOR OPER-  
14 ATING ASSISTANCE.—Operating assistance  
15 awarded under this paragraph shall be available  
16 for expenditure to a recipient in an area until  
17 the end of the second fiscal year following the  
18 date on which the Secretary makes a deter-  
19 mination under subparagraph (A) with respect  
20 to the area, after which time any unexpended  
21 funds shall be available to the recipient for  
22 other eligible activities under this section.

23 “(E) CERTIFICATION.—The Secretary may  
24 make a grant for operating assistance under

1           this paragraph for a fiscal year only if the re-  
2           ipient certifies that—

3                   “(i) the recipient will maintain public  
4                   transportation service levels at or above  
5                   the current service level, which shall be  
6                   demonstrated by providing an equal or  
7                   greater number of vehicle-hours of service  
8                   in the fiscal year than the number of vehi-  
9                   cle-hours of service provided in the pre-  
10                  ceding fiscal year;

11                   “(ii) any non-Federal entity that pro-  
12                   vides funding to the recipient, including a  
13                   State or local governmental entity, will  
14                   maintain the tax rate or rate of allocations  
15                   dedicated to public transportation at or  
16                   above the rate for the preceding fiscal  
17                   year;

18                   “(iii) the recipient has allocated the  
19                   maximum amount of funding under this  
20                   section for preventive maintenance costs el-  
21                   igible as a capital expense necessary to  
22                   maintain the level and quality of service  
23                   provided in the preceding fiscal year; and

24                   “(iv) the recipient will not use funding  
25                   under this section for new capital assets

1           except as necessary for the existing system  
2           to maintain or achieve a state of good re-  
3           pair, assure safety, or replace obsolete  
4           technology.

5           “(b) ACCESS TO JOBS PROJECTS.—

6           “(1) IN GENERAL.—A designated recipient shall  
7           expend not less than 3 percent of the amount appor-  
8           tioned to the designated recipient to carry out this  
9           section to carry out a program to develop and main-  
10          tain job access projects. Eligible projects may in-  
11          clude—

12           “(A) a project relating to the development  
13           and maintenance of public transportation serv-  
14           ices designed to transport eligible low-income  
15           individuals to and from jobs and activities re-  
16           lated to their employment, including—

17           “(i) a public transportation project to  
18           finance planning, capital, and operating  
19           costs of providing access to jobs under this  
20           chapter;

21           “(ii) promoting public transportation  
22           by low-income workers, including the use  
23           of public transportation by workers with  
24           nontraditional work schedules;

1                   “(iii) promoting the use of public  
2                   transportation vouchers for welfare recipi-  
3                   ents and eligible low-income individuals;  
4                   and

5                   “(iv) promoting the use of employer-  
6                   provided transportation, including the  
7                   transit pass benefit program under section  
8                   132 of the Internal Revenue Code of 1986;  
9                   and

10                  “(B) a transportation project designed to  
11                  support the use of public transportation includ-  
12                  ing—

13                         “(i) enhancements to existing public  
14                         transportation service for workers with  
15                         non-traditional hours or reverse commutes;

16                         “(ii) guaranteed ride home programs;

17                         “(iii) bicycle storage facilities; and

18                         “(iv) projects that otherwise facilitate  
19                         the provision of public transportation serv-  
20                         ices to employment opportunities.

21                  “(2) PROJECT SELECTION AND PLAN DEVELOP-  
22                  MENT.—Each grant recipient under this subsection  
23                  shall certify that—

1           “(A) the projects selected were included in  
2 a locally developed, coordinated public transit-  
3 human services transportation plan;

4           “(B) the plan was developed and approved  
5 through a process that included individuals with  
6 low incomes, representatives of public, private,  
7 and nonprofit transportation and human serv-  
8 ices providers, and participation by the public;

9           “(C) services funded under this subsection  
10 are coordinated with transportation services  
11 funded by other Federal departments and agen-  
12 cies to the maximum extent feasible; and

13           “(D) allocations of the grant to subrecipi-  
14 ents, if any, are distributed on a fair and equi-  
15 table basis.

16           “(3) COMPETITIVE PROCESS FOR GRANTS TO  
17 SUBRECIPIENTS.—

18           “(A) AREAWIDE SOLICITATIONS.—A re-  
19 cipient of funds apportioned under this sub-  
20 section may conduct, in cooperation with the  
21 appropriate metropolitan planning organization,  
22 an areawide solicitation for applications for  
23 grants to the recipient and subrecipients under  
24 this subsection.

1           “(B) APPLICATION.—If the recipient elects  
2           to engage in a competitive process, recipients  
3           and subrecipients seeking to receive a grant  
4           from apportioned funds shall submit to the re-  
5           cipient an application in the form and in ac-  
6           cordance with such requirements as the recipi-  
7           ent shall establish.

8           “(c) PROGRAM OF PROJECTS.—Each recipient of a  
9           grant shall—

10           “(1) make available to the public information  
11           on amounts available to the recipient under this sec-  
12           tion;

13           “(2) develop, in consultation with interested  
14           parties, including private transportation providers, a  
15           proposed program of projects for activities to be fi-  
16           nanced;

17           “(3) publish a proposed program of projects in  
18           a way that affected individuals, private transpor-  
19           tation providers, and local elected officials have the  
20           opportunity to examine the proposed program and  
21           submit comments on the proposed program and the  
22           performance of the recipient;

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

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

6           “(6) consider comments and views received, es-  
7 pecially those of private transportation providers, in  
8 preparing the final program of projects; and

9           “(7) make the final program of projects avail-  
10 able to the public.

11          “(d) GRANT RECIPIENT REQUIREMENTS.—A recipi-  
12 ent may receive a grant in a fiscal year only if—

13           “(1) the recipient, within the time the Secretary  
14 prescribes, submits a final program of projects pre-  
15 pared under subsection (c) of this section and a cer-  
16 tification for that fiscal year that the recipient (in-  
17 cluding a person receiving amounts from a Governor  
18 under this section)—

19           “(A) has or will have the legal, financial,  
20 and technical capacity to carry out the pro-  
21 gram, including safety and security aspects of  
22 the program;

23           “(B) has or will have satisfactory con-  
24 tinuing control over the use of equipment and  
25 facilities;



1           “(C) will maintain equipment and facili-  
2 ties;

3           “(D) will ensure that, during non-peak  
4 hours for transportation using or involving a fa-  
5 cility or equipment of a project financed under  
6 this section, a fare that is not more than 50  
7 percent of the peak hour fare will be charged  
8 for any—

9           “(i) senior;

10           “(ii) individual who, because of illness,  
11 injury, age, congenital malfunction, or  
12 other incapacity or temporary or perma-  
13 nent disability (including an individual who  
14 is a wheelchair user or has semiambulatory  
15 capability), cannot use a public transpor-  
16 tation service or a public transportation fa-  
17 cility effectively without special facilities,  
18 planning, or design; and

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

23           “(E) in carrying out a procurement under  
24 this section, will comply with sections 5323 and  
25 5325;

1           “(F) has complied with subsection (c) of  
2 this section;

3           “(G) has available and will provide the re-  
4 quired amounts as provided by subsection (e) of  
5 this section;

6           “(H) will comply with sections 5303 and  
7 5304;

8           “(I) has a locally developed process to so-  
9 licit and consider public comment before raising  
10 a fare or carrying out a major reduction of  
11 transportation;

12           “(J)(i) will expend for each fiscal year for  
13 public transportation security projects, includ-  
14 ing increased lighting in or adjacent to a public  
15 transportation system (including bus stops, sub-  
16 way stations, parking lots, and garages), in-  
17 creased camera surveillance of an area in or ad-  
18 jacent to that system, providing an emergency  
19 telephone line to contact law enforcement or se-  
20 curity personnel in an area in or adjacent to  
21 that system, and any other project intended to  
22 increase the security and safety of an existing  
23 or planned public transportation system, at  
24 least 1 percent of the amount the recipient re-

1 ceives for each fiscal year under section 5336 of  
2 this title; or

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

5 “(K) in the case of a recipient for an ur-  
6 banized area with a population of not fewer  
7 than 200,000 individuals, as determined by the  
8 Bureau of the Census—

9 “(i) will expend not less than 1 per-  
10 cent of the amount the recipient receives  
11 each fiscal year under this section for asso-  
12 ciated transit improvements, as defined in  
13 section 5302; and

14 “(ii) will submit an annual report list-  
15 ing projects carried out in the preceding  
16 fiscal year with those funds; and

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

18 “(2) the Secretary accepts the certification.

19 “(e) GOVERNMENT SHARE OF COSTS.—

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

1           “(2) OPERATING EXPENSES.—A grant for oper-  
2           ating expenses under this section may not exceed 50  
3           percent of the net project cost of the project.

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

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

10                   “(B) from revenues from the sale of adver-  
11                   tising and concessions;

12                   “(C) from an undistributed cash surplus, a  
13                   replacement or depreciation cash fund or re-  
14                   serve, or new capital;

15                   “(D) from amounts appropriated or other-  
16                   wise made available to a department or agency  
17                   of the Government (other than the Department  
18                   of Transportation) that are eligible to be ex-  
19                   pended for transportation; and

20                   “(E) from amounts received under a serv-  
21                   ice agreement with a State or local social serv-  
22                   ice agency or private social service organization.

23           “(4) USE OF CERTAIN FUNDS.—For purposes  
24           of subparagraphs (D) and (E) of paragraph (3), the  
25           prohibitions on the use of funds for matching re-

1        requirements under section 403(a)(5)(C)(vii) of the  
2        Social Security Act (42 U.S.C. 603(a)(5)(C)(vii))  
3        shall not apply to Federal or State funds to be used  
4        for transportation purposes.

5        “(f) UNDERTAKING PROJECTS IN ADVANCE.—

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

13                “(A) the recipient applies for the payment;

14                “(B) the Secretary approves the payment;

15                and

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

20                “(2) APPROVAL OF APPLICATION.—The Sec-  
21        retary may approve an application under paragraph  
22        (1) of this subsection only if an authorization for  
23        this section is in effect for the fiscal year to which  
24        the application applies. The Secretary may not ap-

1       prove an application if the payment will be more  
2       than—

3               “(A) the recipient’s expected apportion-  
4               ment under section 5336 of this title if the total  
5               amount authorized to be appropriated for the  
6               fiscal year to carry out this section is appro-  
7               priated; less

8               “(B) the maximum amount of the appor-  
9               tionment that may be made available for  
10              projects for operating expenses under this sec-  
11              tion.

12             “(3) FINANCING COSTS.—

13               “(A) IN GENERAL.—The cost of carrying  
14               out part of a project includes the amount of in-  
15               terest earned and payable on bonds issued by  
16               the recipient to the extent proceeds of the  
17               bonds are expended in carrying out the part.

18               “(B) LIMITATION ON THE AMOUNT OF IN-  
19               TEREST.—The amount of interest allowed  
20               under this paragraph may not be more than the  
21               most favorable financing terms reasonably  
22               available for the project at the time of bor-  
23               rowing.

24               “(C) CERTIFICATION.—The applicant shall  
25               certify, in a manner satisfactory to the Sec-

1           retary, that the applicant has shown reasonable  
2           diligence in seeking the most favorable financ-  
3           ing terms.

4           “(g) **REVIEWS, AUDITS, AND EVALUATIONS.**—

5           “(1) **ANNUAL REVIEW.**—

6                   “(A) **IN GENERAL.**—At least annually, the  
7           Secretary shall carry out, or require a recipient  
8           to have carried out independently, reviews and  
9           audits the Secretary considers appropriate to  
10          establish whether the recipient has carried  
11          out—

12                   “(i) the activities proposed under sub-  
13          section (d) of this section in a timely and  
14          effective way and can continue to do so;  
15          and

16                   “(ii) those activities and its certifi-  
17          cations and has used amounts of the Gov-  
18          ernment in the way required by law.

19           “(B) **AUDITING PROCEDURES.**—An audit  
20          of the use of amounts of the Government shall  
21          comply with the auditing procedures of the  
22          Comptroller General.

23           “(2) **TRIENNIAL REVIEW.**—At least once every  
24          3 years, the Secretary shall review and evaluate  
25          completely the performance of a recipient in carrying

1 out the recipient’s program, specifically referring to  
2 compliance with statutory and administrative re-  
3 quirements and the extent to which actual program  
4 activities are consistent with the activities proposed  
5 under subsection (d) of this section and the planning  
6 process required under sections 5303, 5304, and  
7 5305 of this title. To the extent practicable, the Sec-  
8 retary shall coordinate such reviews with any related  
9 State or local reviews.

10 “(3) ACTIONS RESULTING FROM REVIEW,  
11 AUDIT, OR EVALUATION.—The Secretary may take  
12 appropriate action consistent with a review, audit,  
13 and evaluation under this subsection, including mak-  
14 ing an appropriate adjustment in the amount of a  
15 grant or withdrawing the grant.

16 “(h) TREATMENT.—For purposes of this section, the  
17 United States Virgin Islands shall be treated as an urban-  
18 ized area, as defined in section 5302.

19 “(i) PASSENGER FERRY GRANT PROGRAM.—

20 “(1) IN GENERAL.—The Secretary may make  
21 grants under this subsection to recipients for pas-  
22 senger ferry projects that are eligible for a grant  
23 under subsection (a).

24 “(2) GRANT REQUIREMENTS.—Except as other-  
25 wise provided in this subsection, a grant under this



1 subsection shall be subject to the same terms and  
2 conditions as a grant under subsection (a).

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

6 “(4) GEOGRAPHICALLY CONSTRAINED AREAS.—  
7 Of the amounts made available to carry out this sub-  
8 section, \$10,000,000 shall be for capital grants re-  
9 lating to passenger ferries in areas with limited or  
10 no access to public transportation as a result of geo-  
11 graphical constraints.”

12 **SEC. 9. CLEAN FUEL GRANT PROGRAM.**

13 Section 5308 of title 49, United States Code, is  
14 amended to read as follows:

15 **“§ 5308. Clean fuel grant program**

16 “(a) DEFINITIONS.—In this section, the following  
17 definitions shall apply:

18 “(1) CLEAN FUEL BUS.—The term ‘clean fuel  
19 bus’ means a bus that is a clean fuel vehicle.

20 “(2) CLEAN FUEL VEHICLE.—The term ‘clean  
21 fuel vehicle’ means a passenger vehicle used to pro-  
22 vide public transportation that the Administrator of  
23 the Environmental Protection Agency has certified  
24 sufficiently reduces energy consumption or reduces  
25 harmful emissions, including lifecycle carbon emis-

1 sions, when compared to a comparable standard ve-  
2 hicle.

3 “(3) ELIGIBLE AREA.—The term ‘eligible area’  
4 means an area that is—

5 “(A) designated as a nonattainment area  
6 for ozone or carbon monoxide under section  
7 107(d) of the Clean Air Act (42 U.S.C.  
8 7407(d)); or

9 “(B) a maintenance area, as defined in  
10 section 5303, for ozone or carbon monoxide.

11 “(4) ELIGIBLE PROJECT.—The term ‘eligible  
12 project’ means a project or program of projects in  
13 an eligible area for—

14 “(A) acquiring or leasing clean fuel vehi-  
15 cles;

16 “(B) constructing or leasing facilities and  
17 related equipment for clean fuel vehicles;

18 “(C) constructing new public transpor-  
19 tation facilities to accommodate clean fuel vehi-  
20 cles; or

21 “(D) rehabilitating or improving existing  
22 public transportation facilities to accommodate  
23 clean fuel vehicles.

24 “(5) LIFECYCLE CARBON EMISSIONS.—The  
25 term ‘lifecycle carbon emissions’ means the aggre-

1 gate quantity of greenhouse gas emissions related to  
2 a full fuel lifecycle, as determined by the Adminis-  
3 trator of the Environmental Protection Agency.

4 “(6) RECIPIENT.—The term ‘recipient’  
5 means—

6 “(A) for an eligible area that is an urban-  
7 ized area with a population of fewer than  
8 200,000 individuals, as determined by the Bu-  
9 reau of the Census, the State in which the eligi-  
10 ble area is located; and

11 “(B) for an eligible area not described in  
12 subparagraph (A), the designated recipient for  
13 the eligible area.

14 “(b) AUTHORITY.—The Secretary may make grants  
15 to recipients to finance eligible projects under this section.

16 “(c) GRANT REQUIREMENTS.—

17 “(1) IN GENERAL.—A grant under this section  
18 shall be subject to the requirements of section 5307.

19 “(2) GOVERNMENT SHARE OF COSTS FOR CER-  
20 TAIN PROJECTS.—Section 5323(j)(2) applies to  
21 projects carried out under this section, unless the  
22 grant recipient requests a lower grant percentage.

23 “(d) MINIMUM AMOUNTS.—Of amounts made avail-  
24 able by or appropriated under section 5338(a)(2)(D) in  
25 each fiscal year to carry out this section—

1           “(1) not less than 65 percent shall be made  
2 available to fund eligible projects relating to clean  
3 fuel buses; and

4           “(2) not less than 10 percent shall be made  
5 available for eligible projects relating to facilities and  
6 related equipment for clean fuel buses.

7           “(e) COMPETITIVE PROCESS.—The Secretary shall  
8 solicit grant applications and make grants for eligible  
9 projects on a competitive basis.

10          “(f) AVAILABILITY OF FUNDS.—Any amounts made  
11 available or appropriated to carry out this section—

12           “(1) shall remain available to an eligible project  
13 for 2 years after the fiscal year for which the  
14 amount is made available or appropriated; and

15           “(2) that remain unobligated at the end of the  
16 period described in paragraph (1) shall be added to  
17 the amount made available to an eligible project in  
18 the following fiscal year.”.

19 **SEC. 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.**

20          “(a) IN GENERAL.—Section 5309 of title 49, United  
21 States Code, is amended to read as follows:

22 **“§ 5309. Fixed guideway capital investment grants**

23          “(a) DEFINITIONS.—In this section, the following  
24 definitions shall apply:

1           “(1) APPLICANT.—The term ‘applicant’ means  
2 a State or local governmental authority that applies  
3 for a grant under this section.

4           “(2) BUS RAPID TRANSIT PROJECT.—The term  
5 ‘bus rapid transit project’ means a single route bus  
6 capital project—

7                 “(A) a majority of which operates in a sep-  
8 arated right-of-way dedicated for public trans-  
9 portation use during peak periods;

10                “(B) that represents a substantial invest-  
11 ment in a single route in a defined corridor or  
12 subarea; and

13                “(C) that includes features that emulate  
14 the services provided by rail fixed guideway  
15 public transportation systems, including—

16                   “(i) defined stations;

17                   “(ii) traffic signal priority for public  
18 transportation vehicles;

19                   “(iii) short headway bidirectional serv-  
20 ices for a substantial part of weekdays and  
21 weekend days; and

22                   “(iv) any other features the Secretary  
23 may determine are necessary to produce  
24 high-quality public transportation services  
25 that emulate the services provided by rail

1 fixed guideway public transportation sys-  
2 tems.

3 “(3) CORE CAPACITY IMPROVEMENT  
4 PROJECT.—The term ‘core capacity improvement  
5 project’ means a substantial corridor-based capital  
6 investment in an existing fixed guideway system that  
7 adds capacity and functionality.

8 “(4) NEW FIXED GUIDEWAY CAPITAL  
9 PROJECT.—The term ‘new fixed guideway capital  
10 project’ means—

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

14 “(B) a bus rapid transit project that is a  
15 minimum operable segment or an extension to  
16 an existing bus rapid transit system.

17 “(5) PROGRAM OF INTERRELATED PROJECTS.—  
18 The term ‘program of interrelated projects’ means  
19 the simultaneous development of—

20 “(A) 2 or more new fixed guideway capital  
21 projects or core capacity improvement projects;  
22 or

23 “(B) 1 or more new fixed guideway capital  
24 projects and 1 or more core capacity improve-  
25 ment projects.

1       “(b) GENERAL AUTHORITY.—The Secretary may  
2 make grants under this section to State and local govern-  
3 mental authorities to assist in financing—

4           “(1) new fixed guideway capital projects, in-  
5 cluding the acquisition of real property, the initial  
6 acquisition of rolling stock for the system, the acqui-  
7 sition of rights-of-way, and relocation, for fixed  
8 guideway corridor development for projects in the  
9 advanced stages of project development or engineer-  
10 ing; and

11           “(2) core capacity improvement projects, includ-  
12 ing the acquisition of real property, the acquisition  
13 of rights-of-way, double tracking, signalization im-  
14 provements, electrification, expanding system plat-  
15 forms, acquisition of rolling stock, construction of  
16 infill stations, and such other capacity improvement  
17 projects as the Secretary determines are appro-  
18 priate.

19       “(c) GRANT REQUIREMENTS.—

20           “(1) IN GENERAL.—The Secretary may make a  
21 grant under this section for new fixed guideway cap-  
22 ital projects or core capacity improvement projects,  
23 if the Secretary determines that—

1           “(A) the project is part of an approved  
2           transportation plan required under sections  
3           5303 and 5304; and

4           “(B) the applicant has, or will have—

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

8                   “(ii) satisfactory continuing control  
9                   over the use of the equipment or facilities;  
10                  and

11                   “(iii) the technical and financial ca-  
12                   pacity to maintain new and existing equip-  
13                   ment and facilities.

14           “(2) CERTIFICATION.—An applicant that has  
15           submitted the certifications required under subpara-  
16           graphs (A), (B), (C), and (H) of section 5307(d)(1)  
17           shall be deemed to have provided sufficient informa-  
18           tion upon which the Secretary may make the deter-  
19           minations required under this subsection.

20           “(3) TECHNICAL CAPACITY.—The Secretary  
21           shall use an expedited technical capacity review  
22           process for applicants that have recently and suc-  
23           cessfully completed at least 1 new bus rapid transit  
24           project, new fixed guideway capital project, or core  
25           capacity improvement project, if—



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

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

8           “(4) RECIPIENT REQUIREMENTS.—A recipient  
9           of a grant awarded under this section shall be sub-  
10          ject to all terms, conditions, requirements, and pro-  
11          visions that the Secretary determines to be necessary  
12          or appropriate for purposes of this section.

13          “(d) NEW FIXED GUIDEWAY GRANTS.—

14           “(1) PROJECT DEVELOPMENT PHASE.—

15           “(A) ENTRANCE INTO PROJECT DEVELOP-  
16           MENT PHASE.—A new fixed guideway capital  
17           project shall enter into the project development  
18           phase when—

19           “(i) the applicant—

20           “(I) submits a letter to the Sec-  
21           retary describing the project and re-  
22           questing entry into the project devel-  
23           opment phase; and

24           “(II) initiates activities required  
25           to be carried out under the National

1 Environmental Policy Act of 1969 (42  
2 U.S.C. 4321 et seq.) with respect to  
3 the project; and

4 “(ii) the Secretary responds in writing  
5 to the applicant within 45 days whether  
6 the information provided is sufficient to  
7 enter into the project development phase,  
8 including, when necessary, a detailed de-  
9 scription of any information deemed insuf-  
10 ficient.

11 “(B) ACTIVITIES DURING PROJECT DEVEL-  
12 OPMENT PHASE.—Concurrent with the analysis  
13 required to be made under the National Envi-  
14 ronmental Policy Act of 1969 (42 U.S.C. 4321  
15 et seq.), each applicant shall develop sufficient  
16 information to enable the Secretary to make  
17 findings of project justification, policies and  
18 land use patterns that promote public transpor-  
19 tation, and local financial commitment under  
20 this subsection.

21 “(C) COMPLETION OF PROJECT DEVELOP-  
22 MENT ACTIVITIES REQUIRED.—

23 “(i) IN GENERAL.—Not later than 2  
24 years after the date on which a project en-  
25 ters into the project development phase,

1 the applicant shall complete the activities  
2 required to obtain a project rating under  
3 subsection (g)(2) and submit completed  
4 documentation to the Secretary.

5 “(ii) EXTENSION OF TIME.—Upon the  
6 request of an applicant, the Secretary may  
7 extend the time period under clause (i), if  
8 the applicant submits to the Secretary—

9 “(I) a reasonable plan for com-  
10 pleting the activities required under  
11 this paragraph; and

12 “(II) an estimated time period  
13 within which the applicant will com-  
14 plete such activities.

15 “(2) ENGINEERING PHASE.—

16 “(A) IN GENERAL.—A new fixed guideway  
17 capital project may advance to the engineering  
18 phase upon completion of activities required  
19 under the National Environmental Policy Act of  
20 1969 (42 U.S.C. 4321 et seq.), as demonstrated  
21 by a record of decision with respect to the  
22 project, a finding that the project has no sig-  
23 nificant impact, or a determination that the  
24 project is categorically excluded, only if the Sec-  
25 retary determines that the project—

1           “(i) is selected as the locally preferred  
2 alternative at the completion of the process  
3 required under the National Environ-  
4 mental Policy Act of 1969 (42 U.S.C.  
5 4321 et seq.);

6           “(ii) is adopted into the metropolitan  
7 transportation plan required under section  
8 5303;

9           “(iii) is justified based on a com-  
10 prehensive review of the project’s mobility  
11 improvements, environmental benefits, and  
12 cost-effectiveness, as measured by cost per  
13 rider;

14           “(iv) is supported by policies and land  
15 use patterns that promote public transpor-  
16 tation, including plans for future land use  
17 and rezoning, and economic development  
18 around public transportation stations; and

19           “(v) is supported by an acceptable de-  
20 gree of local financial commitment (includ-  
21 ing evidence of stable and dependable fi-  
22 nancing sources), as required under sub-  
23 section (f).

24           “(B) DETERMINATION THAT PROJECT IS  
25 JUSTIFIED.—In making a determination under

1           subparagraph (A)(iii), the Secretary shall evalu-  
2           ate, analyze, and consider—

3                   “(i) the reliability of the forecasting  
4                   methods used to estimate costs and utiliza-  
5                   tion made by the recipient and the contrac-  
6                   tors to the recipient; and

7                   “(ii) population density and current  
8                   public transportation ridership in the  
9                   transportation corridor.

10          “(e) CORE CAPACITY IMPROVEMENT PROJECTS.—

11               “(1) PROJECT DEVELOPMENT PHASE.—

12                   “(A) ENTRANCE INTO PROJECT DEVELOP-  
13                   MENT PHASE.—A core capacity improvement  
14                   project shall be deemed to have entered into the  
15                   project development phase if—

16                           “(i) the applicant—

17                                   “(I) submits a letter to the Sec-  
18                                   retary describing the project and re-  
19                                   questing entry into the project devel-  
20                                   opment phase; and

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

1           “(ii) the Secretary responds in writing  
2           to the applicant within 45 days whether  
3           the information provided is sufficient to  
4           enter into the project development phase,  
5           including when necessary a detailed de-  
6           scription of any information deemed insuf-  
7           ficient.

8           “(B) ACTIVITIES DURING PROJECT DEVEL-  
9           OPMENT PHASE.—Concurrent with the analysis  
10          required to be made under the National Envi-  
11          ronmental Policy Act of 1969 (42 U.S.C. 4321  
12          et seq.), each applicant shall develop sufficient  
13          information to enable the Secretary to make  
14          findings of project justification and local finan-  
15          cial commitment under this subsection.

16          “(C) COMPLETION OF PROJECT DEVELOP-  
17          MENT ACTIVITIES REQUIRED.—

18                 “(i) IN GENERAL.—Not later than 2  
19                 years after the date on which a project en-  
20                 ters into the project development phase,  
21                 the applicant shall complete the activities  
22                 required to obtain a project rating under  
23                 subsection (g)(2) and submit completed  
24                 documentation to the Secretary.

1                   “(ii) EXTENSION OF TIME.—Upon the  
2                   request of an applicant, the Secretary may  
3                   extend the time period under clause (i), if  
4                   the applicant submits to the Secretary—

5                   “(I) a reasonable plan for com-  
6                   pleting the activities required under  
7                   this paragraph; and

8                   “(II) an estimated time period  
9                   within which the applicant will com-  
10                  plete such activities.

11                 “(2) ENGINEERING PHASE.—

12                 “(A) IN GENERAL.—A core capacity im-  
13                 provement project may advance into the engi-  
14                 neering phase upon completion of activities re-  
15                 quired under the National Environmental Pol-  
16                 icy Act of 1969 (42 U.S.C. 4321 et seq.), as  
17                 demonstrated by a record of decision with re-  
18                 spect to the project, a finding that the project  
19                 has no significant impact, or a determination  
20                 that the project is categorically excluded, only if  
21                 the Secretary determines that the project—

22                 “(i) is selected as the locally preferred  
23                 alternative at the completion of the process  
24                 required under the National Environ-  
25                 mental Policy Act of 1969;

1                   “(ii) is adopted into the metropolitan  
2                   transportation plan required under section  
3                   5303;

4                   “(iii) is in a corridor that is—

5                               “(I) at or over capacity; or

6                               “(II) projected to be at or over  
7                   capacity within the next 5 years;

8                   “(iv) is justified based on a com-  
9                   prehensive review of the project’s mobility  
10                  improvements, environmental benefits, and  
11                  cost-effectiveness, as measured by cost per  
12                  rider; and

13                  “(v) is supported by an acceptable de-  
14                  gree of local financial commitment (includ-  
15                  ing evidence of stable and dependable fi-  
16                  nancing sources), as required under sub-  
17                  section (f).

18                  “(B) DETERMINATION THAT PROJECT IS  
19                  JUSTIFIED.—In making a determination under  
20                  subparagraph (A)(iv), the Secretary shall evalu-  
21                  ate, analyze, and consider—

22                               “(i) the reliability of the forecasting  
23                               methods used to estimate costs and utiliza-  
24                               tion made by the recipient and the contrac-  
25                               tors to the recipient;



1                   “(ii) whether the project will ade-  
2                   quately address the capacity concerns in a  
3                   corridor;

4                   “(iii) whether the project will improve  
5                   interconnectivity among existing systems;  
6                   and

7                   “(iv) whether the project will improve  
8                   environmental outcomes.

9                   “(f) FINANCING SOURCES.—

10                   “(1) REQUIREMENTS.—In determining whether  
11                   a project is supported by an acceptable degree of  
12                   local financial commitment and shows evidence of  
13                   stable and dependable financing sources for purposes  
14                   of subsection (d)(2)(A)(v) or (e)(2)(A)(v), the Sec-  
15                   retary shall require that—

16                   “(A) the proposed project plan provides for  
17                   the availability of contingency amounts that the  
18                   Secretary determines to be reasonable to cover  
19                   unanticipated cost increases or funding short-  
20                   falls;

21                   “(B) each proposed local source of capital  
22                   and operating financing is stable, reliable, and  
23                   available within the proposed project timetable;  
24                   and

1           “(C) local resources are available to recapitalize, maintain, and operate the overall existing  
2           and proposed public transportation system, including essential feeder bus and other services  
3           necessary to achieve the projected ridership levels without requiring a reduction in existing  
4           public transportation services or level of service to operate the project.  
5  
6  
7  
8

9           “(2) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources  
10          of local financing for purposes of subsection (d)(2)(A)(v) or (e)(2)(A)(v), the Secretary shall consider—  
11  
12  
13

14           “(A) the reliability of the forecasting methods used to estimate costs and revenues made  
15          by the recipient and the contractors to the recipient;  
16  
17

18           “(B) existing grant commitments;

19           “(C) the degree to which financing sources are dedicated to the proposed purposes;  
20

21           “(D) any debt obligation that exists, or is proposed by the recipient, for the proposed  
22          project or other public transportation purpose;  
23          and  
24

1           “(E) the extent to which the project has a  
2           local financial commitment that exceeds the re-  
3           quired non-Government share of the cost of the  
4           project.

5           “(g) PROJECT ADVANCEMENT AND RATINGS.—

6           “(1) PROJECT ADVANCEMENT.—A new fixed  
7           guideway capital project or core capacity improve-  
8           ment project proposed to be carried out using a  
9           grant under this section may not advance from the  
10          project development phase to the engineering phase,  
11          or from the engineering phase to the construction  
12          phase, unless the Secretary determines that—

13                  “(A) the project meets the applicable re-  
14                  quirements under this section; and

15                  “(B) there is a reasonable likelihood that  
16                  the project will continue to meet the require-  
17                  ments under this section.

18          “(2) RATINGS.—

19                  “(A) OVERALL RATING.—In making a de-  
20                  termination under paragraph (1), the Secretary  
21                  shall evaluate and rate a project as a whole on  
22                  a 5-point scale (high, medium-high, medium,  
23                  medium-low, or low) based on—

24                          “(i) in the case of a new fixed guide-  
25                          way capital project, the project justifica-

1           tion       criteria       under       subsection  
2           (d)(2)(A)(iii), the policies and land use  
3           patterns that support public transpor-  
4           tation, and the degree of local financial  
5           commitment; and

6           “ (ii) in the case of a core capacity im-  
7           provement project, the capacity needs of  
8           the corridor, the project justification cri-  
9           teria under subsection (e)(2)(A)(iv), and  
10          the degree of local financial commitment.

11          “(B) INDIVIDUAL RATINGS FOR EACH CRI-  
12          TERION.—In rating a project under this para-  
13          graph, the Secretary shall—

14               “(i) provide, in addition to the overall  
15               project rating under subparagraph (A), in-  
16               dividual ratings for each of the criteria es-  
17               tablished under subsection (d)(2)(A)(iii) or  
18               (e)(2)(A)(iv), as applicable; and

19               “(ii) give comparable, but not nec-  
20               essarily equal, numerical weight to each of  
21               the criteria established under subsections  
22               (d)(2)(A)(iii) or (e)(2)(A)(iv), as applica-  
23               ble, in calculating the overall project rating  
24               under clause (i).

1           “(C) MEDIUM RATING NOT REQUIRED.—  
2           The Secretary shall not require that any single  
3           project justification criterion meet or exceed a  
4           ‘medium’ rating in order to advance the project  
5           from one phase to another.

6           “(3) WARRANTS.—The Secretary shall, to the  
7           maximum extent practicable, develop and use special  
8           warrants for making a project justification deter-  
9           mination under subsection (d)(2) or (e)(2), as appli-  
10          cable, for a project proposed to be funded using a  
11          grant under this section, if—

12                  “(A) the share of the cost of the project to  
13                  be provided under this section does not ex-  
14                  ceed—

15                          “(i) \$100,000,000; or

16                          “(ii) 50 percent of the total cost of  
17                  the project;

18                  “(B) the applicant requests the use of the  
19                  warrants;

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

23                  “(D) the applicant meets any other re-  
24                  quirements that the Secretary considers appro-  
25                  priate to carry out this subsection.

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

8           “(5) POLICY GUIDANCE.—The Secretary shall  
9 issue policy guidance regarding the review and eval-  
10 uation process and criteria—

11                   “(A) not later than 180 days after the date  
12 of enactment of the Federal Public Transpor-  
13 tation Act of 2012; and

14                   “(B) each time the Secretary makes sig-  
15 nificant changes to the process and criteria, but  
16 not less frequently than once every 2 years.

17           “(6) RULES.—Not later than 1 year after the  
18 date of enactment of the Federal Public Transpor-  
19 tation Act of 2012, the Secretary shall issue rules  
20 establishing an evaluation and rating process for—

21                   “(A) new fixed guideway capital projects  
22 that is based on the results of project justifica-  
23 tion, policies and land use patterns that pro-  
24 mote public transportation, and local financial

1           commitment, as required under this subsection;  
2           and

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

7                   “(7) APPLICABILITY.—This subsection shall not  
8           apply to a project for which the Secretary issued a  
9           letter of intent, entered into a full funding grant  
10          agreement, or entered into a project construction  
11          agreement before the date of enactment of the Fed-  
12          eral Public Transportation Act of 2012.

13                   “(h) PROGRAMS OF INTERRELATED PROJECTS.—

14                           “(1) PROJECT DEVELOPMENT PHASE.—A fed-  
15           erally funded project in a program of interrelated  
16           projects shall advance through project development  
17           as provided in subsection (d) or (e), as applicable.

18                           “(2) ENGINEERING PHASE.—A federally funded  
19           project in a program of interrelated projects may ad-  
20           vance into the engineering phase upon completion of  
21           activities required under the National Environmental  
22           Policy Act of 1969 (42 U.S.C. 4321 et seq.), as  
23           demonstrated by a record of decision with respect to  
24           the project, a finding that the project has no signifi-  
25           cant impact, or a determination that the project is

1 categorically excluded, only if the Secretary deter-  
2 mines that—

3 “(A) the project is selected as the locally  
4 preferred alternative at the completion of the  
5 process required under the National Environ-  
6 mental Policy Act of 1969;

7 “(B) the project is adopted into the metro-  
8 politan transportation plan required under sec-  
9 tion 5303;

10 “(C) the program of interrelated projects  
11 involves projects that have a logical connectivity  
12 to one another;

13 “(D) the program of interrelated projects,  
14 when evaluated as a whole, meets the require-  
15 ments of subsection (d)(2) or (e)(2), as applica-  
16 ble;

17 “(E) the program of interrelated projects  
18 is supported by a program implementation plan  
19 demonstrating that construction will begin on  
20 each of the projects in the program of inter-  
21 related projects within a reasonable time frame;  
22 and

23 “(F) the program of interrelated projects  
24 is supported by an acceptable degree of local fi-



1 nancial commitment, as described in subsection  
2 (f).

3 “(3) PROJECT ADVANCEMENT AND RATINGS.—

4 “(A) PROJECT ADVANCEMENT.—A project  
5 receiving a grant under this section that is part  
6 of a program of interrelated projects may not  
7 advance from the project development phase to  
8 the engineering phase, or from the engineering  
9 phase to the construction phase, unless the Sec-  
10 retary determines that the program of inter-  
11 related projects meets the applicable require-  
12 ments of this section and there is a reasonable  
13 likelihood that the program will continue to  
14 meet such requirements.

15 “(B) RATINGS.—

16 “(i) OVERALL RATING.—In making a  
17 determination under subparagraph (A), the  
18 Secretary shall evaluate and rate a pro-  
19 gram of interrelated projects on a 5-point  
20 scale (high, medium-high, medium, me-  
21 dium-low, or low) based on the criteria de-  
22 scribed in paragraph (2).

23 “(ii) INDIVIDUAL RATING FOR EACH  
24 CRITERION.—In rating a program of inter-  
25 related projects, the Secretary shall pro-

1           vide, in addition to the overall program  
2           rating, individual ratings for each of the  
3           criteria described in paragraph (2) and  
4           shall give comparable, but not necessarily  
5           equal, numerical weight to each such cri-  
6           terion in calculating the overall program  
7           rating.

8           “(iii) MEDIUM RATING NOT RE-  
9           QUIRED.—The Secretary shall not require  
10          that any single criterion described in para-  
11          graph (2) meet or exceed a ‘medium’ rat-  
12          ing in order to advance the program of  
13          interrelated projects from one phase to an-  
14          other.

15          “(4) ANNUAL REVIEW.—

16               “(A) REVIEW REQUIRED.—The Secretary  
17               shall annually review the program implementa-  
18               tion plan required under paragraph (2)(E) to  
19               determine whether the program of interrelated  
20               projects is adhering to its schedule.

21               “(B) EXTENSION OF TIME.—If a program  
22               of interrelated projects is not adhering to its  
23               schedule, the Secretary may, upon the request  
24               of the applicant, grant an extension of time if

1 the applicant submits a reasonable plan that in-  
2 cludes—

3 “(i) evidence of continued adequate  
4 funding; and

5 “(ii) an estimated time frame for com-  
6 pleting the program of interrelated  
7 projects.

8 “(C) SATISFACTORY PROGRESS RE-  
9 QUIRED.—If the Secretary determines that a  
10 program of interrelated projects is not making  
11 satisfactory progress, no Federal funds shall be  
12 provided for a project within the program of  
13 interrelated projects.

14 “(5) FAILURE TO CARRY OUT PROGRAM OF  
15 INTERRELATED PROJECTS.—

16 “(A) REPAYMENT REQUIRED.—If an appli-  
17 cant does not carry out the program of inter-  
18 related projects within a reasonable time, for  
19 reasons within the control of the applicant, the  
20 applicant shall repay all Federal funds provided  
21 for the program, and any reasonable interest  
22 and penalty charges that the Secretary may es-  
23 tablish.

24 “(B) CREDITING OF FUNDS RECEIVED.—  
25 Any funds received by the Government under

1           this paragraph, other than interest and penalty  
2           charges, shall be credited to the appropriation  
3           account from which the funds were originally  
4           derived.

5           “(6) NON-FEDERAL FUNDS.—Any non-Federal  
6           funds committed to a project in a program of inter-  
7           related projects may be used to meet a non-Govern-  
8           ment share requirement for any other project in the  
9           program of interrelated projects, if the Government  
10          share of the cost of each project within the program  
11          of interrelated projects does not exceed 80 percent.

12          “(7) PRIORITY.—In making grants under this  
13          section, the Secretary may give priority to programs  
14          of interrelated projects for which the non-Govern-  
15          ment share of the cost of the projects included in the  
16          programs of interrelated projects exceed the non-  
17          Government share required under subsection (k).

18          “(8) NON-GOVERNMENT PROJECTS.—Including  
19          a project not financed by the Government in a pro-  
20          gram of interrelated projects does not impose Gov-  
21          ernment requirements that would not otherwise  
22          apply to the project.

23          “(i) PREVIOUSLY ISSUED LETTER OF INTENT OR  
24          FULL FUNDING GRANT AGREEMENT.—Subsections (d)  
25          and (e) shall not apply to projects for which the Secretary

1 has issued a letter of intent, entered into a full funding  
2 grant agreement, or entered into a project construction  
3 grant agreement before the date of enactment of the Fed-  
4 eral Public Transportation Act of 2012.

5 “(j) LETTERS OF INTENT, FULL FUNDING GRANT  
6 AGREEMENTS, AND EARLY SYSTEMS WORK AGREE-  
7 MENTS.—

8 “(1) LETTERS OF INTENT.—

9 “(A) AMOUNTS INTENDED TO BE OBLI-  
10 GATED.—The Secretary may issue a letter of  
11 intent to an applicant announcing an intention  
12 to obligate, for a new fixed guideway capital  
13 project or core capacity improvement project,  
14 an amount from future available budget author-  
15 ity specified in law that is not more than the  
16 amount stipulated as the financial participation  
17 of the Secretary in the project. When a letter  
18 is issued for a capital project under this section,  
19 the amount shall be sufficient to complete at  
20 least an operable segment.

21 “(B) TREATMENT.—The issuance of a let-  
22 ter under subparagraph (A) is deemed not to be  
23 an obligation under sections 1108(c), 1501, and  
24 1502(a) of title 31, United States Code, or an  
25 administrative commitment.

1 “(2) FULL FUNDING GRANT AGREEMENTS.—

2 “(A) IN GENERAL.—A new fixed guideway  
3 capital project or core capacity improvement  
4 project shall be carried out through a full fund-  
5 ing grant agreement.

6 “(B) CRITERIA.—The Secretary shall enter  
7 into a full funding grant agreement, based on  
8 the evaluations and ratings required under sub-  
9 sections (d), (e), or (h), as applicable, with each  
10 grantee receiving assistance for a new fixed  
11 guideway capital project or core capacity im-  
12 provement project that has been rated as high,  
13 medium-high, or medium, in accordance with  
14 subsection (g)(2)(A) or (h)(3)(B), as applicable.

15 “(C) TERMS.—A full funding grant agree-  
16 ment shall—

17 “(i) establish the terms of participa-  
18 tion by the Government in a new fixed  
19 guideway capital project or core capacity  
20 improvement project;

21 “(ii) establish the maximum amount  
22 of Federal financial assistance for the  
23 project;

24 “(iii) include the period of time for  
25 completing the project, even if that period

1 extends beyond the period of an authoriza-  
2 tion; and

3 “(iv) make timely and efficient man-  
4 agement of the project easier according to  
5 the law of the United States.

6 “(D) SPECIAL FINANCIAL RULES.—

7 “(i) IN GENERAL.—A full funding  
8 grant agreement under this paragraph ob-  
9 ligates an amount of available budget au-  
10 thority specified in law and may include a  
11 commitment, contingent on amounts to be  
12 specified in law in advance for commit-  
13 ments under this paragraph, to obligate an  
14 additional amount from future available  
15 budget authority specified in law.

16 “(ii) STATEMENT OF CONTINGENT  
17 COMMITMENT.—The agreement shall state  
18 that the contingent commitment is not an  
19 obligation of the Government.

20 “(iii) INTEREST AND OTHER FINANC-  
21 ING COSTS.—Interest and other financing  
22 costs of efficiently carrying out a part of  
23 the project within a reasonable time are a  
24 cost of carrying out the project under a  
25 full funding grant agreement, except that

1 eligible costs may not be more than the  
2 cost of the most favorable financing terms  
3 reasonably available for the project at the  
4 time of borrowing. The applicant shall cer-  
5 tify, in a way satisfactory to the Secretary,  
6 that the applicant has shown reasonable  
7 diligence in seeking the most favorable fi-  
8 nancing terms.

9 “(iv) COMPLETION OF OPERABLE  
10 SEGMENT.—The amount stipulated in an  
11 agreement under this paragraph for a new  
12 fixed guideway capital project shall be suf-  
13 ficient to complete at least an operable seg-  
14 ment.

15 “(E) BEFORE AND AFTER STUDY.—

16 “(i) IN GENERAL.—A full funding  
17 grant agreement under this paragraph  
18 shall require the applicant to conduct a  
19 study that—

20 “(I) describes and analyzes the  
21 impacts of the new fixed guideway  
22 capital project or core capacity im-  
23 provement project on public transpor-  
24 tation services and public transpor-  
25 tation ridership;



1                   “(II) evaluates the consistency of  
2 predicted and actual project charac-  
3 teristics and performance; and

4                   “(III) identifies reasons for dif-  
5 ferences between predicted and actual  
6 outcomes.

7                   “(ii) INFORMATION COLLECTION AND  
8 ANALYSIS PLAN.—

9                   “(I) SUBMISSION OF PLAN.—Ap-  
10 plicants seeking a full funding grant  
11 agreement under this paragraph shall  
12 submit a complete plan for the collec-  
13 tion and analysis of information to  
14 identify the impacts of the new fixed  
15 guideway capital project or core ca-  
16 pacity improvement project and the  
17 accuracy of the forecasts prepared  
18 during the development of the project.  
19 Preparation of this plan shall be in-  
20 cluded in the full funding grant agree-  
21 ment as an eligible activity.

22                   “(II) CONTENTS OF PLAN.—The  
23 plan submitted under subclause (I)  
24 shall provide for—

1                   “(aa) the collection of data  
2 on the current public transpor-  
3 tation system regarding public  
4 transportation service levels and  
5 ridership patterns, including ori-  
6 gins and destinations, access  
7 modes, trip purposes, and rider  
8 characteristics;

9                   “(bb) documentation of the  
10 predicted scope, service levels,  
11 capital costs, operating costs, and  
12 ridership of the project;

13                   “(cc) collection of data on  
14 the public transportation system  
15 2 years after the opening of a  
16 new fixed guideway capital  
17 project or core capacity improve-  
18 ment project, including analogous  
19 information on public transpor-  
20 tation service levels and ridership  
21 patterns and information on the  
22 as-built scope, capital, and fi-  
23 nancing costs of the project; and



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

4           “(B) CONTENTS.—

5           “(i) IN GENERAL.—An early systems  
6 work agreement under this paragraph obli-  
7 gates budget authority available under this  
8 chapter and title 23 and shall provide for  
9 reimbursement of preliminary costs of car-  
10 rying out the project, including land acqui-  
11 sition, timely procurement of system ele-  
12 ments for which specifications are decided,  
13 and other activities the Secretary decides  
14 are appropriate to make efficient, long-  
15 term project management easier.

16           “(ii) CONTINGENT COMMITMENT.—An  
17 early systems work agreement may include  
18 a commitment, contingent on amounts to  
19 be specified in law in advance for commit-  
20 ments under this paragraph, to obligate an  
21 additional amount from future available  
22 budget authority specified in law.

23           “(iii) PERIOD COVERED.—A work  
24 agreement under this paragraph shall  
25 cover the period of time the Secretary con-

1           siders appropriate. The period may extend  
2           beyond the period of current authorization.

3           “(iv) INTEREST AND OTHER FINANC-  
4           ING COSTS.—Interest and other financing  
5           costs of efficiently carrying out the work  
6           agreement within a reasonable time are a  
7           cost of carrying out the agreement, except  
8           that eligible costs may not be more than  
9           the cost of the most favorable financing  
10          terms reasonably available for the project  
11          at the time of borrowing. The applicant  
12          shall certify, in a way satisfactory to the  
13          Secretary, that the applicant has shown  
14          reasonable diligence in seeking the most  
15          favorable financing terms.

16          “(v) FAILURE TO CARRY OUT  
17          PROJECT.—If an applicant does not carry  
18          out the project for reasons within the con-  
19          trol of the applicant, the applicant shall  
20          repay all Federal grant funds awarded for  
21          the project from all Federal funding  
22          sources, for all project activities, facilities,  
23          and equipment, plus reasonable interest  
24          and penalty charges allowable by law or es-

1           tablISHED BY THE SECRETARY IN THE EARLY SYS-  
2           TEMS WORK AGREEMENT.

3           “(vi) CREDITING OF FUNDS RE-  
4           CEIVED.—Any funds received by the Gov-  
5           ernment under this paragraph, other than  
6           interest and penalty charges, shall be cred-  
7           ited to the appropriation account from  
8           which the funds were originally derived.

9           “(4) LIMITATION ON AMOUNTS.—

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

17           “(B) APPROPRIATION REQUIRED.—An ob-  
18           ligation may be made under this subsection only  
19           when amounts are appropriated for the obliga-  
20           tion.

21           “(5) NOTIFICATION TO CONGRESS.—At least 30  
22           days before issuing a letter of intent, entering into  
23           a full funding grant agreement, or entering into an  
24           early systems work agreement under this section, the  
25           Secretary shall notify, in writing, the Committee on

1 Banking, Housing, and Urban Affairs and the Com-  
2 mittee on Appropriations of the Senate and the  
3 Committee on Transportation and Infrastructure  
4 and the Committee on Appropriations of the House  
5 of Representatives of the proposed letter or agree-  
6 ment. The Secretary shall include with the notifica-  
7 tion a copy of the proposed letter or agreement as  
8 well as the evaluations and ratings for the project.

9 “(k) GOVERNMENT SHARE OF NET CAPITAL  
10 PROJECT COST.—

11 “(1) IN GENERAL.—Based on engineering stud-  
12 ies, studies of economic feasibility, and information  
13 on the expected use of equipment or facilities, the  
14 Secretary shall estimate the net capital project cost.  
15 A grant for the project shall not exceed 80 percent  
16 of the net capital project cost.

17 “(2) ADJUSTMENT FOR COMPLETION UNDER  
18 BUDGET.—The Secretary may adjust the final net  
19 capital project cost of a new fixed guideway capital  
20 project or core capacity improvement project evalu-  
21 ated under subsection (d), (e), or (h) to include the  
22 cost of eligible activities not included in the origi-  
23 nally defined project if the Secretary determines that  
24 the originally defined project has been completed at

1 a cost that is significantly below the original esti-  
2 mate.

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

6 “(A) the Secretary determines that the net  
7 capital project cost of the project is not more  
8 than 10 percent higher than the net capital  
9 project cost estimated at the time the project  
10 was approved for advancement into the engi-  
11 neering phase; and

12 “(B) the ridership estimated for the  
13 project is not less than 90 percent of the rider-  
14 ship estimated for the project at the time the  
15 project was approved for advancement into the  
16 engineering phase.

17 “(4) REMAINDER OF NET CAPITAL PROJECT  
18 COST.—The remainder of net capital project costs  
19 shall be provided from an undistributed cash sur-  
20 plus, a replacement or depreciation cash fund or re-  
21 serve, or new capital.

22 “(5) LIMITATION ON STATUTORY CONSTRUC-  
23 TION.—Nothing in this section shall be construed as  
24 authorizing the Secretary to require a non-Federal



1 financial commitment for a project that is more than  
2 20 percent of the net capital project cost.

3 “(6) SPECIAL RULE FOR ROLLING STOCK  
4 COSTS.—In addition to amounts allowed pursuant to  
5 paragraph (1), a planned extension to a fixed guide-  
6 way system may include the cost of rolling stock pre-  
7 viously purchased if the applicant satisfies the Sec-  
8 retary that only amounts other than amounts pro-  
9 vided by the Government were used and that the  
10 purchase was made for use on the extension. A re-  
11 fund or reduction of the remainder may be made  
12 only if a refund of a proportional amount of the  
13 grant of the Government is made at the same time.

14 “(7) LIMITATION ON APPLICABILITY.—This  
15 subsection shall not apply to projects for which the  
16 Secretary entered into a full funding grant agree-  
17 ment before the date of enactment of the Federal  
18 Public Transportation Act of 2012.

19 “(1) UNDERTAKING PROJECTS IN ADVANCE.—

20 “(1) IN GENERAL.—The Secretary may pay the  
21 Government share of the net capital project cost to  
22 a State or local governmental authority that carries  
23 out any part of a project described in this section  
24 without the aid of amounts of the Government and

1 according to all applicable procedures and require-  
2 ments if—

3 “(A) the State or local governmental au-  
4 thority applies for the payment;

5 “(B) the Secretary approves the payment;  
6 and

7 “(C) before the State or local govern-  
8 mental authority carries out the part of the  
9 project, the Secretary approves the plans and  
10 specifications for the part in the same way as  
11 other projects under this section.

12 “(2) FINANCING COSTS.—

13 “(A) IN GENERAL.—The cost of carrying  
14 out part of a project includes the amount of in-  
15 terest earned and payable on bonds issued by  
16 the State or local governmental authority to the  
17 extent proceeds of the bonds are expended in  
18 carrying out the part.

19 “(B) LIMITATION ON AMOUNT OF INTER-  
20 EST.—The amount of interest under this para-  
21 graph may not be more than the most favorable  
22 interest terms reasonably available for the  
23 project at the time of borrowing.

24 “(C) CERTIFICATION.—The applicant shall  
25 certify, in a manner satisfactory to the Sec-

1           retary, that the applicant has shown reasonable  
2           diligence in seeking the most favorable financial  
3           terms.

4           “(m) AVAILABILITY OF AMOUNTS.—

5           “(1) IN GENERAL.—An amount made available  
6           or appropriated for a new fixed guideway capital  
7           project or core capacity improvement project shall  
8           remain available to that project for 5 fiscal years, in-  
9           cluding the fiscal year in which the amount is made  
10          available or appropriated. Any amounts that are un-  
11          obligated to the project at the end of the 5-fiscal-  
12          year period may be used by the Secretary for any  
13          purpose under this section.

14          “(2) USE OF DEOBLIGATED AMOUNTS.—An  
15          amount available under this section that is  
16          deobligated may be used for any purpose under this  
17          section.

18          “(n) REPORTS ON NEW FIXED GUIDEWAY AND CORE  
19 CAPACITY IMPROVEMENT PROJECTS.—

20          “(1) ANNUAL REPORT ON FUNDING REC-  
21 OMMENDATIONS.—Not later than the first Monday  
22 in February of each year, the Secretary shall submit  
23 to the Committee on Banking, Housing, and Urban  
24 Affairs and the Committee on Appropriations of the  
25 Senate and the Committee on Transportation and

1 Infrastructure and the Committee on Appropriations  
2 of the House of Representatives a report that in-  
3 cludes—

4 “(A) a proposal of allocations of amounts  
5 to be available to finance grants for projects  
6 under this section among applicants for these  
7 amounts;

8 “(B) evaluations and ratings, as required  
9 under subsections (d), (e), and (h) for each  
10 such project that is in project development, en-  
11 gineering, or has received a full funding grant  
12 agreement; and

13 “(C) recommendations of such projects for  
14 funding based on the evaluations and ratings  
15 and on existing commitments and anticipated  
16 funding levels for the next 3 fiscal years based  
17 on information currently available to the Sec-  
18 retary.

19 “(2) REPORTS ON BEFORE AND AFTER STUD-  
20 IES.—Not later than the first Monday in August of  
21 each year, the Secretary shall submit to the commit-  
22 tees described in paragraph (1) a report containing  
23 a summary of the results of any studies conducted  
24 under subsection (j)(2)(E).

1           “(3) ANNUAL GAO REVIEW.—The Comptroller  
2           General of the United States shall—

3                   “(A) conduct an annual review of—

4                           “(i) the processes and procedures for  
5                           evaluating, rating, and recommending new  
6                           fixed guideway capital projects and core  
7                           capacity improvement projects; and

8                           “(ii) the Secretary’s implementation  
9                           of such processes and procedures; and

10                   “(B) report to Congress on the results of  
11                   such review by May 31 of each year.”.

12           (b) PILOT PROGRAM FOR EXPEDITED PROJECT DE-  
13           LIVERY.—

14                   (1) DEFINITIONS.—In this subsection the fol-  
15                   lowing definitions shall apply:

16                           (A) ELIGIBLE PROJECT.—The term “eligi-  
17                           ble project” means a new fixed guideway capital  
18                           project or a core capacity improvement project,  
19                           as those terms are defined in section 5309 of  
20                           title 49, United States Code, as amended by  
21                           this section, that has not entered into a full  
22                           funding grant agreement with the Federal  
23                           Transit Administration before the date of en-  
24                           actment of the Federal Public Transportation  
25                           Act of 2012.

1 (B) PROGRAM.—The term “program”  
2 means the pilot program for expedited project  
3 delivery established under this subsection.

4 (C) RECIPIENT.—The term “recipient”  
5 means a recipient of funding under chapter 53  
6 of title 49, United States Code.

7 (D) SECRETARY.—The term “Secretary”  
8 means the Secretary of Transportation.

9 (2) ESTABLISHMENT.—The Secretary shall es-  
10 tablish and implement a pilot program to dem-  
11 onstrate whether innovative project development and  
12 delivery procurement methods or innovative financ-  
13 ing arrangements can expedite project delivery for  
14 certain meritorious new fixed guideway capital  
15 projects and core capacity improvement projects.

16 (3) LIMITATION ON NUMBER OF PROJECTS.—  
17 The Secretary shall select 3 eligible projects to par-  
18 ticipate in the program, of which—

19 (A) at least 1 shall be an eligible project  
20 requesting more than \$100,000,000 in Federal  
21 financial assistance under section 5309 of title  
22 49, United States Code; and

23 (B) at least 1 shall be an eligible project  
24 requesting less than \$100,000,000 in Federal

1 financial assistance under section 5309 of title  
2 49, United States Code.

3 (4) GOVERNMENT SHARE.—The Government  
4 share of the total cost of an eligible project that par-  
5 ticipates in the program may not exceed 50 percent.

6 (5) ELIGIBILITY.—A recipient that desires to  
7 participate in the program shall submit to the Sec-  
8 retary an application that contains, at a minimum—

9 (A) identification of an eligible project;

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

13 (C) an analysis of the efficiencies of the  
14 proposed project development and delivery  
15 methods or innovative financing arrangement  
16 for the eligible project; and

17 (D) a certification that the recipient's ex-  
18 isting public transportation system is in a state  
19 of good repair.

20 (6) SELECTION CRITERIA.—The Secretary may  
21 award a full funding grant agreement under this  
22 subsection if the Secretary determines that—

23 (A) the recipient has completed planning  
24 and the activities required under the National

1 Environmental Policy Act of 1969 (42 U.S.C.  
2 4321 et seq.); and

3 (B) the recipient has the necessary legal,  
4 financial, and technical capacity to carry out  
5 the eligible project.

6 (7) BEFORE AND AFTER STUDY AND RE-  
7 PORT.—

8 (A) STUDY REQUIRED.—A full funding  
9 grant agreement under this paragraph shall re-  
10 quire a recipient to conduct a study that—

11 (i) describes and analyzes the impacts  
12 of the eligible project on public transpor-  
13 tation services and public transportation  
14 ridership;

15 (ii) describes and analyzes the consist-  
16 ency of predicted and actual benefits and  
17 costs of the innovative project development  
18 and delivery methods or innovative financ-  
19 ing for the eligible project; and

20 (iii) identifies reasons for any dif-  
21 ferences between predicted and actual out-  
22 comes for the eligible project.

23 (B) SUBMISSION OF REPORT.—Not later  
24 than 9 months after an eligible project selected  
25 to participate in the program begins revenue



1 operations, the recipient shall submit to the  
2 Secretary a report on the results of the study  
3 under subparagraph (A).

4 **SEC. 11. FORMULA GRANTS FOR ENHANCED MOBILITY OF**  
5 **SENIORS AND INDIVIDUALS WITH DISABIL-**  
6 **ITIES.**

7 Section 5310 of title 49, United States Code, is  
8 amended to read as follows:

9 **“§ 5310. Formula grants for the enhanced mobility of**  
10 **seniors and individuals with disabilities**

11 “(a) DEFINITIONS.—In this section, the following  
12 definitions shall apply:

13 “(1) RECIPIENT.—The term ‘recipient’ means a  
14 designated recipient or a State that receives a grant  
15 under this section directly.

16 “(2) SUBRECIPIENT.—The term ‘subrecipient’  
17 means a State or local governmental authority, non-  
18 profit organization, or operator of public transpor-  
19 tation that receives a grant under this section indi-  
20 rectly through a recipient.

21 “(b) GENERAL AUTHORITY.—

22 “(1) GRANTS.—The Secretary may make  
23 grants under this section to recipients for—

24 “(A) public transportation capital projects  
25 planned, designed, and carried out to meet the

1 special needs of seniors and individuals with  
2 disabilities when public transportation is insuf-  
3 ficient, inappropriate, or unavailable;

4 “(B) public transportation projects that  
5 exceed the requirements of the Americans with  
6 Disabilities Act of 1990 (42 U.S.C. 12101 et  
7 seq.);

8 “(C) public transportation projects that  
9 improve access to fixed route service and de-  
10 crease reliance by individuals with disabilities  
11 on complementary paratransit; and

12 “(D) alternatives to public transportation  
13 that assist seniors and individuals with disabil-  
14 ities with transportation.

15 “(2) LIMITATIONS FOR CAPITAL PROJECTS.—

16 “(A) AMOUNT AVAILABLE.—The amount  
17 available for capital projects under paragraph  
18 (1)(A) shall be not less than 55 percent of the  
19 funds apportioned to the recipient under this  
20 section.

21 “(B) ALLOCATION TO SUBRECIPIENTS.—A  
22 recipient of a grant under paragraph (1)(A)  
23 may allocate the amounts provided under the  
24 grant to—

25 “(i) a nonprofit organization; or

1                   “(ii) a State or local governmental au-  
2                   thority that—

3                                 “(I) is approved by a State to co-  
4                                 ordinate services for seniors and indi-  
5                                 viduals with disabilities; or

6                                 “(II) certifies that there are no  
7                                 nonprofit organizations readily avail-  
8                                 able in the area to provide the services  
9                                 described in paragraph (1)(A).

10                   “(3) ADMINISTRATIVE EXPENSES.—

11                                 “(A) IN GENERAL.—A recipient may use  
12                                 not more than 10 percent of the amounts ap-  
13                                 portioned to the recipient under this section to  
14                                 administer, plan, and provide technical assist-  
15                                 ance for a project funded under this section.

16                                 “(B) GOVERNMENT SHARE OF COSTS.—  
17                                 The Government share of the costs of admin-  
18                                 istering a program carried out using funds  
19                                 under this section shall be 100 percent.

20                   “(4) ELIGIBLE CAPITAL EXPENSES.—The ac-  
21                   quisition of public transportation services is an eligi-  
22                   ble capital expense under this section.

23                   “(5) COORDINATION.—

24                                 “(A) DEPARTMENT OF TRANSPOR-  
25                   TATION.—To the maximum extent feasible, the

1 Secretary shall coordinate activities under this  
2 section with related activities under other Fed-  
3 eral departments and agencies.

4 “(B) OTHER FEDERAL AGENCIES AND  
5 NONPROFIT ORGANIZATIONS.—A State or local  
6 governmental agency or nonprofit organization  
7 that receives assistance from Government  
8 sources (other than the Department of Trans-  
9 portation) for nonemergency transportation  
10 services shall—

11 “(i) participate and coordinate with  
12 recipients of assistance under this chapter  
13 in the design and delivery of transportation  
14 services; and

15 “(ii) participate in the planning for  
16 the transportation services described in  
17 clause (i).

18 “(6) PROGRAM OF PROJECTS.—

19 “(A) IN GENERAL.—Amounts made avail-  
20 able to carry out this section may be used for  
21 transportation projects to assist in providing  
22 transportation services for seniors and individ-  
23 uals with disabilities, if such transportation  
24 projects are included in a program of projects.

1           “(B) SUBMISSION.—A recipient shall an-  
2 nually submit a program of projects to the Sec-  
3 retary.

4           “(C) ASSURANCE.—The program of  
5 projects submitted under subparagraph (B)  
6 shall contain an assurance that the program  
7 provides for the maximum feasible coordination  
8 of transportation services assisted under this  
9 section with transportation services assisted by  
10 other Government sources.

11           “(7) MEAL DELIVERY FOR HOMEBOUND INDI-  
12 VIDUALS.—A public transportation service provider  
13 that receives assistance under this section or section  
14 5311(e) may coordinate and assist in regularly pro-  
15 viding meal delivery service for homebound individ-  
16 uals, if the delivery service does not conflict with  
17 providing public transportation service or reduce  
18 service to public transportation passengers.

19           “(c) APPORTIONMENT AND TRANSFERS.—

20           “(1) FORMULA.—The Secretary shall apportion  
21 amounts made available to carry out this section as  
22 follows:

23           “(A) LARGE URBANIZED AREAS.—Sixty  
24 percent of the funds shall be apportioned  
25 among designated recipients for urbanized

1 areas with a population of 200,000 or more in-  
2 dividuals, as determined by the Bureau of the  
3 Census, in the ratio that—

4 “(i) the number of seniors and indi-  
5 viduals with disabilities in each such ur-  
6 banized area; bears to

7 “(ii) the number of seniors and indi-  
8 viduals with disabilities in all such urban-  
9 ized areas.

10 “(B) SMALL URBANIZED AREAS.—Twenty  
11 percent of the funds shall be apportioned  
12 among the States in the ratio that—

13 “(i) the number of seniors and indi-  
14 viduals with disabilities in urbanized areas  
15 with a population of fewer than 200,000  
16 individuals, as determined by the Bureau  
17 of the Census, in each State; bears to

18 “(ii) the number of seniors and indi-  
19 viduals with disabilities in urbanized areas  
20 with a population of fewer than 200,000  
21 individuals, as determined by the Bureau  
22 of the Census, in all States.

23 “(C) OTHER THAN URBANIZED AREAS.—  
24 Twenty percent of the funds shall be appor-  
25 tioned among the States in the ratio that—

1                   “(i) the number of seniors and indi-  
2                   viduals with disabilities in other than ur-  
3                   banized areas in each State; bears to

4                   “(ii) the number of seniors and indi-  
5                   viduals with disabilities in other than ur-  
6                   banized areas in all States.

7                   “(2) AREAS SERVED BY PROJECTS.—

8                   “(A) IN GENERAL.—Except as provided in  
9                   subparagraph (B)—

10                   “(i) funds apportioned under para-  
11                   graph (1)(A) shall be used for projects  
12                   serving urbanized areas with a population  
13                   of 200,000 or more individuals, as deter-  
14                   mined by the Bureau of the Census;

15                   “(ii) funds apportioned under para-  
16                   graph (1)(B) shall be used for projects  
17                   serving urbanized areas with a population  
18                   of fewer than 200,000 individuals, as de-  
19                   termined by the Bureau of the Census; and

20                   “(iii) funds apportioned under para-  
21                   graph (1)(C) shall be used for projects  
22                   serving other than urbanized areas.

23                   “(B) EXCEPTIONS.—A State may use  
24                   funds apportioned to the State under subpara-  
25                   graph (B) or (C) of paragraph (1)—

1           “(i) for a project serving an area  
2           other than an area specified in subpara-  
3           graph (A)(ii) or (A)(iii), as the case may  
4           be, if the Governor of the State certifies  
5           that all of the objectives of this section are  
6           being met in the area specified in subpara-  
7           graph (A)(ii) or (A)(iii); or

8           “(ii) for a project anywhere in the  
9           State, if the State has established a state-  
10          wide program for meeting the objectives of  
11          this section.

12          “(C) LIMITED TO ELIGIBLE PROJECTS.—  
13          Any funds transferred pursuant to subpara-  
14          graph (B) shall be made available only for eligi-  
15          ble projects selected under this section.

16          “(D) CONSULTATION.—A recipient may  
17          transfer an amount under subparagraph (B)  
18          only after consulting with responsible local offi-  
19          cials, publicly owned operators of public trans-  
20          portation, and nonprofit providers in the area  
21          for which the amount was originally appor-  
22          tioned.

23          “(d) GOVERNMENT SHARE OF COSTS.—

24                 “(1) CAPITAL PROJECTS.—A grant for a capital  
25                 project under this section shall be in an amount



1 equal to 80 percent of the net capital costs of the  
2 project, as determined by the Secretary.

3 “(2) OPERATING ASSISTANCE.—A grant made  
4 under this section for operating assistance may not  
5 exceed an amount equal to 50 percent of the net op-  
6 erating costs of the project, as determined by the  
7 Secretary.

8 “(3) REMAINDER OF NET COSTS.—The remain-  
9 der of the net costs of a project carried out under  
10 this section—

11 “(A) may be provided from an undistrib-  
12 uted cash surplus, a replacement or deprecia-  
13 tion cash fund or reserve, a service agreement  
14 with a State or local social service agency or a  
15 private social service organization, or new cap-  
16 ital; and

17 “(B) may be derived from amounts appro-  
18 priated or otherwise made available—

19 “(i) to a department or agency of the  
20 Government (other than the Department of  
21 Transportation) that are eligible to be ex-  
22 pended for transportation; or

23 “(ii) to carry out the Federal lands  
24 highways program under section 204 of  
25 title 23, United States Code.

1           “(4) USE OF CERTAIN FUNDS.—For purposes  
2 of paragraph (3)(B)(i), the prohibition under section  
3 403(a)(5)(C)(vii) of the Social Security Act (42  
4 U.S.C. 603(a)(5)(C)(vii)) on the use of grant funds  
5 for matching requirements shall not apply to Fed-  
6 eral or State funds to be used for transportation  
7 purposes.

8           “(e) GRANT REQUIREMENTS.—

9           “(1) IN GENERAL.—A grant under this section  
10 shall be subject to the same requirements as a grant  
11 under section 5307, to the extent the Secretary de-  
12 termines appropriate.

13           “(2) CERTIFICATION REQUIREMENTS.—

14           “(A) PROJECT SELECTION AND PLAN DE-  
15 VELOPMENT.—Before receiving a grant under  
16 this section, each recipient shall certify that—

17           “(i) the projects selected by the recipi-  
18 ent are included in a locally developed, co-  
19 ordinated public transit-human services  
20 transportation plan;

21           “(ii) the plan described in clause (i)  
22 was developed and approved through a  
23 process that included participation by sen-  
24 iors, individuals with disabilities, represent-  
25 atives of public, private, and nonprofit

1 transportation and human services pro-  
2 viders and other members of the public;  
3 and

4 “(iii) to the maximum extent feasible,  
5 the services funded under this section will  
6 be coordinated with transportation services  
7 assisted by other Federal departments and  
8 agencies.

9 “(B) ALLOCATIONS TO SUBRECIPIENTS.—  
10 If a recipient allocates funds received under this  
11 section to subrecipients, the recipient shall cer-  
12 tify that the funds are allocated on a fair and  
13 equitable basis.

14 “(f) COMPETITIVE PROCESS FOR GRANTS TO SUB-  
15 RECIPIENTS.—

16 “(1) AREAWIDE SOLICITATIONS.—A recipient of  
17 funds apportioned under subsection (c)(1)(A) may  
18 conduct, in cooperation with the appropriate metro-  
19 politan planning organization, an areawide solici-  
20 tation for applications for grants under this section.

21 “(2) STATEWIDE SOLICITATIONS.—A recipient  
22 of funds apportioned under subparagraph (B) or (C)  
23 of subsection (c)(1) may conduct a statewide solici-  
24 tation for applications for grants under this section.

1           “(3) APPLICATION.—If the recipient elects to  
2           engage in a competitive process, a recipient or sub-  
3           recipient seeking to receive a grant from funds ap-  
4           portioned under subsection (c) shall submit to the  
5           recipient making the election an application in such  
6           a form and in accordance with such requirements as  
7           the recipient making the election shall establish.

8           “(g) TRANSFERS OF FACILITIES AND EQUIPMENT.—  
9           A recipient may transfer a facility or equipment acquired  
10          using a grant under this section to any other recipient eli-  
11          gible to receive assistance under this chapter, if—

12           “(1) the recipient in possession of the facility or  
13          equipment consents to the transfer; and

14           “(2) the facility or equipment will continue to  
15          be used as required under this section.

16          “(h) PERFORMANCE MEASURES.—

17           “(1) IN GENERAL.—Not later than 1 year after  
18          the date of enactment of the Federal Public Trans-  
19          portation Act of 2012, the Secretary shall issue a  
20          final rule to establish performance measures for  
21          grants under this section.

22           “(2) TARGETS.—Not later than 3 months after  
23          the date on which the Secretary issues a final rule  
24          under paragraph (1), and each fiscal year thereafter,  
25          each recipient that receives Federal financial assist-

1       ance under this section shall establish performance  
2       targets in relation to the performance measures es-  
3       tablished by the Secretary.

4               “(3) REPORTS.—Each recipient of Federal fi-  
5       nancial assistance under this section shall submit to  
6       the Secretary an annual report that describes—

7                       “(A) the progress of the recipient toward  
8       meeting the performance targets established  
9       under paragraph (2) for that fiscal year; and

10                      “(B) the performance targets established  
11       by the recipient for the subsequent fiscal year.”.

12 **SEC. 12. FORMULA GRANTS FOR OTHER THAN URBANIZED**  
13                       **AREAS.**

14       Section 5311 of title 49, United States Code, is  
15       amended to read as follows:

16 **“§ 5311. Formula grants for other than urbanized**  
17                       **areas**

18       “(a) DEFINITIONS.—As used in this section, the fol-  
19       lowing definitions shall apply:

20                      “(1) RECIPIENT.—The term ‘recipient’ means a  
21       State or Indian tribe that receives a Federal transit  
22       program grant directly from the Government.

23                      “(2) SUBRECIPIENT.—The term ‘subrecipient’  
24       means a State or local governmental authority, a  
25       nonprofit organization, or an operator of public

1 transportation or intercity bus service that receives  
2 Federal transit program grant funds indirectly  
3 through a recipient.

4 “(b) GENERAL AUTHORITY.—

5 “(1) GRANTS AUTHORIZED.—Except as pro-  
6 vided by paragraph (2), the Secretary may award  
7 grants under this section to recipients located in  
8 areas other than urbanized areas for—

9 “(A) planning, provided that a grant under  
10 this section for planning activities shall be in  
11 addition to funding awarded to a State under  
12 section 5305 for planning activities that are di-  
13 rected specifically at the needs of other than ur-  
14 banized areas in the State;

15 “(B) public transportation capital projects;

16 “(C) operating costs of equipment and fa-  
17 cilities for use in public transportation; and

18 “(D) the acquisition of public transpor-  
19 tation services, including service agreements  
20 with private providers of public transportation  
21 services.

22 “(2) STATE PROGRAM.—

23 “(A) IN GENERAL.—A project eligible for a  
24 grant under this section shall be included in a  
25 State program for public transportation service

1 projects, including agreements with private pro-  
2 viders of public transportation service.

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

6 “(C) APPROVAL.—The Secretary may not  
7 approve the program unless the Secretary de-  
8 termines that—

9 “(i) the program provides a fair dis-  
10 tribution of amounts in the State, includ-  
11 ing Indian reservations; and

12 “(ii) the program provides the max-  
13 imum feasible coordination of public trans-  
14 portation service assisted under this sec-  
15 tion with transportation service assisted by  
16 other Federal sources.

17 “(3) RURAL TRANSPORTATION ASSISTANCE  
18 PROGRAM.—

19 “(A) IN GENERAL.—The Secretary shall  
20 carry out a rural transportation assistance pro-  
21 gram in other than urbanized areas.

22 “(B) GRANTS AND CONTRACTS.—In car-  
23 rying out this paragraph, the Secretary may use  
24 not more than 2 percent of the amount made  
25 available under section 5338(a)(2)(F) to make

1 grants and contracts for transportation re-  
2 search, technical assistance, training, and re-  
3 lated support services in other than urbanized  
4 areas.

5 “(C) PROJECTS OF A NATIONAL SCOPE.—  
6 Not more than 15 percent of the amounts avail-  
7 able under subparagraph (B) may be used by  
8 the Secretary to carry out projects of a national  
9 scope, with the remaining balance provided to  
10 the States.

11 “(4) DATA COLLECTION.—Each recipient under  
12 this section shall submit an annual report to the  
13 Secretary containing information on capital invest-  
14 ment, operations, and service provided with funds  
15 received under this section, including—

16 “(A) total annual revenue;

17 “(B) sources of revenue;

18 “(C) total annual operating costs;

19 “(D) total annual capital costs;

20 “(E) fleet size and type, and related facili-  
21 ties;

22 “(F) revenue vehicle miles; and

23 “(G) ridership.

24 “(c) APPORTIONMENTS.—



1           “(1) PUBLIC TRANSPORTATION ON INDIAN RES-  
2           ERVATIONS.—Of the amounts made available or ap-  
3           propriated for each fiscal year pursuant to section  
4           5338(a)(2)(F) to carry out this paragraph, the fol-  
5           lowing amounts shall be apportioned each fiscal year  
6           for grants to Indian tribes for any purpose eligible  
7           under this section, under such terms and conditions  
8           as may be established by the Secretary:

9                   “(A) \$10,000,000 shall be distributed on a  
10                   competitive basis by the Secretary.

11                   “(B) \$20,000,000 shall be apportioned as  
12                   formula grants, as provided in subsection (k).

13           “(2) APPALACHIAN DEVELOPMENT PUBLIC  
14           TRANSPORTATION ASSISTANCE PROGRAM.—

15                   “(A) DEFINITIONS.—In this paragraph—

16                           “(i) the term ‘Appalachian region’ has  
17                           the same meaning as in section 14102 of  
18                           title 40; and

19                           “(ii) the term ‘eligible recipient’  
20                           means a State that participates in a pro-  
21                           gram established under subtitle IV of title  
22                           40.

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

1           “(C) APPORTIONMENT.—Of amounts made  
2 available or appropriated for each fiscal year  
3 under section 5338(a)(2)(F) to carry out this  
4 paragraph, the Secretary shall apportion funds  
5 to eligible recipients for any purpose eligible  
6 under this section, based on the guidelines es-  
7 tablished under section 9.5(b) of the Appa-  
8 lachian Regional Commission Code.

9           “(D) SPECIAL RULE.—An eligible recipient  
10 may use amounts that cannot be used for oper-  
11 ating expenses under this paragraph for a high-  
12 way project if—

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

18                   “(ii) the eligible recipient, in approv-  
19 ing the use of amounts under this subpara-  
20 graph, determines that the local transit  
21 needs are being addressed.

22           “(3) REMAINING AMOUNTS.—

23           “(A) IN GENERAL.—The amounts made  
24 available or appropriated for each fiscal year  
25 pursuant to section 5338(a)(2)(F) that are not

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

3           “(B) APPORTIONMENT BASED ON LAND  
4           AREA AND POPULATION IN NONURBANIZED  
5           AREAS.—

6           “(i) IN GENERAL.—83.15 percent of  
7           the amount described in subparagraph (A)  
8           shall be apportioned to the States in ac-  
9           cordance with this subparagraph.

10          “(ii) LAND AREA.—

11           “(I) IN GENERAL.—Subject to  
12           subclause (II), each State shall receive  
13           an amount that is equal to 20 percent  
14           of the amount apportioned under  
15           clause (i), multiplied by the ratio of  
16           the land area in areas other than ur-  
17           banized areas in that State and di-  
18           vided by the land area in all areas  
19           other than urbanized areas in the  
20           United States, as shown by the most  
21           recent decennial census of population.

22           “(II) MAXIMUM APPORTION-  
23           MENT.—No State shall receive more  
24           than 5 percent of the amount appor-  
25           tioned under subclause (I).



1 United States, as shown by the most re-  
2 cent decennial census of population.

3 “(iii) REVENUE VEHICLE-MILES.—  
4 Subject to clause (v), each State shall re-  
5 ceive an amount that is equal to 29.68 per-  
6 cent of the amount apportioned under  
7 clause (i), multiplied by the ratio of rev-  
8 enue vehicle-miles in areas other than ur-  
9 banized areas in that State and divided by  
10 the revenue vehicle-miles in all areas other  
11 than urbanized areas in the United States,  
12 as determined by national transit database  
13 reporting.

14 “(iv) LOW-INCOME INDIVIDUALS.—  
15 Each State shall receive an amount that is  
16 equal to 40.64 percent of the amount ap-  
17 portioned under clause (i), multiplied by  
18 the ratio of low-income individuals in areas  
19 other than urbanized areas in that State  
20 and divided by the number of low-income  
21 individuals in all areas other than urban-  
22 ized areas in the United States, as shown  
23 by the Bureau of the Census.

24 “(v) MAXIMUM APPORTIONMENT.—No  
25 State shall receive—

1                   “(I) more than 5 percent of the  
2                   amount apportioned under clause (ii);

3                   or

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

6           “(d) USE FOR LOCAL TRANSPORTATION SERVICE.—

7 A State may use an amount apportioned under this sec-  
8 tion for a project included in a program under subsection  
9 (b) of this section and eligible for assistance under this  
10 chapter if the project will provide local transportation  
11 service, as defined by the Secretary of Transportation, in  
12 an area other than an urbanized area.

13           “(e) USE FOR ADMINISTRATION, PLANNING, AND

14 TECHNICAL ASSISTANCE.—The Secretary may allow a

15 State to use not more than 15 percent of the amount ap-

16 portioned under this section to administer this section and

17 provide technical assistance to a subrecipient, including

18 project planning, program and management development,

19 coordination of public transportation programs, and re-

20 search the State considers appropriate to promote effec-

21 tive delivery of public transportation to an area other than

22 an urbanized area.

23           “(f) INTERCITY BUS TRANSPORTATION.—

24                   “(1) IN GENERAL.—A State shall expend at

25                   least 15 percent of the amount made available in

1 each fiscal year to carry out a program to develop  
2 and support intercity bus transportation. Eligible ac-  
3 tivities under the program include—

4 “(A) planning and marketing for intercity  
5 bus transportation;

6 “(B) capital grants for intercity bus shel-  
7 ters;

8 “(C) joint-use stops and depots;

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

12 “(E) coordinating rural connections be-  
13 tween small public transportation operations  
14 and intercity bus carriers.

15 “(2) CERTIFICATION.—A State does not have  
16 to comply with paragraph (1) of this subsection in  
17 a fiscal year in which the Governor of the State cer-  
18 tifies to the Secretary, after consultation with af-  
19 fected intercity bus service providers, that the inter-  
20 city bus service needs of the State are being met  
21 adequately.

22 “(g) ACCESS TO JOBS PROJECTS.—

23 “(1) IN GENERAL.—Amounts made available  
24 under section 5338(a)(2)(F) may be used to carry

1 out a program to develop and maintain job access  
2 projects. Eligible projects may include—

3 “(A) a project relating to the development  
4 and maintenance of public transportation serv-  
5 ices designed to transport eligible low-income  
6 individuals to and from jobs and activities re-  
7 lated to their employment, including—

8 “(i) public transportation projects to  
9 finance planning, capital, and operating  
10 costs of providing access to jobs under this  
11 chapter;

12 “(ii) promoting public transportation  
13 by low-income workers, including the use  
14 of public transportation by workers with  
15 nontraditional work schedules;

16 “(iii) promoting the use of transit  
17 vouchers for welfare recipients and eligible  
18 low-income individuals; and

19 “(iv) promoting the use of employer-  
20 provided transportation, including the  
21 transit pass benefit program under section  
22 132 of the Internal Revenue Code of 1986;  
23 and



1           “(B) transportation projects designed to  
2 support the use of public transportation includ-  
3 ing—

4           “(i) enhancements to existing public  
5 transportation service for workers with  
6 non-traditional hours or reverse commutes;

7           “(ii) guaranteed ride home programs;

8           “(iii) bicycle storage facilities; and

9           “(iv) projects that otherwise facilitate  
10 the provision of public transportation serv-  
11 ices to employment opportunities.

12           “(2) PROJECT SELECTION AND PLAN DEVELOP-  
13 MENT.—Each grant recipient under this subsection  
14 shall certify that—

15           “(A) the projects selected were included in  
16 a locally developed, coordinated public transit-  
17 human services transportation plan;

18           “(B) the plan was developed and approved  
19 through a process that included individuals with  
20 low incomes, representatives of public, private,  
21 and nonprofit transportation and human serv-  
22 ices providers and participation by the public;

23           “(C) to the maximum extent feasible, serv-  
24 ices funded under this subsection are coordi-

1 nated with transportation services funded by  
2 other Federal departments and agencies; and

3 “(D) allocations of the grant to subrecipi-  
4 ents, if any, are distributed on a fair and equi-  
5 table basis.

6 “(3) COMPETITIVE PROCESS FOR GRANTS TO  
7 SUBRECIPIENTS.—

8 “(A) STATEWIDE SOLICITATIONS.—A  
9 State may conduct a Statewide solicitation for  
10 applications for grants to recipients and sub-  
11 recipients under this subsection.

12 “(B) APPLICATION.—If the State elects to  
13 engage in a competitive process, recipients and  
14 subrecipients seeking to receive a grant from  
15 apportioned funds shall submit to the State an  
16 application in the form and in accordance with  
17 such requirements as the State shall establish.

18 “(h) GOVERNMENT SHARE OF COSTS.—

19 “(1) CAPITAL PROJECTS.—

20 “(A) IN GENERAL.—Except as provided by  
21 subparagraph (B), a grant awarded under this  
22 section for a capital project or project adminis-  
23 trative expenses shall be for 80 percent of the  
24 net costs of the project, as determined by the  
25 Secretary.

1           “(B) EXCEPTION.—A State described in  
2 section 120(b) of title 23 shall receive a Gov-  
3 ernment share of the net costs in accordance  
4 with the formula under that section.

5           “(2) OPERATING ASSISTANCE.—

6           “(A) IN GENERAL.—Except as provided by  
7 subparagraph (B), a grant made under this sec-  
8 tion for operating assistance may not exceed 50  
9 percent of the net operating costs of the  
10 project, as determined by the Secretary.

11           “(B) EXCEPTION.—A State described in  
12 section 120(b) of title 23 shall receive a Gov-  
13 ernment share of the net operating costs equal  
14 to 62.5 percent of the Government share pro-  
15 vided for under paragraph (1)(B).

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

18           “(A) may be provided from an undistrib-  
19 uted cash surplus, a replacement or deprecia-  
20 tion cash fund or reserve, a service agreement  
21 with a State or local social service agency or a  
22 private social service organization, or new cap-  
23 ital;

24           “(B) may be derived from amounts appro-  
25 priated or otherwise made available to a depart-

1           ment or agency of the Government (other than  
2           the Department of Transportation) that are eli-  
3           gible to be expended for transportation; and

4                   “(C) notwithstanding subparagraph (B),  
5           may be derived from amounts made available to  
6           carry out the Federal lands highway program  
7           established by section 204 of title 23.

8           “(4) USE OF CERTAIN FUNDS.—For purposes  
9           of paragraph (3)(B), the prohibitions on the use of  
10          funds for matching requirements under section  
11          403(a)(5)(C)(vii) of the Social Security Act (42  
12          U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal  
13          or State funds to be used for transportation pur-  
14          poses.

15          “(5) LIMITATION ON OPERATING ASSIST-  
16          ANCE.—A State carrying out a program of operating  
17          assistance under this section may not limit the level  
18          or extent of use of the Government grant for the  
19          payment of operating expenses.

20          “(i) TRANSFER OF FACILITIES AND EQUIPMENT.—  
21          With the consent of the recipient currently having a facil-  
22          ity or equipment acquired with assistance under this sec-  
23          tion, a State may transfer the facility or equipment to any  
24          recipient eligible to receive assistance under this chapter

1 if the facility or equipment will continue to be used as  
2 required under this section.

3 “(j) RELATIONSHIP TO OTHER LAWS.—

4 “(1) IN GENERAL.—Section 5333(b) applies to  
5 this section if the Secretary of Labor utilizes a spe-  
6 cial warranty that provides a fair and equitable ar-  
7 rangement to protect the interests of employees.

8 “(2) RULE OF CONSTRUCTION.—This sub-  
9 section does not affect or discharge a responsibility  
10 of the Secretary of Transportation under a law of  
11 the United States.

12 “(k) FORMULA GRANTS FOR PUBLIC TRANSPOR-  
13 TATION ON INDIAN RESERVATIONS.—

14 “(1) APPORTIONMENT.—

15 “(A) IN GENERAL.—Of the amounts de-  
16 scribed in subsection (c)(1)(B)—

17 “(i) 50 percent of the total amount  
18 shall be apportioned so that each Indian  
19 tribe providing public transportation serv-  
20 ice shall receive an amount equal to the  
21 total amount apportioned under this clause  
22 multiplied by the ratio of the number of  
23 revenue vehicle miles provided by an In-  
24 dian tribe divided by the total number of

1 revenue vehicle miles provided by all In-  
2 dian tribes, as reported to the Secretary;

3 “(ii) 25 percent of the total amount  
4 shall be apportioned equally among each  
5 Indian tribe providing at least 200,000 ve-  
6 hicle revenue miles of public transportation  
7 service annually, as reported to the Sec-  
8 retary;

9 “(iii) 25 percent of the total amount  
10 shall be apportioned among each Indian  
11 tribe providing public transportation on  
12 tribal lands on which more than 1,000 low-  
13 income individuals reside (as determined  
14 by the Bureau of the Census) so that each  
15 Indian tribe shall receive an amount equal  
16 to the total amount apportioned under this  
17 clause multiplied by the ratio of the num-  
18 ber of low-income individuals residing on  
19 an Indian tribe’s lands divided by the total  
20 number of low-income individuals on tribal  
21 lands on which more than 1,000 low-in-  
22 come individuals reside .

23 “(B) LIMITATION.—No recipient shall re-  
24 ceive more than \$300,000 of the amounts ap-

1           portioned under subparagraph (A)(iii) in a fis-  
2           cal year.

3           “(C) REMAINING AMOUNTS.—Of the  
4           amounts made available under subparagraph  
5           (A)(iii), any amounts not apportioned under  
6           that subparagraph shall be allocated among In-  
7           dian tribes receiving less than \$300,000 in a  
8           fiscal year according to the formula specified in  
9           that clause.

10          “(D) LOW-INCOME INDIVIDUALS.—For  
11          purposes of subparagraph (A)(iii), the term  
12          ‘low-income individual’ means an individual  
13          whose family income is at or below 100 percent  
14          of the poverty line, as that term is defined in  
15          section 673(2) of the Community Services  
16          Block Grant Act (42 U.S.C. 9902(2)), including  
17          any revision required by that section, for a fam-  
18          ily of the size involved.

19          “(2) NON-TRIBAL SERVICE PROVIDERS.—A re-  
20          cipient that is an Indian tribe may use funds appor-  
21          tioned under this subsection to finance public trans-  
22          portation services provided by a non-tribal provider  
23          of public transportation that connects resident of  
24          tribal lands with surrounding communities, improves

1 access to employment or healthcare, or otherwise ad-  
2 dresses the mobility needs of tribal members.”.

3 **SEC. 13. RESEARCH, DEVELOPMENT, DEMONSTRATION,**  
4 **AND DEPLOYMENT PROJECTS.**

5 Section 5312 of title 49, United States Code, is  
6 amended to read as follows:

7 **“§ 5312. Research, development, demonstration, and**  
8 **deployment projects**

9 “(a) RESEARCH, DEVELOPMENT, DEMONSTRATION,  
10 AND DEPLOYMENT PROJECTS.—

11 “(1) IN GENERAL.—The Secretary may make  
12 grants and enter into contracts, cooperative agree-  
13 ments, and other agreements for research, develop-  
14 ment, demonstration, and deployment projects, and  
15 evaluation of research and technology of national  
16 significance to public transportation, that the Sec-  
17 retary determines will improve public transportation.

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

22 “(A) departments, agencies, and instru-  
23 mentalities of the Government;

24 “(B) State and local governmental entities;

25 “(C) providers of public transportation;



1 “(D) private or non-profit organizations;

2 “(E) institutions of higher education; and

3 “(F) technical and community colleges.

4 “(3) APPLICATION.—

5 “(A) IN GENERAL.—To receive a grant,  
6 contract, cooperative agreement, or other agree-  
7 ment under this section, an entity described in  
8 paragraph (2) shall submit an application to  
9 the Secretary.

10 “(B) FORM AND CONTENTS.—An applica-  
11 tion under subparagraph (A) shall be in such  
12 form and contain such information as the Sec-  
13 retary may require, including—

14 “(i) a statement of purpose detailing  
15 the need being addressed;

16 “(ii) the short- and long-term goals of  
17 the project, including opportunities for fu-  
18 ture innovation and development, the po-  
19 tential for deployment, and benefits to rid-  
20 ers and public transportation; and

21 “(iii) short- and long-term funding re-  
22 quirements to complete the project and any  
23 future objectives of the project.

24 “(b) RESEARCH.—

1           “(1) IN GENERAL.—The Secretary may make a  
2           grant to or enter into a contract, cooperative agree-  
3           ment, or other agreement under this section with an  
4           entity described in subsection (a)(2) to carry out a  
5           public transportation research project that has as its  
6           ultimate goal the development and deployment of  
7           new and innovative ideas, practices, and approaches.

8           “(2) PROJECT ELIGIBILITY.—A public trans-  
9           portation research project that receives assistance  
10          under paragraph (1) shall focus on—

11           “(A) providing more effective and efficient  
12          public transportation service, including services  
13          to—

14                   “(i) seniors;

15                   “(ii) individuals with disabilities; and

16                   “(iii) individuals with lower incomes;

17           “(B) mobility management and improve-  
18          ments and travel management systems;

19           “(C) data and communication system ad-  
20          vancements;

21           “(D) system capacity, including—

22                   “(i) train control;

23                   “(ii) capacity improvements; and

24                   “(iii) performance management;

25           “(E) capital and operating efficiencies;

1                   “(F) planning and forecasting modeling  
2                   and simulation;

3                   “(G) advanced vehicle design;

4                   “(H) advancements in vehicle technology;

5                   “(I) asset maintenance and repair systems  
6                   advancement;

7                   “(J) construction and project management;

8                   “(K) alternative fuels;

9                   “(L) the environment and energy effi-  
10                  ciency;

11                  “(M) safety improvements; or

12                  “(N) any other area that the Secretary de-  
13                  termines is important to advance the interests  
14                  of public transportation.

15                  “(c) INNOVATION AND DEVELOPMENT.—

16                  “(1) IN GENERAL.—The Secretary may make a  
17                  grant to or enter into a contract, cooperative agree-  
18                  ment, or other agreement under this section with an  
19                  entity described in subsection (a)(2) to carry out a  
20                  public transportation innovation and development  
21                  project that seeks to improve public transportation  
22                  systems nationwide in order to provide more efficient  
23                  and effective delivery of public transportation serv-  
24                  ices, including through technology and technological  
25                  capacity improvements.

1           “(2) PROJECT ELIGIBILITY.—A public trans-  
2           portation innovation and development project that  
3           receives assistance under paragraph (1) shall focus  
4           on—

5                   “(A) the development of public transpor-  
6                   tation research projects that received assistance  
7                   under subsection (b) that the Secretary deter-  
8                   mines were successful;

9                   “(B) planning and forecasting modeling  
10                  and simulation;

11                  “(C) capital and operating efficiencies;

12                  “(D) advanced vehicle design;

13                  “(E) advancements in vehicle technology;

14                  “(F) the environment and energy effi-  
15                  ciency;

16                  “(G) system capacity, including train con-  
17                  trol and capacity improvements; or

18                  “(H) any other area that the Secretary de-  
19                  termines is important to advance the interests  
20                  of public transportation.

21           “(d) DEMONSTRATION, DEPLOYMENT, AND EVALUA-  
22           TION.—

23                   “(1) IN GENERAL.—The Secretary may, under  
24                   terms and conditions that the Secretary prescribes,  
25                   make a grant to or enter into contract, cooperative

1 agreement, or other agreement with an entity de-  
2 scribed in paragraph (2) to promote the early de-  
3 ployment and demonstration of innovation in public  
4 transportation that has broad applicability.

5 “(2) PARTICIPANTS.—An entity described in  
6 this paragraph is—

7 “(A) an entity described in subsection  
8 (a)(2); or

9 “(B) a consortium of entities described in  
10 subsection (a)(2), including a provider of public  
11 transportation, that will share the costs, risks,  
12 and rewards of early deployment and dem-  
13 onstration of innovation.

14 “(3) PROJECT ELIGIBILITY.—A project that re-  
15 ceives assistance under paragraph (1) shall seek to  
16 build on successful research, innovation, and devel-  
17 opment efforts to facilitate—

18 “(A) the deployment of research and tech-  
19 nology development resulting from private ef-  
20 forts or federally funded efforts; and

21 “(B) the implementation of research and  
22 technology development to advance the interests  
23 of public transportation.

24 “(4) EVALUATION.—Not later than 2 years  
25 after the date on which a project receives assistance

1 under paragraph (1) the Secretary shall conduct a  
2 comprehensive evaluation of the success or failure of  
3 the projects funded under this subsection and any  
4 plan for broad-based implementation of the innova-  
5 tion promoted by successful projects.

6 “(e) ANNUAL REPORT ON RESEARCH.—Not later  
7 than the first Monday in February of each year, the Sec-  
8 retary shall submit to the Committee on Banking, Hous-  
9 ing, and Urban Affairs and the Committee on Appropria-  
10 tions of the Senate and the Committee on Transportation  
11 and Infrastructure and the Committee on Appropriations  
12 of the House of Representatives a report that includes—

13 “(1) a description of each project that received  
14 assistance under this section during the preceding  
15 fiscal year;

16 “(2) an evaluation of each project described in  
17 paragraph (1), including any evaluation conducted  
18 under subsection (d)(4) for the preceding fiscal year;  
19 and

20 “(3) a proposal for allocations of amounts for  
21 assistance under this section for the subsequent fis-  
22 cal year.

23 “(f) GOVERNMENT SHARE OF COSTS.—

1           “(1) IN GENERAL.—The Government share of  
2 the cost of a project carried out under this section  
3 shall not exceed 80 percent.

4           “(2) NON-GOVERNMENT SHARE.—The non-Gov-  
5 ernment share of the cost of a project carried out  
6 under this section may be derived from in-kind con-  
7 tributions.

8           “(3) FINANCIAL BENEFIT.—If the Secretary  
9 determines that there would be a clear and direct fi-  
10 nancial benefit to an entity under a grant, contract,  
11 cooperative agreement, or other agreement under  
12 this section, the Secretary shall establish a Govern-  
13 ment share of the costs of the project to be carried  
14 out under the grant, contract, cooperative agree-  
15 ment, or other agreement that is consistent with the  
16 benefit.”.

17 **SEC. 14. TECHNICAL ASSISTANCE AND STANDARDS DEVEL-**  
18 **OPMENT.**

19 Section 5314 of title 49, United States Code, is  
20 amended to read as follows:

21 **“§ 5314. Technical assistance and standards develop-**  
22 **ment**

23           “(a) TECHNICAL ASSISTANCE AND STANDARDS DE-  
24 VELOPMENT.—

1           “(1) IN GENERAL.—The Secretary may make  
2 grants and enter into contracts, cooperative agree-  
3 ments, and other agreements (including agreements  
4 with departments, agencies, and instrumentalities of  
5 the Government) to carry out activities that the Sec-  
6 retary determines will assist recipients of assistance  
7 under this chapter to—

8           “(A) more effectively and efficiently pro-  
9 vide public transportation service;

10           “(B) administer funds received under this  
11 chapter in compliance with Federal law; and

12           “(C) improve public transportation.

13           “(2) ELIGIBLE ACTIVITIES.—The activities car-  
14 ried out under paragraph (1) may include—

15           “(A) technical assistance; and

16           “(B) the development of standards and  
17 best practices by the public transportation in-  
18 dustry.

19           “(b) TECHNICAL ASSISTANCE CENTERS.—

20           “(1) DEFINITION.—In this subsection, the term  
21 ‘eligible entity’ means a nonprofit organization, an  
22 institution of higher education, or a technical or  
23 community college.

24           “(2) IN GENERAL.—The Secretary may make  
25 grants to and enter into contracts, cooperative



1 agreements, and other agreements with eligible enti-  
2 ties to administer centers to provide technical assist-  
3 ance, including—

4 “(A) the development of tools and guid-  
5 ance; and

6 “(B) the dissemination of best practices.

7 “(3) COMPETITIVE PROCESS.—The Secretary  
8 may make grants and enter into contracts, coopera-  
9 tive agreements, and other agreements under para-  
10 graph (2) through a competitive process on a bian-  
11 nual basis for technical assistance in each of the fol-  
12 lowing categories:

13 “(A) Human services transportation co-  
14 ordination, including—

15 “(i) transportation for seniors;

16 “(ii) transportation for individuals  
17 with disabilities; and

18 “(iii) coordination of local resources  
19 and programs to assist low-income individ-  
20 uals and veterans in gaining access to  
21 training and employment opportunities.

22 “(B) Transit-oriented development.

23 “(C) Transportation equity with regard to  
24 the impact that transportation planning, invest-

1           ment, and operations have on low-income and  
2           minority individuals.

3           “(D) Financing mechanisms, including—  
4                 “(i) public-private partnerships;  
5                 “(ii) bonding; and  
6                 “(iii) State and local capacity build-  
7           ing.

8           “(E) Any other activity that the Secretary  
9           determines is important to advance the inter-  
10          ests of public transportation.

11          “(4) EXPERTISE OF TECHNICAL ASSISTANCE  
12          CENTERS.—In selecting an eligible entity to admin-  
13          ister a center under this subsection, the Secretary  
14          shall consider—

15                 “(A) the demonstrated subject matter ex-  
16                 pertise of the eligible entity; and

17                 “(B) the capacity of the eligible entity to  
18                 deliver technical assistance on a regional or na-  
19                 tionwide basis.

20          “(5) PARTNERSHIPS.—An eligible entity may  
21          partner with another eligible entity to provide tech-  
22          nical assistance under this subsection.

23          “(c) GOVERNMENT SHARE OF COSTS.—

1           “(1) IN GENERAL.—The Government share of  
2           the cost of an activity under this section may not ex-  
3           ceed 80 percent.

4           “(2) NON-GOVERNMENT SHARE.—The non-Gov-  
5           ernment share of the cost of an activity under this  
6           section may be derived from in-kind contributions.”.

7   **SEC. 15. BUS TESTING FACILITIES.**

8           Section 5318 of title 49, United States Code, is  
9           amended to read as follows:

10   **“§ 5318. Bus testing facilities**

11           “(a) FACILITIES.—The Secretary shall certify not  
12           more than 4 comprehensive facilities for testing new bus  
13           models for maintainability, reliability, safety, performance  
14           (including braking performance), structural integrity, fuel  
15           economy, emissions, and noise.

16           “(b) COOPERATIVE AGREEMENT.—The Secretary  
17           shall enter into a cooperative agreement with not more  
18           than 4 qualified entities to test public transportation vehi-  
19           cles under subsection (a).

20           “(c) FEES.—An entity that operates and maintains  
21           a facility certified under subsection (a) shall establish and  
22           collect reasonable fees for the testing of vehicles at the  
23           facility. The Secretary must approve the fees.

24           “(d) AVAILABILITY OF AMOUNTS TO PAY FOR TEST-  
25           ING.—

1           “(1) IN GENERAL.—The Secretary shall enter  
2           into a cooperative agreement with an entity that op-  
3           erates and maintains a facility certified under sub-  
4           section (a), under which 80 percent of the fee for  
5           testing a vehicle at the facility may be available from  
6           amounts apportioned to a recipient under section  
7           5336 or from amounts appropriated to carry out  
8           this section.

9           “(2) PROHIBITION.—An entity that operates  
10          and maintains a facility described in subsection (a)  
11          shall not have a financial interest in the outcome of  
12          the testing carried out at the facility.

13          “(e) ACQUIRING NEW BUS MODELS.—Amounts ap-  
14          propriated or made available under this chapter may be  
15          obligated or expended to acquire a new bus model only  
16          if—

17                 “(1) a bus of that model has been tested at a  
18                 facility described in subsection (a); and

19                 “(2) the bus tested under paragraph (1) met—

20                         “(A) performance standards for maintain-  
21                         ability, reliability, performance (including brak-  
22                         ing performance), structural integrity, fuel  
23                         economy, emissions, and noise, as established  
24                         by the Secretary by rule; and

1           “(B) the minimum safety performance  
2           standards established by the Secretary pursuant  
3           to section 5329(b).”.

4 **SEC. 16. PUBLIC TRANSPORTATION WORKFORCE DEVELOP-**  
5 **MENT AND HUMAN RESOURCE PROGRAMS.**

6           Section 5322 of title 49, United States Code, is  
7           amended to read as follows:

8 **“§ 5322. Public transportation workforce develop-**  
9 **ment and human resource programs**

10          “(a) IN GENERAL.—The Secretary may undertake,  
11          or make grants or enter into contracts for, activities that  
12          address human resource needs as the needs apply to public  
13          transportation activities, including activities that—

14               “(1) educate and train employees;

15               “(2) develop the public transportation work-  
16          force through career outreach and preparation;

17               “(3) develop a curriculum for workforce devel-  
18          opment;

19               “(4) conduct outreach programs to increase mi-  
20          nority and female employment in public transpor-  
21          tation;

22               “(5) conduct research on public transportation  
23          personnel and training needs;

24               “(6) provide training and assistance for minor-  
25          ity business opportunities;

1           “(7) advance training relating to maintenance  
2 of alternative energy, energy efficiency, or zero emis-  
3 sion vehicles and facilities used in public transpor-  
4 tation; and

5           “(8) address a current or projected workforce  
6 shortage in an area that requires technical expertise.

7           “(b) FUNDING.—

8           “(1) URBANIZED AREA FORMULA GRANTS.—A  
9 recipient or subrecipient of funding under section  
10 5307 shall expend not less than 0.5 percent of such  
11 funding for activities consistent with subsection (a).

12           “(2) WAIVER.—The Secretary may waive the  
13 requirement under paragraph (1) with respect to a  
14 recipient or subrecipient if the Secretary determines  
15 that the recipient or subrecipient—

16           “(A) has an adequate workforce develop-  
17 ment program; or

18           “(B) has partnered with a local edu-  
19 cational institution in a manner that suffi-  
20 ciently promotes or addresses workforce devel-  
21 opment and human resource needs.

22           “(c) INNOVATIVE PUBLIC TRANSPORTATION WORK-  
23 FORCE DEVELOPMENT PROGRAM.—

24           “(1) PROGRAM ESTABLISHED.—The Secretary  
25 shall establish a competitive grant program to assist

1 the development of innovative activities eligible for  
2 assistance under subsection (a).

3 “(2) SELECTION OF RECIPIENTS.—To the max-  
4 imum extent feasible, the Secretary shall select re-  
5 cipients that—

6 “(A) are geographically diverse;

7 “(B) address the workforce and human re-  
8 sources needs of large public transportation  
9 providers;

10 “(C) address the workforce and human re-  
11 sources needs of small public transportation  
12 providers;

13 “(D) address the workforce and human re-  
14 sources needs of urban public transportation  
15 providers;

16 “(E) address the workforce and human re-  
17 sources needs of rural public transportation  
18 providers;

19 “(F) advance training related to mainte-  
20 nance of alternative energy, energy efficiency,  
21 or zero emission vehicles and facilities used in  
22 public transportation;

23 “(G) target areas with high rates of unem-  
24 ployment; and

1           “(H) address current or projected work-  
2           force shortages in areas that require technical  
3           expertise.

4           “(d) GOVERNMENT’S SHARE OF COSTS.—The Gov-  
5           ernment share of the cost of a project carried out using  
6           a grant under this section shall be 50 percent.

7           “(e) REPORT.—Not later than 2 years after the date  
8           of enactment of the Federal Public Transportation Act of  
9           2012, the Secretary shall submit to the Committee on  
10          Banking, Housing, and Urban Affairs of the Senate and  
11          the Committee on Transportation and Infrastructure of  
12          the House of Representatives a report concerning the  
13          measurable outcomes and impacts of the programs funded  
14          under this section.”.

15   **SEC. 17. GENERAL PROVISIONS.**

16          Section 5323 of title 49, United States Code, is  
17          amended to read as follows:

18   **“§ 5323. General provisions**

19          “(a) INTERESTS IN PROPERTY.—

20                  “(1) IN GENERAL.—Financial assistance pro-  
21          vided under this chapter to a State or a local gov-  
22          ernmental authority may be used to acquire an in-  
23          terest in, or to buy property of, a private company  
24          engaged in public transportation, for a capital  
25          project for property acquired from a private com-



1 pany engaged in public transportation after July 9,  
2 1964, or to operate a public transportation facility  
3 or equipment in competition with, or in addition to,  
4 transportation service provided by an existing public  
5 transportation company, only if—

6 “(A) the Secretary determines that such fi-  
7 nancial assistance is essential to a program of  
8 projects required under sections 5303 and  
9 5304;

10 “(B) the Secretary determines that the  
11 program provides for the participation of pri-  
12 vate companies engaged in public transpor-  
13 tation to the maximum extent feasible; and

14 “(C) just compensation under State or  
15 local law will be paid to the company for its  
16 franchise or property.

17 “(2) LIMITATION.—A governmental authority  
18 may not use financial assistance of the United  
19 States Government to acquire land, equipment, or a  
20 facility used in public transportation from another  
21 governmental authority in the same geographic area.

22 “(b) RELOCATION AND REAL PROPERTY REQUIRE-  
23 MENTS.—The Uniform Relocation Assistance and Real  
24 Property Acquisition Policies Act of 1970 (42 U.S.C. 4601

1 et seq.) shall apply to financial assistance for capital  
2 projects under this chapter.

3 “(c) CONSIDERATION OF ECONOMIC, SOCIAL, AND  
4 ENVIRONMENTAL INTERESTS.—

5 “(1) COOPERATION AND CONSULTATION.—In  
6 carrying out the goal described in section  
7 5301(e)(2), the Secretary shall cooperate and con-  
8 sult with the Secretary of the Interior and the Ad-  
9 ministrator of the Environmental Protection Agency  
10 on each project that may have a substantial impact  
11 on the environment.

12 “(2) COMPLIANCE WITH NEPA.—The National  
13 Environmental Policy Act of 1969 (42 U.S.C. 4321  
14 et seq.) shall apply to financial assistance for capital  
15 projects under this chapter.

16 “(d) CORRIDOR PRESERVATION.—

17 “(1) IN GENERAL.—The Secretary may assist a  
18 recipient in acquiring right-of-way before the com-  
19 pletion of the environmental reviews for any project  
20 that may use the right-of-way if the acquisition is  
21 otherwise permitted under Federal law. The Sec-  
22 retary may establish restrictions on such an acquisi-  
23 tion as the Secretary determines to be necessary and  
24 appropriate.

1           “(2) ENVIRONMENTAL REVIEWS.—Right-of-way  
2           acquired under this subsection may not be developed  
3           in anticipation of the project until all required envi-  
4           ronmental reviews for the project have been com-  
5           pleted.

6           “(e) CONDITION ON CHARTER BUS TRANSPOR-  
7           TATION SERVICE.—

8           “(1) AGREEMENTS.—Financial assistance  
9           under this chapter may be used to buy or operate  
10          a bus only if the applicant, governmental authority,  
11          or publicly owned operator that receives the assist-  
12          ance agrees that, except as provided in the agree-  
13          ment, the governmental authority or an operator of  
14          public transportation for the governmental authority  
15          will not provide charter bus transportation service  
16          outside the urban area in which it provides regularly  
17          scheduled public transportation service. An agree-  
18          ment shall provide for a fair arrangement the Sec-  
19          retary of Transportation considers appropriate to  
20          ensure that the assistance will not enable a govern-  
21          mental authority or an operator for a governmental  
22          authority to foreclose a private operator from pro-  
23          viding intercity charter bus service if the private op-  
24          erator can provide the service.

25          “(2) VIOLATIONS.—

1           “(A) INVESTIGATIONS.—On receiving a  
2 complaint about a violation of the agreement  
3 required under paragraph (1), the Secretary  
4 shall investigate and decide whether a violation  
5 has occurred.

6           “(B) ENFORCEMENT OF AGREEMENTS.—If  
7 the Secretary decides that a violation has oc-  
8 curred, the Secretary shall correct the violation  
9 under terms of the agreement.

10           “(C) ADDITIONAL REMEDIES.—In addition  
11 to any remedy specified in the agreement, the  
12 Secretary shall bar a recipient or an operator  
13 from receiving Federal transit assistance in an  
14 amount the Secretary considers appropriate if  
15 the Secretary finds a pattern of violations of  
16 the agreement.

17           “(f) BOND PROCEEDS ELIGIBLE FOR LOCAL  
18 SHARE.—

19           “(1) USE AS LOCAL MATCHING FUNDS.—Not-  
20 withstanding any other provision of law, a recipient  
21 of assistance under section 5307, 5309, or 5337  
22 may use the proceeds from the issuance of revenue  
23 bonds as part of the local matching funds for a cap-  
24 ital project.

1           “(2) MAINTENANCE OF EFFORT.—The Sec-  
2           retary shall approve of the use of the proceeds from  
3           the issuance of revenue bonds for the remainder of  
4           the net project cost only if the Secretary finds that  
5           the aggregate amount of financial support for public  
6           transportation in the urbanized area provided by the  
7           State and affected local governmental authorities  
8           during the next 3 fiscal years, as programmed in the  
9           State transportation improvement program under  
10          section 5304, is not less than the aggregate amount  
11          provided by the State and affected local govern-  
12          mental authorities in the urbanized area during the  
13          preceding 3 fiscal years.

14          “(3) DEBT SERVICE RESERVE.—The Secretary  
15          may reimburse an eligible recipient for deposits of  
16          bond proceeds in a debt service reserve that the re-  
17          cipient establishes pursuant to section 5302(3)(J)  
18          from amounts made available to the recipient under  
19          section 5309.

20          “(g) SCHOOLBUS TRANSPORTATION.—

21          “(1) AGREEMENTS.—Financial assistance  
22          under this chapter may be used for a capital project,  
23          or to operate public transportation equipment or a  
24          public transportation facility, only if the applicant  
25          agrees not to provide schoolbus transportation that

1 exclusively transports students and school personnel  
2 in competition with a private schoolbus operator.

3 This subsection does not apply—

4 “(A) to an applicant that operates a school  
5 system in the area to be served and a separate  
6 and exclusive schoolbus program for the school  
7 system; and

8 “(B) unless a private schoolbus operator  
9 can provide adequate transportation that com-  
10 plies with applicable safety standards at reason-  
11 able rates.

12 “(2) VIOLATIONS.—If the Secretary finds that  
13 an applicant, governmental authority, or publicly  
14 owned operator has violated the agreement required  
15 under paragraph (1), the Secretary shall bar a re-  
16 cipient or an operator from receiving Federal transit  
17 assistance in an amount the Secretary considers ap-  
18 propriate.

19 “(h) BUYING BUSES UNDER OTHER LAWS.—Sub-  
20 sections (e) and (g) of this section apply to financial as-  
21 sistance to buy a bus under sections 133 and 142 of title  
22 23.

23 “(i) GRANT AND LOAN PROHIBITIONS.—A grant or  
24 loan may not be used to—

1           “(1) pay ordinary governmental or nonproject  
2           operating expenses; or

3           “(2) support a procurement that uses an exclu-  
4           sionary or discriminatory specification.

5           “(j) GOVERNMENT SHARE OF COSTS FOR CERTAIN  
6 PROJECTS.—A grant for a project to be assisted under  
7 this chapter that involves acquiring vehicle-related equip-  
8 ment or facilities required by the Americans with Disabil-  
9 ities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-  
10 related equipment or facilities (including clean fuel or al-  
11 ternative fuel vehicle-related equipment or facilities) for  
12 purposes of complying with or maintaining compliance  
13 with the Clean Air Act, is for 90 percent of the net project  
14 cost of such equipment or facilities attributable to compli-  
15 ance with those Acts. The Secretary shall have discretion  
16 to determine, through practicable administrative proce-  
17 dures, the costs of such equipment or facilities attributable  
18 to compliance with those Acts.

19           “(k) BUY AMERICA.—

20           “(1) IN GENERAL.—The Secretary may obligate  
21           an amount that may be appropriated to carry out  
22           this chapter for a project only if the steel, iron, and  
23           manufactured goods used in the project are pro-  
24           duced in the United States.

1           “(2) WAIVER.—The Secretary may waive para-  
2 graph (1) of this subsection if the Secretary finds  
3 that—

4           “(A) applying paragraph (1) would be in-  
5 consistent with the public interest;

6           “(B) the steel, iron, and goods produced in  
7 the United States are not produced in a suffi-  
8 cient and reasonably available amount or are  
9 not of a satisfactory quality;

10           “(C) when procuring rolling stock (includ-  
11 ing train control, communication, and traction  
12 power equipment) under this chapter—

13           “(i) the cost of components and sub-  
14 components produced in the United States  
15 is more than 60 percent of the cost of all  
16 components of the rolling stock; and

17           “(ii) final assembly of the rolling  
18 stock has occurred in the United States; or

19           “(D) including domestic material will in-  
20 crease the cost of the overall project by more  
21 than 25 percent.

22           “(3) WRITTEN JUSTIFICATION FOR PUBLIC IN-  
23 TEREST WAIVER.—When issuing a waiver based on  
24 a public interest determination under paragraph  
25 (2)(A), the Secretary shall issue a detailed written



1 justification as to why the waiver is in the public in-  
2 terest. The Secretary shall publish such justification  
3 in the Federal Register and provide the public with  
4 a reasonable period of time for notice and comment.

5 “(4) LABOR COSTS FOR FINAL ASSEMBLY.—In  
6 this subsection, labor costs involved in final assembly  
7 are not included in calculating the cost of compo-  
8 nents.

9 “(5) WAIVER PROHIBITED.—The Secretary may  
10 not make a waiver under paragraph (2) of this sub-  
11 section for goods produced in a foreign country if  
12 the Secretary, in consultation with the United States  
13 Trade Representative, decides that the government  
14 of that foreign country—

15 “(A) has an agreement with the United  
16 States Government under which the Secretary  
17 has waived the requirement of this subsection;  
18 and

19 “(B) has violated the agreement by dis-  
20 criminating against goods to which this sub-  
21 section applies that are produced in the United  
22 States and to which the agreement applies.

23 “(6) PENALTY FOR MISLABELING AND MIS-  
24 REPRESENTATION.—A person is ineligible under  
25 subpart 9.4 of the Federal Acquisition Regulation,

1 or any successor thereto, to receive a contract or  
2 subcontract made with amounts authorized under  
3 the Federal Public Transportation Act of 2012 if a  
4 court or department, agency, or instrumentality of  
5 the Government decides the person intentionally—

6 “(A) affixed a ‘Made in America’ label, or  
7 a label with an inscription having the same  
8 meaning, to goods sold in or shipped to the  
9 United States that are used in a project to  
10 which this subsection applies but not produced  
11 in the United States; or

12 “(B) represented that goods described in  
13 subparagraph (A) of this paragraph were pro-  
14 duced in the United States.

15 “(7) STATE REQUIREMENTS.—The Secretary  
16 may not impose any limitation on assistance pro-  
17 vided under this chapter that restricts a State from  
18 imposing more stringent requirements than this sub-  
19 section on the use of articles, materials, and supplies  
20 mined, produced, or manufactured in foreign coun-  
21 tries in projects carried out with that assistance or  
22 restricts a recipient of that assistance from com-  
23 plying with those State-imposed requirements.

24 “(8) OPPORTUNITY TO CORRECT INADVERTENT  
25 ERROR.—The Secretary may allow a manufacturer

1 or supplier of steel, iron, or manufactured goods to  
2 correct after bid opening any certification of non-  
3 compliance or failure to properly complete the cer-  
4 tification (but not including failure to sign the cer-  
5 tification) under this subsection if such manufac-  
6 turer or supplier attests under penalty of perjury  
7 that such manufacturer or supplier submitted an in-  
8 correct certification as a result of an inadvertent or  
9 clerical error. The burden of establishing inadvertent  
10 or clerical error is on the manufacturer or supplier.

11 “(9) ADMINISTRATIVE REVIEW.—A party ad-  
12 versely affected by an agency action under this sub-  
13 section shall have the right to seek review under sec-  
14 tion 702 of title 5.

15 “(1) PARTICIPATION OF GOVERNMENTAL AGENCIES  
16 IN DESIGN AND DELIVERY OF TRANSPORTATION SERV-  
17 ICES.—Governmental agencies and nonprofit organiza-  
18 tions that receive assistance from Government sources  
19 (other than the Department of Transportation) for non-  
20 emergency transportation services shall—

21 “(1) participate and coordinate with recipients  
22 of assistance under this chapter in the design and  
23 delivery of transportation services; and

24 “(2) be included in the planning for those serv-  
25 ices.

1 “(m) RELATIONSHIP TO OTHER LAWS.—

2 “(1) FRAUD AND FALSE STATEMENTS.—Sec-  
3 tion 1001 of title 18 applies to a certificate, submis-  
4 sion, or statement provided under this chapter. The  
5 Secretary may terminate financial assistance under  
6 this chapter and seek reimbursement directly, or by  
7 offsetting amounts, available under this chapter if  
8 the Secretary determines that a recipient of such fi-  
9 nancial assistance has made a false or fraudulent  
10 statement or related act in connection with a Fed-  
11 eral public transportation program.

12 “(2) POLITICAL ACTIVITIES OF NON-  
13 SUPERVISORY EMPLOYEES.—The provision of assist-  
14 ance under this chapter shall not be construed to re-  
15 quire the application of chapter 15 of title 5 to any  
16 nonsupervisory employee of a public transportation  
17 system (or any other agency or entity performing re-  
18 lated functions) to whom such chapter does not oth-  
19 erwise apply.

20 “(n) PREAWARD AND POSTDELIVERY REVIEW OF  
21 ROLLING STOCK PURCHASES.—The Secretary shall pre-  
22 scribe regulations requiring a preaward and postdelivery  
23 review of a grant under this chapter to buy rolling stock  
24 to ensure compliance with Government motor vehicle safe-  
25 ty requirements, subsection (k) of this section, and bid

1 specifications requirements of grant recipients under this  
2 chapter. Under this subsection, independent inspections  
3 and review are required, and a manufacturer certification  
4 is not sufficient. Rolling stock procurements of 20 vehicles  
5 or fewer made for the purpose of serving other than ur-  
6 banized areas and urbanized areas with populations of  
7 200,000 or fewer shall be subject to the same require-  
8 ments as established for procurements of 10 or fewer  
9 buses under the post-delivery purchaser's requirements  
10 certification process under section 663.37(e) of title 49,  
11 Code of Federal Regulations.

12       “(o) SUBMISSION OF CERTIFICATIONS.—A certifi-  
13 cation required under this chapter and any additional cer-  
14 tification or assurance required by law or regulation to  
15 be submitted to the Secretary may be consolidated into  
16 a single document to be submitted annually as part of a  
17 grant application under this chapter. The Secretary shall  
18 publish annually a list of all certifications required under  
19 this chapter with the publication required under section  
20 5336(d)(2).

21       “(p) GRANT REQUIREMENTS.—The grant require-  
22 ments under sections 5307, 5309, and 5337 apply to any  
23 project under this chapter that receives any assistance or  
24 other financing under chapter 6 (other than section 609)  
25 of title 23.

1       “(q) ALTERNATIVE FUELING FACILITIES.—A recipi-  
2 ent of assistance under this chapter may allow the inci-  
3 dental use of federally funded alternative fueling facilities  
4 and equipment by nontransit public entities and private  
5 entities if—

6               “(1) the incidental use does not interfere with  
7 the recipient’s public transportation operations;

8               “(2) all costs related to the incidental use are  
9 fully recaptured by the recipient from the nontransit  
10 public entity or private entity;

11               “(3) the recipient uses revenues received from  
12 the incidental use in excess of costs for planning,  
13 capital, and operating expenses that are incurred in  
14 providing public transportation; and

15               “(4) private entities pay all applicable excise  
16 taxes on fuel.

17       “(r) FIXED GUIDEWAY CATEGORICAL EXCLUSION.—

18               “(1) STUDY.—Not later than 6 months after  
19 the date of enactment of this Act, the Secretary  
20 shall conduct a study to determine the feasibility of  
21 providing a categorical exclusion for streetcar, bus  
22 rapid transit, and light rail projects located within  
23 an existing transportation right-of-way from the re-  
24 quirements of the National Environmental Policy  
25 Act of 1969 (42 U.S.C. 4321 et seq.) in accordance

1 with the Council on Environmental Quality imple-  
2 menting regulations under parts 1500 through 1508  
3 of title 40, Code of Federal Regulations, or any suc-  
4 cessor thereto.

5 “(2) FINDINGS AND RULES.—Not later than 1  
6 year after the date of enactment of this Act, the  
7 Secretary shall issue findings and, if appropriate,  
8 issue rules to provide categorical exclusions for suit-  
9 able categories of projects.”.

10 **SEC. 18. CONTRACT REQUIREMENTS.**

11 Section 5325 of title 49, United States Code, is  
12 amended—

13 (1) in subsection (h), by striking “Federal Pub-  
14 lic Transportation Act of 2005” and inserting “Fed-  
15 eral Public Transportation Act of 2012”;

16 (2) in subsection (j)(2)(C), by striking “, in-  
17 cluding the performance reported in the Contractor  
18 Performance Assessment Reports required under  
19 section 5309(l)(2)”;

20 (3) by adding at the end the following:

21 “(k) VETERANS EMPLOYMENT.—Recipients and sub-  
22 recipients of Federal financial assistance under this chap-  
23 ter shall ensure that contractors working on a capital  
24 project funded using such assistance give a hiring pref-  
25 erence to veterans, as defined in section 2108 of title 5,

1 who have the requisite skills and abilities to perform the  
2 construction work required under the contract.”.

3 **SEC. 19. TRANSIT ASSET MANAGEMENT.**

4 Section 5326 of title 49, United States Code, is  
5 amended to read as follows:

6 **“§ 5326. Transit asset management**

7 “(a) DEFINITIONS.—In this section the following  
8 definitions shall apply:

9 “(1) CAPITAL ASSET.—The term ‘capital asset’  
10 includes equipment, rolling stock, infrastructure, and  
11 facilities for use in public transportation and owned  
12 or leased by a recipient or subrecipient of Federal fi-  
13 nancial assistance under this chapter.

14 “(2) TRANSIT ASSET MANAGEMENT PLAN.—  
15 The term ‘transit asset management plan’ means a  
16 plan developed by a recipient of funding under this  
17 chapter that—

18 “(A) includes, at a minimum, capital asset  
19 inventories and condition assessments, decision  
20 support tools, and investment prioritization;  
21 and

22 “(B) the recipient certifies complies with  
23 the rule issued under this section.

24 “(3) TRANSIT ASSET MANAGEMENT SYSTEM.—  
25 The term ‘transit asset management system’ means



1 a strategic and systematic process of operating,  
2 maintaining, and improving public transportation  
3 capital assets effectively throughout the life cycle of  
4 such assets.

5 “(b) TRANSIT ASSET MANAGEMENT SYSTEM.—The  
6 Secretary shall establish and implement a national transit  
7 asset management system, which shall include—

8 “(1) a definition of the term ‘state of good re-  
9 pair’ that includes objective standards for measuring  
10 the condition of capital assets of recipients, includ-  
11 ing equipment, rolling stock, infrastructure, and fa-  
12 cilities;

13 “(2) a requirement that recipients and sub-  
14 recipients of Federal financial assistance under this  
15 chapter develop a transit asset management plan;

16 “(3) a requirement that each recipient of Fed-  
17 eral financial assistance under this chapter report on  
18 the condition of the system of the recipient and pro-  
19 vide a description of any change in condition since  
20 the last report;

21 “(4) an analytical process or decision support  
22 tool for use by public transportation systems that—

23 “(A) allows for the estimation of capital  
24 investment needs of such systems over time;  
25 and

1           “(B) assists with asset investment  
2           prioritization by such systems; and

3           “(5) technical assistance to recipients of Fed-  
4           eral financial assistance under this chapter.

5           “(c) PERFORMANCE MEASURES AND TARGETS.—

6           “(1) IN GENERAL.—Not later than 1 year after  
7           the date of enactment of the Federal Public Trans-  
8           portation Act of 2012, the Secretary shall issue a  
9           final rule to establish performance measures based  
10          on the state of good repair standards established  
11          under subsection (b)(1).

12          “(2) TARGETS.—Not later than 3 months after  
13          the date on which the Secretary issues a final rule  
14          under paragraph (1), and each fiscal year thereafter,  
15          each recipient of Federal financial assistance under  
16          this chapter shall establish performance targets in  
17          relation to the performance measures established by  
18          the Secretary.

19          “(3) REPORTS.—Each recipient of Federal fi-  
20          nancial assistance under this chapter shall submit to  
21          the Secretary an annual report that describes—

22                 “(A) the progress of the recipient during  
23                 the fiscal year to which the report relates to-  
24                 ward meeting the performance targets estab-

1           lished under paragraph (2) for that fiscal year;  
2           and

3                   “(B) the performance targets established  
4           by the recipient for the subsequent fiscal year.

5           “(d) RULEMAKING.—Not later than 1 year after the  
6 date of enactment of the Federal Public Transportation  
7 Act of 2012, the Secretary shall issue a final rule to imple-  
8 ment the transit asset management system described in  
9 subsection (b).”.

10 **SEC. 20. PROJECT MANAGEMENT OVERSIGHT.**

11           Section 5327 of title 49, United States Code, is  
12 amended—

13           (1) in subsection (a)—

14                   (A) in the matter preceding paragraph (1),  
15           by striking “United States” and all that follows  
16           through “Secretary of Transportation” and in-  
17           serting the following: “Federal financial assist-  
18           ance for a major capital project for public  
19           transportation under this chapter or any other  
20           provision of Federal law, a recipient must pre-  
21           pare a project management plan approved by  
22           the Secretary and carry out the project in ac-  
23           cordance with the project management plan”;  
24           and

1 (B) in paragraph (12), by striking “each  
2 month” and inserting “quarterly”;

3 (2) by striking subsections (e), (d), and (f);

4 (3) by inserting after subsection (b) the fol-  
5 lowing:

6 “(c) ACCESS TO SITES AND RECORDS.—Each recipi-  
7 ent of Federal financial assistance for public transpor-  
8 tation under this chapter or any other provision of Federal  
9 law shall provide the Secretary and a contractor the Sec-  
10 retary chooses under section 5338(g) with access to the  
11 construction sites and records of the recipient when rea-  
12 sonably necessary.”;

13 (4) by redesignating subsection (e) as sub-  
14 section (d); and

15 (5) in subsection (d), as so redesignated—

16 (A) in paragraph (1), by striking “sub-  
17 section (c) of this section” and inserting “sec-  
18 tion 5338(g)”;

19 (B) in paragraph (2)—

20 (i) by striking “preliminary engineer-  
21 ing stage” and inserting “project develop-  
22 ment phase”; and

23 (ii) by striking “another stage” and  
24 inserting “another phase”.

1 **SEC. 21. PUBLIC TRANSPORTATION SAFETY.**

2 (a) PUBLIC TRANSPORTATION SAFETY PROGRAM.—

3 Section 5329 of title 49, United States Code, is amended  
4 to read as follows:

5 **“§ 5329. Public transportation safety program**

6 “(a) DEFINITION.—In this section, the term ‘recipi-  
7 ent’ means a State or local governmental authority, or any  
8 other operator of a public transportation system, that re-  
9 ceives financial assistance under this chapter.

10 “(b) NATIONAL PUBLIC TRANSPORTATION SAFETY  
11 PLAN.—

12 “(1) IN GENERAL.—The Secretary shall create  
13 and implement a national public transportation safe-  
14 ty plan to improve the safety of all public transpor-  
15 tation systems that receive funding under this chap-  
16 ter.

17 “(2) CONTENTS OF PLAN.—The national public  
18 transportation safety plan under paragraph (1) shall  
19 include—

20 “(A) safety performance criteria for all  
21 modes of public transportation;

22 “(B) the definition of the term ‘state of  
23 good repair’ established under section 5326(b);

24 “(C) minimum safety performance stand-  
25 ards for public transportation vehicles used in  
26 revenue operations that—

1                   “(i) do not apply to rolling stock oth-  
2                   erwise regulated by the Secretary or any  
3                   other Federal agency; and

4                   “(ii) to the extent practicable, take  
5                   into consideration—

6                                 “(I) relevant recommendations of  
7                                 the National Transportation Safety  
8                                 Board; and

9                                 “(II) recommendations of, and  
10                                best practices standards developed by,  
11                                the public transportation industry;  
12                                and

13                               “(D) a public transportation safety certifi-  
14                               cation training program, as described in sub-  
15                               section (c).

16                   “(c) PUBLIC TRANSPORTATION SAFETY CERTIFI-  
17                   CATION TRAINING PROGRAM.—

18                               “(1) IN GENERAL.—The Secretary shall estab-  
19                               lish a public transportation safety certification train-  
20                               ing program for Federal and State employees, or  
21                               other designated personnel, who conduct safety au-  
22                               dits and examinations of public transportation sys-  
23                               tems and employees of public transportation agen-  
24                               cies directly responsible for safety oversight.

1           “(2) INTERIM PROVISIONS.—Not later than 90  
2 days after the date of enactment of the Federal  
3 Public Transportation Act of 2012, the Secretary  
4 shall establish interim provisions for the certification  
5 and training of the personnel described in paragraph  
6 (1), which shall be in effect until the effective date  
7 of the final rule issued by the Secretary to imple-  
8 ment this subsection.

9           “(d) PUBLIC TRANSPORTATION AGENCY SAFETY  
10 PLAN.—

11           “(1) IN GENERAL.—Effective 1 year after the  
12 effective date of a final rule issued by the Secretary  
13 to carry out this subsection, each recipient shall cer-  
14 tify that the recipient has established a comprehen-  
15 sive agency safety plan that includes, at a min-  
16 imum—

17           “(A) a requirement that the board of di-  
18 rectors (or equivalent entity) of the recipient  
19 approve the agency safety plan and any updates  
20 to the agency safety plan;

21           “(B) methods for identifying and evalu-  
22 ating safety risks throughout all elements of the  
23 public transportation system of the recipient;

1           “(C) strategies to minimize the exposure of  
2 the public, personnel, and property to hazards  
3 and unsafe conditions;

4           “(D) a process and timeline for conducting  
5 an annual review and update of the safety plan  
6 of the recipient;

7           “(E) performance targets based on the  
8 safety performance criteria and state of good  
9 repair standards established under subpara-  
10 graphs (A) and (B), respectively, of subsection  
11 (b)(2);

12           “(F) assignment of an adequately trained  
13 safety officer who reports directly to the general  
14 manager, president, or equivalent officer of the  
15 recipient; and

16           “(G) a comprehensive staff training pro-  
17 gram for the operations personnel and per-  
18 sonnel directly responsible for safety of the re-  
19 cipient that includes—

20                   “(i) the completion of a safety train-  
21 ing program; and

22                   “(ii) continuing safety education and  
23 training.

24           “(2) INTERIM AGENCY SAFETY PLAN.—A sys-  
25 tem safety plan developed pursuant to part 659 of



1 title 49, Code of Federal Regulations, as in effect on  
2 the date of enactment of the Federal Public Trans-  
3 portation Act of 2012, shall remain in effect until  
4 such time as this subsection takes effect.

5 “(e) STATE SAFETY OVERSIGHT PROGRAM.—

6 “(1) APPLICABILITY.—This subsection applies  
7 only to eligible States.

8 “(2) DEFINITION.—In this subsection, the term  
9 ‘eligible State’ means a State that has—

10 “(A) a rail fixed guideway public transpor-  
11 tation system within the jurisdiction of the  
12 State that is not subject to regulation by the  
13 Federal Railroad Administration; or

14 “(B) a rail fixed guideway public transpor-  
15 tation system in the engineering or construction  
16 phase of development within the jurisdiction of  
17 the State that will not be subject to regulation  
18 by the Federal Railroad Administration.

19 “(3) IN GENERAL.—In order to obligate funds  
20 apportioned under section 5338 to carry out this  
21 chapter, effective 3 years after the date on which a  
22 final rule under this subsection becomes effective, an  
23 eligible State shall have in effect a State safety over-  
24 sight program approved by the Secretary under  
25 which the State—

1           “(A) assumes responsibility for overseeing  
2 rail fixed guideway public transportation safety;

3           “(B) adopts and enforces Federal law on  
4 rail fixed guideway public transportation safety;

5           “(C) establishes a State safety oversight  
6 agency;

7           “(D) determines, in consultation with the  
8 Secretary, an appropriate staffing level for the  
9 State safety oversight agency that is commensu-  
10 rate with the number, size, and complexity of  
11 the rail fixed guideway public transportation  
12 systems in the eligible State;

13           “(E) requires that employees and other  
14 designated personnel of the eligible State safety  
15 oversight agency who are responsible for rail  
16 fixed guideway public transportation safety  
17 oversight are qualified to perform such func-  
18 tions through appropriate training, including  
19 successful completion of the public transpor-  
20 tation safety certification training program es-  
21 tablished under subsection (c); and

22           “(F) prohibits any public transportation  
23 agency from providing funds to the State safety  
24 oversight agency or an entity designated by the

1 eligible State as the State safety oversight  
2 agency under paragraph (4).

3 “(4) STATE SAFETY OVERSIGHT AGENCY.—

4 “(A) IN GENERAL.—Each State safety  
5 oversight program shall establish a State safety  
6 oversight agency that—

7 “(i) is an independent legal entity re-  
8 sponsible for the safety of rail fixed guide-  
9 way public transportation systems;

10 “(ii) is financially and legally inde-  
11 pendent from any public transportation en-  
12 tity that the State safety oversight agency  
13 oversees;

14 “(iii) does not fund, promote, or pro-  
15 vide public transportation services;

16 “(iv) does not employ any individual  
17 who is also responsible for the administra-  
18 tion of public transportation programs;

19 “(v) has the authority to review, ap-  
20 prove, oversee, and enforce the implemen-  
21 tation by the rail fixed guideway public  
22 transportation agency of the public trans-  
23 portation agency safety plan required  
24 under subsection (d);

1           “(vi) has investigative and enforce-  
2           ment authority with respect to the safety  
3           of rail fixed guideway public transportation  
4           systems of the eligible State;

5           “(vii) audits, at least once triennially,  
6           the compliance of the rail fixed guideway  
7           public transportation systems in the eligi-  
8           ble State subject to this subsection with  
9           the public transportation agency safety  
10          plan required under subsection (d); and

11          “(viii) provides, at least once annu-  
12          ally, a status report on the safety of the  
13          rail fixed guideway public transportation  
14          systems the State safety oversight agency  
15          oversees to—

16                 “(I) the Federal Transit Admin-  
17                 istration;

18                 “(II) the Governor of the eligible  
19                 State; and

20                 “(III) the board of directors, or  
21                 equivalent entity, of any rail fixed  
22                 guideway public transportation system  
23                 that the State safety oversight agency  
24                 oversees.

1           “(B) WAIVER.—At the request of an eligi-  
2           ble State, the Secretary may waive clauses (i)  
3           and (iii) of subparagraph (A) for eligible States  
4           with 1 or more rail fixed guideway systems in  
5           revenue operations, design, or construction,  
6           that—

7                   “(i) have fewer than 1,000,000 com-  
8                   bined actual and projected rail fixed guide-  
9                   way revenue miles per year; or

10                   “(ii) provide fewer than 10,000,000  
11                   combined actual and projected unlinked  
12                   passenger trips per year.

13           “(5) ENFORCEMENT.—Each State safety over-  
14           sight agency shall have the authority to request that  
15           the Secretary take enforcement actions available  
16           under subsection (g) against a rail fixed guideway  
17           public transportation system that is not in compli-  
18           ance with Federal safety laws.

19           “(6) PROGRAMS FOR MULTI-STATE RAIL FIXED  
20           GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS.—An  
21           eligible State that has within the jurisdiction of the  
22           eligible State a rail fixed guideway public transpor-  
23           tation system that operates in more than 1 eligible  
24           State shall—

1           “(A) jointly with all other eligible States in  
2           which the rail fixed guideway public transpor-  
3           tation system operates, ensure uniform safety  
4           standards and enforcement procedures that  
5           shall be in compliance with this section, and es-  
6           tablish and implement a State safety oversight  
7           program approved by the Secretary; or

8           “(B) jointly with all other eligible States in  
9           which the rail fixed guideway public transpor-  
10          tation system operates, designate an entity hav-  
11          ing characteristics consistent with the charac-  
12          teristics described in paragraph (3) to carry out  
13          the State safety oversight program approved by  
14          the Secretary.

15          “(7) GRANTS.—

16          “(A) IN GENERAL.—The Secretary may  
17          make a grant to an eligible State to develop or  
18          carry out a State safety oversight program, if  
19          the eligible State submits—

20                  “(i) a proposal for the establishment  
21                  of a State safety oversight program to the  
22                  Secretary for review and written approval  
23                  before implementing a State safety over-  
24                  sight program; and

1           “(ii) any amendment to the State  
2           safety oversight program of the eligible  
3           State to the Secretary for review not later  
4           than 60 days before the effective date of  
5           the amendment.

6           “(B) DETERMINATION BY SECRETARY.—

7           “(i) IN GENERAL.—The Secretary  
8           shall transmit written approval to an eligi-  
9           ble State that submits a State safety over-  
10          sight program, if the Secretary determines  
11          the State safety oversight program meets  
12          the requirements of this subsection and the  
13          State safety oversight program is adequate  
14          to promote the purposes of this section.

15          “(ii) AMENDMENT.—The Secretary  
16          shall transmit to an eligible State that sub-  
17          mits an amendment under subparagraph  
18          (A)(ii) a written determination with re-  
19          spect to the amendment.

20          “(iii) NO WRITTEN DECISION.—If an  
21          eligible State does not receive a written de-  
22          cision from the Secretary with respect to  
23          an amendment submitted under subpara-  
24          graph (A)(ii) before the end of the 60-day  
25          period beginning on the date on which the

1 eligible State submits the amendment, the  
2 amendment shall be deemed to be ap-  
3 proved.

4 “(iv) DISAPPROVAL.—If the Secretary  
5 determines that a State safety oversight  
6 program does not meet the requirements of  
7 this subsection, the Secretary shall trans-  
8 mit to the eligible State a written expla-  
9 nation and allow the eligible State to mod-  
10 ify and resubmit the State safety oversight  
11 program for approval.

12 “(C) GOVERNMENT SHARE.—

13 “(i) IN GENERAL.—The Government  
14 share of the reasonable cost of a State  
15 safety oversight program developed or car-  
16 ried out using a grant under this para-  
17 graph shall be 80 percent.

18 “(ii) IN-KIND CONTRIBUTIONS.—Any  
19 calculation of the non-Government share of  
20 a State safety oversight program shall in-  
21 clude in-kind contributions by an eligible  
22 State.

23 “(iii) NON-GOVERNMENT SHARE.—  
24 The non-Government share of the cost of  
25 a State safety oversight program developed



1 or carried out using a grant under this  
2 paragraph may not be met by—

3 “(I) any Federal funds;

4 “(II) any funds received from a  
5 public transportation agency; or

6 “(III) any revenues earned by a  
7 public transportation agency.

8 “(iv) SAFETY TRAINING PROGRAM.—

9 The Secretary may reimburse an eligible  
10 State or a recipient for the full costs of  
11 participation in the public transportation  
12 safety certification training program estab-  
13 lished under subsection (c) by an employee  
14 of a State safety oversight agency or a re-  
15 cipient who is directly responsible for safe-  
16 ty oversight.

17 “(8) CONTINUAL EVALUATION OF PROGRAM.—

18 The Secretary shall continually evaluate the imple-  
19 mentation of a State safety oversight program by a  
20 State safety oversight agency, on the basis of—

21 “(A) reports submitted by the State safety  
22 oversight agency under paragraph (4)(A)(viii);  
23 and

24 “(B) audits carried out by the Secretary.

25 “(9) INADEQUATE PROGRAM.—

1           “(A) IN GENERAL.—If the Secretary finds  
2 that a State safety oversight program approved  
3 by the Secretary is not being carried out in ac-  
4 cordance with this section or has become inad-  
5 equate to ensure the enforcement of Federal  
6 safety regulations, the Secretary shall—

7           “(i) transmit to the eligible State a  
8 written explanation of the reason the pro-  
9 gram has become inadequate and inform  
10 the State of the intention to withhold  
11 funds, including the amount of funds pro-  
12 posed to be withheld under this section, or  
13 withdraw approval of the State safety over-  
14 sight program; and

15           “(ii) allow the eligible State a reason-  
16 able period of time to modify the State  
17 safety oversight program or implementa-  
18 tion of the program and submit an up-  
19 dated proposal for the State safety over-  
20 sight program to the Secretary for ap-  
21 proval.

22           “(B) FAILURE TO CORRECT.—If the Sec-  
23 retary determines that a modification by an eli-  
24 gible State of the State safety oversight pro-  
25 gram is not sufficient to ensure the enforcement

1 of Federal safety regulations, the Secretary  
2 may—

3 “(i) withhold funds available under  
4 this section in an amount determined by  
5 the Secretary; or

6 “(ii) provide written notice of with-  
7 drawal of State safety oversight program  
8 approval.

9 “(C) TEMPORARY OVERSIGHT.—In the  
10 event the Secretary takes action under subpara-  
11 graph (B)(ii), the Secretary shall provide over-  
12 sight of the rail fixed guideway systems in an  
13 eligible State until the State submits a State  
14 safety oversight program approved by the Sec-  
15 retary.

16 “(D) RESTORATION.—

17 “(i) CORRECTION.—The eligible State  
18 shall address any inadequacy to the satis-  
19 faction of the Secretary prior to the Sec-  
20 retary restoring funds withheld under this  
21 paragraph.

22 “(ii) AVAILABILITY AND REALLOCA-  
23 TION.—Any funds withheld under this  
24 paragraph shall remain available for res-  
25 toration to the eligible State until the end

1           of the first fiscal year after the fiscal year  
2           in which the funds were withheld, after  
3           which time the funds shall be available to  
4           the Secretary for allocation to other eligi-  
5           ble States under this section.

6           “(10) FEDERAL OVERSIGHT.—The Secretary  
7           shall—

8                   “(A) oversee the implementation of each  
9           State safety oversight program under this sub-  
10           section;

11                   “(B) audit the operations of each State  
12           safety oversight agency at least once triennially;  
13           and

14                   “(C) issue rules to carry out this sub-  
15           section.

16           “(f) AUTHORITY OF SECRETARY.—In carrying out  
17           this section, the Secretary may—

18                   “(1) conduct inspections, investigations, audits,  
19           examinations, and testing of the equipment, facili-  
20           ties, rolling stock, and operations of the public  
21           transportation system of a recipient;

22                   “(2) make reports and issue directives with re-  
23           spect to the safety of the public transportation sys-  
24           tem of a recipient;

1           “(3) in conjunction with an accident investiga-  
2           tion or an investigation into a pattern or practice of  
3           conduct that negatively affects public safety, issue a  
4           subpoena to, and take the deposition of, any em-  
5           ployee of a recipient or a State safety oversight  
6           agency, if—

7                   “(A) before the issuance of the subpoena,  
8                   the Secretary requests a determination by the  
9                   Attorney General of the United States as to  
10                  whether the subpoena will interfere with an on-  
11                  going criminal investigation; and

12                  “(B) the Attorney General—

13                          “(i) determines that the subpoena will  
14                          not interfere with an ongoing criminal in-  
15                          vestigation; or

16                          “(ii) fails to make a determination  
17                          under clause (i) before the date that is 30  
18                          days after the date on which the Secretary  
19                          makes a request under subparagraph (A);

20           “(4) require the production of documents by,  
21           and prescribe recordkeeping and reporting require-  
22           ments for, a recipient or a State safety oversight  
23           agency;

1           “(5) investigate public transportation accidents  
2           and incidents and provide guidance to recipients re-  
3           garding prevention of accidents and incidents;

4           “(6) at reasonable times and in a reasonable  
5           manner, enter and inspect equipment, facilities, roll-  
6           ing stock, operations, and relevant records of the  
7           public transportation system of a recipient; and

8           “(7) issue rules to carry out this section.

9           “(g) ENFORCEMENT ACTIONS.—

10           “(1) TYPES OF ENFORCEMENT ACTIONS.—The  
11           Secretary may take enforcement action against a re-  
12           cipient that does not comply with Federal law with  
13           respect to the safety of the public transportation  
14           system, including—

15           “(A) issuing directives;

16           “(B) requiring more frequent oversight of  
17           the recipient by a State safety oversight agency  
18           or the Secretary;

19           “(C) imposing more frequent reporting re-  
20           quirements;

21           “(D) requiring that any Federal financial  
22           assistance provided under this chapter be spent  
23           on correcting safety deficiencies identified by  
24           the Secretary or the State safety oversight

1 agency before such funds are spent on other  
2 projects;

3 “(E) subject to paragraph (2), withholding  
4 Federal financial assistance, in an amount to be  
5 determined by the Secretary, from the recipient,  
6 until such time as the recipient comes into com-  
7 pliance with this section; and

8 “(F) subject to paragraph (3), imposing a  
9 civil penalty, in an amount to be determined by  
10 the Secretary.

11 “(2) USE OR WITHHOLDING OF FUNDS.—

12 “(A) IN GENERAL.—The Secretary may re-  
13 quire the use of funds in accordance with para-  
14 graph (1)(D), or withhold funds under para-  
15 graph (1)(E), only if the Secretary finds that a  
16 recipient is engaged in a pattern or practice of  
17 serious safety violations or has otherwise re-  
18 fused to comply with Federal law relating to the  
19 safety of the public transportation system.

20 “(B) NOTICE.—Before withholding funds  
21 from a recipient under paragraph (1)(E), the  
22 Secretary shall provide to the recipient—

23 “(i) written notice of a violation and  
24 the amount proposed to be withheld; and





1 Secretary for allocation to other eligible re-  
2 cipients.

3 “(E) NOTIFICATION.—Not later than 3  
4 days before taking any action under subpara-  
5 graph (C), the Secretary shall notify the Com-  
6 mittee on Banking, Housing, and Urban Affairs  
7 of the Senate and the Committee on Transpor-  
8 tation and Infrastructure of the House of Rep-  
9 resentatives of such action.

10 “(3) CIVIL PENALTIES.—

11 “(A) IMPOSITION OF CIVIL PENALTIES.—

12 “(i) IN GENERAL.—The Secretary  
13 may impose a civil penalty under para-  
14 graph (1)(F) only if—

15 “(I) the Secretary has exhausted  
16 the enforcement actions available  
17 under subparagraphs (A) through (E)  
18 of paragraph (1); and

19 “(II) the recipient continues to  
20 be in violation of Federal safety law.

21 “(ii) EXCEPTION.—The Secretary  
22 may waive the requirement under clause  
23 (i)(I) if the Secretary determines that such  
24 a waiver is in the public interest.

1           “(B) NOTICE.—Before imposing a civil  
2 penalty on a recipient under paragraph (1)(F),  
3 the Secretary shall provide to the recipient—

4           “(i) written notice of any violation  
5 and the penalty proposed to be imposed;  
6 and

7           “(ii) a reasonable period of time with-  
8 in which the recipient may address the vio-  
9 lation or propose and initiate an alter-  
10 native means of compliance that the Sec-  
11 retary determines is acceptable.

12           “(C) FAILURE TO ADDRESS.—If the recipi-  
13 ent does not address the violation or propose an  
14 alternative means of compliance that the Sec-  
15 retary determines is acceptable within the pe-  
16 riod of time specified in the written notice, the  
17 Secretary may impose a civil penalty under  
18 paragraph (1)(F).

19           “(D) NOTIFICATION.—Not later than 3  
20 days before taking any action under subpara-  
21 graph (C), the Secretary shall notify the Com-  
22 mittee on Banking, Housing, and Urban Affairs  
23 of the Senate and the Committee on Transpor-  
24 tation and Infrastructure of the House of Rep-  
25 resentatives of such action.

1           “(E) DEPOSIT OF CIVIL PENALTIES.—Any  
2           amounts collected by the Secretary under this  
3           paragraph shall be deposited into the Mass  
4           Transit Account of the Highway Trust Fund.

5           “(4) ENFORCEMENT BY THE ATTORNEY GEN-  
6           ERAL.—At the request of the Secretary, the Attor-  
7           ney General may bring a civil action—

8           “(A) for appropriate injunctive relief to en-  
9           sure compliance with this section;

10           “(B) to collect a civil penalty imposed  
11           under paragraph (1)(F); and

12           “(C) to enforce a subpoena, request for ad-  
13           missions, request for production of documents  
14           or other tangible things, or request for testi-  
15           mony by deposition issued by the Secretary  
16           under this section.

17           “(h) COST-BENEFIT ANALYSIS.—

18           “(1) ANALYSIS REQUIRED.—In carrying out  
19           this section, the Secretary shall take into consider-  
20           ation the costs and benefits of each action the Sec-  
21           retary proposes to take under this section.

22           “(2) WAIVER.—The Secretary may waive the  
23           requirement under this subsection if the Secretary  
24           determines that such a waiver is in the public inter-  
25           est.

1           “(i) CONSULTATION BY THE SECRETARY OF HOME-  
2 LAND SECURITY.—The Secretary of Homeland Security  
3 shall consult with the Secretary of Transportation before  
4 the Secretary of Homeland Security issues a rule or order  
5 that the Secretary of Transportation determines affects  
6 the safety of public transportation design, construction, or  
7 operations.

8           “(j) PREEMPTION OF STATE LAW.—

9                 “(1) NATIONAL UNIFORMITY OF REGULA-  
10 TION.—Laws, regulations, and orders related to pub-  
11 lic transportation safety shall be nationally uniform  
12 to the extent practicable.

13                 “(2) IN GENERAL.—A State may adopt or con-  
14 tinue in force a law, regulation, or order related to  
15 the safety of public transportation until the Sec-  
16 retary issues a rule or order covering the subject  
17 matter of the State requirement.

18                 “(3) MORE STRINGENT LAW.—A State may  
19 adopt or continue in force a law, regulation, or order  
20 related to the safety of public transportation that is  
21 consistent with, in addition to, or more stringent  
22 than a regulation or order of the Secretary if the  
23 Secretary determines that the law, regulation, or  
24 order—

25                         “(A) has a safety benefit;

1           “(B) is not incompatible with a law, regu-  
2           lation, or order, or the terms and conditions of  
3           a financial assistance agreement of the United  
4           States Government; and

5           “(C) does not unreasonably burden inter-  
6           state commerce.

7           “(4) ACTIONS UNDER STATE LAW.—

8           “(A) RULE OF CONSTRUCTION.—Nothing  
9           in this section shall be construed to preempt an  
10          action under State law seeking damages for  
11          personal injury, death, or property damage al-  
12          leging that a party has failed to comply with—

13                 “(i) a Federal standard of care estab-  
14                 lished by a regulation or order issued by  
15                 the Secretary under this section;

16                 “(ii) its own program, rule, or stand-  
17                 ard that it created pursuant to a rule or  
18                 order issued by the Secretary; or

19                 “(iii) a State law, regulation, or order  
20                 that is not incompatible with paragraph  
21                 (2).

22           “(B) EFFECTIVE DATE.—This paragraph  
23           shall apply to any cause of action under State  
24           law arising from an event or activity occurring

1           on or after the date of enactment of the Fed-  
2           eral Public Transportation Act of 2012.

3           “(5) JURISDICTION.—Nothing in this section  
4           shall be construed to create a cause of action under  
5           Federal law on behalf of an injured party or confer  
6           Federal question jurisdiction for a State law cause  
7           of action.

8           “(k) ANNUAL REPORT.—The Secretary shall submit  
9           to the Committee on Banking, Housing, and Urban Af-  
10          fairs of the Senate and the Committee on Transportation  
11          and Infrastructure of the House of Representatives an an-  
12          nual report that—

13                 “(1) analyzes public transportation safety  
14                 trends among the States and documents the most ef-  
15                 fective safety programs implemented using grants  
16                 under this section; and

17                 “(2) describes the effect on public transpor-  
18                 tation safety of activities carried out using grants  
19                 under this section.”.

20          (b) BUS SAFETY STUDY.—

21                 (1) DEFINITION.—In this subsection, the term  
22                 “highway route” means a route where 50 percent or  
23                 more of the route is on roads having a speed limit  
24                 of more than 45 miles per hour.

1           (2) STUDY.—Not later than 180 days after the  
2           date of enactment of this Act, the Secretary of  
3           Transportation shall submit to the Committee on  
4           Banking, Housing, and Urban Affairs of the Senate  
5           and the Committee on Transportation and Infra-  
6           structure of the House of Representatives a report  
7           that—

8                   (A) examines the safety of public transpor-  
9                   tation buses that travel on highway routes;

10                   (B) examines laws and regulations that  
11                   apply to commercial over-the-road buses; and

12                   (C) makes recommendations as to whether  
13                   additional safety measures should be required  
14                   for public transportation buses that travel on  
15                   highway routes.

16 **SEC. 22. ALCOHOL AND CONTROLLED SUBSTANCES TEST-**  
17 **ING.**

18           Section 5331(b)(2) of title 49, United States Code,  
19 is amended—

20                   (1) by redesignating subparagraphs (A) and  
21                   (B) as subparagraphs (B) and (C), respectively; and

22                   (2) by inserting before subparagraph (B), as so  
23                   redesignated, the following:

1           “(A) shall establish and implement an enforce-  
2           ment program that includes the imposition of pen-  
3           alties for failure to comply with this section;”.

4 **SEC. 23. NONDISCRIMINATION.**

5           (a) AMENDMENTS.—Section 5332 of title 49, United  
6 States Code, is amended—

7           (1) in subsection (b)—

8                   (A) by striking “creed” and inserting “reli-  
9                   gion”; and

10                   (B) by inserting “disability,” after “sex,”;  
11           and

12           (2) in subsection (d)(3), by striking “and” and  
13           inserting “or”.

14           (b) EVALUATION AND REPORT.—

15           (1) EVALUATION.—The Comptroller General of  
16           the United States shall evaluate the progress and ef-  
17           fectiveness of the Federal Transit Administration in  
18           assisting recipients of assistance under chapter 53 of  
19           title 49, United States Code, to comply with section  
20           5332(b) of title 49, including—

21                   (A) by reviewing discrimination complaints,  
22                   reports, and other relevant information collected  
23                   or prepared by the Federal Transit Administra-  
24                   tion or recipients of assistance from the Federal  
25                   Transit Administration pursuant to any appli-



1 cable civil rights statute, regulation, or other re-  
2 quirement; and

3 (B) by reviewing the process that the Fed-  
4 eral Transit Administration uses to resolve dis-  
5 crimination complaints filed by members of the  
6 public.

7 (2) REPORT.—Not later than 1 year after the  
8 date of enactment of this Act, the Comptroller Gen-  
9 eral shall submit to the Committee on Banking,  
10 Housing, and Urban Affairs of the Senate and the  
11 Committee on Transportation and Infrastructure of  
12 the House of Representatives a report concerning  
13 the evaluation under paragraph (1) that includes—

14 (A) a description of the ability of the Fed-  
15 eral Transit Administration to address discrimi-  
16 nation and foster equal opportunities in feder-  
17 ally funded public transportation projects, pro-  
18 grams, and activities;

19 (B) recommendations for improvements if  
20 the Comptroller General determines that im-  
21 provements are necessary; and

22 (C) information upon which the evaluation  
23 under paragraph (1) is based.

1 **SEC. 24. LABOR STANDARDS.**

2 Section 5333(b) of title 49, United States Code, is  
3 amended—

4 (1) in paragraph (1), by striking “sections  
5 5307-5312, 5316, 5318, 5323(a)(1), 5323(b),  
6 5323(d), 5328, 5337, and 5338(b)” each place that  
7 term appears and inserting “sections 5307, 5308,  
8 5309, 5311, and 5337”; and

9 (2) in paragraph (5), by inserting “of Labor”  
10 after “Secretary”.

11 **SEC. 25. ADMINISTRATIVE PROVISIONS.**

12 Section 5334 of title 49, United States Code, is  
13 amended—

14 (1) in subsection (a)(1), by striking “under sec-  
15 tions 5307 and 5309-5311 of this title” and insert-  
16 ing “that receives Federal financial assistance under  
17 this chapter”;

18 (2) in subsection (b)(1)—

19 (A) by inserting after “emergency,” the  
20 following: “or for purposes of establishing and  
21 enforcing a program to improve the safety of  
22 public transportation systems in the United  
23 States,”; and

24 (B) by striking “chapter, nor may the Sec-  
25 retary” and inserting “chapter. The Secretary  
26 may not”;

1           (3) in subsection (c)(4), by striking “section  
2           (except subsection (i)) and sections 5318(e),  
3           5323(a)(2), 5325(a), 5325(b), and 5325(f)” and in-  
4           serting “subsection”;

5           (4) in subsection (h)(3), by striking “another”  
6           and inserting “any other”;

7           (5) in subsection (i)(1), by striking “title 23  
8           shall” and inserting “title 23 may”;

9           (6) by striking subsection (j); and

10           (7) by redesignating subsections (k) and (l) as  
11           subsections (j) and (k), respectively.

12 **SEC. 26. NATIONAL TRANSIT DATABASE.**

13           Section 5335 of title 49, United States Code, is  
14           amended by adding at the end the following:

15           “(c) DATA REQUIRED TO BE REPORTED.—The re-  
16           cipient of a grant under this chapter shall report to the  
17           Secretary, for inclusion in the National Transit Database,  
18           any information relating to—

19           “(1) the causes of a reportable incident, as de-  
20           fined by the Secretary; and

21           “(2) a transit asset inventory or condition as-  
22           sessment conducted by the recipient.”.

1 **SEC. 27. APPORTIONMENT OF APPROPRIATIONS FOR FOR-**  
2 **MULA GRANTS.**

3 Section 5336 of title 49, United States Code, is  
4 amended to read as follows:

5 **“§ 5336. Apportionment of appropriations for formula**  
6 **grants**

7 “(a) **BASED ON URBANIZED AREA POPULATION.—**  
8 Of the amount apportioned under subsection (h)(4) to  
9 carry out section 5307—

10 “(1) 9.32 percent shall be apportioned each fis-  
11 cal year only in urbanized areas with a population  
12 of less than 200,000 so that each of those areas is  
13 entitled to receive an amount equal to—

14 “(A) 50 percent of the total amount appor-  
15 tioned multiplied by a ratio equal to the popu-  
16 lation of the area divided by the total popu-  
17 lation of all urbanized areas with populations of  
18 less than 200,000 as shown in the most recent  
19 decennial census; and

20 “(B) 50 percent of the total amount appor-  
21 tioned multiplied by a ratio for the area based  
22 on population weighted by a factor, established  
23 by the Secretary, of the number of inhabitants  
24 in each square mile; and

25 “(2) 90.68 percent shall be apportioned each  
26 fiscal year only in urbanized areas with populations

1 of at least 200,000 as provided in subsections (b)  
2 and (c) of this section.

3 “(b) BASED ON FIXED GUIDEWAY REVENUE VEHI-  
4 CLE-MILES, ROUTE-MILES, AND PASSENGER-MILES.—(1)

5 In this subsection, ‘fixed guideway revenue vehicle-miles’  
6 and ‘fixed guideway route-miles’ include passenger ferry  
7 operations directly or under contract by the designated re-  
8 cipient.

9 “(2) Of the amount apportioned under subsection  
10 (a)(2) of this section, 33.29 percent shall be apportioned  
11 as follows:

12 “(A) 95.61 percent of the total amount appor-  
13 tioned under this subsection shall be apportioned so  
14 that each urbanized area with a population of at  
15 least 200,000 is entitled to receive an amount equal  
16 to—

17 “(i) 60 percent of the 95.61 percent appor-  
18 tioned under this subparagraph multiplied by a  
19 ratio equal to the number of fixed guideway  
20 revenue vehicle-miles attributable to the area,  
21 as established by the Secretary, divided by the  
22 total number of all fixed guideway revenue vehi-  
23 cle-miles attributable to all areas; and

24 “(ii) 40 percent of the 95.61 percent ap-  
25 portioned under this subparagraph multiplied

1           by a ratio equal to the number of fixed guide-  
2           way route-miles attributable to the area, estab-  
3           lished by the Secretary, divided by the total  
4           number of all fixed guideway route-miles attrib-  
5           utable to all areas.

6           An urbanized area with a population of at least  
7           750,000 in which commuter rail transportation is  
8           provided shall receive at least .75 percent of the  
9           total amount apportioned under this subparagraph.

10           “(B) 4.39 percent of the total amount appor-  
11           tioned under this subsection shall be apportioned so  
12           that each urbanized area with a population of at  
13           least 200,000 is entitled to receive an amount equal  
14           to—

15           “(i) the number of fixed guideway vehicle  
16           passenger-miles traveled multiplied by the num-  
17           ber of fixed guideway vehicle passenger-miles  
18           traveled for each dollar of operating cost in an  
19           area; divided by

20           “(ii) the total number of fixed guideway  
21           vehicle passenger-miles traveled multiplied by  
22           the total number of fixed guideway vehicle pas-  
23           senger-miles traveled for each dollar of oper-  
24           ating cost in all areas.

1 An urbanized area with a population of at least  
2 750,000 in which commuter rail transportation is  
3 provided shall receive at least .75 percent of the  
4 total amount apportioned under this subparagraph.

5 “(C) Under subparagraph (A) of this para-  
6 graph, fixed guideway revenue vehicle- or route-  
7 miles, and passengers served on those miles, in an  
8 urbanized area with a population of less than  
9 200,000, where the miles and passengers served oth-  
10 erwise would be attributable to an urbanized area  
11 with a population of at least 1,000,000 in an adja-  
12 cent State, are attributable to the governmental au-  
13 thority in the State in which the urbanized area with  
14 a population of less than 200,000 is located. The au-  
15 thority is deemed an urbanized area with a popu-  
16 lation of at least 200,000 if the authority makes a  
17 contract for the service.

18 “(D) A recipient’s apportionment under sub-  
19 paragraph (A)(i) of this paragraph may not be re-  
20 duced if the recipient, after satisfying the Secretary  
21 that energy or operating efficiencies would be  
22 achieved, reduces revenue vehicle-miles but provides  
23 the same frequency of revenue service to the same  
24 number of riders.

1           “(c) BASED ON BUS REVENUE VEHICLE-MILES AND  
2 PASSENGER-MILES.—Of the amount apportioned under  
3 subsection (a)(2) of this section, 66.71 percent shall be  
4 apportioned as follows:

5           “(1) 90.8 percent of the total amount appor-  
6 tioned under this subsection shall be apportioned as  
7 follows:

8           “(A) 73.39 percent of the 90.8 percent ap-  
9 portioned under this paragraph shall be appor-  
10 tioned so that each urbanized area with a popu-  
11 lation of at least 1,000,000 is entitled to receive  
12 an amount equal to—

13           “(i) 50 percent of the 73.39 percent  
14 apportioned under this subparagraph mul-  
15 tiplied by a ratio equal to the total bus rev-  
16 enue vehicle-miles operated in or directly  
17 serving the urbanized area divided by the  
18 total bus revenue vehicle-miles attributable  
19 to all areas;

20           “(ii) 25 percent of the 73.39 percent  
21 apportioned under this subparagraph mul-  
22 tiplied by a ratio equal to the population of  
23 the area divided by the total population of  
24 all areas, as shown in the most recent de-  
25 cennial census; and



1                   “(iii) 25 percent of the 73.39 percent  
2                   apportioned under this subparagraph mul-  
3                   tiplied by a ratio for the area based on  
4                   population weighted by a factor, estab-  
5                   lished by the Secretary, of the number of  
6                   inhabitants in each square mile.

7                   “(B) 26.61 percent of the 90.8 percent ap-  
8                   portioned under this paragraph shall be appor-  
9                   tioned so that each urbanized area with a popu-  
10                  lation of at least 200,000 but not more than  
11                  999,999 is entitled to receive an amount equal  
12                  to—

13                   “(i) 50 percent of the 26.61 percent  
14                   apportioned under this subparagraph mul-  
15                   tiplied by a ratio equal to the total bus rev-  
16                   enue vehicle-miles operated in or directly  
17                   serving the urbanized area divided by the  
18                   total bus revenue vehicle-miles attributable  
19                   to all areas;

20                   “(ii) 25 percent of the 26.61 percent  
21                   apportioned under this subparagraph mul-  
22                   tiplied by a ratio equal to the population of  
23                   the area divided by the total population of  
24                   all areas, as shown by the most recent de-  
25                   cennial census; and

1                   “(iii) 25 percent of the 26.61 percent  
2                   apportioned under this subparagraph mul-  
3                   tiplied by a ratio for the area based on  
4                   population weighted by a factor, estab-  
5                   lished by the Secretary, of the number of  
6                   inhabitants in each square mile.

7                   “(2) 9.2 percent of the total amount appor-  
8                   tioned under this subsection shall be apportioned so  
9                   that each urbanized area with a population of at  
10                  least 200,000 is entitled to receive an amount equal  
11                  to—

12                  “(A) the number of bus passenger-miles  
13                  traveled multiplied by the number of bus pas-  
14                  senger-miles traveled for each dollar of oper-  
15                  ating cost in an area; divided by

16                  “(B) the total number of bus passenger-  
17                  miles traveled multiplied by the total number of  
18                  bus passenger-miles traveled for each dollar of  
19                  operating cost in all areas.

20                  “(d) DATE OF APPORTIONMENT.—The Secretary  
21                  shall—

22                  “(1) apportion amounts appropriated under sec-  
23                  tion 5338(a)(2)(C) of this title to carry out section  
24                  5307 of this title not later than the 10th day after  
25                  the date the amounts are appropriated or October 1

1 of the fiscal year for which the amounts are appro-  
2 priated, whichever is later; and

3 “(2) publish apportionments of the amounts, in-  
4 cluding amounts attributable to each urbanized area  
5 with a population of more than 50,000 and amounts  
6 attributable to each State of a multistate urbanized  
7 area, on the apportionment date.

8 “(e) AMOUNTS NOT APPORTIONED TO DESIGNATED  
9 RECIPIENTS.—The Governor of a State may expend in an  
10 urbanized area with a population of less than 200,000 an  
11 amount apportioned under this section that is not appor-  
12 tioned to a designated recipient, as defined in section  
13 5302(5).

14 “(f) TRANSFERS OF APPORTIONMENTS.—(1) The  
15 Governor of a State may transfer any part of the State’s  
16 apportionment under subsection (a)(1) of this section to  
17 supplement amounts apportioned to the State under sec-  
18 tion 5311(c)(3). The Governor may make a transfer only  
19 after consulting with responsible local officials and pub-  
20 licly owned operators of public transportation in each area  
21 for which the amount originally was apportioned under  
22 this section.

23 “(2) The Governor of a State may transfer any part  
24 of the State’s apportionment under section 5311(c)(3) to

1 supplement amounts apportioned to the State under sub-  
2 section (a)(1) of this section.

3 “(3) The Governor of a State may use throughout  
4 the State amounts of a State’s apportionment remaining  
5 available for obligation at the beginning of the 90-day pe-  
6 riod before the period of the availability of the amounts  
7 expires.

8 “(4) A designated recipient for an urbanized area  
9 with a population of at least 200,000 may transfer a part  
10 of its apportionment under this section to the Governor  
11 of a State. The Governor shall distribute the transferred  
12 amounts to urbanized areas under this section.

13 “(5) Capital and operating assistance limitations ap-  
14 plicable to the original apportionment apply to amounts  
15 transferred under this subsection.

16 “(g) PERIOD OF AVAILABILITY TO RECIPIENTS.—An  
17 amount apportioned under this section may be obligated  
18 by the recipient for 5 years after the fiscal year in which  
19 the amount is apportioned. Not later than 30 days after  
20 the end of the 5-year period, an amount that is not obli-  
21 gated at the end of that period shall be added to the  
22 amount that may be apportioned under this section in the  
23 next fiscal year.

1       “(h) APPORTIONMENTS.—Of the amounts made  
2 available for each fiscal year under section  
3 5338(a)(2)(C)—

4           “(1) \$35,000,000 shall be set aside to carry out  
5 section 5307(i);

6           “(2) 3.07 percent shall be apportioned to ur-  
7 banized areas in accordance with subsection (j);

8           “(3) of amounts not apportioned under para-  
9 graphs (1) and (2), 1 percent shall be apportioned  
10 to urbanized areas with populations of less than  
11 200,000 in accordance with subsection (i); and

12           “(4) any amount not apportioned under para-  
13 graphs (1), (2), and (3) shall be apportioned to ur-  
14 banized areas in accordance with subsections (a)  
15 through (c).

16       “(i) SMALL TRANSIT INTENSIVE CITIES FOR-  
17 MULA.—

18           “(1) DEFINITIONS.—In this subsection, the fol-  
19 lowing definitions apply:

20           “(A) ELIGIBLE AREA.—The term ‘eligible  
21 area’ means an urbanized area with a popu-  
22 lation of less than 200,000 that meets or ex-  
23 ceeds in one or more performance categories the  
24 industry average for all urbanized areas with a  
25 population of at least 200,000 but not more

1 than 999,999, as determined by the Secretary  
2 in accordance with subsection (c)(2).

3 “(B) PERFORMANCE CATEGORY.—The  
4 term ‘performance category’ means each of the  
5 following:

6 “(i) Passenger miles traveled per vehi-  
7 cle revenue mile.

8 “(ii) Passenger miles traveled per ve-  
9 hicle revenue hour.

10 “(iii) Vehicle revenue miles per capita.

11 “(iv) Vehicle revenue hours per capita.

12 “(v) Passenger miles traveled per cap-  
13 ita.

14 “(vi) Passengers per capita.

15 “(2) APPORTIONMENT.—

16 “(A) APPORTIONMENT FORMULA.—The  
17 amount to be apportioned under subsection  
18 (h)(3) shall be apportioned among eligible areas  
19 in the ratio that—

20 “(i) the number of performance cat-  
21 egories for which each eligible area meets  
22 or exceeds the industry average in urban-  
23 ized areas with a population of at least  
24 200,000 but not more than 999,999; bears  
25 to

1                   “(ii) the aggregate number of per-  
2                   formance categories for which all eligible  
3                   areas meet or exceed the industry average  
4                   in urbanized areas with a population of at  
5                   least 200,000 but not more than 999,999.

6                   “(B) DATA USED IN FORMULA.—The Sec-  
7                   retary shall calculate apportionments under this  
8                   subsection for a fiscal year using data from the  
9                   national transit database used to calculate ap-  
10                  portionments for that fiscal year under this sec-  
11                  tion.

12                  “(j) APPORTIONMENT FORMULA.—The amounts ap-  
13                  portioned under subsection (h)(2) shall be apportioned  
14                  among urbanized areas as follows:

15                  “(1) 75 percent of the funds shall be appor-  
16                  tioned among designated recipients for urbanized  
17                  areas with a population of 200,000 or more in the  
18                  ratio that—

19                          “(A) the number of eligible low-income in-  
20                          dividuals in each such urbanized area; bears to

21                          “(B) the number of eligible low-income in-  
22                          dividuals in all such urbanized areas.

23                  “(2) 25 percent of the funds shall be appor-  
24                  tioned among designated recipients for urbanized

1 areas with a population of less than 200,000 in the  
2 ratio that—

3 “(A) the number of eligible low-income in-  
4 dividuals in each such urbanized area; bears to  
5 “(B) the number of eligible low-income in-  
6 dividuals in all such urbanized areas.”.

7 **SEC. 28. STATE OF GOOD REPAIR GRANTS.**

8 Section 5337 of title 49, United States Code, is  
9 amended to read as follows:

10 **“§ 5337. State of good repair grants**

11 “(a) DEFINITIONS.—In this section, the following  
12 definitions shall apply:

13 “(1) FIXED GUIDEWAY.—The term ‘fixed  
14 guideway’ means a public transportation facility—

15 “(A) using and occupying a separate right-  
16 of-way for the exclusive use of public transpor-  
17 tation;

18 “(B) using rail;

19 “(C) using a fixed catenary system;

20 “(D) for a passenger ferry system; or

21 “(E) for a bus rapid transit system.

22 “(2) STATE.—The term ‘State’ means the 50  
23 States, the District of Columbia, and Puerto Rico.



1           “(3) STATE OF GOOD REPAIR.—The term ‘state  
2 of good repair’ has the meaning given that term by  
3 the Secretary, by rule, under section 5326(b).

4           “(4) TRANSIT ASSET MANAGEMENT PLAN.—  
5 The term ‘transit asset management plan’ means a  
6 plan developed by a recipient of funding under this  
7 chapter that—

8                   “(A) includes, at a minimum, capital asset  
9 inventories and condition assessments, decision  
10 support tools, and investment prioritization;  
11 and

12                   “(B) the recipient certifies that the recipi-  
13 ent complies with the rule issued under section  
14 5326(d).

15           “(b) GENERAL AUTHORITY.—

16           “(1) ELIGIBLE PROJECTS.—The Secretary may  
17 make grants under this section to assist State and  
18 local governmental authorities in financing capital  
19 projects to maintain public transportation systems in  
20 a state of good repair, including projects to replace  
21 and rehabilitate—

22                   “(A) rolling stock;

23                   “(B) track;

24                   “(C) line equipment and structures;

25                   “(D) signals and communications;

1 “(E) power equipment and substations;

2 “(F) passenger stations and terminals;

3 “(G) security equipment and systems;

4 “(H) maintenance facilities and equipment;

5 “(I) operational support equipment, includ-  
6 ing computer hardware and software;

7 “(J) development and implementation of a  
8 transit asset management plan; and

9 “(K) other replacement and rehabilitation  
10 projects the Secretary determines appropriate.

11 “(2) INCLUSION IN PLAN.—A recipient shall in-  
12 clude a project carried out under paragraph (1) in  
13 the transit asset management plan of the recipient  
14 upon completion of the plan.

15 “(c) HIGH INTENSITY FIXED GUIDEWAY STATE OF  
16 GOOD REPAIR FORMULA.—

17 “(1) IN GENERAL.—Of the amount authorized  
18 or made available under section 5338(a)(2)(M),  
19 \$1,874,763,500 shall be apportioned to recipients in  
20 accordance with this subsection.

21 “(2) AREA SHARE.—

22 “(A) IN GENERAL.—50 percent of the  
23 amount described in paragraph (1) shall be ap-  
24 portioned for fixed guideway systems in accord-  
25 ance with this paragraph.

1           “(B) SHARE.—A recipient shall receive an  
2           amount equal to the amount described in sub-  
3           paragraph (A), multiplied by the amount the  
4           recipient would have received under this section,  
5           as in effect for fiscal year 2011, if the amount  
6           had been calculated using the definition of the  
7           term ‘fixed guideway’ under subsection (a) of  
8           this section, as in effect on the day after the  
9           date of enactment of the Federal Public Trans-  
10          portation Act of 2012, and divided by the total  
11          amount apportioned for all areas under this  
12          section for fiscal year 2011.

13           “(C) RECIPIENT.—For purposes of this  
14          paragraph, the term ‘recipient’ means an entity  
15          that received funding under this section, as in  
16          effect for fiscal year 2011.

17          “(3) REVENUE VEHICLE-MILES AND ROUTE-  
18          MILES.—

19           “(A) IN GENERAL.—50 percent of the  
20          amount described in paragraph (1) shall be ap-  
21          portioned to recipients in accordance with this  
22          paragraph.

23           “(B) REVENUE VEHICLE-MILES.—A recipi-  
24          ent in an urbanized area shall receive an  
25          amount equal to 60 percent of the amount de-

1           scribed in subparagraph (A), multiplied by the  
2           number of fixed guideway revenue vehicle-miles  
3           attributable to the urbanized area, as estab-  
4           lished by the Secretary, divided by the total  
5           number of all fixed guideway revenue vehicle-  
6           miles attributable to all urbanized areas.

7           “(C) ROUTE-MILES.—A recipient in an ur-  
8           banized area shall receive an amount equal to  
9           40 percent of the amount described in subpara-  
10          graph (A), multiplied by the number of fixed  
11          guideway route-miles attributable to the urban-  
12          ized area, as established by the Secretary, di-  
13          vided by the total number of all fixed guideway  
14          route-miles attributable to all urbanized areas.

15          “(4) LIMITATION.—

16                 “(A) IN GENERAL.—Except as provided in  
17                 subparagraph (B), the share of the total  
18                 amount apportioned under this section that is  
19                 apportioned to an area under this subsection  
20                 shall not decrease by more than 0.25 percent-  
21                 age points compared to the share apportioned  
22                 to the area under this subsection in the pre-  
23                 vious fiscal year.

24                 “(B) SPECIAL RULE FOR FISCAL YEAR  
25                 2012.—In fiscal year 2012, the share of the

1 total amount apportioned under this section  
2 that is apportioned to an area under this sub-  
3 section shall not decrease by more than 0.25  
4 percentage points compared to the share that  
5 would have been apportioned to the area under  
6 this section, as in effect for fiscal year 2011, if  
7 the share had been calculated using the defini-  
8 tion of the term ‘fixed guideway’ under sub-  
9 section (a) of this section, as in effect on the  
10 day after the date of enactment of the Federal  
11 Public Transportation Act of 2012.

12 “(5) USE OF FUNDS.—Amounts made available  
13 under this subsection shall be available for the exclu-  
14 sive use of fixed guideway projects.

15 “(6) RECEIVING APPORTIONMENT.—

16 “(A) IN GENERAL.—Except as provided in  
17 subparagraph (B), for an area with a fixed  
18 guideway system, the amounts provided under  
19 this section shall be apportioned to the des-  
20 ignated recipient for the urbanized area in  
21 which the system operates.

22 “(B) EXCEPTION.—An area described in  
23 the amendment made by section 3028(a) of the  
24 Transportation Equity Act for the 21st Century  
25 (Public Law 105–178; 112 Stat. 366) shall re-

1           ceive an individual apportionment under this  
2           subsection.

3           “(7) APPORTIONMENT REQUIREMENTS.—For  
4           purposes of determining the number of fixed guide-  
5           way revenue vehicle-miles or fixed guideway route-  
6           miles attributable to an urbanized area for a fiscal  
7           year under this subsection, only segments of fixed  
8           guideway systems placed in revenue service not later  
9           than 7 years before the first day of the fiscal year  
10          shall be deemed to be attributable to an urbanized  
11          area.

12          “(d) FIXED GUIDEWAY STATE OF GOOD REPAIR  
13          GRANT PROGRAM.—

14                 “(1) IN GENERAL.—The Secretary may make  
15                 grants under this section to assist State and local  
16                 governmental authorities in financing fixed guideway  
17                 capital projects to maintain public transportation  
18                 systems in a state of good repair.

19                 “(2) COMPETITIVE PROCESS.—The Secretary  
20                 shall solicit grant applications and make grants for  
21                 eligible projects on a competitive basis.

22                 “(3) PRIORITY CONSIDERATION.—In making  
23                 grants under this subsection, the Secretary shall give  
24                 priority to grant applications received from recipi-  
25                 ents receiving an amount under this section that is

1 not less than 2 percent less than the amount the re-  
2 cipient would have received under this section, as in  
3 effect for fiscal year 2011, if the amount had been  
4 calculated using the definition of the term ‘fixed  
5 guideway’ under subsection (a) of this section, as in  
6 effect on the day after the date of enactment of the  
7 Federal Public Transportation Act of 2012.

8 “(e) HIGH INTENSITY MOTORBUS STATE OF GOOD  
9 REPAIR.—

10 “(1) DEFINITION.—For purposes of this sub-  
11 section, the term ‘fixed guideway motorbus’ means  
12 public transportation that is provided on a facility  
13 with access for other high-occupancy vehicles.

14 “(2) APPORTIONMENT.—Of the amount author-  
15 ized or made available under section 5338(a)(2)(M),  
16 \$112,500,000 shall be apportioned to an urbanized  
17 area for high intensity motorbus state of good repair  
18 in accordance with this subsection.

19 “(3) REVENUE VEHICLE-MILES AND ROUTE-  
20 MILES.—

21 “(A) IN GENERAL.—\$60,000,000 of the  
22 amount described in paragraph (2) shall be ap-  
23 portioned to each area in accordance with this  
24 paragraph.

1           “(B) REVENUE VEHICLE-MILES.—Each  
2 area shall receive an amount equal to 60 per-  
3 cent of the amount described in subparagraph  
4 (A), multiplied by the number of fixed guideway  
5 motor bus revenue vehicle-miles attributable to  
6 the area, as established by the Secretary, di-  
7 vided by the total number of all fixed guideway  
8 motorbus revenue vehicle-miles attributable to  
9 all areas.

10           “(C) ROUTE-MILES.—Each area shall re-  
11 ceive an amount equal to 40 percent of the  
12 amount described in subparagraph (A), multi-  
13 plied by the number of fixed guideway motorbus  
14 route-miles attributable to the area, as estab-  
15 lished by the Secretary, divided by the total  
16 number of all fixed guideway motorbus route-  
17 miles attributable to all areas.

18           “(4) SPECIAL RULE FOR FIXED GUIDEWAY  
19 MOTORBUS.—

20           “(A) IN GENERAL.—\$52,500,000 of the  
21 amount described in paragraph (2) shall be ap-  
22 portioned—

23           “(i) in accordance with this para-  
24 graph; and



1                   “(ii) among urbanized areas within a  
2                   State in the same proportion as funds are  
3                   apportioned within a State under section  
4                   5336, except subsection (b), and shall be  
5                   added to such amounts.

6                   “(B) TERRITORIES.—Of the amount de-  
7                   scribed in subparagraph (A), \$500,000 shall be  
8                   distributed among the territories, as determined  
9                   by the Secretary.

10                   “(C) STATES.—Of the amount described in  
11                   subparagraph (A), each State shall receive  
12                   \$1,000,000.

13                   “(5) USE OF FUNDS.—A recipient may transfer  
14                   any part of the apportionment under this subsection  
15                   for use under subsection (c).

16                   “(6) APPORTIONMENT REQUIREMENTS.—For  
17                   purposes of determining the number of fixed guide-  
18                   way motorbus revenue vehicle-miles or fixed guide-  
19                   way motorbus route-miles attributable to an urban-  
20                   ized area for a fiscal year under this subsection, only  
21                   segments of fixed guideway motorbus systems placed  
22                   in revenue service not later than 7 years before the  
23                   first day of the fiscal year shall be deemed to be at-  
24                   tributable to an urbanized area.”.

1 **SEC. 29. AUTHORIZATIONS.**

2 Section 5338 of title 49, United States Code, is  
3 amended to read as follows:

4 **“§ 5338. Authorizations**

5 “(a) FORMULA GRANTS.—

6 “(1) IN GENERAL.—There shall be available  
7 from the Mass Transit Account of the Highway  
8 Trust Fund to carry out sections 5305, 5307, 5308,  
9 5310, 5311, 5335, 5337, and 5340, and subsections  
10 (b) and (c) of section 3005 of the Federal Public  
11 Transportation Act of 2012, \$8,360,565,000 for fis-  
12 cal years 2012 and 2013.

13 “(2) ALLOCATION OF FUNDS.—Of the amounts  
14 made available under paragraph (1)—

15 “(A) \$124,850,000 for each of fiscal years  
16 2012 and 2013 shall be available to carry out  
17 section 5305;

18 “(B) \$20,000,000 for each of fiscal years  
19 2012 and 2013 shall be available to carry out  
20 section 3005(b) of the Federal Public Transpor-  
21 tation Act of 2012;

22 “(C) \$4,756,161,500 for each of fiscal  
23 years 2012 and 2013 shall be allocated in ac-  
24 cordance with section 5336 to provide financial  
25 assistance for urbanized areas under section  
26 5307;

1           “(D) \$65,150,000 for each of fiscal years  
2           2012 and 2013 shall be available to carry out  
3           section 5308, of which not less than \$8,500,000  
4           shall be used to carry out activities under sec-  
5           tion 5312;

6           “(E) \$248,600,000 for each of fiscal years  
7           2012 and 2013 shall be available to provide fi-  
8           nancial assistance for services for the enhanced  
9           mobility of seniors and individuals with disabili-  
10          ties under section 5310;

11          “(F) \$591,190,000 for each of fiscal years  
12          2012 and 2013 shall be available to provide fi-  
13          nancial assistance for other than urbanized  
14          areas under section 5311, of which not less  
15          than \$30,000,000 shall be available to carry out  
16          section 5311(c)(1) and \$20,000,000 shall be  
17          available to carry out section 5311(c)(2);

18          “(G) \$34,000,000 for each of fiscal years  
19          2012 and 2013 shall be available to carry out  
20          research, development, demonstration, and de-  
21          ployment projects under section 5312;

22          “(H) \$6,500,000 for each of fiscal years  
23          2012 and 2013 shall be available to carry out  
24          a transit cooperative research program under  
25          section 5313;

1           “(I) \$4,500,000 for each of fiscal years  
2           2012 and 2013 shall be available for technical  
3           assistance and standards development under  
4           section 5314;

5           “(J) \$5,000,000 for each of fiscal years  
6           2012 and 2013 shall be available for the Na-  
7           tional Transit Institute under section 5315;

8           “(K) \$2,000,000 for each of fiscal years  
9           2012 and 2013 shall be available for workforce  
10          development and human resource grants under  
11          section 5322;

12          “(L) \$3,850,000 for each of fiscal years  
13          2012 and 2013 shall be available to carry out  
14          section 5335;

15          “(M) \$1,987,263,500 for each of fiscal  
16          years 2012 and 2013 shall be available to carry  
17          out subsections (c) and (e) of section 5337; and

18          “(N) \$511,500,000 for each of fiscal years  
19          2012 and 2013 shall be allocated in accordance  
20          with section 5340 to provide financial assist-  
21          ance for urbanized areas under section 5307  
22          and other than urbanized areas under section  
23          5311.

1       “(b) EMERGENCY RELIEF PROGRAM.—There are au-  
2 thORIZED to be appropriated such sums as are necessary  
3 to carry out section 5306.

4       “(c) CAPITAL INVESTMENT GRANTS.—There are au-  
5 thORIZED to be appropriated to carry out section 5309,  
6 \$1,955,000,000 for each of fiscal years 2012 and 2013.

7       “(d) PAUL S. SARBANES TRANSIT IN THE PARKS.—  
8 There are authorized to be appropriated to carry out sec-  
9 tion 5320, \$26,900,000 for each of fiscal years 2012 and  
10 2013.

11       “(e) FIXED GUIDEWAY STATE OF GOOD REPAIR  
12 GRANT PROGRAM.—There are authorized to be appro-  
13 priated to carry out section 5337(d), \$7,463,000 for each  
14 of fiscal years 2012 and 2013.

15       “(f) ADMINISTRATION.—

16           “(1) IN GENERAL.—There are authorized to be  
17 appropriated to carry out section 5334,  
18 \$108,350,000 for each of fiscal years 2012 and  
19 2013.

20           “(2) SECTION 5329.—Of the amounts author-  
21 ized to be appropriated under paragraph (1), not  
22 less than \$10,000,000 shall be available to carry out  
23 section 5329.

24           “(3) SECTION 5326.—Of the amounts made  
25 available under paragraph (2), not less than

1       \$1,000,000 shall be available to carry out section  
2       5326.

3       “(g) OVERSIGHT.—

4             “(1) IN GENERAL.—Of the amounts made  
5       available to carry out this chapter for a fiscal year,  
6       the Secretary may use not more than the following  
7       amounts for the activities described in paragraph  
8       (2):

9             “(A) 0.5 percent of amounts made avail-  
10       able to carry out section 5305.

11            “(B) 0.75 percent of amounts made avail-  
12       able to carry out section 5307.

13            “(C) 1 percent of amounts made available  
14       to carry out section 5309.

15            “(D) 1 percent of the amounts made avail-  
16       able to carry out section 601 of the Passenger  
17       Rail Investment and Improvement Act of 2008  
18       (Public Law 110–432; 126 Stat. 4968).

19            “(E) 0.5 percent of amounts made avail-  
20       able to carry out section 5310.

21            “(F) 0.5 percent of amounts made avail-  
22       able to carry out section 5311.

23            “(G) 0.5 percent of amounts made avail-  
24       able to carry out section 5320.



1           “(1) GRANTS FINANCED FROM HIGHWAY TRUST  
2           FUND.—A grant or contract that is approved by the  
3           Secretary and financed with amounts made available  
4           from the Mass Transit Account of the Highway  
5           Trust Fund pursuant to this section is a contractual  
6           obligation of the Government to pay the Government  
7           share of the cost of the project.

8           “(2) GRANTS FINANCED FROM GENERAL  
9           FUND.—A grant or contract that is approved by the  
10          Secretary and financed with amounts appropriated  
11          in advance from the General Fund of the Treasury  
12          pursuant to this section is a contractual obligation  
13          of the Government to pay the Government share of  
14          the cost of the project only to the extent that  
15          amounts are appropriated for such purpose by an  
16          Act of Congress.

17          “(i) AVAILABILITY OF AMOUNTS.—Amounts made  
18          available by or appropriated under this section shall re-  
19          main available until expended.”.

20   **SEC. 30. APPORTIONMENTS BASED ON GROWING STATES**  
21                   **AND HIGH DENSITY STATES FORMULA FAC-**  
22                   **TORS.**

23          Section 5340 of title 49, United States Code, is  
24          amended to read as follows:



1 **“§ 5340. Apportionments based on growing States and**  
2 **high density States formula factors**

3 “(a) DEFINITION.—In this section, the term ‘State’  
4 shall mean each of the 50 States of the United States.

5 “(b) ALLOCATION.—Of the amounts made available  
6 for each fiscal year under section 5338(a)(2)(N), the Sec-  
7 retary shall apportion—

8 “(1) 50 percent to States and urbanized areas  
9 in accordance with subsection (c); and

10 “(2) 50 percent to States and urbanized areas  
11 in accordance with subsection (d).

12 “(c) GROWING STATE APPORTIONMENTS.—

13 “(1) APPORTIONMENT AMONG STATES.—The  
14 amounts apportioned under subsection (b)(1) shall  
15 provide each State with an amount equal to the total  
16 amount apportioned multiplied by a ratio equal to  
17 the population of that State forecast for the year  
18 that is 15 years after the most recent decennial cen-  
19 sus, divided by the total population of all States  
20 forecast for the year that is 15 years after the most  
21 recent decennial census. Such forecast shall be based  
22 on the population trend for each State between the  
23 most recent decennial census and the most recent  
24 estimate of population made by the Secretary of  
25 Commerce.

1           “(2) APPORTIONMENTS BETWEEN URBANIZED  
2 AREAS AND OTHER THAN URBANIZED AREAS IN  
3 EACH STATE.—

4           “(A) IN GENERAL.—The Secretary shall  
5 apportion amounts to each State under para-  
6 graph (1) so that urbanized areas in that State  
7 receive an amount equal to the amount appor-  
8 tioned to that State multiplied by a ratio equal  
9 to the sum of the forecast population of all ur-  
10 banized areas in that State divided by the total  
11 forecast population of that State. In making the  
12 apportionment under this subparagraph, the  
13 Secretary shall utilize any available forecasts  
14 made by the State. If no forecasts are available,  
15 the Secretary shall utilize data on urbanized  
16 areas and total population from the most recent  
17 decennial census.

18           “(B) REMAINING AMOUNTS.—Amounts re-  
19 maining for each State after apportionment  
20 under subparagraph (A) shall be apportioned to  
21 that State and added to the amount made avail-  
22 able for grants under section 5311.

23           “(3) APPORTIONMENTS AMONG URBANIZED  
24 AREAS IN EACH STATE.—The Secretary shall appor-  
25 tion amounts made available to urbanized areas in

1 each State under paragraph (2)(A) so that each ur-  
2 banized area receives an amount equal to the  
3 amount apportioned under paragraph (2)(A) multi-  
4 plied by a ratio equal to the population of each ur-  
5 banized area divided by the sum of populations of all  
6 urbanized areas in the State. Amounts apportioned  
7 to each urbanized area shall be added to amounts  
8 apportioned to that urbanized area under section  
9 5336, and made available for grants under section  
10 5307.

11 “(d) HIGH DENSITY STATE APPORTIONMENTS.—  
12 Amounts to be apportioned under subsection (b)(2) shall  
13 be apportioned as follows:

14 “(1) ELIGIBLE STATES.—The Secretary shall  
15 designate as eligible for an apportionment under this  
16 subsection all States with a population density in ex-  
17 cess of 370 persons per square mile.

18 “(2) STATE URBANIZED LAND FACTOR.—For  
19 each State qualifying for an apportionment under  
20 paragraph (1), the Secretary shall calculate an  
21 amount equal to—

22 “(A) the total land area of the State (in  
23 square miles); multiplied by

24 “(B) 370; multiplied by

1                   “(C)(i) the population of the State in ur-  
2                   banized areas; divided by

3                   “(ii) the total population of the State.

4                   “(3) STATE APPORTIONMENT FACTOR.—For  
5                   each State qualifying for an apportionment under  
6                   paragraph (1), the Secretary shall calculate an  
7                   amount equal to the difference between the total  
8                   population of the State less the amount calculated in  
9                   paragraph (2).

10                  “(4) STATE APPORTIONMENT.—Each State  
11                  qualifying for an apportionment under paragraph  
12                  (1) shall receive an amount equal to the amount to  
13                  be apportioned under this subsection multiplied by  
14                  the amount calculated for the State under paragraph  
15                  (3) divided by the sum of the amounts calculated  
16                  under paragraph (3) for all States qualifying for an  
17                  apportionment under paragraph (1).

18                  “(5) APPORTIONMENTS AMONG URBANIZED  
19                  AREAS IN EACH STATE.—The Secretary shall appor-  
20                  tion amounts made available to each State under  
21                  paragraph (4) so that each urbanized area receives  
22                  an amount equal to the amount apportioned under  
23                  paragraph (4) multiplied by a ratio equal to the pop-  
24                  ulation of each urbanized area divided by the sum  
25                  of populations of all urbanized areas in the State.

1 For multistate urbanized areas, the Secretary shall  
2 suballocate funds made available under paragraph  
3 (4) to each State’s part of the multistate urbanized  
4 area in proportion to the State’s share of population  
5 of the multistate urbanized area. Amounts appor-  
6 tioned to each urbanized area shall be made avail-  
7 able for grants under section 5307.”.

8 **SEC. 31. TECHNICAL AND CONFORMING AMENDMENTS.**

9 (a) SECTION 5305.—Section 5305 of title 49, United  
10 States Code, is amended—

11 (1) in subsection (c), by striking “sections  
12 5303, 5304, and 5306” and inserting “sections  
13 5303 and 5304”;

14 (2) in subsection (d), by striking “sections 5303  
15 and 5306” each place that term appears and insert-  
16 ing “section 5303”;

17 (3) in subsection (e)(1)(A), by striking “sec-  
18 tions 5304, 5306, 5315, and 5322” and inserting  
19 “section 5304”;

20 (4) in subsection (f)—

21 (A) in the heading, by striking “GOVERN-  
22 MENT’S” and inserting “GOVERNMENT”; and

23 (B) by striking “Government’s” and in-  
24 serting “Government”; and

1           (5) in subsection (g), by striking “section  
2           5338(e) for fiscal years 2005 through 2011 and for  
3           the period beginning on October 1, 2011, and ending  
4           on March 31, 2012” and inserting “section  
5           5338(a)(2)(A) for a fiscal year”.

6           (b) SECTION 5313.—Section 5313(a) of title 49,  
7           United States Code, is amended—

8           (1) in the first sentence, by striking “sub-  
9           sections (a)(5)(C)(iii) and (d)(1) of section 5338”  
10          and inserting section “5338(a)(2)(H)”; and

11          (2) in the second sentence, by striking “of  
12          Transportation”.

13          (c) SECTION 5319.—Section 5319 of title 49, United  
14          States Code, is amended, in the second sentence—

15          (1) by striking “sections 5307(e), 5309(h), and  
16          5311(g) of this title” and inserting “sections  
17          5307(e), 5309(k), and 5311(h)”; and

18          (2) by striking “of the United States” and in-  
19          serting “made by the”.

20          (d) SECTION 5325.—Section 5325 of title 49, United  
21          States Code, is amended—

22          (1) in subsection (b)(2)(A), by striking “title  
23          48, Code of Federal Regulations (commonly known  
24          as the Federal Acquisition Regulation)” and insert-

1       ing “the Federal Acquisition Regulation, or any suc-  
2       cessor thereto”; and

3               (2) in subsection (e), by striking “Government  
4       financial assistance” and inserting “Federal finan-  
5       cial assistance”.

6       (e) SECTION 5331.—Section 5331 of title 49, United  
7       States Code, is amended by striking “Secretary of Trans-  
8       portation” each place that term appears and inserting  
9       “Secretary”.

10       (f) SECTION 5332.—Section 5332(e)(1) of title 49,  
11       United States Code, is amended by striking “of Transpor-  
12       tation”.

13       (g) SECTION 5333.—Section 5333(a) of title 49,  
14       United States Code, is amended by striking “sections  
15       3141-3144” and inserting “sections 3141 through 3144”.

16       (h) SECTION 5334.—Section 5334 of title 49, United  
17       States Code, is amended—

18               (1) in subsection (c)—

19                       (A) by striking “Secretary of Transpor-  
20       tation” each place that term appears and in-  
21       serting “Secretary”; and

22                       (B) in paragraph (1), by striking “Com-  
23       mittees on Transportation and Infrastructure  
24       and Appropriations of the House of Representa-  
25       tives and the Committees on Banking, Housing,

1 and Urban Affairs and Appropriations” and in-  
2 serting “Committee on Banking, Housing, and  
3 Urban Affairs and the Committee on Appro-  
4 priations of the Senate and the Committee on  
5 Transportation and Infrastructure and the  
6 Committee on Appropriations of the House of  
7 Representatives”;

8 (2) in subsection (d), by striking “of Transpor-  
9 tation”;

10 (3) in subsection (e), by striking “of Transpor-  
11 tation”;

12 (4) in subsection (f), by striking “of Transpor-  
13 tation”;

14 (5) in subsection (g), in the matter preceding  
15 paragraph (1)—

16 (A) by striking “of Transportation”; and

17 (B) by striking “subsection (a)(3) or (4) of  
18 this section” and inserting “paragraph (3) or  
19 (4) of subsection (a)”;

20 (6) in subsection (h)—

21 (A) in paragraph (1), in the matter pre-  
22 ceding subparagraph (A), by striking “of  
23 Transportation”; and

24 (B) in paragraph (2), by striking “of this  
25 section”; and





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- “5313. Transit cooperative research program.
- “5314. Technical assistance and standards development.
- “5315. National transit institute.
- “[5316. Repealed.]
- “[5317. Repealed.]
- “5318. Bus testing facilities.
- “5319. Bicycle facilities.
- “5320. Alternative transportation in parks and public lands.
- “[5321. Repealed.]
- “5322. Public transportation workforce development and human resource programs.
- “5323. General provisions.
- “[5324. Repealed.]
- “5325. Contract requirements.
- “5326. Transit asset management.
- “5327. Project management oversight.
- “[5328. Repealed.]
- “5329. Public transportation safety program.
- “5330. State safety oversight.
- “5331. Alcohol and controlled substances testing.
- “5332. Nondiscrimination.
- “5333. Labor standards.
- “5334. Administrative provisions.
- “5335. National transit database.
- “5336. Apportionment of appropriations for formula grants.
- “5337. State of good repair grants.
- “5338. Authorizations.
- “[5339. Repealed.]
- “5340. Apportionments based on growing States and high density States formula factors.”.