

1 **TITLE III—PUBLIC**
2 **TRANSPORTATION**

3 **SEC. 3001. SHORT TITLE.**

4 This title may be cited as the “Federal Public Trans-
5 portation Act of 2005”.

6 **SEC. 3002. AMENDMENTS TO TITLE 49, UNITED STATES**
7 **CODE; UPDATED TERMINOLOGY.**

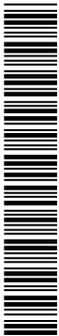
8 (a) AMENDMENTS TO TITLE 49.—Except as other-
9 wise specifically provided, whenever in this title an amend-
10 ment or repeal is expressed in terms of an amendment
11 to, or repeal of, a section or other provision of law, the
12 reference shall be considered to be made to a section or
13 other provision of title 49, United States Code.

14 (b) UPDATED TERMINOLOGY.—Chapter 53 is
15 amended—

16 (1) in the chapter heading by striking
17 “**MASS**” and inserting “**PUBLIC**”;

18 (2) in section 5310(h) by striking “Mass” and
19 inserting “Public”;

20 (3) in the subsection heading for section
21 5331(b) by striking “MASS” and inserting “PUB-
22 LIC”; and



1 (4) by striking “mass” each place the term ap-
2 pears before “transportation” and inserting “pub-
3 lic”, except in sections 5301(f), 5302(a)(7), 5315,
4 and 5323(a)(1).

5 (c) TABLE OF CHAPTERS.—The table of chapters for
6 subtitle III is amended in the item relating to chapter 53
7 by striking “**Mass**” and inserting “**Public**”.

8 **SEC. 3003. POLICIES, FINDINGS, AND PURPOSES.**

9 (a) IN GENERAL.—Section 5301(a) is amended to
10 read as follows:

11 “(a) DEVELOPMENT AND REVITALIZATION OF PUB-
12 LIC TRANSPORTATION SYSTEMS.—It is in the interest of
13 the United States, including its economic interest, to fos-
14 ter the development and revitalization of public transpor-
15 tation systems that—

16 “(1) maximize the safe, secure, and efficient
17 mobility of individuals;

18 “(2) minimize environmental impacts; and

19 “(3) minimize transportation-related fuel con-
20 sumption and reliance on foreign oil.”.

21 (b) GENERAL FINDINGS.—Section 5301(b)(1) is
22 amended—

23 (1) by striking “70 percent” and inserting
24 “two-thirds”; and



1 (2) by striking “urban areas” and inserting
2 “urbanized areas”.

3 (c) PRESERVING THE ENVIRONMENT.—Section
4 5301(e) is amended—

5 (1) by striking “an urban” and inserting “a”;
6 and

7 (2) by striking “under sections 5309 and 5310
8 of this title”.

9 (d) GENERAL PURPOSES.—Section 5301(f) is
10 amended—

11 (1) in paragraph (1)—

12 (A) by striking “mass” the first place it
13 appears and inserting “public”; and

14 (B) by striking “public and private mass
15 transportation companies” and inserting “both
16 public transportation companies and private
17 companies engaged in public transportation”;

18 (2) in paragraph (2)—

19 (A) by striking “urban mass” and insert-
20 ing “public”; and

21 (B) by striking “public and private mass
22 transportation companies” and inserting “both
23 public transportation companies and private
24 companies engaged in public transportation”;

25 (3) in paragraph (3)—



1 (A) by striking “urban mass” and insert-
2 ing “public”; and

3 (B) by striking “public or private mass
4 transportation companies” and inserting “pub-
5 lic transportation companies or private compa-
6 nies engaged in public transportation”; and

7 (4) in paragraph (5) by striking “urban mass”
8 and inserting “public”.

9 **SEC. 3004. DEFINITIONS.**

10 (a) LEAD-IN.—Section 5302(a) is amended in the
11 matter preceding paragraph (1) by striking “In this chap-
12 ter” and inserting “Except as otherwise specifically pro-
13 vided, in this chapter”.

14 (b) CAPITAL PROJECT.—Section 5302(a)(1) is
15 amended—

16 (1) in subparagraph (G) by inserting “construc-
17 tion, renovation, and improvement of intercity bus
18 and intercity rail stations and terminals,” before
19 “and the renovation and improvement of historic
20 transportation facilities,”;

21 (2) in subparagraph (G)(ii) by inserting “(other
22 than an intercity bus station or terminal)” after
23 “commercial revenue-producing facility”;

24 (3) in subparagraph (H) by striking “or” at the
25 end;



1 (4) in subparagraph (I) by striking the period
2 at the end and inserting a semicolon; and

3 (5) by adding at the end the following:

4 “(J) crime prevention and security—

5 “(i) including—

6 “(I) projects to refine and de-
7 velop security and emergency response
8 plans;

9 “(II) projects aimed at detecting
10 chemical and biological agents in pub-
11 lic transportation;

12 “(III) the conduct of emergency
13 response drills with public transpor-
14 tation agencies and local first re-
15 sponse agencies; and

16 “(IV) security training for public
17 transportation employees; but

18 “(ii) excluding all expenses related to
19 operations, other than such expenses in-
20 curred in conducting activities described in
21 clauses (i)(III) and (i)(IV);

22 “(K) establishing a debt service re-
23 serve, made up of deposits with a bond-
24 holder’s trustee, to ensure the timely pay-
25 ment of principal and interest on bonds



1 issued by a grant recipient to finance an
2 eligible project under this chapter; or

3 “(L) mobility management—

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

13 “(ii) excluding operating public trans-
14 portation services.”.

15 (c) INDIVIDUAL WITH A DISABILITY.—Section
16 5302(a)(5) is amended—

17 (1) in the paragraph heading by striking
18 “HANDICAPPED INDIVIDUAL” and inserting “INDI-
19 VIDUAL WITH A DISABILITY”; and

20 (2) by striking “handicapped individual” and
21 inserting “individual with a disability”.

22 (d) MASS TRANSPORTATION.—Section 5302(a)(7) is
23 amended to read as follows:

24 “(7) MASS TRANSPORTATION.—The term ‘mass
25 transportation’ means public transportation.”.



1 (e) PUBLIC TRANSPORTATION.—Section 5302(a)(10)
2 is amended to read as follows:

3 “(10) PUBLIC TRANSPORTATION.—The term
4 ‘public transportation’ means transportation by a
5 conveyance that provides regular and continuing
6 general or special transportation to the public, but
7 does not include schoolbus, charter, or intercity bus
8 transportation or intercity passenger rail transpor-
9 tation provided by the entity described in chapter
10 243 (or a successor to such entity).”.

11 (f) URBANIZED AREA.—Section 5302(a)(17) is
12 amended to read as follows:

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

19 (g) AUTHORITY TO MODIFY DEFINITION.—Section
20 5302(b) is amended—

21 (1) in the subsection heading by striking
22 “HANDICAPPED INDIVIDUAL” and inserting “INDI-
23 VIDUAL WITH A DISABILITY”; and

24 (2) by striking “handicapped individual” and
25 inserting “individual with a disability”.



1 **SEC. 3005. METROPOLITAN TRANSPORTATION PLANNING.**

2 (a) IN GENERAL.—Section 5303 is amended to read
3 as follows:

4 **“§ 5303. Metropolitan transportation planning**

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

6 “(1) encourage and promote the safe and effi-
7 cient management, operation, and development of
8 surface transportation systems that will serve the
9 mobility needs of people and freight and foster eco-
10 nomic growth and development within and between
11 States and urbanized areas, while minimizing trans-
12 portation-related fuel consumption and air pollution
13 through metropolitan and statewide transportation
14 planning processes identified in this chapter; and

15 “(2) encourage the continued improvement and
16 evolution of the metropolitan and statewide trans-
17 portation planning processes by metropolitan plan-
18 ning organizations, State departments of transpor-
19 tation, and public transit operators as guided by the
20 planning factors identified in subsection (h) and sec-
21 tion 5304(d).

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

24 “(1) METROPOLITAN PLANNING AREA.—The
25 term ‘metropolitan planning area’ means the geo-
26 graphic area determined by agreement between the



1 metropolitan planning organization for the area and
2 the Governor under subsection (e).

3 “(2) METROPOLITAN PLANNING ORGANIZA-
4 TION.—The term ‘metropolitan planning organiza-
5 tion’ means the policy board of an organization cre-
6 ated as a result of the designation process in sub-
7 section (d).

8 “(3) NONMETROPOLITAN AREA.—The term
9 ‘nonmetropolitan area’ means a geographic area out-
10 side a designated metropolitan planning area.

11 “(4) NONMETROPOLITAN LOCAL OFFICIAL.—
12 The term ‘nonmetropolitan local official’ means
13 elected and appointed officials of general purpose
14 local government in a nonmetropolitan area with re-
15 sponsibility for transportation.

16 “(5) TIP.—The term ‘TIP’ means a transpor-
17 tation improvement program developed by a metro-
18 politan planning organization under subsection (j).

19 “(6) URBANIZED AREA.—The term ‘urbanized
20 area’ means a geographic area with a population of
21 50,000 or more, as designated by the Bureau of the
22 Census.

23 “(c) GENERAL REQUIREMENTS.—

24 “(1) DEVELOPMENT OF LONG-RANGE PLANS
25 AND TIPS.—To accomplish the objectives in sub-



1 section (a), metropolitan planning organizations des-
2 igned under subsection (d), in cooperation with the
3 State and public transportation operators, shall de-
4 velop long-range transportation plans and transpor-
5 tation improvement programs for metropolitan plan-
6 ning areas of the State.

7 “(2) CONTENTS.—The plans and TIPs for each
8 metropolitan area shall provide for the development
9 and integrated management and operation of trans-
10 portation systems and facilities (including accessible
11 pedestrian walkways and bicycle transportation fa-
12 cilities) that will function as an intermodal transpor-
13 tation system for the metropolitan planning area
14 and as an integral part of an intermodal transpor-
15 tation system for the State and the United States.

16 “(3) PROCESS OF DEVELOPMENT.—The process
17 for developing the plans and TIPs shall provide for
18 consideration of all modes of transportation and
19 shall be continuing, cooperative, and comprehensive
20 to the degree appropriate, based on the complexity
21 of the transportation problems to be addressed.

22 “(d) DESIGNATION OF METROPOLITAN PLANNING
23 ORGANIZATIONS.—

24 “(1) IN GENERAL.—To carry out the transpor-
25 tation planning process required by this section, a



1 metropolitan planning organization shall be des-
2 ignated for each urbanized area with a population of
3 more than 50,000 individuals—

4 “(A) by agreement between the Governor
5 and units of general purpose local government
6 that together represent at least 75 percent of
7 the affected population (including the largest
8 incorporated city (based on population) as
9 named by the Bureau of the Census); or

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

12 “(2) STRUCTURE.—Each metropolitan planning
13 organization that serves an area designated as a
14 transportation management area, when designated
15 or redesignated under this subsection, shall consist
16 of—

17 “(A) local elected officials;

18 “(B) officials of public agencies that ad-
19 minister or operate major modes of transpor-
20 tation in the metropolitan area; and

21 “(C) appropriate State officials.

22 “(3) LIMITATION ON STATUTORY CONSTRUC-
23 TION.—Nothing in this subsection shall be construed
24 to interfere with the authority, under any State law



1 in effect on December 18, 1991, of a public agency
2 with multimodal transportation responsibilities to—

3 “(A) develop the plans and TIPs for adop-
4 tion by a metropolitan planning organization;
5 and

6 “(B) develop long-range capital plans, co-
7 ordinate transit services and projects, and carry
8 out other activities pursuant to State law.

9 “(4) CONTINUING DESIGNATION.—A designa-
10 tion of a metropolitan planning organization under
11 this subsection or any other provision of law shall
12 remain in effect until the metropolitan planning or-
13 ganization is redesignated under paragraph (5).

14 “(5) REDESIGNATION PROCEDURES.—A metro-
15 politan planning organization may be redesignated
16 by agreement between the Governor and units of
17 general purpose local government that together rep-
18 resent at least 75 percent of the existing planning
19 area population (including the largest incorporated
20 city (based on population) as named by the Bureau
21 of the Census) as appropriate to carry out this sec-
22 tion.

23 “(6) DESIGNATION OF MORE THAN 1 METRO-
24 POLITAN PLANNING ORGANIZATION.—More than 1
25 metropolitan planning organization may be des-



1 ignated within an existing metropolitan planning
2 area only if the Governor and the existing metropoli-
3 tan planning organization determine that the size
4 and complexity of the existing metropolitan planning
5 area make designation of more than 1 metropolitan
6 planning organization for the area appropriate.

7 “(e) METROPOLITAN PLANNING AREA BOUND-
8 ARIES.—

9 “(1) IN GENERAL.—For the purposes of this
10 section, the boundaries of a metropolitan planning
11 area shall be determined by agreement between the
12 metropolitan planning organization and the Gov-
13 ernor.

14 “(2) INCLUDED AREA.—Each metropolitan
15 planning area—

16 “(A) shall encompass at least the existing
17 urbanized area and the contiguous area ex-
18 pected to become urbanized within a 20-year
19 forecast period for the transportation plan; and

20 “(B) may encompass the entire metropoli-
21 tan statistical area or consolidated metropolitan
22 statistical area, as defined by the Bureau of the
23 Census.

24 “(3) IDENTIFICATION OF NEW URBANIZED
25 AREAS WITHIN EXISTING PLANNING AREA BOUND-



1 ARIES.—The designation by the Bureau of the Cen-
2 sus of new urbanized areas within an existing metro-
3 politan planning area shall not require the redesi-
4 gation of the existing metropolitan planning organi-
5 zation.

6 “(4) EXISTING METROPOLITAN PLANNING
7 AREAS IN NONATTAINMENT.—Notwithstanding para-
8 graph (2), in the case of an urbanized area des-
9 ignated as a nonattainment area for ozone or carbon
10 monoxide under the Clean Air Act (42 U.S.C. 7401
11 et seq.) as of the date of enactment of the Federal
12 Public Transportation Act of 2005, the boundaries
13 of the metropolitan planning area in existence as of
14 such date of enactment shall be retained; except that
15 the boundaries may be adjusted by agreement of the
16 Governor and affected metropolitan planning organi-
17 zations in the manner described in subsection (d)(5).

18 “(5) NEW METROPOLITAN PLANNING AREAS IN
19 NONATTAINMENT.—In the case of an urbanized area
20 designated after the date of enactment of the Fed-
21 eral Public Transportation Act of 2005 as a non-
22 attainment area for ozone or carbon monoxide, the
23 boundaries of the metropolitan planning area—

24 “(A) shall be established in the manner de-
25 scribed in subsection (d)(1);



1 “(B) shall encompass the areas described
2 in paragraph (2)(A);

3 “(C) may encompass the areas described in
4 paragraph (2)(B); and

5 “(D) may address any nonattainment area
6 identified under the Clean Air Act for ozone or
7 carbon monoxide.

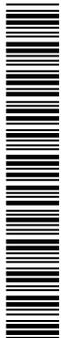
8 “(f) COORDINATION IN MULTISTATE AREAS.—

9 “(1) IN GENERAL.—The Secretary shall encour-
10 age each Governor with responsibility for a portion
11 of a multistate metropolitan area and the appro-
12 priate metropolitan planning organizations to pro-
13 vide coordinated transportation planning for the en-
14 tire metropolitan area.

15 “(2) INTERSTATE COMPACTS.—The consent of
16 Congress is granted to any 2 or more States—

17 “(A) to enter into agreements or compacts,
18 not in conflict with any law of the United
19 States, for cooperative efforts and mutual as-
20 sistance in support of activities authorized
21 under this section as the activities pertain to
22 interstate areas and localities within the States;
23 and

24 “(B) to establish such agencies, joint or
25 otherwise, as the States may determine desir-



1 able for making the agreements and compacts
2 effective.

3 “(3) LAKE TAHOE REGION.—

4 “(A) DEFINITION.—In this paragraph, the
5 term ‘Lake Tahoe region’ has the meaning
6 given the term ‘region’ in subdivision (a) of ar-
7 ticle II of the Tahoe Regional Planning Com-
8 pact, as set forth in the first section of Public
9 Law 96–551 (94 Stat. 3234).

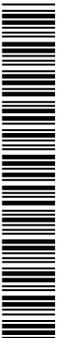
10 “(B) TRANSPORTATION PLANNING PROC-
11 ESS.—The Secretary shall—

12 “(i) establish with the Federal land
13 management agencies that have jurisdic-
14 tion over land in the Lake Tahoe region a
15 transportation planning process for the re-
16 gion; and

17 “(ii) coordinate the transportation
18 planning process with the planning process
19 required of State and local governments
20 under this section and section 5304.

21 “(C) INTERSTATE COMPACT.—

22 “(i) IN GENERAL.—Subject to clause
23 (ii), and notwithstanding subsection (b), to
24 carry out the transportation planning proc-
25 ess required by this section, the consent of

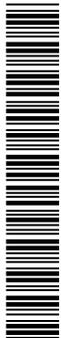


1 Congress is granted to the States of Cali-
2 formia and Nevada to designate a metro-
3 politan planning organization for the Lake
4 Tahoe region, by agreement between the
5 Governors of the States of California and
6 Nevada and units of general purpose local
7 government that together represent at
8 least 75 percent of the affected population
9 (including the central city or cities (as de-
10 fined by the Bureau of the Census)), or in
11 accordance with procedures established by
12 applicable State or local law.

13 “(ii) INVOLVEMENT OF FEDERAL
14 LAND MANAGEMENT AGENCIES.—

15 “(I) REPRESENTATION.—The
16 policy board of a metropolitan plan-
17 ning organization designated under
18 clause (i) shall include a representa-
19 tive of each Federal land management
20 agency that has jurisdiction over land
21 in the Lake Tahoe region.

22 “(II) FUNDING.—In addition to
23 funds made available to the metropoli-
24 tan planning organization for the
25 Lake Tahoe region under other provi-



1 sions of this chapter and title 23, 1
2 percent of the funds allocated under
3 section 202 of title 23 shall be used to
4 carry out the transportation planning
5 process for the Lake Tahoe region
6 under this subparagraph.

7 “(D) ACTIVITIES.—Highway projects in-
8 cluded in transportation plans developed under
9 this paragraph—

10 “(i) shall be selected for funding in a
11 manner that facilitates the participation of
12 the Federal land management agencies
13 that have jurisdiction over land in the
14 Lake Tahoe region; and

15 “(ii) may, in accordance with chapter
16 2 of title 23, be funded using funds allo-
17 cated under section 202 of such title.

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

21 “(g) MPO CONSULTATION IN PLAN AND TIP Co-
22 ORDINATION.—

23 “(1) NONATTAINMENT AREAS.—If more than 1
24 metropolitan planning organization has authority
25 within a metropolitan area or an area which is des-



1 ignated as a nonattainment area for ozone or carbon
2 monoxide under the Clean Air Act, each metropoli-
3 tan planning organization shall consult with the
4 other metropolitan planning organizations des-
5 ignated for such area and the State in the coordina-
6 tion of plans and TIPs required by this section.

7 “(2) TRANSPORTATION IMPROVEMENTS LO-
8 CATED IN MULTIPLE MPOS.—If a transportation im-
9 provement, funded from the Highway Trust Fund or
10 authorized under this chapter, is located within the
11 boundaries of more than 1 metropolitan planning
12 area, the metropolitan planning organizations shall
13 coordinate plans and TIPs regarding the transpor-
14 tation improvement.

15 “(3) RELATIONSHIP WITH OTHER PLANNING
16 OFFICIALS.—The Secretary shall encourage each
17 metropolitan planning organization to consult with
18 officials responsible for other types of planning ac-
19 tivities that are affected by transportation in the
20 area (including State and local planned growth, eco-
21 nomic development, environmental protection, air-
22 port operations, and freight movements) or to co-
23 ordinate its planning process, to the maximum ex-
24 tent practicable, with such planning activities. Under
25 the metropolitan planning process, transportation



1 plans and TIPs shall be developed with due consid-
2 eration of other related planning activities within the
3 metropolitan area, and the process shall provide for
4 the design and delivery of transportation services
5 within the metropolitan area that are provided by—

6 “(A) recipients of assistance under this
7 chapter;

8 “(B) governmental agencies and nonprofit
9 organizations (including representatives of the
10 agencies and organizations) that receive Federal
11 assistance from a source other than the Depart-
12 ment of Transportation to provide non-
13 emergency transportation services; and

14 “(C) recipients of assistance under section
15 204 of title 23.

16 “(h) SCOPE OF PLANNING PROCESS.—

17 “(1) IN GENERAL.—The metropolitan planning
18 process for a metropolitan planning area under this
19 section shall provide for consideration of projects
20 and strategies that will—

21 “(A) support the economic vitality of the
22 metropolitan area, especially by enabling global
23 competitiveness, productivity, and efficiency;



1 “(B) increase the safety of the transpor-
2 tation system for motorized and nonmotorized
3 users;

4 “(C) increase the security of the transpor-
5 tation system for motorized and nonmotorized
6 users;

7 “(D) increase the accessibility and mobility
8 of people and for freight;

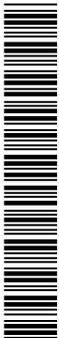
9 “(E) protect and enhance the environment,
10 promote energy conservation, improve the qual-
11 ity of life, and promote consistency between
12 transportation improvements and State and
13 local planned growth and economic development
14 patterns;

15 “(F) enhance the integration and
16 connectivity of the transportation system,
17 across and between modes, for people and
18 freight;

19 “(G) promote efficient system management
20 and operation; and

21 “(H) emphasize the preservation of the ex-
22 isting transportation system.

23 “(2) FAILURE TO CONSIDER FACTORS.—The
24 failure to consider any factor specified in paragraph
25 (1) shall not be reviewable by any court under this



1 chapter, title 23, subchapter II of chapter 5 of title
2 5, or chapter 7 of title 5 in any matter affecting a
3 transportation plan, a TIP, a project or strategy, or
4 the certification of a planning process.

5 “(i) DEVELOPMENT OF TRANSPORTATION PLAN.—

6 “(1) IN GENERAL.—Each metropolitan plan-
7 ning organization shall prepare a transportation
8 plan for its metropolitan planning area in accord-
9 ance with the requirements of this subsection. The
10 metropolitan planning organization shall prepare
11 and update such plan every 4 years (or more fre-
12 quently, if the metropolitan planning organization
13 elects to update more frequently) in the case of each
14 of the following:

15 “(A) Any area designated as nonattain-
16 ment, as defined in section 107(d) of the Clean
17 Air Act (42 U.S.C. 7407(d)).

18 “(B) Any area that was nonattainment
19 and subsequently designated to attainment in
20 accordance with section 107(d)(3) of that Act
21 (42 U.S.C. 7407(d)(3)) and that is subject to
22 a maintenance plan under section 175A of that
23 Act (42 U.S.C. 7505a).

24 In the case of any other area required to have a
25 transportation plan in accordance with the require-



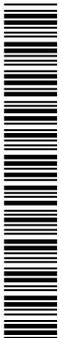
1 ments of this subsection, the metropolitan planning
2 organization shall prepare and update such plan
3 every 5 years unless the metropolitan planning orga-
4 nization elects to update more frequently.

5 “(2) TRANSPORTATION PLAN.—A transpor-
6 tation plan under this section shall be in a form that
7 the Secretary determines to be appropriate and shall
8 contain, at a minimum, the following:

9 “(A) IDENTIFICATION OF TRANSPOR-
10 TATION FACILITIES.—An identification of trans-
11 portation facilities (including major roadways,
12 transit, multimodal and intermodal facilities,
13 and intermodal connectors) that should function
14 as an integrated metropolitan transportation
15 system, giving emphasis to those facilities that
16 serve important national and regional transpor-
17 tation functions. In formulating the transpor-
18 tation plan, the metropolitan planning organiza-
19 tion shall consider factors described in sub-
20 section (h) as such factors relate to a 20-year
21 forecast period.

22 “(B) MITIGATION ACTIVITIES.—

23 “(i) IN GENERAL.—A long-range
24 transportation plan shall include a discus-
25 sion of types of potential environmental



1 mitigation activities and potential areas to
2 carry out these activities, including activi-
3 ties that may have the greatest potential to
4 restore and maintain the environmental
5 functions affected by the plan.

6 “(ii) CONSULTATION.—The discussion
7 shall be developed in consultation with
8 Federal, State, and tribal wildlife, land
9 management, and regulatory agencies.

10 “(C) FINANCIAL PLAN.—A financial plan
11 that demonstrates how the adopted transpor-
12 tation plan can be implemented, indicates re-
13 sources from public and private sources that
14 are reasonably expected to be made available to
15 carry out the plan, and recommends any addi-
16 tional financing strategies for needed projects
17 and programs. The financial plan may include,
18 for illustrative purposes, additional projects
19 that would be included in the adopted transpor-
20 tation plan if reasonable additional resources
21 beyond those identified in the financial plan
22 were available. For the purpose of developing
23 the transportation plan, the metropolitan plan-
24 ning organization, transit operator, and State
25 shall cooperatively develop estimates of funds



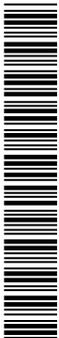
1 that will be available to support plan implemen-
2 tation.

3 “(D) OPERATIONAL AND MANAGEMENT
4 STRATEGIES.—Operational and management
5 strategies to improve the performance of exist-
6 ing transportation facilities to relieve vehicular
7 congestion and maximize the safety and mobil-
8 ity of people and goods.

9 “(E) CAPITAL INVESTMENT AND OTHER
10 STRATEGIES.—Capital investment and other
11 strategies to preserve the existing and projected
12 future metropolitan transportation infrastruc-
13 ture and provide for multimodal capacity in-
14 creases based on regional priorities and needs.

15 “(F) TRANSPORTATION AND TRANSIT EN-
16 HANCEMENT ACTIVITIES.—Proposed transpor-
17 tation and transit enhancement activities.

18 “(3) COORDINATION WITH CLEAN AIR ACT
19 AGENCIES.—In metropolitan areas which are in non-
20 attainment for ozone or carbon monoxide under the
21 Clean Air Act, the metropolitan planning organiza-
22 tion shall coordinate the development of a transpor-
23 tation plan with the process for development of the
24 transportation control measures of the State imple-
25 mentation plan required by the Clean Air Act.



1 “(4) CONSULTATION.—

2 “(A) IN GENERAL.—In each metropolitan
3 area, the metropolitan planning organization
4 shall consult, as appropriate, with State and
5 local agencies responsible for land use manage-
6 ment, natural resources, environmental protec-
7 tion, conservation, and historic preservation
8 concerning the development of a long-range
9 transportation plan.

10 “(B) ISSUES.—The consultation shall in-
11 volve, as appropriate—

12 “(i) comparison of transportation
13 plans with State conservation plans or
14 maps, if available; or

15 “(ii) comparison of transportation
16 plans to inventories of natural or historic
17 resources, if available.

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

20 “(A) IN GENERAL.—Each metropolitan
21 planning organization shall provide citizens, af-
22 fected public agencies, representatives of public
23 transportation employees, freight shippers, pro-
24 viders of freight transportation services, private
25 providers of transportation, representatives of



1 users of public transportation, representatives
2 of users of pedestrian walkways and bicycle
3 transportation facilities, representatives of the
4 disabled, and other interested parties with a
5 reasonable opportunity to comment on the
6 transportation plan.

7 “(B) CONTENTS OF PARTICIPATION
8 PLAN.—A participation plan—

9 “(i) shall be developed in consultation
10 with all interested parties; and

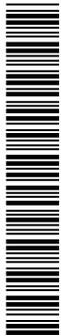
11 “(ii) shall provide that all interested
12 parties have reasonable opportunities to
13 comment on the contents of the transpor-
14 tation plan.

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

18 “(i) hold any public meetings at con-
19 venient and accessible locations and times;

20 “(ii) employ visualization techniques
21 to describe plans; and

22 “(iii) make public information avail-
23 able in electronically accessible format and
24 means, such as the World Wide Web, as
25 appropriate to afford reasonable oppor-



1 tunity for consideration of public informa-
2 tion under subparagraph (A).

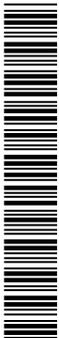
3 “(6) PUBLICATION.—A transportation plan in-
4 volving Federal participation shall be published or
5 otherwise made readily available by the metropolitan
6 planning organization for public review, including (to
7 the maximum extent practicable) in electronically ac-
8 cessible formats and means, such as the World Wide
9 Web, approved by the metropolitan planning organi-
10 zation and submitted for information purposes to
11 the Governor at such times and in such manner as
12 the Secretary shall establish.

13 “(7) SELECTION OF PROJECTS FROM ILLUS-
14 TRATIVE LIST.—Notwithstanding paragraph (2)(C),
15 a State or metropolitan planning organization shall
16 not be required to select any project from the illus-
17 trative list of additional projects included in the fi-
18 nancial plan under paragraph (2)(C).

19 “(j) METROPOLITAN TIP.—

20 “(1) DEVELOPMENT.—

21 “(A) IN GENERAL.—In cooperation with
22 the State and any affected public transportation
23 operator, the metropolitan planning organiza-
24 tion designated for a metropolitan area shall



1 develop a TIP for the area for which the orga-
2 nization is designated.

3 “(B) OPPORTUNITY FOR COMMENT.—In
4 developing the TIP, the metropolitan planning
5 organization, in cooperation with the State and
6 any affected public transportation operator,
7 shall provide an opportunity for participation by
8 interested parties in the development of the pro-
9 gram, in accordance with subsection (i)(5).

10 “(C) FUNDING ESTIMATES.—For the pur-
11 pose of developing the TIP, the metropolitan
12 planning organization, public transportation
13 agency, and State shall cooperatively develop
14 estimates of funds that are reasonably expected
15 to be available to support program implementa-
16 tion.

17 “(D) UPDATING AND APPROVAL.—The
18 TIP shall be updated at least once every 4
19 years and shall be approved by the metropolitan
20 planning organization and the Governor.

21 “(2) CONTENTS.—

22 “(A) PRIORITY LIST.—The TIP shall in-
23 clude a priority list of proposed federally sup-
24 ported projects and strategies to be carried out



1 within each 4-year period after the initial adop-
2 tion of the TIP.

3 “(B) FINANCIAL PLAN.—The TIP shall in-
4 clude a financial plan that—

5 “(i) demonstrates how the TIP can be
6 implemented;

7 “(ii) indicates resources from public
8 and private sources that are reasonably ex-
9 pected to be available to carry out the pro-
10 gram;

11 “(iii) identifies innovative financing
12 techniques to finance projects, programs,
13 and strategies; and

14 “(iv) may include, for illustrative pur-
15 poses, additional projects that would be in-
16 cluded in the approved TIP if reasonable
17 additional resources beyond those identi-
18 fied in the financial plan were available.

19 “(C) DESCRIPTIONS.—Each project in the
20 TIP shall include sufficient descriptive material
21 (such as type of work, termini, length, and
22 other similar factors) to identify the project or
23 phase of the project.

24 “(3) INCLUDED PROJECTS.—



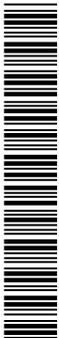
1 “(A) PROJECTS UNDER THIS CHAPTER
2 AND TITLE 23.—A TIP developed under this
3 subsection for a metropolitan area shall include
4 the projects within the area that are proposed
5 for funding under this chapter and chapter 1 of
6 title 23.

7 “(B) PROJECTS UNDER CHAPTER 2 OF
8 TITLE 23.—

9 “(i) REGIONALLY SIGNIFICANT
10 PROJECTS.—Regionally significant projects
11 proposed for funding under chapter 2 of
12 title 23 shall be identified individually in
13 the transportation improvement program.

14 “(ii) OTHER PROJECTS.—Projects
15 proposed for funding under chapter 2 of
16 title 23 that are not determined to be re-
17 gionally significant shall be grouped in 1
18 line item or identified individually in the
19 transportation improvement program.

20 “(C) CONSISTENCY WITH LONG-RANGE
21 TRANSPORTATION PLAN.—Each project shall be
22 consistent with the long-range transportation
23 plan developed under subsection (i) for the
24 area.



1 “(D) REQUIREMENT OF ANTICIPATED
2 FULL FUNDING.—The program shall include a
3 project, or an identified phase of a project, only
4 if full funding can reasonably be anticipated to
5 be available for the project within the time pe-
6 riod contemplated for completion of the project.

7 “(4) NOTICE AND COMMENT.—Before approv-
8 ing a TIP, a metropolitan planning organization, in
9 cooperation with the State and any affected public
10 transportation operator, shall provide an opportunity
11 for participation by interested parties in the develop-
12 ment of the program, in accordance with subsection
13 (i)(5).

14 “(5) SELECTION OF PROJECTS.—

15 “(A) IN GENERAL.—Except as otherwise
16 provided in subsection (k)(4) and in addition to
17 the TIP development required under paragraph
18 (1), the selection of federally funded projects in
19 metropolitan areas shall be carried out, from
20 the approved TIP—

21 “(i) by—

22 “(I) in the case of projects under
23 title 23, the State; and

24 “(II) in the case of projects
25 under this chapter, the designated re-



1 recipients of public transportation fund-
2 ing; and

3 “(ii) in cooperation with the metro-
4 politan planning organization.

5 “(B) MODIFICATIONS TO PROJECT PRI-
6 ORITY.—Notwithstanding any other provision of
7 law, action by the Secretary shall not be re-
8 quired to advance a project included in the ap-
9 proved TIP in place of another project in the
10 program.

11 “(6) SELECTION OF PROJECTS FROM ILLUS-
12 TRATIVE LIST.—

13 “(A) NO REQUIRED SELECTION.—Notwith-
14 standing paragraph (2)(B)(iv), a State or met-
15 ropolitan planning organization shall not be re-
16 quired to select any project from the illustrative
17 list of additional projects included in the finan-
18 cial plan under paragraph (2)(B)(iv).

19 “(B) REQUIRED ACTION BY THE SEC-
20 RETARY.—Action by the Secretary shall be re-
21 quired for a State or metropolitan planning or-
22 ganization to select any project from the illus-
23 trative list of additional projects included in the
24 financial plan under paragraph (2)(B)(iv) for
25 inclusion in an approved TIP.



1 “(7) PUBLICATION.—

2 “(A) PUBLICATION OF TIPS.—A TIP in-
3 volving Federal participation shall be published
4 or otherwise made readily available by the met-
5 ropolitan planning organization for public re-
6 view.

7 “(B) PUBLICATION OF ANNUAL LISTINGS
8 OF PROJECTS.—An annual listing of projects,
9 including investments in pedestrian walkways
10 and bicycle transportation facilities, for which
11 Federal funds have been obligated in the pre-
12 ceding year shall be published or otherwise
13 made available by the cooperative effort of the
14 State, transit operator, and metropolitan plan-
15 ning organization for public review. The listing
16 shall be consistent with the categories identified
17 in the TIP.

18 “(C) RULEMAKING.—Not later than 180
19 days after the date of enactment of the Federal
20 Public Transportation Act of 2005, the Sec-
21 retary shall issue regulations setting standards
22 for the listing required by subparagraph (B)
23 and specifying the types of data to be included
24 in such list, including sufficient information



1 about each project to identify its type, location,
2 and amount obligated.

3 “(k) TRANSPORTATION MANAGEMENT AREAS.—

4 “(1) IDENTIFICATION AND DESIGNATION.—

5 “(A) REQUIRED IDENTIFICATION.—The
6 Secretary shall identify as a transportation
7 management area each urbanized area (as de-
8 fined by the Bureau of the Census) with a pop-
9 ulation of over 200,000 individuals.

10 “(B) DESIGNATIONS ON REQUEST.—The
11 Secretary shall designate any additional area as
12 a transportation management area on the re-
13 quest of the Governor and the metropolitan
14 planning organization designated for the area.

15 “(2) TRANSPORTATION PLANS.—In a metropoli-
16 tan planning area serving a transportation manage-
17 ment area, transportation plans shall be based on a
18 continuing and comprehensive transportation plan-
19 ning process carried out by the metropolitan plan-
20 ning organization in cooperation with the State and
21 public transportation operators.

22 “(3) CONGESTION MANAGEMENT PROCESS.—

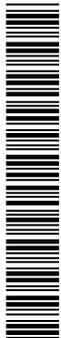
23 Within a metropolitan planning area serving a trans-
24 portation management area, the transportation plan-
25 ning process under this section shall address conges-



1 tion management through a process that provides
2 for effective management and operation, based on a
3 cooperatively developed and implemented metropoli-
4 tan-wide strategy, of new and existing transportation
5 facilities eligible for funding under this chapter and
6 title 23 through the use of travel demand reduction
7 and operational management strategies. The Sec-
8 retary shall establish an appropriate phase-in sched-
9 ule for compliance with the requirements of this sec-
10 tion but no sooner than one year after the identifica-
11 tion of a transportation management area.

12 “(4) SELECTION OF PROJECTS.—

13 “(A) IN GENERAL.—All federally funded
14 projects carried out within the boundaries of a
15 metropolitan planning area serving a transpor-
16 tation management area under title 23 (exclud-
17 ing projects carried out on the National High-
18 way System and projects carried out under the
19 bridge program or the Interstate maintenance
20 program) or under this chapter shall be selected
21 for implementation from the approved TIP by
22 the metropolitan planning organization des-
23 igned for the area in consultation with the
24 State and any affected public transportation op-
25 erator.



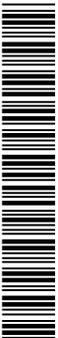
1 “(B) NATIONAL HIGHWAY SYSTEM
2 PROJECTS.—Projects carried out within the
3 boundaries of a metropolitan planning area
4 serving a transportation management area on
5 the National Highway System and projects car-
6 ried out within such boundaries under the
7 bridge program or the Interstate maintenance
8 program under title 23 shall be selected for im-
9 plementation from the approved TIP by the
10 State in cooperation with the metropolitan plan-
11 ning organization designated for the area.

12 “(5) CERTIFICATION.—

13 “(A) IN GENERAL.—The Secretary shall—

14 “(i) ensure that the metropolitan
15 planning process of a metropolitan plan-
16 ning organization serving a transportation
17 management area is being carried out in
18 accordance with applicable provisions of
19 Federal law; and

20 “(ii) subject to subparagraph (B), cer-
21 tify, not less often than once every 4 years,
22 that the requirements of this paragraph
23 are met with respect to the metropolitan
24 planning process.



1 “(B) REQUIREMENTS FOR CERTIFI-
2 CATION.—The Secretary may make the certifi-
3 cation under subparagraph (A) if—

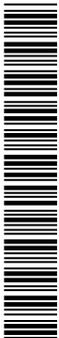
4 “(i) the transportation planning proc-
5 ess complies with the requirements of this
6 section and other applicable requirements
7 of Federal law; and

8 “(ii) there is a TIP for the metropoli-
9 tan planning area that has been approved
10 by the metropolitan planning organization
11 and the Governor.

12 “(C) EFFECT OF FAILURE TO CERTIFY.—

13 “(i) WITHHOLDING OF PROJECT
14 FUNDS.—If a metropolitan planning proc-
15 ess of a metropolitan planning organization
16 serving a transportation management area
17 is not certified, the Secretary may withhold
18 up to 20 percent of the funds attributable
19 to the metropolitan planning area of the
20 metropolitan planning organization for
21 projects funded under this chapter and
22 title 23.

23 “(ii) RESTORATION OF WITHHELD
24 FUNDS.—The withheld funds shall be re-
25 stored to the metropolitan planning area at



1 such time as the metropolitan planning
2 process is certified by the Secretary.

3 “(D) REVIEW OF CERTIFICATION.—In
4 making certification determinations under this
5 paragraph, the Secretary shall provide for pub-
6 lic involvement appropriate to the metropolitan
7 area under review.

8 “(1) ABBREVIATED PLANS FOR CERTAIN AREAS.—

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 in the case of a metropolitan area not designated as
11 a transportation management area under this sec-
12 tion, the Secretary may provide for the development
13 of an abbreviated transportation plan and TIP for
14 the metropolitan planning area that the Secretary
15 determines is appropriate to achieve the purposes of
16 this section, taking into account the complexity of
17 transportation problems in the area.

18 “(2) NONATTAINMENT AREAS.—The Secretary
19 may not permit abbreviated plans or TIPs for a
20 metropolitan area that is in nonattainment for ozone
21 or carbon monoxide under the Clean Air Act.

22 “(m) ADDITIONAL REQUIREMENTS FOR CERTAIN
23 NONATTAINMENT AREAS.—

24 “(1) IN GENERAL.—Notwithstanding any other
25 provisions of this chapter or title 23, for transpor-



1 tation management areas classified as nonattain-
2 ment for ozone or carbon monoxide pursuant to the
3 Clean Air Act, Federal funds may not be advanced
4 in such area for any highway project that will result
5 in a significant increase in the carrying capacity for
6 single-occupant vehicles unless the project is ad-
7 dressed through a congestion management process.

8 “(2) APPLICABILITY.—This subsection applies
9 to a nonattainment area within the metropolitan
10 planning area boundaries determined under sub-
11 section (e).

12 “(n) LIMITATION ON STATUTORY CONSTRUCTION.—
13 Nothing in this section shall be construed to confer on
14 a metropolitan planning organization the authority to im-
15 pose legal requirements on any transportation facility,
16 provider, or project not eligible under this chapter or title
17 23.

18 “(o) FUNDING.—Funds set aside under section
19 5305(g) of this title or section 104(f) of title 23 shall be
20 available to carry out this section.

21 “(p) CONTINUATION OF CURRENT REVIEW PRAC-
22 TICE.—Since plans and TIPs described in this section are
23 subject to a reasonable opportunity for public comment,
24 since individual projects included in plans and TIPs are
25 subject to review under the National Environmental Policy



1 Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions
2 by the Secretary concerning plans and TIPs described in
3 this section have not been reviewed under such Act as of
4 January 1, 1997, any decision by the Secretary concerning
5 a plan or TIP described in this section shall not be consid-
6 ered to be a Federal action subject to review under such
7 Act.”.

8 (b) SCHEDULE FOR IMPLEMENTATION.—The Sec-
9 retary shall issue guidance on a schedule for implementa-
10 tion of the changes made by this section, taking into con-
11 sideration the established planning update cycle for States
12 and metropolitan planning organizations. The Secretary
13 shall not require a State or metropolitan planning organi-
14 zation to deviate from its established planning update
15 cycle to implement changes made by this section. Begin-
16 ning July 1, 2007, State or metropolitan planning organi-
17 zation plan or program updates shall reflect changes made
18 by this section.

19 (c) CHAPTER ANALYSIS.—The analysis for chapter
20 53 is amended by striking the item relating to section
21 5303 and inserting the following:

“5303. Metropolitan transportation planning.”.

22 **SEC. 3006. STATEWIDE TRANSPORTATION PLANNING.**

23 (a) IN GENERAL.—Section 5304 is amended to read
24 as follows:



1 **“§ 5304. Statewide transportation planning**

2 “(a) GENERAL REQUIREMENTS.—

3 “(1) DEVELOPMENT OF PLANS AND PRO-
4 GRAMS.—To accomplish the objectives stated in sec-
5 tion 5303(a), each State shall develop a statewide
6 transportation plan and a statewide transportation
7 improvement program for all areas of the State, sub-
8 ject to section 5303.

9 “(2) CONTENTS.—The statewide transportation
10 plan and the transportation improvement program
11 developed for each State shall provide for the devel-
12 opment and integrated management and operation
13 of transportation systems and facilities (including
14 accessible pedestrian walkways and bicycle transpor-
15 tation facilities) that will function as an intermodal
16 transportation system for the State and an integral
17 part of an intermodal transportation system for the
18 United States.

19 “(3) PROCESS OF DEVELOPMENT.—The process
20 for developing the statewide plan and the transpor-
21 tation improvement program shall provide for con-
22 sideration of all modes of transportation and the
23 policies stated in section 5303(a), and shall be con-
24 tinuing, cooperative, and comprehensive to the de-
25 gree appropriate, based on the complexity of the
26 transportation problems to be addressed.



1 “(b) COORDINATION WITH METROPOLITAN PLAN-
2 NING; STATE IMPLEMENTATION PLAN.—A State shall—

3 “(1) coordinate planning carried out under this
4 section with the transportation planning activities
5 carried out under section 5303 for metropolitan
6 areas of the State and with statewide trade and eco-
7 nomic development planning activities and related
8 multistate planning efforts; and

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

12 “(c) INTERSTATE AGREEMENTS.—

13 “(1) IN GENERAL.—The consent of Congress is
14 granted to 2 or more States entering into agree-
15 ments or compacts, not in conflict with any law of
16 the United States, for cooperative efforts and mu-
17 tual assistance in support of activities authorized
18 under this section related to interstate areas and lo-
19 calities in the States and establishing authorities the
20 States consider desirable for making the agreements
21 and compacts effective.

22 “(2) RESERVATION OF RIGHTS.—The right to
23 alter, amend, or repeal interstate compacts entered
24 into under this subsection is expressly reserved.

25 “(d) SCOPE OF PLANNING PROCESS.—



1 “(1) IN GENERAL.—Each State shall carry out
2 a statewide transportation planning process that
3 provides for consideration and implementation of
4 projects, strategies, and services that will—

5 “(A) support the economic vitality of the
6 United States, the States, nonmetropolitan
7 areas, and metropolitan areas, especially by en-
8 abling global competitiveness, productivity, and
9 efficiency;

10 “(B) increase the safety of the transpor-
11 tation system for motorized and nonmotorized
12 users;

13 “(C) increase the security of the transpor-
14 tation system for motorized and nonmotorized
15 users;

16 “(D) increase the accessibility and mobility
17 of people and freight;

18 “(E) protect and enhance the environment,
19 promote energy conservation, improve the qual-
20 ity of life, and promote consistency between
21 transportation improvements and State and
22 local planned growth and economic development
23 patterns;

24 “(F) enhance the integration and
25 connectivity of the transportation system,



1 across and between modes throughout the
2 State, for people and freight;

3 “(G) promote efficient system management
4 and operation; and

5 “(H) emphasize the preservation of the ex-
6 isting transportation system.

7 “(2) FAILURE TO CONSIDER FACTORS.—The
8 failure to consider any factor specified in paragraph
9 (1) shall not be reviewable by any court under this
10 chapter, title 23, subchapter II of chapter 5 of title
11 5, or chapter 7 of title 5 in any matter affecting a
12 statewide transportation plan, the transportation im-
13 provement program, a project or strategy, or the
14 certification of a planning process.

15 “(e) ADDITIONAL REQUIREMENTS.—In carrying out
16 planning under this section, each State shall consider, at
17 a minimum—

18 “(1) with respect to nonmetropolitan areas, the
19 concerns of affected local officials with responsibility
20 for transportation;

21 “(2) the concerns of Indian tribal governments
22 and Federal land management agencies that have
23 jurisdiction over land within the boundaries of the
24 State; and



1 “(3) coordination of transportation plans, the
2 transportation improvement program, and planning
3 activities with related planning activities being car-
4 ried out outside of metropolitan planning areas and
5 between States.

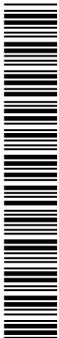
6 “(f) LONG-RANGE STATEWIDE TRANSPORTATION
7 PLAN.—

8 “(1) DEVELOPMENT.—Each State shall develop
9 a long-range statewide transportation plan, with a
10 minimum 20-year forecast period for all areas of the
11 State, that provides for the development and imple-
12 mentation of the intermodal transportation system
13 of the State.

14 “(2) CONSULTATION WITH GOVERNMENTS.—

15 “(A) METROPOLITAN AREAS.—The state-
16 wide transportation plan shall be developed for
17 each metropolitan area in the State in coopera-
18 tion with the metropolitan planning organiza-
19 tion designated for the metropolitan area under
20 section 5303.

21 “(B) NONMETROPOLITAN AREAS.—With
22 respect to nonmetropolitan areas, the statewide
23 transportation plan shall be developed in con-
24 sultation with affected nonmetropolitan officials
25 with responsibility for transportation. The Sec-



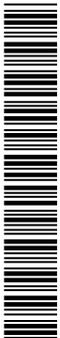
1 retary shall not review or approve the consulta-
2 tion process in each State.

3 “(C) INDIAN TRIBAL AREAS.—With respect
4 to each area of the State under the jurisdiction
5 of an Indian tribal government, the statewide
6 transportation plan shall be developed in con-
7 sultation with the tribal government and the
8 Secretary of the Interior.

9 “(D) CONSULTATION, COMPARISON, AND
10 CONSIDERATION.—

11 “(i) IN GENERAL.—The long-range
12 transportation plan shall be developed, as
13 appropriate, in consultation with State,
14 tribal, and local agencies responsible for
15 land use management, natural resources,
16 environmental protection, conservation,
17 and historic preservation.

18 “(ii) COMPARISON AND CONSIDER-
19 ATION.—Consultation under clause (i)
20 shall involve comparison of transportation
21 plans to State and tribal conservation
22 plans or maps, if available, and comparison
23 of transportation plans to inventories of
24 natural or historic resources, if available.



1 “(3) PARTICIPATION BY INTERESTED PAR-
2 TIES.—

3 “(A) IN GENERAL.—In developing the
4 statewide transportation plan, the State shall
5 provide citizens, affected public agencies, rep-
6 resentatives of public transportation employees,
7 freight shippers, private providers of transpor-
8 tation, representatives of users of public trans-
9 portation, representatives of users of pedestrian
10 walkways and bicycle transportation facilities,
11 representatives of the disabled, providers of
12 freight transportation services, and other inter-
13 ested parties with a reasonable opportunity to
14 comment on the proposed plan.

15 “(B) METHODS.—In carrying out subpara-
16 graph (A), the State shall, to the maximum ex-
17 tent practicable—

18 “(i) hold any public meetings at con-
19 venient and accessible locations and times;

20 “(ii) employ visualization techniques
21 to describe plans; and

22 “(iii) make public information avail-
23 able in electronically accessible format and
24 means, such as the World Wide Web, as
25 appropriate to afford reasonable oppor-



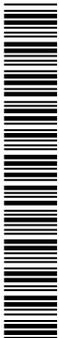
1 tunity for consideration of public informa-
2 tion under subparagraph (A).

3 “(4) MITIGATION ACTIVITIES.—

4 “(A) IN GENERAL.—A long-range trans-
5 portation plan shall include a discussion of po-
6 tential environmental mitigation activities and
7 potential areas to carry out these activities, in-
8 cluding activities that may have the greatest po-
9 tential to restore and maintain the environ-
10 mental functions affected by the plan.

11 “(B) CONSULTATION.—The discussion
12 shall be developed in consultation with Federal,
13 State, and tribal wildlife, land management,
14 and regulatory agencies.

15 “(5) FINANCIAL PLAN.—The statewide trans-
16 portation plan may include a financial plan that
17 demonstrates how the adopted statewide transpor-
18 tation plan can be implemented, indicates resources
19 from public and private sources that are reasonably
20 expected to be made available to carry out the plan,
21 and recommends any additional financing strategies
22 for needed projects and programs. The financial
23 plan may include, for illustrative purposes, addi-
24 tional projects that would be included in the adopted
25 statewide transportation plan if reasonable addi-



1 tional resources beyond those identified in the finan-
2 cial plan were available.

3 “(6) SELECTION OF PROJECTS FROM ILLUS-
4 TRATIVE LIST.—A State shall not be required to se-
5 lect any project from the illustrative list of addi-
6 tional projects included in the financial plan de-
7 scribed in paragraph (5).

8 “(7) EXISTING SYSTEM.—The statewide trans-
9 portation plan should include capital, operations and
10 management strategies, investments, procedures,
11 and other measures to ensure the preservation and
12 most efficient use of the existing transportation sys-
13 tem.

14 “(8) PUBLICATION OF LONG-RANGE TRANSPOR-
15 TATION PLANS.—Each long-range transportation
16 plan prepared by a State shall be published or other-
17 wise made available, including (to the maximum ex-
18 tent practicable) in electronically accessible formats
19 and means, such as the World Wide Web.

20 “(g) STATEWIDE TRANSPORTATION IMPROVEMENT
21 PROGRAM.—

22 “(1) DEVELOPMENT.—Each State shall develop
23 a statewide transportation improvement program for
24 all areas of the State. Such program shall cover a
25 period of 4 years and be updated every 4 years or



1 more frequently if the Governor elects to update
2 more frequently.

3 “(2) CONSULTATION WITH GOVERNMENTS.—

4 “(A) METROPOLITAN AREAS.—With re-
5 spect to each metropolitan area in the State,
6 the program shall be developed in cooperation
7 with the metropolitan planning organization
8 designated for the metropolitan area under sec-
9 tion 5303.

10 “(B) NONMETROPOLITAN AREAS.—With
11 respect to each nonmetropolitan area in the
12 State, the program shall be developed in con-
13 sultation with affected nonmetropolitan local of-
14 ficials with responsibility for transportation.
15 The Secretary shall not review or approve the
16 specific consultation process in the State.

17 “(C) INDIAN TRIBAL AREAS.—With respect
18 to each area of the State under the jurisdiction
19 of an Indian tribal government, the program
20 shall be developed in consultation with the trib-
21 al government and the Secretary of the Interior.

22 “(3) PARTICIPATION BY INTERESTED PAR-
23 TIES.—In developing the program, the State shall
24 provide citizens, affected public agencies, representa-
25 tives of public transportation employees, freight



1 shippers, private providers of transportation, pro-
2 viders of freight transportation services, representa-
3 tives of users of public transportation, representa-
4 tives of users of pedestrian walkways and bicycle
5 transportation facilities, representatives of the dis-
6 abled, and other interested parties with a reasonable
7 opportunity to comment on the proposed program.

8 “(4) INCLUDED PROJECTS.—

9 “(A) IN GENERAL.—A transportation im-
10 provement program developed under this sub-
11 section for a State shall include federally sup-
12 ported surface transportation expenditures
13 within the boundaries of the State.

14 “(B) LISTING OF PROJECTS.—An annual
15 listing of projects for which funds have been ob-
16 ligated in the preceding year in each metropoli-
17 tan planning area shall be published or other-
18 wise made available by the cooperative effort of
19 the State, transit operator, and the metropoli-
20 tan planning organization for public review.
21 The listing shall be consistent with the funding
22 categories identified in each metropolitan trans-
23 portation improvement program.

24 “(C) PROJECTS UNDER CHAPTER 2 OF
25 TITLE 23.—



1 “(i) REGIONALLY SIGNIFICANT
2 PROJECTS.—Regionally significant projects
3 proposed for funding under chapter 2 of
4 title 23 shall be identified individually in
5 the transportation improvement program.

6 “(ii) OTHER PROJECTS.—Projects
7 proposed for funding under chapter 2 of
8 title 23 that are not determined to be re-
9 gionally significant shall be grouped in 1
10 line item or identified individually in the
11 transportation improvement program.

12 “(D) CONSISTENCY WITH STATEWIDE
13 TRANSPORTATION PLAN.—Each project shall
14 be—

15 “(i) consistent with the statewide
16 transportation plan developed under this
17 section for the State;

18 “(ii) identical to the project or phase
19 of the project as described in an approved
20 metropolitan transportation plan; and

21 “(iii) in conformance with the applica-
22 ble State air quality implementation plan
23 developed under the Clean Air Act, if the
24 project is carried out in an area designated
25 as nonattainment for ozone, particulate



1 matter, or carbon monoxide under that
2 Act.

3 “(E) REQUIREMENT OF ANTICIPATED
4 FULL FUNDING.—The transportation improve-
5 ment program shall include a project, or an
6 identified phase of a project, only if full funding
7 can reasonably be anticipated to be available for
8 the project within the time period contemplated
9 for completion of the project.

10 “(F) FINANCIAL PLAN.—The transpor-
11 tation improvement program may include a fi-
12 nancial plan that demonstrates how the ap-
13 proved transportation improvement program
14 can be implemented, indicates resources from
15 public and private sources that are reasonably
16 expected to be made available to carry out the
17 transportation improvement program, and rec-
18 ommends any additional financing strategies for
19 needed projects and programs. The financial
20 plan may include, for illustrative purposes, ad-
21 ditional projects that would be included in the
22 adopted transportation plan if reasonable addi-
23 tional resources beyond those identified in the
24 financial plan were available.



1 “(G) SELECTION OF PROJECTS FROM IL-
2 LUSTRATIVE LIST.—

3 “(i) NO REQUIRED SELECTION.—Not-
4 withstanding subparagraph (F), a State
5 shall not be required to select any project
6 from the illustrative list of additional
7 projects included in the financial plan
8 under subparagraph (F).

9 “(ii) REQUIRED ACTION BY THE SEC-
10 RETARY.—Action by the Secretary shall be
11 required for a State to select any project
12 from the illustrative list of additional
13 projects included in the financial plan
14 under subparagraph (F) for inclusion in an
15 approved transportation improvement pro-
16 gram.

17 “(H) PRIORITIES.—The transportation im-
18 provement program shall reflect the priorities
19 for programming and expenditures of funds, in-
20 cluding transportation enhancement activities,
21 required by this chapter and title 23.

22 “(5) PROJECT SELECTION FOR AREAS OF LESS
23 THAN 50,000 POPULATION.—Projects carried out in
24 areas with populations of less than 50,000 individ-
25 uals shall be selected, from the approved transpor-



1 tation improvement program (excluding projects car-
2 ried out on the National Highway System and
3 projects carried out under the bridge program or the
4 Interstate maintenance program under title 23 or
5 sections 5310, 5311, 5316, and 5317 of this title)
6 by the State in cooperation with the affected non-
7 metropolitan local officials with responsibility for
8 transportation. Projects carried out in areas with
9 populations of less than 50,000 individuals on the
10 National Highway System or under the bridge pro-
11 gram or the Interstate maintenance program under
12 title 23 or sections 5310, 5311, 5316, and 5317 of
13 this title shall be selected, from the approved state-
14 wide transportation improvement program, by the
15 State in consultation with the affected nonmetropoli-
16 tan local officials with responsibility for transpor-
17 tation.

18 “(6) TRANSPORTATION IMPROVEMENT PRO-
19 GRAM APPROVAL.—Every 4 years, a transportation
20 improvement program developed under this sub-
21 section shall be reviewed and approved by the Sec-
22 retary if based on a current planning finding.

23 “(7) PLANNING FINDING.—A finding shall be
24 made by the Secretary at least every 4 years that
25 the transportation planning process through which



1 statewide transportation plans and programs are de-
2 veloped is consistent with this section and section
3 5303.

4 “(8) MODIFICATIONS TO PROJECT PRIORITY.—
5 Notwithstanding any other provision of law, action
6 by the Secretary shall not be required to advance a
7 project included in the approved transportation im-
8 provement program in place of another project in
9 the program.

10 “(h) FUNDING.—Funds set aside pursuant to section
11 5305(g) of this title and section 104(i) of title 23 shall
12 be available to carry out this section.

13 “(i) TREATMENT OF CERTAIN STATE LAWS AS CON-
14 GESTION MANAGEMENT PROCESSES.—For purposes of
15 this section and section 5303, and sections 134 and 135
16 of title 23, State laws, rules, or regulations pertaining to
17 congestion management systems or programs may con-
18 stitute the congestion management process under this sec-
19 tion and section 5303, and sections 134 and 135 of title
20 23, if the Secretary finds that the State laws, rules, or
21 regulations are consistent with, and fulfill the intent of,
22 the purposes of this section, section 5303, and sections
23 134 and 135 of title 23, as appropriate.

24 “(j) CONTINUATION OF CURRENT REVIEW PRAC-
25 TICE.—Since the statewide transportation plan and the



1 transportation improvement program described in this sec-
2 tion are subject to a reasonable opportunity for public
3 comment, since individual projects included in the state-
4 wide transportation plans and the transportation improve-
5 ment program are subject to review under the National
6 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
7 seq.), and since decisions by the Secretary concerning
8 statewide transportation plans or the transportation im-
9 provement program described in this section have not been
10 reviewed under such Act as of January 1, 1997, any deci-
11 sion by the Secretary concerning a metropolitan or state-
12 wide transportation plan or the transportation improve-
13 ment program described in this section shall not be consid-
14 ered to be a Federal action subject to review under such
15 Act.”.

16 (b) 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 States
20 and metropolitan planning organizations. The Secretary
21 shall not require a State or metropolitan planning organi-
22 zation to deviate from its established planning update
23 cycle to implement changes made by this section. Begin-
24 ning July 1, 2007, State or metropolitan planning organi-



1 zation plan or program updates shall reflect changes made
2 by this section.

3 (c) CHAPTER ANALYSIS.—The analysis for chapter
4 53 is amended by striking the item relating to section
5 5304 and inserting the following:

“5304. Statewide transportation planning.”.

6 **SEC. 3007. PLANNING PROGRAMS.**

7 (a) IN GENERAL.—Section 5305 is amended to read
8 as follows:

9 **“§ 5305. Planning programs**

10 “(a) STATE DEFINED.—In this section, the term
11 ‘State’ means a State of the United States, the District
12 of Columbia, and Puerto Rico.

13 “(b) GENERAL AUTHORITY.—

14 “(1) GRANTS AND AGREEMENTS.—Under cri-
15 teria established by the Secretary, the Secretary may
16 award grants to States, authorities of the States,
17 metropolitan planning organizations, and local gov-
18 ernmental authorities, and make agreements with
19 other departments, agencies, or instrumentalities of
20 the Government to—

21 “(A) develop transportation plans and pro-
22 grams;

23 “(B) plan, engineer, design, and evaluate a
24 public transportation project; and



1 “(C) conduct technical studies relating to
2 public transportation.

3 “(2) ELIGIBLE ACTIVITIES.—Activities eligible
4 under paragraph (1) include the following:

5 “(A) Studies related to management, plan-
6 ning, operations, capital requirements, and eco-
7 nomic feasibility.

8 “(B) Evaluating previously financed
9 projects.

10 “(C) Peer reviews and exchanges of tech-
11 nical data, information, assistance, and related
12 activities in support of planning and environ-
13 mental analyses among metropolitan planning
14 organizations and other transportation plan-
15 ners.

16 “(D) Other similar and related activities
17 preliminary to and in preparation for con-
18 structing, acquiring, or improving the operation
19 of facilities and equipment.

20 “(c) PURPOSE.—To the extent practicable, the Sec-
21 retary shall ensure that amounts appropriated or made
22 available under section 5338 to carry out this section and
23 sections 5303, 5304, and 5306 are used to support bal-
24 anced and comprehensive transportation planning that
25 considers the relationships among land use and all trans-



1 portation modes, without regard to the programmatic
2 source of the planning amounts.

3 “(d) METROPOLITAN PLANNING PROGRAM.—

4 “(1) APPORTIONMENT TO STATES.—

5 “(A) IN GENERAL.—The Secretary shall
6 apportion 80 percent of the amounts made
7 available under subsection (g)(1) among the
8 States to carry out sections 5303 and 5306 in
9 the ratio that—

10 “(i) the population of urbanized areas
11 in each State, as shown by the latest avail-
12 able decennial census of population; bears
13 to

14 “(ii) the total population of urbanized
15 areas in all States, as shown by that cen-
16 sus.

17 “(B) MINIMUM APPORTIONMENT.—Not-
18 withstanding subparagraph (A), a State may
19 not receive less than 0.5 percent of the amount
20 apportioned under this paragraph.

21 “(2) ALLOCATION TO MPO’S.—Amounts appor-
22 tioned to a State under paragraph (1) shall be made
23 available, not later than 30 days after the date of
24 apportionment, to metropolitan planning organiza-



1 tions in the State designated under this section
2 under a formula that—

3 “(A) considers population of urbanized
4 areas;

5 “(B) provides an appropriate distribution
6 for urbanized areas to carry out the cooperative
7 processes described in this section;

8 “(C) the State develops in cooperation with
9 the metropolitan planning organizations; and

10 “(D) the Secretary approves.

11 “(3) SUPPLEMENTAL AMOUNTS.—

12 “(A) IN GENERAL.—The Secretary shall
13 apportion 20 percent of the amounts made
14 available under subsection (g)(1) among the
15 States to supplement allocations made under
16 paragraph (1) for metropolitan planning organi-
17 zations.

18 “(B) FORMULA.—The Secretary shall ap-
19 portion amounts referred to in subparagraph
20 (A) under a formula that reflects the additional
21 cost of carrying out planning, programming,
22 and project selection responsibilities under sec-
23 tions 5303 and 5306 in certain urbanized
24 areas.

25 “(e) STATE PLANNING AND RESEARCH PROGRAM.—



1 “(1) APPORTIONMENT TO STATES.—

2 “(A) IN GENERAL.—The Secretary shall
3 apportion the amounts made available under
4 subsection (g)(2) among the States for grants
5 and contracts to carry out this section and sec-
6 tions 5304, 5306, 5315, and 5322 in the ratio
7 that—

8 “(i) the population of urbanized areas
9 in each State, as shown by the latest avail-
10 able decennial census; bears to

11 “(ii) the population of urbanized areas
12 in all States, as shown by that census.

13 “(B) MINIMUM APPORTIONMENT.—Not-
14 withstanding subparagraph (A), a State may
15 not receive less than 0.5 percent of the amount
16 apportioned under this paragraph.

17 “(2) SUPPLEMENTAL AMOUNTS.—A State, as
18 the State considers appropriate, may authorize part
19 of the amount made available under this subsection
20 to be used to supplement amounts made available
21 under subsection (d).

22 “(f) GOVERNMENT’S SHARE OF COSTS.—The Gov-
23 ernment’s share of the cost of an activity funded using
24 amounts made available under this section may not exceed
25 80 percent of the cost of the activity unless the Secretary



1 determines that it is in the interests of the Government
2 not to require a State or local match.

3 “(g) ALLOCATION OF FUNDS.—Of the funds made
4 available by or appropriated to carry out this section
5 under section 5338(c) for fiscal years 2005 through
6 2009—

7 “(1) 82.72 percent shall be available for the
8 metropolitan planning program under subsection (d);
9 and

10 “(2) 17.28 percent shall be available to carry
11 out subsection (e).

12 “(h) AVAILABILITY OF FUNDS.—Funds apportioned
13 under this section to a State that have not been obligated
14 in the 3-year period beginning after the last day of the
15 fiscal year for which the funds are authorized shall be re-
16 apportioned among the States.”.

17 (b) CHAPTER ANALYSIS.—The analysis for chapter
18 53 is amended by striking the item relating to section
19 5305 and inserting the following:

“5305. Planning programs.”.

20 **SEC. 3008. PRIVATE ENTERPRISE PARTICIPATION.**

21 Section 5306(a) is amended by inserting “, as deter-
22 mined by local policies, criteria, and decisionmaking,”
23 after “feasible”.



1 **SEC. 3009. URBANIZED AREA FORMULA GRANTS.**

2 (a) TECHNICAL AMENDMENTS.—Section 5307 is
3 amended—

4 (1) by striking subsections (h), (j) and (k); and

5 (2) by redesignating subsections (i), (l), (m),
6 and (n) as subsections (h), (i), (j), and (k), respec-
7 tively.

8 (b) DEFINITIONS.—

9 (1) ASSOCIATED CAPITAL MAINTENANCE
10 ITEMS.—Section 5307(a)(1) is amended—

11 (A) by striking “means equipment, tires,”
12 and inserting “means—

13 “(A) equipment, tires,”;

14 (B) in subparagraph (A) (as so des-
15 ignated) by striking the period at the end and
16 inserting “; and”; and

17 (C) by adding at the end the following:

18 “(B) reconstruction of equipment and ma-
19 terial, each of which after reconstruction will
20 have a fair market value of at least .5 percent
21 of the current fair market value of rolling stock
22 comparable to the rolling stock for which the
23 equipment and material will be used.”.

24 (2) DESIGNATED RECIPIENT.—Section
25 5307(a)(2)(A) is amended to read as follows:



1 “(A) an entity designated, in accordance
2 with the planning process under sections 5303,
3 5304, and 5306, by the chief executive officer
4 of a State, responsible local officials, and pub-
5 licly owned operators of public transportation,
6 to receive and apportion amounts under section
7 5336 that are attributable to transportation
8 management areas identified under section
9 5303; or”.

10 (c) GENERAL AUTHORITY.—Section 5307(b) is
11 amended—

12 (1) by striking paragraph (1) and inserting the
13 following:

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

16 “(A) capital projects and associated capital
17 maintenance items;

18 “(B) planning;

19 “(C) transit enhancements;

20 “(D) operating costs of equipment and fa-
21 cilities for use in public transportation in an ur-
22 banized area with a population of less than
23 200,000;

24 “(E) operating costs of equipment and fa-
25 cilities for use in public transportation in a por-



1 tion or portions of an urbanized area with a
2 population of at least 200,000, but not more
3 than 225,000, if—

4 “(i) the urbanized area includes parts
5 of more than one State;

6 “(ii) the portion of the urbanized area
7 includes only one State;

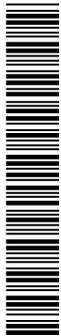
8 “(iii) the population of the portion of
9 the urbanized area is less than 30,000; and

10 “(iv) the grants will not be used to
11 provide public transportation outside of the
12 portion of the urbanized area; and

13 “(F) operating costs of equipment and fa-
14 cilities for use in public transportation for local
15 governmental authorities in areas which adopt-
16 ed transit operating and financing plans that
17 became a part of the Houston, Texas, urban-
18 ized area as a result of the 2000 decennial cen-
19 sus of population, but lie outside the service
20 area of the principal public transportation agen-
21 cy that serves the Houston urbanized area.”;

22 (2) by striking paragraph (2) and inserting the
23 following:

24 “(2) SPECIAL RULE FOR FISCAL YEARS 2005
25 THROUGH 2007.—



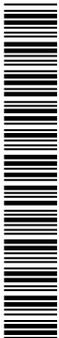
1 “(A) INCREASED FLEXIBILITY.—The Sec-
2 retary may award grants under this section,
3 from funds made available to carry out this sec-
4 tion for each of the fiscal years 2005 through
5 2007, to finance the operating cost of equip-
6 ment and facilities for use in mass transpor-
7 tation in an urbanized area with a population of
8 at least 200,000, as determined by the 2000 de-
9 cennial census of population, if—

10 “(i) the urbanized area had a popu-
11 lation of less than 200,000, as determined
12 by the 1990 decennial census of popu-
13 lation;

14 “(ii) a portion of the urbanized area
15 was a separate urbanized area with a pop-
16 ulation of less than 200,000, as deter-
17 mined by the 1990 decennial census of
18 population;

19 “(iii) the area was not designated as
20 an urbanized area, as determined by the
21 1990 decennial census of population; or

22 “(iv) a portion of the area was not
23 designated as an urbanized area, as deter-
24 mined by the 1990 decennial census, and



1 received assistance under section 5311 in
2 fiscal year 2002.

3 “(B) MAXIMUM AMOUNTS IN FISCAL YEAR
4 2005.—In fiscal year 2005—

5 “(i) amounts made available to any
6 urbanized area under clause (i) or (ii) of
7 subparagraph (A) shall be not more than
8 the amount apportioned in fiscal year 2002
9 to the urbanized area with a population of
10 less than 200,000, as determined in the
11 1990 decennial census of population;

12 “(ii) amounts made available to any
13 urbanized area under subparagraph (A)(iii)
14 shall be not more than the amount appor-
15 tioned to the urbanized area under this
16 section for fiscal year 2003; and

17 “(iii) each portion of any area not
18 designated as an urbanized area, as deter-
19 mined by the 1990 decennial census, and
20 eligible to receive funds under subpara-
21 graph (A)(iv), shall receive an amount of
22 funds to carry out this section that is not
23 less than the amount the portion of the
24 area received under section 5311 for fiscal
25 year 2002.

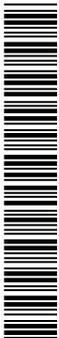


1 “(C) MAXIMUM AMOUNTS IN FISCAL YEAR
2 2006.—In fiscal year 2006—

3 “(i) amounts made available to any
4 urbanized area under clause (i) or (ii) of
5 subparagraph (A) shall be not more than
6 50 percent of the amount apportioned in
7 fiscal year 2002 to the urbanized area with
8 a population of less than 200,000, as de-
9 termined in the 1990 decennial census of
10 population;

11 “(ii) amounts made available to any
12 urbanized area under subparagraph (A)(iii)
13 shall be not more than 50 percent of the
14 amount apportioned to the urbanized area
15 under this section for fiscal year 2003; and

16 “(iii) each portion of any area not
17 designated as an urbanized area, as deter-
18 mined by the 1990 decennial census, and
19 eligible to receive funds under subpara-
20 graph (A)(iv), shall receive an amount of
21 funds to carry out this section that is not
22 less 50 percent of the amount the portion
23 of the area received under section 5311 for
24 fiscal year 2002.



1 “(D) MAXIMUM AMOUNTS IN FISCAL YEAR
2 2007.—In fiscal year 2007—

3 “(i) amounts made available to any
4 urbanized area under clause (i) or (ii) of
5 subparagraph (A) shall be not more than
6 25 percent of the amount apportioned in
7 fiscal year 2002 to the urbanized area with
8 a population of less than 200,000, as de-
9 termined in the 1990 decennial census of
10 population;

11 “(ii) amounts made available to any
12 urbanized area under subparagraph (A)(iii)
13 shall be not more than 25 percent of the
14 amount apportioned to the urbanized area
15 under this section for fiscal year 2003; and

16 “(iii) each portion of any area not
17 designated as an urbanized area, as deter-
18 mined by the 1990 decennial census, and
19 eligible to receive funds under subpara-
20 graph (A)(iv), shall receive an amount of
21 funds to carry out this section that is not
22 less than 25 percent of the amount the
23 portion of the area received under section
24 5311 in fiscal year 2002.”; and

25 (3) by striking paragraph (4).



1 (d) GRANT RECIPIENT REQUIREMENTS.—Section
2 5307(d)(1) is amended—

3 (1) in subparagraph (A) by inserting “, includ-
4 ing safety and security aspects of the program”
5 after “program”;

6 (2) in subparagraph (E)—

7 (A) by striking “and” at the end of clause

8 (ii);

9 (B) by inserting “and” at the end of clause

10 (iii); and

11 (C) by adding at the end the following:

12 “(iv) will comply with sections 5323
13 and 5325;”;

14 (3) in subparagraph (H) by striking “sections
15 5301(a) and (d), 5303–5306, and 5310(a)–(d) of
16 this title” and inserting “section 5301(a), section
17 5301(d), and sections 5303 through 5306”;

18 (4) in subparagraph (I) by striking “and” at
19 the end;

20 (5) by adding at the end the following:

21 “(K) in the case of a recipient for an ur-
22 banized area with a population of at least
23 200,000—

24 “(i) will expend not less than 1 per-
25 cent of the amount the recipient receives



1 each fiscal year under this section for tran-
2 sit enhancements, as defined in section
3 5302(a); and

4 “(ii) will submit an annual report list-
5 ing projects carried out in the preceding
6 fiscal year with those funds; and”.

7 (e) GOVERNMENT’S SHARE OF COSTS.—Section
8 5307(e) is amended to read as follows:

9 “(e) GOVERNMENT’S SHARE OF COSTS.—

10 “(1) CAPITAL PROJECTS.—A grant for a capital
11 project (including associated capital maintenance
12 items) under this section shall be for 80 percent of
13 the net project cost of the project. The recipient may
14 provide additional local matching amounts.

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

18 “(3) REMAINING COSTS.—Subject to paragraph
19 (4), the remainder of the net project cost shall be
20 provided—

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

24 “(B) from revenues derived from the sale
25 of advertising and concessions;



1 “(C) from an undistributed cash surplus, a
2 replacement or depreciation cash fund or re-
3 serve, or new capital; and

4 “(D) from amounts received under a serv-
5 ice agreement with a State or local social serv-
6 ice agency or private social service organization.

7 “(4) USE OF CERTAIN FUNDS.—The prohibi-
8 tions on the use of funds for matching requirements
9 under section 403(a)(5)(C)(vii) of the Social Secu-
10 rity Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not
11 apply to the remainder.”.

12 (f) UNDERTAKING PROJECTS IN ADVANCE.—Section
13 5307(g) is amended by striking paragraph (4).

14 (g) RELATIONSHIP TO OTHER LAWS.—Section
15 5307(k) (as redesignated by subsection (a)(2) of this sec-
16 tion) is amended to read as follows:

17 “(k) RELATIONSHIP TO OTHER LAWS.—

18 “(1) APPLICABLE PROVISIONS.—Sections 5301,
19 5302, 5303, 5304, 5306, 5315(c), 5318, 5319,
20 5323, 5325, 5327, 5329, 5330, 5331, 5332, 5333,
21 and 5335 apply to this section and to any grant
22 made under this section.

23 “(2) INAPPLICABLE PROVISIONS.—

24 “(A) IN GENERAL.—Except as provided by
25 this section, no other provision of this chapter



1 applies to this section or to a grant made under
2 this section.

3 “(B) TITLE 5.—The provision of assist-
4 ance under this chapter shall not be construed
5 as bringing within the application of chapter 15
6 of title 5 any nonsupervisory employee of a pub-
7 lic transportation system (or any other agency
8 or entity performing related functions) to which
9 such chapter is otherwise inapplicable.”.

10 (h) TREATMENT.—Section 5307 is amended by add-
11 ing at the end the following:

12 “(l) TREATMENT.—For the purposes of this section,
13 the United States Virgin Islands shall be treated as an
14 urbanized area, as defined in section 5302.”.

15 (i) CONTRACTED PARATRANSIT PILOT.—

16 (1) IN GENERAL.—Notwithstanding section
17 5302(a)(1)(I) of title 49, United States Code, for
18 fiscal years 2005 through 2009, a recipient of assist-
19 ance under section 5307 of such title in urbanized
20 areas with a population of 558,329 or 747,003 ac-
21 cording to the 2000 decennial census of population
22 may use not more than 20 percent of such recipi-
23 ent’s annual formula apportionment under section
24 5307 of such title for the provision of nonfixed route
25 paratransit services in accordance with section 223



1 of the Americans with Disabilities Act of 1990 (42
2 U.S.C. 12143), but only if the grant recipient is in
3 compliance with applicable requirements of that Act,
4 including both fixed route and demand responsive
5 service and the service is acquired by contract.

6 (2) REPORT.—Not later than January 1, 2009,
7 the Secretary shall submit to the Committee on
8 Transportation and Infrastructure of the House of
9 Representatives and the Committee on Banking,
10 Housing, and Urban Affairs of the Senate a report
11 on the implementation of this subsection and any
12 recommendations of the Secretary regarding the ap-
13 plication of this subsection.

14 **SEC. 3010. CLEAN FUELS GRANT PROGRAM.**

15 (a) IN GENERAL.—Section 5308 is amended to read
16 as follows:

17 **“§ 5308. Clean fuels grant program**

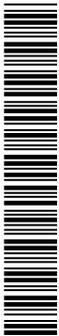
18 “(a) DEFINITIONS.—In this section, the following
19 definitions apply:

20 “(1) CLEAN FUEL BUS.—The term ‘clean fuel
21 bus’ means a passenger vehicle used to provide pub-
22 lic transportation that—

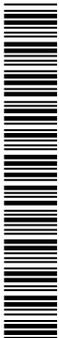
23 “(A) is powered by—

24 “(i) compressed natural gas;

25 “(ii) liquefied natural gas;



- 1 “(iii) biodiesel fuels;
- 2 “(iv) batteries;
- 3 “(v) alcohol-based fuels;
- 4 “(vi) hybrid electric;
- 5 “(vii) fuel cell;
- 6 “(viii) clean diesel, to the extent al-
- 7 lowed under this section; or
- 8 “(ix) other low or zero emissions tech-
- 9 nology; and
- 10 “(B) the Administrator of the Environ-
- 11 mental Protection Agency has certified suffi-
- 12 ciently reduces harmful emissions.
- 13 “(2) ELIGIBLE PROJECT.—The term ‘eligible
- 14 project’—
- 15 “(A) means a project in a nonattainment
- 16 or maintenance area described in paragraph
- 17 (4)(A) for—
- 18 “(i) purchasing or leasing clean fuel
- 19 buses, including buses that employ a light-
- 20 weight composite primary structure;
- 21 “(ii) constructing or leasing clean fuel
- 22 buses or electrical recharging facilities and
- 23 related equipment for such buses; or



1 “(iii) constructing new or improving
2 existing public transportation facilities to
3 accommodate clean fuel buses; and

4 “(B) at the discretion of the Secretary,
5 may include a project located in a nonattain-
6 ment or maintenance area described in para-
7 graph (4)(A) relating to clean fuel, biodiesel,
8 hybrid electric, or zero emissions technology
9 buses that exhibit equivalent or superior emis-
10 sions reductions to existing clean fuel or hybrid
11 electric technologies.

12 “(3) MAINTENANCE AREA.—The term ‘mainte-
13 nance area’ has the meaning such term has under
14 section 101 of title 23.

15 “(4) RECIPIENT.—

16 “(A) IN GENERAL.—The term ‘recipient’
17 means a designated recipient (as defined in sec-
18 tion 5307(a)(2)) for an area that, and a recipi-
19 ent for an urbanized area with a population of
20 less than 200,000 that—

21 “(i) is designated as a nonattainment
22 area for ozone or carbon monoxide under
23 section 107(d) of the Clean Air Act (42
24 U.S.C. 7407(d)); or



1 “(ii) is a maintenance area for ozone
2 or carbon monoxide.

3 “(B) SMALLER URBANIZED AREAS.—In
4 the case of an urbanized area with a population
5 of less than 200,000, the State in which the
6 area is located shall act as the recipient for the
7 area under this section.

8 “(b) AUTHORITY.—The Secretary shall make grants
9 in accordance with this section to recipients to finance eli-
10 gible projects.

11 “(c) CLEAN DIESEL BUSES.—Not more than 25 per-
12 cent of the amount made available by or appropriated
13 under section 5338 in each fiscal year to carry out this
14 section may be made available to fund clean diesel buses.

15 “(d) GRANT REQUIREMENTS.—

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

18 “(2) GOVERNMENT’S SHARE OF COSTS FOR
19 CERTAIN PROJECTS.—Section 5323(i) applies to
20 projects carried out under this section.

21 “(e) AVAILABILITY OF FUNDS.—Any amount made
22 available or appropriated under this section—

23 “(1) shall remain available to a project for 2
24 years after the fiscal year for which the amount is
25 made available or appropriated; and



1 “(2) that remains unobligated at the end of the
2 period described in paragraph (1) shall be added to
3 the amount made available in the following fiscal
4 year.”.

5 (b) CONFORMING AMENDMENT.—The analysis for
6 chapter 53 is amended by striking the item relating to
7 section 5308 and inserting the following:

 “5308. Clean fuels grant program.”.

8 **SEC. 3011. CAPITAL INVESTMENT GRANTS.**

9 (a) IN GENERAL.—Section 5309 is amended to read
10 as follows:

11 **“§ 5309. Capital investment grants**

12 “(a) DEFINITIONS.—In this section, the following
13 definitions apply:

14 “(1) ALTERNATIVES ANALYSIS.—The term ‘al-
15 ternatives analysis’ means a study conducted as part
16 of the transportation planning process required
17 under sections 5303 and 5304, which includes—

18 “(A) an assessment of a wide range of
19 public transportation alternatives designed to
20 address a transportation problem in a corridor
21 or subarea;

22 “(B) sufficient information to enable the
23 Secretary to make the findings of project jus-
24 tification and local financial commitment re-
25 quired under this section;



1 “(C) the selection of a locally preferred al-
2 ternative; and

3 “(D) the adoption of the locally preferred
4 alternative as part of the long-range transpor-
5 tation plan required under section 5303.

6 “(2) MAJOR NEW FIXED GUIDEWAY CAPITAL
7 PROJECT.—The term ‘major new fixed guideway
8 capital project’ means a new fixed guideway capital
9 project for which the Federal assistance provided or
10 to be provided under this section is \$75,000,000 or
11 more.

12 “(3) NEW FIXED GUIDEWAY CAPITAL
13 PROJECT.—The term ‘new fixed guideway capital
14 project’ means a minimum operable segment of a
15 capital project for a new fixed guideway system or
16 extension to an existing fixed guideway system.

17 “(b) GENERAL AUTHORITY.—The Secretary may
18 make grants under this section to assist State and local
19 governmental authorities in financing—

20 “(1) new fixed guideway capital projects under
21 subsections (d) and (e), including the acquisition of
22 real property, the initial acquisition of rolling stock
23 for the systems, the acquisition of rights of way, and
24 relocation, for fixed guideway corridor development



1 for projects in the advanced stages of alternatives
2 analysis or preliminary engineering;

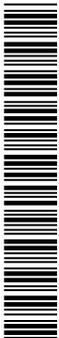
3 “(2) capital projects to modernize existing fixed
4 guideway systems;

5 “(3) capital projects to replace, rehabilitate,
6 and purchase buses and related equipment and to
7 construct bus-related facilities, including programs
8 of bus and bus-related projects for assistance to sub-
9 recipients that are public agencies, private compa-
10 nies engaged in public transportation, or private
11 nonprofit organizations; and

12 “(4) the development of corridors to support
13 new fixed guideway capital projects under sub-
14 sections (d) and (e), including protecting rights of
15 way through acquisition, construction of dedicated
16 bus and high occupancy vehicle lanes and park and
17 ride lots, and other nonvehicular capital improve-
18 ments that the Secretary may decide would result in
19 increased public transportation usage in the cor-
20 ridor.

21 “(c) GRANT REQUIREMENTS.—

22 “(1) IN GENERAL.—The Secretary may not ap-
23 prove a grant for a project under this section unless
24 the Secretary determines that—



1 “(A) the project is part of an approved
2 transportation plan and program of projects re-
3 quired under sections 5303, 5304, and 5306;
4 and

5 “(B) the applicant has, or will have—

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

9 “(ii) satisfactory continuing control
10 over the use of the equipment or facilities;
11 and

12 “(iii) the capability and willingness to
13 maintain the equipment or 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) GRANTEE REQUIREMENTS.—The Secretary
21 shall require that any grant awarded under this sec-
22 tion to a recipient be subject to all terms, conditions,
23 requirements, and provisions that the Secretary de-
24 termines to be necessary or appropriate for the pur-
25 poses of this section, including requirements for the



1 disposition of net increases in the value of real prop-
2 erty resulting from the project assisted under this
3 section.

4 “(d) MAJOR CAPITAL INVESTMENT GRANTS OF
5 \$75,000,000 OR MORE.—

6 “(1) FULL FUNDING GRANT AGREEMENT.—

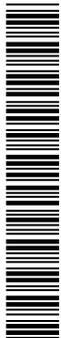
7 “(A) IN GENERAL.—A major new fixed
8 guideway capital project shall be carried out
9 through a full funding grant agreement.

10 “(B) CRITERIA.—The Secretary shall enter
11 into a full funding grant agreement, based on
12 the evaluations and ratings required under this
13 subsection, with each grantee receiving assist-
14 ance for a major new fixed guideway capital
15 project that—

16 “(i) is authorized for final design and
17 construction; and

18 “(ii) has been rated as medium, me-
19 dium-high, or high, in accordance with
20 paragraph (5)(B).

21 “(2) APPROVAL OF GRANTS.—The Secretary
22 may approve a grant under this section for a major
23 new fixed guideway capital project only if the Sec-
24 retary, based upon evaluations and considerations



1 set forth in paragraph (3), determines that the
2 project is—

3 “(A) based on the results of an alter-
4 natives analysis and preliminary engineering;

5 “(B) justified based on a comprehensive
6 review of its mobility improvements, environ-
7 mental benefits, cost effectiveness, operating ef-
8 ficiencies, economic development effects, and
9 public transportation supportive land use poli-
10 cies and future patterns; and

11 “(C) supported by an acceptable degree of
12 local financial commitment (including evidence
13 of stable and dependable financing sources) to
14 construct, maintain, and operate the system or
15 extension, and maintain and operate the entire
16 public transportation system without requiring
17 a reduction in existing public transportation
18 services or level of service to operate the pro-
19 posed project.

20 “(3) EVALUATION OF PROJECT JUSTIFICA-
21 TION.—In making the determinations under para-
22 graph (2)(B) for a major capital investment grant,
23 the Secretary shall analyze, evaluate, and consider—



1 “(A) the results of the alternatives analysis
2 and preliminary engineering for the proposed
3 project;

4 “(B) the reliability of the forecasting meth-
5 ods used to estimate costs and utilization made
6 by the recipient and the contractors to the re-
7 cipient;

8 “(C) the direct and indirect costs of rel-
9 evant alternatives;

10 “(D) factors such as—

11 “(i) congestion relief;

12 “(ii) improved mobility;

13 “(iii) air pollution;

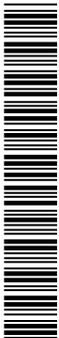
14 “(iv) noise pollution;

15 “(v) energy consumption; and

16 “(vi) all associated ancillary and miti-
17 gation costs necessary to carry out each al-
18 ternative analyzed;

19 “(E) reductions in local infrastructure
20 costs and other benefits achieved through com-
21 pact land use development, such as positive im-
22 pacts on the capacity, utilization, or longevity of
23 other surface transportation assets and facili-
24 ties;

25 “(F) the cost of suburban sprawl;



1 “(G) the degree to which the project in-
2 creases the mobility of the public transportation
3 dependent population or promotes economic de-
4 velopment;

5 “(H) population density and current tran-
6 sit ridership in the transportation corridor;

7 “(I) the technical capability of the grant
8 recipient to construct the project;

9 “(J) any adjustment to the project jus-
10 tification necessary to reflect differences in local
11 land, construction, and operating costs; and

12 “(K) other factors that the Secretary de-
13 termines to be appropriate to carry out this
14 subsection.

15 “(4) EVALUATION OF LOCAL FINANCIAL COM-
16 MITMENT.—

17 “(A) IN GENERAL.—In evaluating a
18 project under paragraph (2)(C), the Secretary
19 shall require that—

20 “(i) the proposed project plan pro-
21 vides for the availability of contingency
22 amounts that the Secretary determines to
23 be reasonable to cover unanticipated cost
24 increases;



1 “(ii) each proposed local source of
2 capital and operating financing is stable,
3 reliable, and available within the proposed
4 project timetable; and

5 “(iii) local resources are available to
6 recapitalize and operate the overall pro-
7 posed public transportation system, includ-
8 ing essential feeder bus and other services
9 necessary to achieve the projected ridership
10 levels without requiring a reduction in ex-
11 isting public transportation services or
12 level of service to operate the proposed
13 project.

14 “(B) EVALUATION CRITERIA.—In assess-
15 ing the stability, reliability, and availability of
16 proposed sources of local financing under para-
17 graph (2)(C), the Secretary shall consider—

18 “(i) the reliability of the forecasting
19 methods used to estimate costs and utiliza-
20 tion made by the recipient and the contrac-
21 tors to the recipient;

22 “(ii) existing grant commitments;

23 “(iii) the degree to which financing
24 sources are dedicated to the proposed pur-
25 poses;



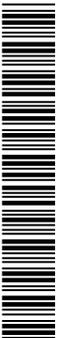
1 “(iv) any debt obligation that exists,
2 or is proposed by the recipient, for the pro-
3 posed project or other public transpor-
4 tation purpose; and

5 “(v) the extent to which the project
6 has a local financial commitment that ex-
7 ceeds the required non-Federal share of
8 the cost of the project.

9 “(C) CONSIDERATION OF FISCAL CAPACITY
10 OF STATE AND LOCAL GOVERNMENTS.—If the
11 Secretary gives priority to financing projects
12 under this subsection that include more than
13 the non-Federal share required under sub-
14 section (h), the Secretary shall give equal con-
15 sideration to differences in the fiscal capacity of
16 State and local governments.

17 “(5) PROJECT ADVANCEMENT AND RATINGS.—

18 “(A) PROJECT ADVANCEMENT.—A pro-
19 posed project under this subsection shall not
20 advance from alternatives analysis to prelimi-
21 nary engineering or from preliminary engineer-
22 ing to final design and construction unless the
23 Secretary determines that the project meets the
24 requirements of this section and there is a rea-



1 sonable likelihood that the project will continue
2 to meet such requirements.

3 “(B) RATINGS.—In making a determina-
4 tion under subparagraph (A), the Secretary
5 shall evaluate and rate the project on a 5-point
6 scale (high, medium-high, medium, medium-low,
7 or low) based on the results of the alternatives
8 analysis, the project justification criteria, and
9 the degree of local financial commitment, as re-
10 quired under this subsection. In rating the
11 projects, the Secretary shall provide, in addition
12 to the overall project rating, individual ratings
13 for each of the criteria established by regula-
14 tion.

15 “(6) POLICY GUIDANCE.—

16 “(A) PUBLICATION.—The Secretary shall
17 publish policy guidance regarding the new fixed
18 guideway capital project review and evaluation
19 process and criteria—

20 “(i) not later than 120 days after the
21 date of enactment of the Federal Public
22 Transportation Act of 2005; and

23 “(ii) each time significant changes are
24 made by the Secretary to the process and



1 criteria, but not less frequently than once
2 every 2 years.

3 “(B) PUBLIC COMMENT AND RESPONSE.—

4 The Secretary shall—

5 “(i) invite public comment to the pol-
6 icy guidance published under subparagraph
7 (A); and

8 “(ii) publish a response to the com-
9 ments received under clause (i).

10 “(e) CAPITAL INVESTMENT GRANTS LESS THAN
11 \$75,000,000.—

12 “(1) IN GENERAL.—

13 “(A) APPLICABILITY OF REQUIRE-
14 MENTS.—Except as provided by subparagraph
15 (B), a new fixed guideway capital project shall
16 be subject to the requirements of this sub-
17 section if the Federal assistance provided or to
18 be provided under this section for the project is
19 less than \$75,000,000 and the total estimated
20 net capital cost of the project is less than
21 \$250,000,000.

22 “(B) PROJECTS RECEIVING LESS THAN
23 \$25,000,000 IN FEDERAL ASSISTANCE.—If the
24 assistance provided under this section with re-
25 spect to a new fixed guideway capital project is



1 less than \$25,000,000, the requirements of this
2 subsection shall not apply to the project until
3 such date as the final regulation to be issued
4 under paragraph (9) takes effect.

5 “(2) SELECTION CRITERIA.—The Secretary
6 may provide Federal assistance under this sub-
7 section with respect to a proposed project only if the
8 Secretary finds that the project is—

9 “(A) based on the results of planning and
10 alternatives analysis;

11 “(B) justified based on a review of its pub-
12 lic transportation supportive land use policies,
13 cost effectiveness, and effect on local economic
14 development; and

15 “(C) supported by an acceptable degree of
16 local financial commitment.

17 “(3) PLANNING AND ALTERNATIVES.—In evalu-
18 ating a project under paragraph (2)(A), the Sec-
19 retary shall analyze and consider the results of plan-
20 ning and alternatives analysis for the project.

21 “(4) PROJECT JUSTIFICATION.—For purposes
22 of making the finding under paragraph (2)(B), the
23 Secretary shall—

24 “(A) determine the degree to which the
25 project is consistent with local land use policies



1 and is likely to achieve local developmental
2 goals;

3 “(B) determine the cost effectiveness of
4 the project at the time of the initiation of rev-
5 enue service;

6 “(C) determine the degree to which the
7 project will have a positive effect on local eco-
8 nomic development;

9 “(D) consider the reliability of the fore-
10 casting methods used to estimate costs and rid-
11 ership associated with the project; and

12 “(E) consider other factors that the Sec-
13 retary determines appropriate to carry out this
14 subsection.

15 “(5) LOCAL FINANCIAL COMMITMENT.—

16 “(A) IN GENERAL.—For purposes of para-
17 graph (2)(C), the Secretary shall require that
18 each proposed local source of capital and oper-
19 ating financing is stable, reliable, and available
20 within the proposed project timetable.

21 “(B) CONSIDERATION OF FISCAL CAPACITY
22 OF STATE AND LOCAL GOVERNMENTS.—If the
23 Secretary gives priority to financing projects
24 under this subsection that include more than
25 the non-Federal share required under sub-



1 section (h), the Secretary shall give equal con-
2 sideration to differences in the fiscal capacity of
3 State and local governments.

4 “(6) ADVANCEMENT OF PROJECT TO DEVELOP-
5 MENT AND CONSTRUCTION.—

6 “(A) GENERAL RULE.—A proposed project
7 under this subsection may advance from plan-
8 ning and alternatives analysis to project devel-
9 opment and construction only if the Secretary
10 finds that the project meets the requirements of
11 this subsection and there is a reasonable likeli-
12 hood that the project will continue to meet such
13 requirements.

14 “(B) EVALUATION.—In making the find-
15 ings under subparagraph (A), the Secretary
16 shall evaluate and rate the project as high, me-
17 dium-high, medium, medium-low, or low based
18 on the results of the analysis of the project jus-
19 tification criteria and the degree of local finan-
20 cial commitment, as required by this subsection.

21 “(7) CONTENTS OF PROJECT CONSTRUCTION
22 GRANT AGREEMENT.—A project construction grant
23 agreement under this subsection shall specify the
24 scope of the project to be constructed, the estimated
25 net project cost of the project, the schedule under



1 which the project shall be constructed, the maximum
2 amount of funding to be obtained under this sub-
3 section, the proposed schedule for obligation of fu-
4 ture Federal grants, and the sources of funding
5 from other than the Government. The agreement
6 may include a commitment on the part of the Sec-
7 retary to provide funding for the project in future
8 fiscal years.

9 “(8) LIMITATION ON ENTRY INTO CONSTRU-
10 TION GRANT AGREEMENT.—The Secretary may
11 enter into a project construction grant agreement
12 for a project under this subsection only if the project
13 is authorized for construction and has been rated as
14 high, medium-high, or medium under this sub-
15 section.

16 “(9) REGULATIONS.—Not later than 240 days
17 after the date of enactment of the Federal Public
18 Transportation Act of 2005, the Secretary shall
19 issue regulations establishing an evaluation and rat-
20 ing process for proposed projects under this sub-
21 section that is based on the results of project jus-
22 tification and local financial commitment, as re-
23 quired under this subsection.

24 “(10) FIXED GUIDEWAY CAPITAL PROJECT.—In
25 this subsection, the term ‘fixed guideway capital



1 project' includes a corridor-based bus capital project
2 if—

3 “(A) a substantial portion of the project
4 operates in a separate right-of-way dedicated
5 for public transit use during peak hour oper-
6 ations; or

7 “(B) the project represents a substantial
8 investment in a defined corridor as dem-
9 onstrated by features such as park-and-ride
10 lots, transit stations, bus arrival and departure
11 signage, intelligent transportation systems tech-
12 nology, traffic signal priority, off-board fare col-
13 lection, advanced bus technology, and other fea-
14 tures that support the long-term corridor in-
15 vestment.

16 “(11) IMPACT REPORT.—

17 “(A) IN GENERAL.—Not later than 120
18 days after the date of enactment of the Federal
19 Public Transportation Act of 2005, the Federal
20 Transit Administration shall submit to the
21 Committee on Banking, Housing, and Urban
22 Affairs of the Senate and the Committee on
23 Transportation and Infrastructure of the House
24 of Representatives a report on the methodology
25 to be used in evaluating the land use and eco-



1 nomic development impacts of non-fixed guide-
2 way or partial fixed guideway projects.

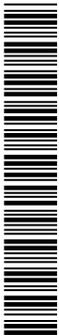
3 “(B) CONTENTS.—The report submitted
4 under subparagraph (A) shall address any qual-
5 itative and quantitative differences between
6 fixed guideway and non-fixed guideway projects
7 with respect to land use and economic develop-
8 ment impacts.

9 “(f) PREVIOUSLY ISSUED LETTER OF INTENT OR
10 FULL FUNDING GRANT AGREEMENT.—Subsections (d)
11 and (e) do not apply to projects for which the Secretary
12 has issued a letter of intent or entered into a full funding
13 grant agreement before the date of enactment of the Fed-
14 eral Public Transportation Act of 2005. Subsection (e)
15 also does not apply to projects for which the Secretary
16 has received an application for final design before such
17 date of enactment.

18 “(g) LETTERS OF INTENT, FULL FUNDING GRANT
19 AGREEMENTS, AND EARLY SYSTEMS WORK AGREE-
20 MENTS.—

21 “(1) LETTERS OF INTENT.—

22 “(A) AMOUNTS INTENDED TO BE OBLI-
23 GATED.—The Secretary may issue a letter of
24 intent to an applicant announcing an intention
25 to obligate, for a capital project under this sec-



1 tion, an amount from future available budget
2 authority specified in law that is not more than
3 the amount stipulated as the financial partici-
4 pation of the Secretary in the project. When a
5 letter is issued for fixed guideway projects, the
6 amount shall be sufficient to complete at least
7 an operable segment.

8 “(B) TREATMENT.—The issuance of a let-
9 ter under subparagraph (A) is deemed not to be
10 an obligation under sections 1108(c), 1108(d),
11 1501, and 1502(a) of title 31 or an administra-
12 tive commitment.

13 “(2) FULL FUNDING GRANT AGREEMENTS.—

14 “(A) TERMS.—The Secretary may make a
15 full funding grant agreement with an applicant.
16 The agreement shall—

17 “(i) establish the terms of partici-
18 pation by the Government in a project under
19 this section;

20 “(ii) establish the maximum amount
21 of Government financial assistance for the
22 project;

23 “(iii) cover the period of time for com-
24 pleting the project, including a period ex-



1 tending 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 “(B) 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 fixed
12 guideway project shall be sufficient to com-
13 plete at least an operable segment.

14 “(C) BEFORE AND AFTER STUDY.—

15 “(i) IN GENERAL.—A full funding
16 grant agreement under this paragraph
17 shall require the applicant to conduct a
18 study that—

19 “(I) describes and analyzes the
20 impacts of the new fixed guideway
21 capital project on transit services and
22 transit ridership;

23 “(II) evaluates the consistency of
24 predicted and actual project charac-
25 teristics and performance; and



1 “(III) identifies sources of dif-
2 ferences between predicted and actual
3 outcomes.

4 “(ii) INFORMATION COLLECTION AND
5 ANALYSIS PLAN.—

6 “(I) SUBMISSION OF PLAN.—Ap-
7 plicants seeking an agreement under
8 this paragraph shall submit a com-
9 plete plan for the collection and anal-
10 ysis of information to identify the im-
11 pacts of the new fixed guideway cap-
12 ital project and the accuracy of the
13 forecasts prepared during the develop-
14 ment of the project. Preparation of
15 this plan shall be included in the full
16 funding grant agreement as an eligi-
17 ble activity.

18 “(II) CONTENTS OF PLAN.—The
19 plan submitted under subclause (I)
20 shall provide for—

21 “(aa) the collection of data
22 on the current transit system re-
23 garding transit service levels and
24 ridership patterns, including ori-
25 gins and destinations, access



1 modes, trip purposes, and rider
2 characteristics;

3 “(bb) documentation of the
4 predicted scope, service levels,
5 capital costs, operating costs, and
6 ridership of the project;

7 “(cc) collection of data on
8 the transit system 2 years after
9 the opening of the new fixed
10 guideway capital project, includ-
11 ing analogous information on
12 transit service levels and rider-
13 ship patterns and information on
14 the as-built scope and capital
15 costs of the project; and

16 “(dd) analysis of the consist-
17 ency of predicted project charac-
18 teristics with the after data.

19 “(D) COLLECTION OF DATA ON CURRENT
20 SYSTEM.—To be eligible for a full funding
21 grant agreement under this paragraph, recipi-
22 ents shall have collected data on the current
23 system, according to the plan required, before
24 the beginning of construction of the proposed
25 new start project. Collection of this data shall



1 be included in the full funding grant agreement
2 as an eligible activity.

3 “(3) EARLY SYSTEM WORK AGREEMENTS.—

4 “(A) CONDITIONS.—The Secretary may
5 make an early systems work agreement with an
6 applicant if a record of decision under the Na-
7 tional Environmental Policy Act of 1969 (42
8 U.S.C. 4321 et seq.) has been issued on the
9 project and the Secretary finds there is reason
10 to believe—

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

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

16 “(B) CONTENTS.—

17 “(i) IN GENERAL.—A work agreement
18 under this paragraph obligates an amount
19 of available budget authority specified in
20 law and shall provide for reimbursement of
21 preliminary costs of carrying out the
22 project, including land acquisition, timely
23 procurement of system elements for which
24 specifications are decided, and other activi-
25 ties the Secretary decides are appropriate



1 to make efficient, long-term project man-
2 agement easier.

3 “(ii) PERIOD COVERED.—A work
4 agreement under this paragraph shall
5 cover the period of time the Secretary con-
6 siders appropriate. The period may extend
7 beyond the period of current authorization.

8 “(iii) INTEREST AND OTHER FINANC-
9 ING COSTS.—Interest and other financing
10 costs of efficiently carrying out the work
11 agreement within a reasonable time are a
12 cost of carrying out the agreement, except
13 that eligible costs may not be more than
14 the cost of the most favorable financing
15 terms reasonably available for the project
16 at the time of borrowing. The applicant
17 shall certify, in a way satisfactory to the
18 Secretary, that the applicant has shown
19 reasonable diligence in seeking the most
20 favorable financing terms.

21 “(iv) FAILURE TO CARRY OUT
22 PROJECT.—If an applicant does not carry
23 out the project for reasons within the con-
24 trol of the applicant, the applicant shall
25 repay all Government payments made



1 under the work agreement plus reasonable
2 interest and penalty charges the Secretary
3 establishes in the agreement.

4 “(4) LIMITATION ON AMOUNTS.—

5 “(A) MAJOR CAPITAL INVESTMENT
6 GRANTS CONTINGENT COMMITMENT AUTHOR-
7 ITY.—The total estimated amount of future ob-
8 ligations of the Government and contingent
9 commitments to incur obligations covered by all
10 outstanding letters of intent, full funding grant
11 agreements, and early systems work agreements
12 under this subsection for major new fixed
13 guideway capital projects may be not more than
14 the greater of the amount authorized under sec-
15 tions 5338(a)(3) and 5338(c) for such projects
16 or an amount equivalent to the last 3 fiscal
17 years of funding allocated under subsections
18 (m)(1)(A) and (m)(2)(A)(ii) for such projects,
19 less an amount the Secretary reasonably esti-
20 mates is necessary for grants under this section
21 for those of such projects that are not covered
22 by a letter or agreement. The total amount cov-
23 ered by new letters and contingent commit-
24 ments included in full funding grant agree-
25 ments and early systems work agreements for



1 such projects may be not more than a limitation
2 specified in law.

3 “(B) OTHER CONTINGENT COMMITMENT
4 AUTHORITY.—The total estimated amount of
5 future obligations of the Government and con-
6 tingent commitments to incur obligations cov-
7 ered by all project construction grant agree-
8 ments and early system work agreements under
9 this subsection for small capital projects de-
10 scribed in subsection (e) may be not more than
11 the greater of the amount allocated under sub-
12 section (m)(2)(A)(i) for such projects or an
13 amount equivalent to the last fiscal year of
14 funding allocated under such subsection for
15 such projects, less an amount the Secretary rea-
16 sonably estimates is necessary for grants under
17 this section for those of such projects that are
18 not covered by an agreement. The total amount
19 covered by new contingent commitments in-
20 cluded in project construction grant agreements
21 and early systems work agreements for such
22 projects may be not more than a limitation
23 specified in law.

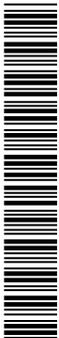
24 “(C) INCLUSION OF CERTAIN COMMIT-
25 MENTS.—Future obligations of the Government



1 and contingent commitments made against the
2 contingent commitment authority under section
3 3032(g)(2) of the Intermodal Surface Trans-
4 portation Efficiency Act of 1991 (106 Stat.
5 2125) for the San Francisco BART to the Air-
6 port project for fiscal years 2002, 2003, 2004,
7 2005, and 2006 shall be charged against sec-
8 tion 3032(g)(2) of that Act.

9 “(D) APPROPRIATION REQUIRED.—An ob-
10 ligation may be made under this subsection only
11 when amounts are appropriated for the obliga-
12 tion.

13 “(5) NOTIFICATION OF CONGRESS.—At least 60
14 days before issuing a letter of intent or entering into
15 a full funding grant agreement or project construc-
16 tion grant agreement under this section, the Sec-
17 retary shall notify, in writing, the Committees on
18 Transportation and Infrastructure and Appropria-
19 tions of the House of Representatives and the Com-
20 mittees on Banking, Housing, and Urban Affairs
21 and Appropriations of the Senate of the proposed
22 letter or agreement. The Secretary shall include with
23 the notification a copy of the proposed letter or
24 agreement as well as the evaluations and ratings for
25 the project.



1 “(h) GOVERNMENT’S SHARE OF NET PROJECT
2 COST.—

3 “(1) IN GENERAL.—Based on engineering stud-
4 ies, studies of economic feasibility, and information
5 on the expected use of equipment or facilities, the
6 Secretary shall estimate the net project cost. A
7 grant for the project shall be for 80 percent of the
8 net capital project cost, unless the grant recipient
9 requests a lower grant percentage.

10 “(2) ADJUSTMENT FOR COMPLETION UNDER
11 BUDGET.—The Secretary may adjust the final net
12 project cost of a new fixed guideway capital project
13 evaluated under subsections (d) and (e) to include
14 the cost of eligible activities not included in the
15 originally defined project if the Secretary determines
16 that the originally defined project has been com-
17 pleted at a cost that is significantly below the origi-
18 nal estimate.

19 “(3) MAXIMUM GOVERNMENT SHARE.—The
20 Secretary may provide a higher grant percentage
21 than requested by the grant recipient if—

22 “(A) the Secretary determines that the net
23 project cost of the project is not more than 10
24 percent higher than the net project cost esti-



1 mated at the time the project was approved for
2 advancement into preliminary engineering; and

3 “(B) the ridership estimated for the
4 project is not less than 90 percent of the rider-
5 ship estimated for the project at the time the
6 project was approved for advancement into pre-
7 liminary engineering.

8 “(4) REMAINDER OF NET PROJECT COST.—The
9 remainder of net project costs shall be provided from
10 an undistributed cash surplus, a replacement or de-
11 preciation cash fund or reserve, or new capital.

12 “(5) LIMITATION ON STATUTORY CONSTRUC-
13 TION.—Nothing in this section, including paragraph
14 (1) and subsections (d)(4)(B)(v) and (e)(5), shall be
15 construed as authorizing the Secretary to require a
16 non-Federal financial commitment for a project that
17 is more than 20 percent of the net capital project
18 cost.

19 “(6) SPECIAL RULE FOR ROLLING STOCK
20 COSTS.—In addition to amounts allowed pursuant to
21 paragraph (1), a planned extension to a fixed guide-
22 way system may include the cost of rolling stock pre-
23 viously purchased if the applicant satisfies the Sec-
24 retary that only amounts other than amounts of the
25 Government were used and that the purchase was



1 made for use on the extension. A refund or reduc-
2 tion of the remainder may be made only if a refund
3 of a proportional amount of the grant of the Govern-
4 ment is made at the same time.

5 “(7) LIMITATION ON APPLICABILITY.—This
6 subsection does not apply to projects for which the
7 Secretary has entered into a full funding grant
8 agreement before the date of enactment of the Fed-
9 eral Public Transportation Act of 2005.

10 “(i) UNDERTAKING PROJECTS IN ADVANCE.—

11 “(1) IN GENERAL.—The Secretary may pay the
12 Government’s share of the net capital project cost to
13 a State or local governmental authority that carries
14 out any part of a project described in this section
15 without the aid of amounts of the Government and
16 according to all applicable procedures and require-
17 ments if—

18 “(A) the State or local governmental au-
19 thority applies for the payment;

20 “(B) the Secretary approves the payment;
21 and

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



1 “(2) FINANCING COSTS.—

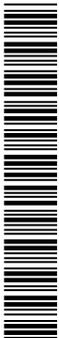
2 “(A) IN GENERAL.—The cost of carrying
3 out part of a project includes the amount of in-
4 terest earned and payable on bonds issued by
5 the State or local governmental authority to the
6 extent proceeds of the bonds are expended in
7 carrying out the part.

8 “(B) LIMITATION ON AMOUNT OF INTER-
9 EST.—The amount of interest under this para-
10 graph may not be more than the most favorable
11 interest terms reasonably available for the
12 project at the time of borrowing.

13 “(C) CERTIFICATION.—The applicant shall
14 certify, in a manner satisfactory to the Sec-
15 retary, that the applicant has shown reasonable
16 diligence in seeking the most favorable financial
17 terms.

18 “(j) AVAILABILITY OF AMOUNTS.—

19 “(1) IN GENERAL.—An amount made available
20 or appropriated under section 5338(a)(3)(C)(iii),
21 5338(a)(3)(C)(iv), 5338(b)(2)(E), or 5338(c) for re-
22 placement, rehabilitation, and purchase of buses and
23 related equipment and construction of bus-related
24 facilities or for new fixed guideway capital projects
25 shall remain available for 3 fiscal years, including



1 the fiscal year in which the amount is made avail-
2 able or appropriated. Any of such amounts that are
3 unobligated at the end of the 3-fiscal-year period
4 may be used by the Secretary for any purpose under
5 this section.

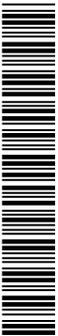
6 “(2) USE OF DEOBLIGATED AMOUNTS.—An
7 amount available under this section that is
8 deobligated may be used for any purpose under this
9 section.

10 “(k) REPORTS ON NEW STARTS.—

11 “(1) ANNUAL REPORT ON FUNDING REC-
12 OMMENDATIONS.—Not later than the first Monday
13 in February of each year, the Secretary shall submit
14 to the Committees on Transportation and Infra-
15 structure and Appropriations of the House of Rep-
16 resentatives and the Committees on Banking, Hous-
17 ing, and Urban Affairs and Appropriations of the
18 Senate a report that includes—

19 “(A) a proposal of allocations of amounts
20 to be available to finance grants for new fixed
21 guideway capital projects among applicants for
22 these amounts;

23 “(B) evaluations and ratings, as required
24 under subsections (d) and (e), for each such



1 project that is authorized by the Federal Public
2 Transportation Act of 2005; and

3 “(C) recommendations of such projects for
4 funding based on the evaluations and ratings
5 and on existing commitments and anticipated
6 funding levels for the next 3 fiscal years based
7 on information currently available to the Sec-
8 retary.

9 “(2) ANNUAL GAO REVIEW.—The Comptroller
10 General shall—

11 “(A) conduct an annual review of—

12 “(i) the processes and procedures for
13 evaluating, rating, and recommending new
14 fixed guideway capital projects; and

15 “(ii) the Secretary’s implementation
16 of such processes and procedures; and

17 “(B) report to Congress on the results of
18 such review by May 31 of each year.

19 “(1) OTHER REPORTS.—

20 “(1) BEFORE AND AFTER STUDY REPORTS.—

21 Not later than the first Monday of August of each
22 year, the Secretary shall submit to the committees
23 referred to in subsection (k)(1) a report containing
24 a summary of the results of the studies conducted
25 under subsection (g)(2)(C).



1 “(2) CONTRACTOR PERFORMANCE ASSESSMENT
2 REPORT.—

3 “(A) IN GENERAL.—Not later than 180
4 days after the enactment of the Federal Public
5 Transportation Act of 2005, and each year
6 thereafter, the Secretary shall submit to the
7 committees referred to in subsection (k)(1) a
8 report analyzing the consistency and accuracy
9 of cost and ridership estimates made by each
10 contractor to public transportation agencies de-
11 veloping new fixed guideway capital projects.

12 “(B) CONTENTS.—The report submitted
13 under subparagraph (A) shall compare the cost
14 and ridership estimates made at the time
15 projects are approved for entrance into prelimi-
16 nary engineering with—

17 “(i) estimates made at the time
18 projects are approved for entrance into
19 final design;

20 “(ii) costs and ridership when the
21 project commences revenue operation; and

22 “(iii) costs and ridership when the
23 project has been in operation for 2 years.

24 “(C) CONSIDERATIONS.—In making com-
25 parisons under subparagraph (B), the Secretary



1 shall consider factors having an impact on costs
2 and ridership not under the control of the con-
3 tractor. The Secretary shall also consider the
4 role taken by each contractor in the develop-
5 ment of the project.

6 “(3) CONTRACTOR PERFORMANCE INCENTIVE
7 REPORT.—Not later than 180 days after the enact-
8 ment of the Federal Public Transportation Act of
9 2005, the Secretary shall submit to the committees
10 referred to in subsection (k)(1) a report on the suit-
11 ability of allowing contractors to public transpor-
12 tation agencies that undertake new fixed guideway
13 capital projects under this section to receive per-
14 formance incentive awards if a project is completed
15 for less than the original estimated cost.

16 “(m) ALLOCATING AMOUNTS.—

17 “(1) FISCAL YEAR 2005.—Of the amounts made
18 available or appropriated for fiscal year 2005 under
19 section 5338(a)(3)—

20 “(A) \$1,437,829,600 shall be allocated for
21 new fixed capital projects under subsection (d);

22 “(B) \$1,204,684,800 shall be allocated for
23 capital projects for fixed guideway moderniza-
24 tion; and



1 “(C) \$669,600,000 shall be allocated for
2 capital projects for buses and bus-related equip-
3 ment and facilities.

4 “(2) FISCAL YEARS 2006 THROUGH 2009.—The
5 amounts made available or appropriated for fiscal
6 years 2006 through 2009 under sections 5338(b)
7 and 5338(c) shall be allocated as follows:

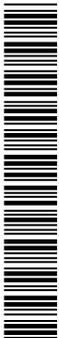
8 “(A) MAJOR CAPITAL PROJECTS.—Of the
9 amounts appropriated under section 5338(c) for
10 major capital projects—

11 “(i) \$200,000,000 for each of fiscal
12 years 2007 through 2009 shall be allocated
13 for projects for new fixed guideway capital
14 projects of less than \$75,000,000 in ac-
15 cordance with subsection (e); and

16 “(ii) the remainder shall be allocated
17 for major new fixed guideway capital
18 projects in accordance with subsection (d).

19 “(B) FIXED GUIDEWAY MODERNIZA-
20 TION.—The amounts made available under sec-
21 tion 5338(b)(2)(D) shall be allocated for capital
22 projects for fixed guideway modernization.

23 “(C) BUSES AND BUS-RELATED EQUIP-
24 MENT AND FACILITIES.—The amounts made
25 available under section 5338(b)(2)(E) shall be



1 allocated for capital projects for buses and bus-
2 related equipment and facilities.

3 “(3) FIXED GUIDEWAY MODERNIZATION.—The
4 amounts made available for fixed guideway mod-
5 ernization under section 5338(b)(2)(D) for fiscal
6 year 2006 and each fiscal year thereafter shall be al-
7 located in accordance with section 5337.

8 “(4) PRELIMINARY ENGINEERING AND ALTER-
9 NATIVES ANALYSIS.—Not more than 8 percent of the
10 allocation described in paragraph (1)(A) may be ex-
11 pended on alternatives analysis and preliminary en-
12 gineering.

13 “(5) PRELIMINARY ENGINEERING.—Not more
14 than 8 percent of the allocation described in para-
15 graph (2)(A) may be expended on preliminary engi-
16 neering.

17 “(6) FUNDING FOR FERRY BOATS.—Of the
18 amounts described in paragraphs (1)(A) and
19 (2)(A)—

20 “(A) \$10,400,000 shall be available in fis-
21 cal year 2005 for capital projects in Alaska and
22 Hawaii for new fixed guideway systems and ex-
23 tension projects utilizing ferry boats, ferry boat
24 terminals, or approaches to ferry boat termi-
25 nals;



1 “(B) \$15,000,000 shall be available in
2 each of fiscal years 2006 through 2009 for cap-
3 ital projects in Alaska and Hawaii for new fixed
4 guideway ferry systems and extension projects
5 utilizing ferry boats, ferry boat terminals, or
6 approaches to ferry boat terminals; and

7 “(C) \$5,000,000 shall be available for each
8 of fiscal years 2006 though 2009 for payments
9 to the Denali Commission under the terms of
10 section 307(e) of the Denali Commission Act of
11 1998 (42 U.S.C. 3121 note) for docks, water-
12 front development projects, and related trans-
13 portation infrastructure.

14 “(7) BUS AND BUS FACILITY GRANTS.—The
15 amounts made available under paragraphs (1)(C)
16 and (2)(C) shall be allocated as follows:

17 “(A) FERRY BOAT SYSTEMS.—
18 \$10,000,000 shall be available in each of fiscal
19 years 2006 through 2009 for ferry boats or
20 ferry terminal facilities. Of such funds, the fol-
21 lowing amounts shall be set aside for each fiscal
22 year:

23 “(i) \$2,500,000 for the San Francisco
24 Water Transit Authority.



1 “(ii) \$2,500,000 for the Massachu-
2 setts Bay Transportation Authority Ferry
3 System.

4 “(iii) \$1,000,000 for the Camden,
5 New Jersey Ferry System.

6 “(iv) \$1,000,000 for the Governor’s
7 Island, New York Ferry System

8 “(v) \$1,000,000 for the Philadelphia
9 Penn’s Landing Ferry Terminal.

10 “(vi) \$1,000,000 for the Staten Island
11 Ferry.

12 “(vii) \$650,000 for the Maine State
13 Ferry Service, Rockland.

14 “(viii) \$350,000 for the Swans Island,
15 Maine Ferry Service.

16 “(B) FUEL CELL BUS PROGRAM.—The fol-
17 lowing amounts shall be set aside for the na-
18 tional fuel cell bus technology development pro-
19 gram under section 3039 of the Federal Public
20 Transportation Act of 2005:

21 “(i) \$11,250,000 for fiscal year 2006.

22 “(ii) \$11,500,000 for fiscal year 2007.

23 “(iii) \$12,750,000 for fiscal year
24 2008.



1 “(iv) \$13,500,000 for fiscal year
2 2009.

3 “(C) PROJECTS NOT IN URBANIZED
4 AREAS.—Not less than 5.5 percent shall be
5 available in each fiscal year for projects that
6 are not in urbanized areas.

7 “(D) INTERMODAL TERMINALS.—Not less
8 than \$35,000,000 shall be available in each fis-
9 cal year for intermodal terminal projects, in-
10 cluding the intercity bus portion of such
11 projects.

12 “(E) BUS TESTING.—\$3,000,000 shall be
13 available in each fiscal year for bus testing
14 under section 5318.

15 “(8) BUS AND BUS FACILITY GRANT CONSIDER-
16 ATIONS.—In making grants under paragraphs
17 (1)(C) and (2)(C), the Secretary shall consider the
18 age and condition of buses, bus fleets, related equip-
19 ment, and bus-related facilities.”.

20 (b) CHAPTER ANALYSIS.—The analysis for chapter
21 53 is amended by striking the item relating to section
22 5309 and inserting the following:

 “5309. Capital investment grants.”.

23 (c) PUBLIC-PRIVATE PARTNERSHIP PILOT PRO-
24 GRAM.—



1 (1) ESTABLISHMENT.—The Secretary may es-
2 tablish and implement a pilot program to dem-
3 onstrate the advantages and disadvantages of public-
4 private partnerships for certain new fixed guideway
5 capital projects.

6 (2) LIMITATION ON THE NUMBER OF FACILI-
7 TIES.—The Secretary may permit the establishment
8 of 3 public-private partnerships for new fixed guide-
9 way capital projects.

10 (3) ELIGIBILITY.—To be eligible to participate
11 in the public-private partnership program, a recipi-
12 ent shall submit to the Secretary an application that
13 contains, at a minimum, the following:

14 (A) An identification of the new fixed
15 guideway capital project that has not entered
16 into a full funding grant agreement or project
17 construction grant agreement with the Federal
18 Transit Administration.

19 (B) A schedule and finance plan for the
20 construction of and operation of the proposed
21 project.

22 (C) An analysis of the costs, benefits, and
23 efficiencies of the proposed public-private part-
24 nership agreement.



1 (4) SELECTION CRITERIA.—The Secretary may
2 approve the application of a recipient under this
3 subsection if the Secretary determines that—

4 (A) State and local laws permit public-pri-
5 vate agreements for all phases of project devel-
6 opment, construction, and operation of the
7 project;

8 (B) the recipient is unable to advance the
9 project due to fiscal constraints; and

10 (C) the plan implementing the public-pri-
11 vate partnership is justified.

12 (5) PROGRAM TERM.—The Secretary may ap-
13 prove an application of a recipient for a public-pri-
14 vate partnership for fiscal years 2006 through 2009.

15 (6) REPORT TO CONGRESS.—Not later than 2
16 years after the date of enactment of this Act, the
17 Secretary shall transmit to the Committee on Trans-
18 portation and Infrastructure of the House of Rep-
19 resentatives and the Committee on Banking, Hous-
20 ing, and Urban Affairs of the Senate a report con-
21 taining an assessment of the costs, benefits, and ef-
22 ficiencies of a public-private partnership program for
23 new fixed guideway capital projects.

24 (d) RESTRICTIONS ON USE OF BUS CATEGORY
25 FUNDS FOR FIXED GUIDEWAY PROJECTS.—Funds pro-



1 vided to grantees under the bus and bus facility category
2 for fixed guideway ferry and gondola projects in the De-
3 partment of Transportation and Related Agencies Appro-
4 priations Acts for any of fiscal years 1998 through 2005,
5 or accompanying committee reports, that remain available
6 and unobligated may be used for new fixed guideway cap-
7 ital projects under section 5309 of title 49, United States
8 Code. Funds made available to the same grantees for simi-
9 lar projects under the bus and bus facility category of sec-
10 tion 5309 of title 49, United States Code, in fiscal years
11 2006 through 2009 may be used for fixed guideway
12 projects under that section.

13 (e) MIAMI METRORAIL.—The Secretary shall credit
14 funds provided by the Florida department of transpor-
15 tation for the extension of the Miami Metrorail System
16 from Earlington Heights to the Miami Intermodal Center
17 to satisfy the matching requirements of section 5309(h)(4)
18 of title 49, United States Code, for the Miami North Cor-
19 ridor and Miami East-West Corridor projects.

20 (f) ADJUSTMENTS.—The adjustments made in the
21 Federal Transit Administrator’s Dear Colleague letter of
22 April 29, 2005, to require a “medium” for the cost-effec-
23 tiveness rating, in order for fixed guideway projects to be
24 recommended for funding by the Federal Transit Adminis-
25 tration, shall not apply to the following:



1 (1) San Francisco Muni—Third Street LRT
2 Phase I/II.

3 (2) Santa Clara Valley Transit Authority—Sil-
4 icon Valley Rapid Transit Corridor.

5 (3) Washington County, Oregon—Wilsonville to
6 Beaverton Commuter Rail.

7 (4) Dulles Corridor Metrorail Project—Exten-
8 sion to Wiehle Avenue.

9 **SEC. 3012. FORMULA GRANTS FOR SPECIAL NEEDS OF EL-**
10 **DERLY INDIVIDUALS AND INDIVIDUALS WITH**
11 **DISABILITIES.**

12 (a) IN GENERAL.—Section 5310 is amended to read
13 as follows:

14 **“§ 5310. Formula grants for special needs of elderly**
15 **individuals and individuals with disabil-**
16 **ities**

17 **“(a) GENERAL AUTHORITY.—**

18 **“(1) GRANTS.—**The Secretary may make
19 grants to States and local governmental authorities
20 under this section for public transportation capital
21 projects planned, designed, and carried out to meet
22 the special needs of elderly individuals and individ-
23 uals with disabilities.



1 “(2) SUBRECIPIENTS.—A State that receives a
2 grant under this section may allocate the amounts
3 provided under the grant to—

4 “(A) a private nonprofit organization, if
5 the public transportation service provided under
6 paragraph (1) is unavailable, insufficient, or in-
7 appropriate; or

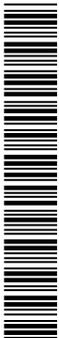
8 “(B) a governmental authority that—

9 “(i) is approved by the State to co-
10 ordinate services for elderly individuals and
11 individuals with disabilities; or

12 “(ii) certifies that there are not any
13 nonprofit organizations readily available in
14 the area to provide the services described
15 under paragraph (1).

16 “(3) ACQUIRING PUBLIC TRANSPORTATION
17 SERVICES.—A public transportation capital project
18 under this section may include acquisition of public
19 transportation services as an eligible capital expense.

20 “(4) ADMINISTRATIVE EXPENSES.—A State or
21 local governmental authority may use not more than
22 10 percent of the amounts apportioned to the State
23 under this section to administer, plan, and provide
24 technical assistance for a project funded under this
25 section.



1 “(b) APPORTIONMENT AND TRANSFERS.—

2 “(1) FORMULA.—The Secretary shall apportion
3 amounts made available to carry out this section
4 under a formula the Secretary administers that con-
5 sideres the number of elderly individuals and individ-
6 uals with disabilities in each State.

7 “(2) TRANSFER OF FUNDS.—Any funds appor-
8 tioned to a State under paragraph (1) may be trans-
9 ferred by the State to the apportionments made
10 under sections 5311(c) and 5336 if such funds are
11 only used for eligible projects selected under this
12 section.

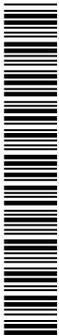
13 “(c) GOVERNMENT’S SHARE OF COSTS.—

14 “(1) CAPITAL PROJECTS.—

15 “(A) IN GENERAL.—A grant for a capital
16 project under this section shall be for 80 per-
17 cent of the net capital costs of the project, as
18 determined by the Secretary.

19 “(B) EXCEPTION.—A State described in
20 section 120(b) of title 23 shall receive an in-
21 creased Government share in accordance with
22 the formula under that section.

23 “(2) REMAINDER.—The remainder of the net
24 project costs—



1 “(A) may be provided from an undistrib-
2 uted cash surplus, a replacement or deprecia-
3 tion cash fund or reserve, a service agreement
4 with a State or local social service agency or a
5 private social service organization, or new cap-
6 ital;

7 “(B) may be derived from amounts appro-
8 priated or otherwise made available to a depart-
9 ment or agency of the Government (other than
10 the Department of Transportation) that are eli-
11 gible to be expended for transportation; and

12 “(C) notwithstanding subparagraph (B),
13 may be derived from amounts made available to
14 carry out the Federal lands highway program
15 established by section 204 of title 23.

16 “(3) USE OF CERTAIN FUNDS.—For purposes
17 of paragraph (2)(B), the prohibitions on the use of
18 funds for matching requirements under section
19 403(a)(5)(C)(vii) of the Social Security Act (42
20 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal
21 or State funds to be used for transportation pur-
22 poses.

23 “(d) GRANT REQUIREMENTS.—

24 “(1) IN GENERAL.—A grant under this section
25 shall be subject to all requirements of a grant under



1 section 5307 to the extent the Secretary determines
2 appropriate.

3 “(2) CERTIFICATION REQUIREMENTS.—

4 “(A) FUND TRANSFERS.—A grant recipi-
5 ent under this section that transfers funds to a
6 project funded under section 5336 in accord-
7 ance with subsection (b)(2) shall certify that
8 the project for which the funds are requested
9 has been coordinated with private nonprofit
10 providers of services under this section.

11 “(B) PROJECT SELECTION AND PLAN DE-
12 VELOPMENT.—Beginning in fiscal year 2007,
13 each grant recipient under this section shall
14 certify that—

15 “(i) the projects selected were derived
16 from a locally developed, coordinated pub-
17 lic transit-human services transportation
18 plan; and

19 “(ii) the plan was developed through a
20 process that included representatives of
21 public, private, and nonprofit transpor-
22 tation and human services providers and
23 participation by the public.

24 “(C) ALLOCATIONS TO SUBRECIPIENTS.—

25 Each grant recipient under this section shall



1 certify that allocations of the grant to subrecipi-
2 ents, if any, are distributed on a fair and equi-
3 table basis.

4 “(e) STATE PROGRAM OF PROJECTS.—

5 “(1) IN GENERAL.—Amounts made available to
6 carry out this section may be used for transportation
7 projects to assist in providing transportation services
8 for elderly individuals and individuals with disabili-
9 ties that are included in a State program of
10 projects.

11 “(2) SUBMISSION AND APPROVAL.—A State
12 shall submit to the Secretary annually for approval
13 a program of projects. The program shall contain an
14 assurance that the program provides for maximum
15 feasible coordination of transportation services as-
16 sisted under this section with transportation services
17 assisted by other Government sources.

18 “(f) LEASING VEHICLES.—Vehicles acquired under
19 this section may be leased to local governmental authori-
20 ties to improve transportation services designed to meet
21 the special needs of elderly individuals and individuals
22 with disabilities.

23 “(g) MEAL DELIVERY FOR HOMEBOUND INDIVID-
24 UALS.—Public transportation service providers receiving
25 assistance under this section or section 5311(c) may co-



1 ordinate and assist in regularly providing meal delivery
2 service for homebound individuals if the delivery service
3 does not conflict with providing public transportation serv-
4 ice or reduce service to public transportation passengers.

5 “(h) TRANSFERS OF FACILITIES AND EQUIPMENT.—
6 With the consent of the recipient in possession of a facility
7 or equipment acquired with a grant under this section, a
8 State may transfer the facility or equipment to any recipi-
9 ent eligible to receive assistance under this chapter if the
10 facility or equipment will continue to be used as required
11 under this section.”.

12 (b) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH
13 DISABILITIES PILOT PROGRAM.—

14 (1) IN GENERAL.—In fiscal year 2006, the Sec-
15 retary shall establish a pilot program that will allow
16 Wisconsin, Alaska, Minnesota, Oregon, and 3 other
17 States selected by the Secretary to use not more
18 than 33 percent of the funds apportioned to each
19 State to carry out section 5310 of title 49, United
20 States Code, for operating costs associated with pub-
21 lic transportation projects planned, designed, and
22 carried out to meet the special needs of elderly indi-
23 viduals and individuals with disabilities under such
24 section. The Secretary may base the selection of par-
25 ticipating States on a State’s exemplary coordination



1 of public transit-human services transportation. The
2 Secretary may require participants to collect data
3 necessary to support the report to Congress required
4 by paragraph (7).

5 (2) PLANNING COORDINATION.—Recipients of
6 funds made available consistent with this subsection
7 shall certify that—

8 (A) the projects selected were derived from
9 a locally developed, coordinated public transit-
10 human services transportation plan; and

11 (B) the plan was developed through a
12 process that included representatives of public,
13 private, and nonprofit transportation and
14 human services providers and participation by
15 the public.

16 (3) GOVERNMENT'S SHARE OF COSTS.—Oper-
17 ating assistance under this subsection may not ex-
18 ceed 50 percent of the net operating costs of the
19 project, as determined by the Secretary. The credit
20 for any non-Federal share provided under this sub-
21 section shall not reduce nor replace State funds re-
22 quired to match Federal funds for formula grants
23 for the special needs of elderly individuals and indi-
24 viduals with disabilities program authorized under
25 section 5310 of title 49, United States Code.



1 (4) REMAINDER.—The remainder of the net
2 project costs—

3 (A) may be provided from an undistributed
4 cash surplus, a replacement or depreciation
5 cash fund or reserve, a service agreement with
6 a State or local social service agency or a pri-
7 vate social service organization, or new capital;
8 and

9 (B) may be derived from amounts appro-
10 priated to or made available to a department or
11 agency of the Government (other than the De-
12 partment of Transportation) that are eligible to
13 be expended for transportation.

14 (5) USE OF CERTAIN FUNDS.—For purposes of
15 paragraph (4)(B), the prohibitions on the use of
16 funds for matching requirements under section
17 403(a)(5)(C)(vii) of the Social Security Act (42
18 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal
19 or State funds to be used for transportation pur-
20 poses.

21 (6) ELIGIBLE ACTIVITIES.—Projects eligible
22 under the pilot program may include the collection
23 of data necessary to support the report to Congress
24 required by paragraph (7).



1 (7) REPORT.—Not later than 2 years after the
2 date of enactment of this Act, the Secretary shall
3 transmit to the Committee on Transportation and
4 Infrastructure of the House of Representatives and
5 the Committee on Banking, Housing, and Urban Af-
6 fairs of the Senate a report on the pilot program,
7 which may include—

8 (A) the extent to which funds were used to
9 subsidize existing paratransit service provided
10 in compliance with the Americans with Disabil-
11 ities Act of 1990;

12 (B) whether States participating in the
13 pilot program use the funds to provide services
14 to persons with disabilities that exceed those
15 services required by the Americans with Dis-
16 abilities Act of 1990 differently than States not
17 in the pilot program;

18 (C) whether States participating in this
19 pilot program use the funds to provide services
20 to individuals with disabilities that exceed those
21 services required by the Americans with Dis-
22 abilities Act of 1990 to the detriment of other
23 eligible projects;

24 (D) the percentage of funds used to assist
25 elderly individuals;



1 (E) the percentage of funds used to assist
2 individuals with disabilities;

3 (F) the extent to which States partici-
4 pating in this pilot program serve a wider range
5 of elderly, low income, and persons with disabil-
6 ities populations;

7 (G) whether the pilot program improves
8 services to elderly individuals and individuals
9 with disabilities;

10 (H) the extent to which States partici-
11 pating in the pilot program were able to expand
12 the range of transportation alternatives avail-
13 able to elderly individuals and individuals with
14 disabilities; and

15 (I) whether the pilot program facilitates or
16 discourages coordination with or integration of
17 other funding sources.

18 (8) SUNSET.—This subsection shall cease to be
19 effective on September 30, 2009.

20 (c) CHAPTER ANALYSIS.—The analysis for chapter
21 53 is amended by striking the item relating to section
22 5310 and inserting the following:

“5310. Formula grants for special needs of elderly individuals and individuals
with disabilities.”.



1 **SEC. 3013. FORMULA GRANTS FOR OTHER THAN URBAN-**
2 **IZED AREAS.**

3 (a) DEFINITIONS.—Section 5311(a) is amended to
4 read as follows:

5 “(a) DEFINITIONS.—As used in this section, the fol-
6 lowing definitions shall apply:

7 “(1) RECIPIENT.—The term ‘recipient’ means a
8 State or Indian tribe that receives a Federal transit
9 program grant directly from the Federal Govern-
10 ment.

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

17 (b) GENERAL AUTHORITY.—Section 5311(b) is
18 amended to read as follows:

19 “(b) GENERAL AUTHORITY.—

20 “(1) GRANTS AUTHORIZED.—Except as pro-
21 vided by paragraph (2), the Secretary may award
22 grants under this section to recipients located in
23 areas other than urbanized areas for—

24 “(A) public transportation capital projects;

25 “(B) operating costs of equipment and fa-
26 cilities for use in public transportation; and



1 “(C) the acquisition of public transpor-
2 tation services, including service agreements
3 with private providers of public transportation
4 services.

5 “(2) STATE PROGRAM.—

6 “(A) IN GENERAL.—A project eligible for a
7 grant under this section shall be included in a
8 State program for public transportation service
9 projects, including agreements with private pro-
10 viders of public transportation service.

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

14 “(C) APPROVAL.—The Secretary may not
15 approve the program unless the Secretary de-
16 termines that—

17 “(i) the program provides a fair dis-
18 tribution of amounts in the State, includ-
19 ing Indian reservations; and

20 “(ii) the program provides the max-
21 imum feasible coordination of public trans-
22 portation service assisted under this sec-
23 tion with transportation service assisted by
24 other Federal sources.



1 “(3) RURAL TRANSPORTATION ASSISTANCE
2 PROGRAM.—

3 “(A) IN GENERAL.—The Secretary shall
4 carry out a rural transportation assistance pro-
5 gram in other than urbanized areas.

6 “(B) GRANTS AND CONTRACTS.—In car-
7 rying out this paragraph, the Secretary may use
8 not more than 2 percent of the amount made
9 available to carry out this section to make
10 grants and contracts for transportation re-
11 search, technical assistance, training, and re-
12 lated support services in other than urbanized
13 areas.

14 “(C) PROJECTS OF A NATIONAL SCOPE.—
15 Not more than 15 percent of the amounts avail-
16 able under subparagraph (B) may be used by
17 the Secretary to carry out projects of a national
18 scope, with the remaining balance provided to
19 the States.

20 “(4) DATA COLLECTION.—Each recipient under
21 this section shall submit an annual report to the
22 Secretary containing information on capital invest-
23 ment, operations, and service provided with funds
24 received under this section, including—

25 “(A) total annual revenue;



- 1 “(B) sources of revenue;
- 2 “(C) total annual operating costs;
- 3 “(D) total annual capital costs;
- 4 “(E) fleet size and type, and related facili-
- 5 ties;
- 6 “(F) revenue vehicle miles; and
- 7 “(G) ridership.”.

8 (c) APPORTIONMENTS.—Section 5311(c) is amended

9 to read as follows:

10 “(c) APPORTIONMENTS.—

11 “(1) PUBLIC TRANSPORTATION ON INDIAN RES-

12 ERVATIONS.—Of the amounts made available or ap-

13 propriated for each fiscal year pursuant to sub-

14 sections (a)(1)(C)(v) and (b)(2)(G) of section 5338,

15 the following amounts shall be apportioned for

16 grants to Indian tribes for any purpose eligible

17 under this section, under such terms and conditions

18 as may be established by the Secretary:

19 “(A) \$8,000,000 for fiscal year 2006.

20 “(B) \$10,000,000 for fiscal year 2007.

21 “(C) \$12,000,000 for fiscal year 2008.

22 “(D) \$15,000,000 for fiscal year 2009.

23 “(2) REMAINING AMOUNTS.—Of the amounts

24 made available or appropriated for each fiscal year

25 pursuant to subsections (a)(1)(C)(v) and (b)(2)(G)



1 of section 5338 that are not apportioned under para-
2 graph (1)—

3 “(A) 20 percent shall be apportioned to the
4 States in accordance with paragraph (3); and

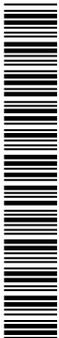
5 “(B) 80 percent shall be apportioned to
6 the States in accordance with paragraph (4).

7 “(3) APPORTIONMENTS BASED ON LAND AREA
8 IN NONURBANIZED AREAS.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), each State shall receive an amount
11 that is equal to the amount apportioned under
12 paragraph (2)(A) multiplied by the ratio of the
13 land area in areas other than urbanized areas
14 in that State and divided by the land area in
15 all areas other than urbanized areas in the
16 United States, as shown by the most recent de-
17 cennial census of population.

18 “(B) MAXIMUM APPORTIONMENT.—No
19 State shall receive more than 5 percent of the
20 amount apportioned under this paragraph.

21 “(4) APPORTIONMENTS BASED ON POPULATION
22 IN NONURBANIZED AREAS.—Each State shall receive
23 an amount equal to the amount apportioned under
24 paragraph (2)(B) multiplied by the ratio of the pop-
25 ulation of areas other than urbanized areas in that



1 State divided by the population of all areas other
2 than urbanized areas in the United States, as shown
3 by the most recent decennial census of population.”.

4 (d) USE FOR ADMINISTRATION, PLANNING, AND
5 TECHNICAL ASSISTANCE.—Section 5311(e) is amended—

6 (1) in the subsection heading by inserting “,
7 PLANNING,” after “ADMINISTRATION”;

8 (2) by striking “(1) The Secretary” and insert-
9 ing “The Secretary”;

10 (3) by striking paragraph (2); and

11 (4) by striking “recipient” and inserting “sub-
12 recipient”.

13 (e) INTERCITY BUS TRANSPORTATION.—Section
14 5311(f) is amended—

15 (1) in paragraph (1)—

16 (A) by striking “(1) A State” and insert-
17 ing the following:

18 “(1) IN GENERAL.—A State”;

19 (B) by striking “after September 30,
20 1993,”; and

21 (C) by moving subparagraphs (A) through

22 (D) 2 ems to the right; and

23 (2) in paragraph (2)—

24 (A) by striking “(2) A State” and insert-
25 ing the following:



1 “(2) CERTIFICATION.—A State”; and

2 (B) by striking “Secretary of Transpor-
3 tation” and inserting “Secretary, after con-
4 sultation with affected intercity bus service pro-
5 viders,”.

6 (f) GOVERNMENT SHARE OF COSTS.—Section
7 5311(g) is amended to read as follows:

8 “(g) GOVERNMENT SHARE OF COSTS.—

9 “(1) CAPITAL PROJECTS.—

10 “(A) IN GENERAL.—Except as provided by
11 subparagraph (B), a grant awarded under this
12 section for any purpose other than operating
13 assistance shall be for 80 percent of the net
14 capital costs of the project, as determined by
15 the Secretary.

16 “(B) EXCEPTION.—A State described in
17 section 120(b) of title 23 shall receive a Gov-
18 ernment share of the net capital costs in ac-
19 cordance with the formula under that section.

20 “(2) OPERATING ASSISTANCE.—

21 “(A) IN GENERAL.—Except as provided by
22 subparagraph (B), a grant made under this sec-
23 tion for operating assistance may not exceed 50
24 percent of the net operating costs of the
25 project, as determined by the 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 operating costs equal
4 to 62.5 percent of the Government share pro-
5 vided for under paragraph (1)(B).

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

8 “(A) may be provided from an undistrib-
9 uted cash surplus, a replacement or deprecia-
10 tion cash fund or reserve, a service agreement
11 with a State or local social service agency or a
12 private social service organization, or new cap-
13 ital;

14 “(B) may be derived from amounts appro-
15 priated or otherwise made available to a depart-
16 ment or agency of the Government (other than
17 the Department of Transportation) that are eli-
18 gible to be expended for transportation; and

19 “(C) notwithstanding subparagraph (B),
20 may be derived from amounts made available to
21 carry out the Federal lands highway program
22 established by section 204 of title 23.

23 “(4) USE OF CERTAIN FUNDS.—For purposes
24 of paragraph (3)(B), the prohibitions on the use of
25 funds for matching requirements under section



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

5 “(5) LIMITATION ON OPERATING ASSIST-
6 ANCE.—A State carrying out a program of operating
7 assistance under this section may not limit the level
8 or extent of use of the Government grant for the
9 payment of operating expenses.”.

10 (g) RELATIONSHIP TO OTHER LAWS.—Section 5311
11 is amended—

12 (1) by striking subsection (h); and

13 (2) by redesignating subsections (i) and (j) as
14 subsections (h) and (i), respectively.

15 (h) WAIVER CONDITION.—Section 5311(j)(1) is
16 amended by striking “but the Secretary of Labor may
17 waive the application of section 5333(b)” and inserting “if
18 the Secretary of Labor utilizes a special warranty that
19 provides a fair and equitable arrangement to protect the
20 interests of employees”.

21 (i) CORRECTION TO CHAPTER ANALYSIS.—The anal-
22 ysis for chapter 53 is amended by striking the item relat-
23 ing to section 5311 and inserting the following:

“5311. Formula grants for other than urbanized areas.”.



1 **SEC. 3014. RESEARCH, DEVELOPMENT, DEMONSTRATION,**
2 **AND DEPLOYMENT PROJECTS.**

3 (a) IN GENERAL.—Section 5312(a) is amended to
4 read as follows:

5 “(a) RESEARCH, DEVELOPMENT, DEMONSTRATION,
6 AND DEPLOYMENT PROJECTS.—

7 “(1) IN GENERAL.—The Secretary may make
8 grants, contracts, cooperative agreements, and other
9 agreements (including agreements with departments,
10 agencies, and instrumentalities of the United States
11 Government) for research, development, demonstra-
12 tion, and deployment projects, and evaluation of
13 technology of national significance to public trans-
14 portation, that the Secretary determines will improve
15 public transportation service or help public transpor-
16 tation service meet the total transportation needs at
17 a minimum cost.

18 “(2) INFORMATION.—The Secretary may re-
19 quest and receive appropriate information from any
20 source.

21 “(3) SAVINGS PROVISION.—This subsection
22 does not limit the authority of the Secretary under
23 any other law.”.

24 (b) JOINT PARTNERSHIP PROGRAM FOR DEPLOY-
25 MENT OF INNOVATION.—Section 5312 is amended by
26 striking subsections (b) and (c) and redesignating sub-



1 sections (d) and (e) as subsections (b) and (c), respec-
2 tively.

3 (c) INTERNATIONAL MASS TRANSPORTATION PRO-
4 GRAM.—Section 5312(c)(2) (as redesignated by subsection
5 (b) of this section) is amended by striking “public and
6 private” and inserting “public or private”.

7 (d) FUNDING.—Section 5312(e)(3) (as redesignated
8 by subsection (b) of this section) is amended by striking
9 “shall be accounted for separately within the Mass Transit
10 Account of the Highway Trust Fund and”.

11 (e) CONFORMING AMENDMENTS.—

12 (1) SECTION HEADING.—Section 5312 is
13 amended by striking the section heading and insert-
14 ing the following:

15 **“§ 5312. Research, development, demonstration, and
16 deployment projects”.**

17 (2) CHAPTER ANALYSIS.—The analysis for
18 chapter 53 is amended by striking the item relating
19 to section 5312 and inserting the following:

“5312. Research, development, demonstration, and deployment projects.”.

20 **SEC. 3015. TRANSIT COOPERATIVE RESEARCH PROGRAM.**

21 (a) IN GENERAL.—Section 5313 is amended—

22 (1) by striking subsection (b);

23 (2) in subsection (a)—

24 (A) in paragraph (1) by striking “(1) The
25 amounts made available under paragraphs (1)



1 and (2)(C)(ii) of section 5338(c) of this title”
2 and inserting “The amounts made available
3 under subsections (a)(5)(C)(iii) and (d)(1) of
4 section 5338”; and

5 (B) in paragraph (2) by striking “(2) The
6 Secretary” and inserting the following:

7 “(b) FEDERAL ASSISTANCE.—The Secretary”; and

8 (3) by striking subsection (c) and inserting the
9 following:

10 “(c) GOVERNMENT’S SHARE.—If there would be a
11 clear and direct financial benefit to an entity under a
12 grant or contract financed under this section, the Sec-
13 retary shall establish a Government share consistent with
14 that benefit.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) SECTION HEADING.—Section 5313 is
17 amended by striking the section heading and insert-
18 ing the following:

19 **“§ 5313. Transit cooperative research program”.**

20 (2) CHAPTER ANALYSIS.—The analysis for
21 chapter 53 is amended by striking the item relating
22 to section 5313 and inserting the following:

“5313. Transit cooperative research program.”.

23 **SEC. 3016. NATIONAL RESEARCH AND TECHNOLOGY PRO-**
24 **GRAMS.**

25 (a) IN GENERAL.—Section 5314 is amended—



1 (1) by striking the section heading and insert-
2 ing the following:

3 **“§ 5314. National research programs”;**

4 (2) in subsection (a)(1)—

5 (A) by striking “subsections (d) and (h)(7)
6 of section 5338 of this title” and inserting “sec-
7 tion 5338(d)”;

8 (B) by striking “and contracts” and insert-
9 ing “, contracts, cooperative agreements, or
10 other agreements”;

11 (C) by striking “5303–5306,”; and

12 (D) by striking “5317,”;

13 (3) in subsection (a)(2) by striking “Of the
14 amounts” and all that follows through “\$3,000,000
15 to” and inserting “The Secretary shall”;

16 (4) by striking subsection (a)(4)(B);

17 (5) by redesignating subsection (a)(4)(C) as
18 subsection (a)(4)(B);

19 (6) by adding at the end of subsection (a) the
20 following:

21 “(6) MEDICAL TRANSPORTATION DEMONSTRA-
22 TION GRANTS.—

23 “(A) GRANTS AUTHORIZED.—The Sec-
24 retary may award demonstration grants, from
25 funds made available under paragraph (1), to



1 eligible entities to provide transportation serv-
2 ices to individuals to access dialysis treatments
3 and other medical treatments for renal disease.

4 “(B) ELIGIBLE ENTITIES.—An entity shall
5 be eligible to receive a grant under this para-
6 graph if the entity—

7 “(i) meets the conditions described in
8 section 501(c)(3) of the Internal Revenue
9 Code of 1986; or

10 “(ii) is an agency of a State or unit
11 of local government.

12 “(C) USE OF FUNDS.—Grant funds re-
13 ceived under this paragraph may be used to
14 provide transportation services to individuals to
15 access dialysis treatments and other medical
16 treatments for renal disease.

17 “(D) APPLICATION.—

18 “(i) IN GENERAL.—Each eligible enti-
19 ty desiring a grant under this paragraph
20 shall submit an application to the Sec-
21 retary at such time, at such place, and
22 containing such information as the Sec-
23 retary may reasonably require.

24 “(ii) SELECTION OF GRANTEES.—In
25 awarding grants under this paragraph, the



1 Secretary shall give preference to eligible
2 entities from communities with—

3 “(I) high incidence of renal dis-
4 ease; and

5 “(II) limited access to dialysis fa-
6 cilities.

7 “(E) RULEMAKING.—The Secretary shall
8 issue regulations to implement and administer
9 the grant program established under this para-
10 graph.

11 “(F) REPORT.—The Secretary shall sub-
12 mit a report on the results of the demonstration
13 projects funded under this paragraph to the
14 Committee on Banking, Housing, and Urban
15 Affairs of the Senate and the Committee on
16 Transportation and Infrastructure of the House
17 of Representatives.”.

18 (7) in subsection (b) by striking “or contract”
19 and all that follows through “section,” and inserting
20 “, contract, cooperative agreement, or other agree-
21 ment under subsection (a) or section 5312,”; and

22 (b) NATIONAL TECHNICAL ASSISTANCE CENTER FOR
23 SENIOR TRANSPORTATION.—Section 5314 is amended by
24 adding at the end the following:



1 “(c) NATIONAL TECHNICAL ASSISTANCE CENTER
2 FOR SENIOR TRANSPORTATION.—

3 “(1) ESTABLISHMENT.—The Secretary shall
4 award grants to a national not-for-profit organiza-
5 tion for the establishment and maintenance of a na-
6 tional technical assistance center.

7 “(2) ELIGIBILITY.—An organization shall be el-
8 igible to receive a grant under paragraph (1) if the
9 organization—

10 “(A) focuses significantly on serving the
11 needs of the elderly;

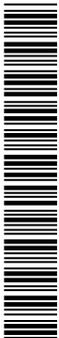
12 “(B) has demonstrated knowledge and ex-
13 pertise in senior transportation policy and plan-
14 ning issues;

15 “(C) has affiliates in a majority of the
16 States;

17 “(D) has the capacity to convene local
18 groups to consult on operation and development
19 of senior transportation programs; and

20 “(E) has established close working rela-
21 tionships with the Federal Transit Administra-
22 tion and the Administration on Aging.

23 “(3) USE OF FUNDS.—The national technical
24 assistance center established under this section
25 shall—



1 “(A) gather best practices from throughout
2 the Nation and provide such practices to local
3 communities that are implementing senior
4 transportation programs;

5 “(B) work with teams from local commu-
6 nities to identify how the communities are suc-
7 cessfully meeting the transportation needs of
8 senior citizens and any gaps in services in order
9 to create a plan for an integrated senior trans-
10 portation program;

11 “(C) provide resources on ways to pay for
12 senior transportation services;

13 “(D) create a web site to publicize and cir-
14 culate information on senior transportation pro-
15 grams;

16 “(E) establish a clearinghouse for print,
17 video, and audio resources on senior mobility;
18 and

19 “(F) administer the demonstration grant
20 program established under paragraph (4).

21 “(4) GRANTS AUTHORIZED.—

22 “(A) IN GENERAL.—The national technical
23 assistance center established under this section,
24 in consultation with the Federal Transit Ad-



1 ministration, shall award senior transportation
2 demonstration grants to—

3 “(i) local transportation organizations;

4 “(ii) State agencies;

5 “(iii) units of local government; and

6 “(iv) nonprofit organizations.

7 “(B) USE OF FUNDS.—Grant funds re-
8 ceived under this paragraph may be used to—

9 “(i) evaluate the state of transpor-
10 tation services for senior citizens;

11 “(ii) recognize barriers to mobility
12 that senior citizens encounter in their com-
13 munities;

14 “(iii) establish partnerships and pro-
15 mote coordination among community
16 stakeholders, including public, not-for-prof-
17 it, and for-profit providers of transpor-
18 tation services for senior citizens;

19 “(iv) identify future transportation
20 needs of senior citizens within local com-
21 munities; and

22 “(v) establish strategies to meet the
23 unique needs of healthy and frail senior
24 citizens.



1 “(C) SELECTION OF GRANTEES.—The Sec-
2 retary shall select grantees under this para-
3 graph based on a fair representation of various
4 geographical locations throughout the United
5 States.”.

6 (c) ALTERNATIVE FUELS STUDY.—

7 (1) STUDY.—The Secretary shall conduct a
8 study of the actions necessary to facilitate the pur-
9 chase of increased volumes of alternative fuels (as
10 defined in section 301 of the Energy Policy Act of
11 1992 (42 U.S.C. 13211)) for use in public transit
12 vehicles.

13 (2) SCOPE OF STUDY.—The study conducted
14 under this subsection shall focus on the incentives
15 necessary to increase the use of alternative fuels in
16 public transit vehicles, including buses, fixed guide-
17 way vehicles, and ferries.

18 (3) CONTENTS.—The study shall consider—

19 (A) the environmental benefits of increased
20 use of alternative fuels in transit vehicles;

21 (B) existing opportunities available to
22 transit system operators that encourage the
23 purchase of alternative fuels for transit vehicle
24 operation;



1 (C) existing barriers to transit system op-
2 erators that discourage the purchase of alter-
3 native fuels for transit vehicle operation, includ-
4 ing situations where alternative fuels that do
5 not require capital improvements to transit ve-
6 hicles are disadvantaged over fuels that do re-
7 quire such improvements; and

8 (D) the necessary levels and type of sup-
9 port necessary to encourage additional use of
10 alternative fuels for transit vehicle operation.

11 (4) RECOMMENDATIONS.—The study shall rec-
12 ommend regulatory and legislative alternatives that
13 will result in the increased use of alternative fuels in
14 transit vehicles.

15 (5) REPORT.—Not later than 1 year after the
16 date of enactment of this Act, the Secretary shall
17 submit to the Committee on Banking, Housing, and
18 Urban Affairs of the Senate and the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives a report containing the results of
21 the study completed under this subsection.

22 (d) CONFORMING AMENDMENT.—The analysis for
23 chapter 53 is amended by striking the item relating to
24 section 5314 and inserting the following:

“5314. National research programs.”.



1 **SEC. 3017. NATIONAL TRANSIT INSTITUTE.**

2 (a) ESTABLISHMENT AND DUTIES.—Section 5315 is
3 amended by striking subsections (a) and (b) and inserting
4 the following:

5 “(a) ESTABLISHMENT.—The Secretary shall award
6 grants to Rutgers University to conduct a national transit
7 institute.

8 “(b) DUTIES.—

9 “(1) IN GENERAL.—In cooperation with the
10 Federal Transit Administration, State transpor-
11 tation departments, public transportation authori-
12 ties, and national and international entities, the in-
13 stitute established under subsection (a) shall develop
14 and conduct training and educational programs for
15 Federal, State, and local transportation employees,
16 United States citizens, and foreign nationals en-
17 gaged or to be engaged in Government-aid public
18 transportation work.

19 “(2) TRAINING AND EDUCATIONAL PRO-
20 GRAMS.—The training and educational programs de-
21 veloped under paragraph (1) may include courses in
22 recent developments, techniques, and procedures re-
23 lated to—

24 “(A) intermodal and public transportation
25 planning;

26 “(B) management;



1 “(C) environmental factors;
2 “(D) acquisition and joint use rights of
3 way;
4 “(E) engineering and architectural design;
5 “(F) procurement strategies for public
6 transportation systems;
7 “(G) turnkey approaches to delivering pub-
8 lic transportation systems;
9 “(H) new technologies;
10 “(I) emission reduction technologies;
11 “(J) ways to make public transportation
12 accessible to individuals with disabilities;
13 “(K) construction, construction manage-
14 ment, insurance, and risk management;
15 “(L) maintenance;
16 “(M) contract administration;
17 “(N) inspection;
18 “(O) innovative finance;
19 “(P) workplace safety; and
20 “(Q) public transportation security.”.

21 (b) AVAILABILITY OF AMOUNTS.—Section 5315(d) is
22 amended by striking “mass” each place it appears.



1 **SEC. 3018. JOB ACCESS AND REVERSE COMMUTE FORMULA**
2 **GRANTS.**

3 (a) IN GENERAL.—Chapter 53 is amended by insert-
4 ing after section 5315 the following:

5 **“§ 5316. Job access and reverse commute formula**
6 **grants**

7 “(a) DEFINITIONS.—In this section, the following
8 definitions apply:

9 “(1) ACCESS TO JOBS PROJECT.—The term ‘ac-
10 cess to jobs project’ means a project relating to the
11 development and maintenance of transportation
12 services designed to transport welfare recipients and
13 eligible low-income individuals to and from jobs and
14 activities related to their employment, including—

15 “(A) transportation projects to finance
16 planning, capital, and operating costs of pro-
17 viding access to jobs under this chapter;

18 “(B) promoting public transportation by
19 low-income workers, including the use of public
20 transportation by workers with nontraditional
21 work schedules;

22 “(C) promoting the use of transit vouchers
23 for welfare recipients and eligible low-income in-
24 dividuals; and

25 “(D) promoting the use of employer-pro-
26 vided transportation, including the transit pass



1 benefit program under section 132 of the Inter-
2 nal Revenue Code of 1986.

3 “(2) ELIGIBLE LOW-INCOME INDIVIDUAL.—The
4 term ‘eligible low-income individual’ means an indi-
5 vidual whose family income is at or below 150 per-
6 cent of the poverty line (as that term is defined in
7 section 673(2) of the Community Services Block
8 Grant Act (42 U.S.C. 9902(2)), including any revi-
9 sion required by that section) for a family of the size
10 involved.

11 “(3) RECIPIENT.—The term ‘recipient’ means a
12 designated recipient (as defined in section
13 5307(a)(2)) and a State that receives a grant under
14 this section directly.

15 “(4) REVERSE COMMUTE PROJECT.—The term
16 ‘reverse commute project’ means a public transpor-
17 tation project designed to transport residents of ur-
18 banized areas and other than urbanized areas to
19 suburban employment opportunities, including any
20 projects to—

21 “(A) subsidize the costs associated with
22 adding reverse commute bus, train, carpool, van
23 routes, or service from urbanized areas and
24 other than urbanized areas to suburban work-
25 places;



1 “(B) subsidize the purchase or lease by a
2 nonprofit organization or public agency of a van
3 or bus dedicated to shuttling employees from
4 their residences to a suburban workplace; or

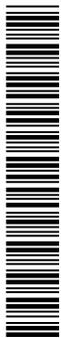
5 “(C) otherwise facilitate the provision of
6 public transportation services to suburban em-
7 ployment opportunities.

8 “(5) SUBRECIPIENT.—The term ‘subrecipient’
9 means a State or local governmental authority, non-
10 profit organization, or operator of public transpor-
11 tation services that receives a grant under this sec-
12 tion indirectly through a recipient.

13 “(6) WELFARE RECIPIENT.—The term ‘welfare
14 recipient’ means an individual who has received as-
15 sistance under a State or tribal program funded
16 under part A of title IV of the Social Security Act
17 at any time during the 3-year period before the date
18 on which the applicant applies for a grant under this
19 section.

20 “(b) GENERAL AUTHORITY.—

21 “(1) GRANTS.—The Secretary may make
22 grants under this section to a recipient for access to
23 jobs and reverse commute projects carried out by the
24 recipient or a subrecipient.



1 “(2) ADMINISTRATIVE EXPENSES.—A recipient
2 may use not more than 10 percent of the amounts
3 apportioned to the recipient under this section to ad-
4 minister, plan, and provide technical assistance for
5 a project funded under this section.

6 “(c) APPORTIONMENTS.—

7 “(1) FORMULA.—The Secretary shall apportion
8 amounts made available for a fiscal year to carry out
9 this section as follows:

10 “(A) 60 percent of the funds shall be ap-
11 portioned among designated recipients (as de-
12 fined in section 5307(a)(2)) for urbanized areas
13 with a population of 200,000 or more in the
14 ratio that—

15 “(i) the number of eligible low-income
16 individuals and welfare recipients in each
17 such urbanized area; bears to

18 “(ii) the number of eligible low-income
19 individuals and welfare recipients in all
20 such urbanized areas.

21 “(B) 20 percent of the funds shall be ap-
22 portioned among the States in the ratio that—

23 “(i) the number of eligible low-income
24 individuals and welfare recipients in urban-



1 ized areas with a population of less than
2 200,000 in each State; bears to

3 “(ii) the number of eligible low-income
4 individuals and welfare recipients in urban-
5 ized areas with a population of less than
6 200,000 in all States.

7 “(C) 20 percent of the funds shall be ap-
8 portioned among the States in the ratio that—

9 “(i) the number of eligible low-income
10 individuals and welfare recipients in other
11 than urbanized areas in each State; bears
12 to

13 “(ii) the number of eligible low-income
14 individuals and welfare recipients in other
15 than urbanized areas in all States.

16 “(2) USE OF APPORTIONED FUNDS.—Except as
17 provided in paragraph (3)—

18 “(A) funds apportioned under paragraph
19 (1)(A) shall be used for projects serving urban-
20 ized areas with a population of 200,000 or
21 more;

22 “(B) funds apportioned under paragraph
23 (1)(B) shall be used for projects serving urban-
24 ized areas with a population of less than
25 200,000; and



1 “(C) funds apportioned under paragraph
2 (1)(C) shall be used for projects serving other
3 than urbanized areas.

4 “(3) EXCEPTIONS.—A State may use funds ap-
5 portioned under paragraphs (1)(B) and (1)(C)—

6 “(A) for projects serving areas other than
7 the area specified in paragraph (2)(B) or
8 (2)(C), as the case may be, if the Governor of
9 the State certifies that all of the objectives of
10 this section are being met in the specified area;
11 or

12 “(B) for projects anywhere in the State if
13 the State has established a statewide program
14 for meeting the objectives of this section.

15 “(d) COMPETITIVE PROCESS FOR GRANTS TO SUB-
16 RECIPIENTS.—

17 “(1) AREAWIDE SOLICITATIONS.—A recipient of
18 funds apportioned under subsection (c)(1)(A) shall
19 conduct, in cooperation with the appropriate metro-
20 politan planning organization, an areawide sollicita-
21 tion for applications for grants to the recipient and
22 subrecipients under this section.

23 “(2) STATEWIDE SOLICITATION.—A recipient of
24 funds apportioned under subsection (c)(1)(B) or
25 (c)(1)(C) shall conduct a statewide solicitation for



1 applications for grants to the recipient and sub-
2 recipients under this section.

3 “(3) APPLICATION.—Recipients and subrecipi-
4 ents seeking to receive a grant from funds appor-
5 tioned under subsection (c) shall submit to the re-
6 cipient an application in the form and in accordance
7 with such requirements as the recipient shall estab-
8 lish.

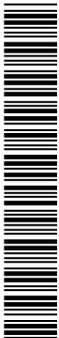
9 “(4) GRANT AWARDS.—The recipient shall
10 award grants under paragraphs (1) and (2) on a
11 competitive basis.

12 “(e) TRANSFERS.—

13 “(1) IN GENERAL.—A State may transfer any
14 funds apportioned to it under subsection (c)(1)(B)
15 or (c)(1)(C), or both, to an apportionment under
16 section 5311(c) or 5336, or both.

17 “(2) LIMITED TO ELIGIBLE PROJECTS.—Any
18 apportionment transferred under this subsection
19 shall be made available only for eligible job access
20 and reverse commute projects as described in this
21 section.

22 “(3) CONSULTATION.—A State may make a
23 transfer of an amount under this subsection only
24 after consulting with responsible local officials and
25 publicly owned operators of public transportation in



1 each area for which the amount originally was
2 awarded under subsection (d)(4).

3 “(f) GRANT REQUIREMENTS.—

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

6 “(2) FAIR AND EQUITABLE DISTRIBUTION.—A
7 recipient of a grant under this section shall certify
8 to the Secretary that allocations of the grant to sub-
9 recipients are distributed on a fair and equitable
10 basis.

11 “(g) COORDINATION.—

12 “(1) IN GENERAL.—The Secretary shall coordi-
13 nate activities under this section with related activi-
14 ties under programs of other Federal departments
15 and agencies.

16 “(2) WITH NONPROFIT PROVIDERS.—A State
17 that transfers funds to an apportionment under sec-
18 tion 5336 pursuant to subsection (e) shall certify to
19 the Secretary that any project for which the funds
20 are requested under this section has been coordi-
21 nated with nonprofit providers of services.

22 “(3) PROJECT SELECTION AND PLANNING.—A
23 recipient of funds under this section shall certify to
24 the Secretary that—



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

4 “(B) the plan was developed through a
5 process that included representatives of public,
6 private, and nonprofit transportation and
7 human services providers and participation by
8 the public.

9 “(h) GOVERNMENT’S SHARE OF COSTS.—

10 “(1) CAPITAL PROJECTS.—A grant for a capital
11 project under this section may not exceed 80 percent
12 of the net capital costs of the project, as determined
13 by the Secretary.

14 “(2) OPERATING ASSISTANCE.—A grant made
15 under this section for operating assistance may not
16 exceed 50 percent of the net operating costs of the
17 project, as determined by the Secretary.

18 “(3) REMAINDER.—The remainder of the net
19 project costs—

20 “(A) may be provided from an undistrib-
21 uted cash surplus, a replacement or deprecia-
22 tion cash fund or reserve, a service agreement
23 with a State or local social service agency or a
24 private social service organization, or new cap-
25 ital; and



1 “(B) may be derived from amounts appro-
2 priated to or made available to a department or
3 agency of the Government (other than the De-
4 partment of Transportation) that are eligible to
5 be expended for transportation.

6 “(4) USE OF CERTAIN FUNDS.—For purposes
7 of paragraph (3)(B), the prohibitions on the use of
8 funds for matching requirements under section
9 403(a)(5)(C)(vii) of the Social Security Act (42
10 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal
11 or State funds to be used for transportation pur-
12 poses.

13 “(5) LIMITATION ON OPERATING ASSIST-
14 ANCE.—A recipient carrying out a program of oper-
15 ating assistance under this section may not limit the
16 level or extent of use of the Government grant for
17 the payment of operating expenses.

18 “(i) PROGRAM EVALUATION.—

19 “(1) COMPTROLLER GENERAL.—Beginning one
20 year after the date of enactment of the Federal Pub-
21 lic Transportation Act of 2005, and every 2 years
22 thereafter, the Comptroller General shall—

23 “(A) conduct a study to evaluate the grant
24 program authorized by this section; and



1 “(B) transmit to the Committee on Trans-
2 portation and Infrastructure of the House of
3 Representatives and the Committee on Bank-
4 ing, Housing, and Urban Affairs of the Senate
5 a report describing the results of the study
6 under subparagraph (A).

7 “(2) DEPARTMENT OF TRANSPORTATION.—Not
8 later than 3 years after the date of enactment of
9 Federal Public Transportation Act of 2005, the Sec-
10 retary shall—

11 “(A) conduct a study to evaluate the effec-
12 tiveness of the grant program authorized by
13 this section and the effectiveness of recipients
14 making grants to subrecipients under this sec-
15 tion; and

16 “(B) transmit to the committees referred
17 to in paragraph (1)(B) a report describing the
18 results of the study under subparagraph (A).”.

19 (b) CONFORMING AMENDMENT.—The analysis for
20 chapter 53 is amended by inserting after the item relating
21 to section 5315 the following:

 “5316. Job access and reverse commute formula grants.”.

22 (c) REPEAL.—Effective October 1, 2005, section
23 3037 of the Transportation Equity Act for the 21st Cen-
24 tury (49 U.S.C. 5309 note; 112 Stat. 387) is repealed.



1 **SEC. 3019. NEW FREEDOM PROGRAM.**

2 (a) IN GENERAL.—Chapter 53 is amended by insert-
3 ing after section 5316 the following:

4 **“§ 5317. New freedom program**

5 “(a) DEFINITIONS.—In this section, the following
6 definitions apply:

7 “(1) RECIPIENT.—The term ‘recipient’ means a
8 designated recipient (as defined in section
9 5307(a)(2)) and a State that receives a grant under
10 this section directly.

11 “(2) SUBRECIPIENT.—The term ‘subrecipient’
12 means a State or local governmental authority, non-
13 profit organization, or operator of public transpor-
14 tation services that receives a grant under this sec-
15 tion indirectly through a recipient.

16 “(b) GENERAL AUTHORITY.—

17 “(1) GRANTS.—The Secretary may make
18 grants under this section to a recipient for new pub-
19 lic transportation services and public transportation
20 alternatives beyond those required by the Americans
21 with Disabilities Act of 1990 (42 U.S.C. 12101 et
22 seq.) that assist individuals with disabilities with
23 transportation, including transportation to and from
24 jobs and employment support services.

25 “(2) ADMINISTRATIVE EXPENSES.—A recipient
26 may use not more than 10 percent of the amounts



1 apportioned to the recipient under this section to ad-
2 minister, plan, and provide technical assistance for
3 a project funded under this section.

4 “(c) APPORTIONMENTS.—

5 “(1) FORMULA.—The Secretary shall apportion
6 amounts made available to carry out this section as
7 follows:

8 “(A) 60 percent of the funds shall be ap-
9 portioned among designated recipients (as de-
10 fined in section 5307(a)(2)) for urbanized areas
11 with a population of 200,000 or more in the
12 ratio that—

13 “(i) the number of individuals with
14 disabilities in each such urbanized area;
15 bears to

16 “(ii) the number of individuals with
17 disabilities in all such urbanized areas.

18 “(B) 20 percent of the funds shall be ap-
19 portioned among the States in the ratio that—

20 “(i) the number of individuals with
21 disabilities in urbanized areas with a popu-
22 lation of less than 200,000 in each State;
23 bears to



1 “(ii) the number of individuals with
2 disabilities in urbanized areas with a popu-
3 lation of less than 200,000 in all States.

4 “(C) 20 percent of the funds shall be ap-
5 portioned among the States in the ratio that—

6 “(i) the number of individuals with
7 disabilities in other than urbanized areas
8 in each State; bears to

9 “(ii) the number of individuals with
10 disabilities in other than urbanized areas
11 in all States.

12 “(2) USE OF APPORTIONED FUNDS.—Funds
13 apportioned under paragraph (1) shall be used for
14 projects as follows:

15 “(A) Funds apportioned under paragraph
16 (1)(A) shall be used for projects serving urban-
17 ized areas with a population of 200,000 or
18 more.

19 “(B) Funds apportioned under paragraph
20 (1)(B) shall be used for projects serving urban-
21 ized areas with a population of less than
22 200,000.

23 “(C) Funds apportioned under paragraph
24 (1)(C) shall be used for projects serving other
25 than urbanized areas.



1 “(3) TRANSFERS.—

2 “(A) IN GENERAL.—A State may transfer
3 any funds apportioned to it under paragraph
4 (1)(B) or (1)(C), or both, to an apportionment
5 under section 5311(c) or 5336, or both.

6 “(B) LIMITED TO ELIGIBLE PROJECTS.—
7 Any funds transferred pursuant to this para-
8 graph shall be made available only for eligible
9 projects selected under this section.

10 “(C) CONSULTATION.—A State may make
11 a transfer of an amount under this subsection
12 only after consulting with responsible local offi-
13 cials and publicly owned operators of public
14 transportation in each area for which the
15 amount originally was awarded under sub-
16 section (d)(4).

17 “(d) COMPETITIVE PROCESS FOR GRANTS TO SUB-
18 RECIPIENTS.—

19 “(1) AREAWIDE SOLICITATIONS.—A recipient of
20 funds apportioned under subsection (c)(1)(A) shall
21 conduct, in cooperation with the appropriate metro-
22 politan planning organization, an areawide sollicita-
23 tion for applications for grants to the recipient and
24 subrecipients under this section.



1 “(2) STATEWIDE SOLICITATION.—A recipient of
2 funds apportioned under subsection (c)(1)(B) or
3 (c)(1)(C) shall conduct a statewide solicitation for
4 applications for grants to the recipient and sub-
5 recipients under this section.

6 “(3) APPLICATION.—Recipients and subrecipi-
7 ents seeking to receive a grant from funds appor-
8 tioned under subsection (c) shall submit to the re-
9 cipient an application in the form and in accordance
10 with such requirements as the recipient shall estab-
11 lish.

12 “(4) GRANT AWARDS.—The recipient shall
13 award grants under paragraphs (1) and (2) on a
14 competitive basis.

15 “(e) GRANT REQUIREMENTS.—

16 “(1) IN GENERAL.—A grant under this section
17 shall be subject to all the requirements of section
18 5310 to the extent the Secretary considers appro-
19 priate.

20 “(2) FAIR AND EQUITABLE DISTRIBUTION.—A
21 recipient of a grant under this section shall certify
22 that allocations of the grant to subrecipients are dis-
23 tributed on a fair and equitable basis.

24 “(f) COORDINATION.—



1 “(1) IN GENERAL.—The Secretary shall coordi-
2 nate activities under this section with related activi-
3 ties under programs of other Federal departments
4 and agencies.

5 “(2) WITH NONPROFIT PROVIDERS.—A recipi-
6 ent that transfers funds to an apportionment under
7 section 5336 pursuant to subsection (c)(2) shall cer-
8 tify that the project for which the funds are re-
9 quested under this section has been coordinated with
10 nonprofit providers of services.

11 “(3) PROJECT SELECTION AND PLANNING.—
12 Beginning in fiscal year 2007, a recipient of funds
13 under this section shall certify that—

14 “(A) the projects selected were derived
15 from a locally developed, coordinated public
16 transit-human services transportation plan; and

17 “(B) the plan was developed through a
18 process that included representatives of public,
19 private, and nonprofit transportation and
20 human services providers and participation by
21 the public.

22 “(g) GOVERNMENT’S SHARE OF COSTS.—

23 “(1) CAPITAL PROJECTS.—A grant for a capital
24 project under this section may not exceed 80 percent



1 of the net capital costs of the project, as determined
2 by the Secretary.

3 “(2) OPERATING ASSISTANCE.—A grant made
4 under this section for operating assistance may not
5 exceed 50 percent of the net operating costs of the
6 project, as determined by the Secretary.

7 “(3) REMAINDER.—The remainder of the net
8 project costs—

9 “(A) may be provided from an undistrib-
10 uted cash surplus, a replacement or deprecia-
11 tion cash fund or reserve, a service agreement
12 with a State or local social service agency or a
13 private social service organization, or new cap-
14 ital; and

15 “(B) may be derived from amounts appro-
16 priated to or made available to a department or
17 agency of the Government (other than the De-
18 partment of Transportation) that are eligible to
19 be expended for transportation.

20 “(4) USE OF CERTAIN FUNDS.—For purposes
21 of paragraph (3)(B), the prohibitions on the use of
22 funds for matching requirements under section
23 403(a)(5)(C)(vii) of the Social Security Act (42
24 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal



1 or State funds to be used for transportation pur-
2 poses.

3 “(5) LIMITATION ON OPERATING ASSIST-
4 ANCE.—A recipient carrying out a program of oper-
5 ating assistance under this section may not limit the
6 level or extent of use of the Government grant for
7 the payment of operating expenses.”.

8 (b) CONFORMING AMENDMENT.—The analysis for
9 chapter 53 is amended by inserting after the item relating
10 to section 5316 the following:

“5317. New freedom program.”.

11 **SEC. 3020. BUS TESTING FACILITY.**

12 (a) FACILITY.—Section 5318(a) is amended to read
13 as follows:

14 “(a) FACILITY.—The Secretary shall maintain one
15 facility for testing a new bus model for maintainability,
16 reliability, safety, performance (including braking per-
17 formance), structural integrity, fuel economy, emissions,
18 and noise.”.

19 (b) AVAILABILITY OF AMOUNTS TO PAY FOR TEST-
20 ING.—Section 5318(d) is amended by striking “under sec-
21 tion 5309(m)(1)(C) of this title” and inserting “to carry
22 out this section”.

23 (c) ACQUIRING NEW BUS MODELS.—Section 5318(e)
24 is amended to read as follows:



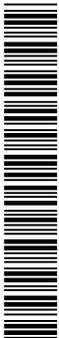
1 “(ii) improving conservation and park
2 and public land opportunities in urban
3 areas through partnering with State and
4 local governments; and

5 “(iii) improving park and public land
6 transportation infrastructure.

7 “(B) CONSULTATION WITH OTHER AGEN-
8 CIES.—To the extent that projects are proposed
9 or funded in eligible areas that are not within
10 the jurisdiction of the Department of the Inte-
11 rior, the Secretary of the Interior shall consult
12 with the heads of the relevant Federal land
13 management agencies in carrying out the re-
14 sponsibilities under this section.

15 “(2) USE OF FUNDS.—A grant, cooperative
16 agreement, interagency agreement, intraagency
17 agreement, or other agreement for a qualified
18 project under this section shall be available to fi-
19 nance the leasing of equipment and facilities for use
20 in public transportation, subject to any regulation
21 that the Secretary may prescribe limiting the grant
22 or agreement to leasing arrangements that are more
23 cost-effective than purchase or construction.

24 “(3) ALTERNATIVE TRANSPORTATION FACILI-
25 TIES AND SERVICES.—Projects receiving assistance



1 under this section shall provide alternative transpor-
2 tation facilities and services that complement and
3 enhance existing transportation services in national
4 parks and public lands in a manner that is con-
5 sistent with Department of Interior and other public
6 land management policies regarding private auto-
7 mobile access to and in such parks and lands.

8 “(b) DEFINITIONS.—In this section, the following
9 definitions apply:

10 “(1) ELIGIBLE AREA.—The term ‘eligible area’
11 means any federally owned or managed park, refuge,
12 or recreational area that is open to the general pub-
13 lic, including—

14 “(A) a unit of the National Park System;

15 “(B) a unit of the National Wildlife Ref-
16 uge System;

17 “(C) a recreational area managed by the
18 Bureau of Land Management;

19 “(D) a recreation area managed by the
20 Bureau of Reclamation; and

21 “(E) a unit of the National Forest System.

22 “(2) FEDERAL LAND MANAGEMENT AGENCY.—
23 The term ‘Federal land management agency’ means
24 a Federal agency that manages an eligible area.



1 “(3) ALTERNATIVE TRANSPORTATION.—The
2 term ‘alternative transportation’ means transpor-
3 tation by bus, rail, or any other publicly or privately
4 owned conveyance that provides to the public general
5 or special service on a regular basis, including sight-
6 seeing service. Such term also includes a non-
7 motorized transportation system (including the pro-
8 vision of facilities for pedestrians, bicycles, and non-
9 motorized watercraft).

10 “(4) QUALIFIED PARTICIPANT.—The term
11 ‘qualified participant’ means—

12 “(A) a Federal land management agency;
13 or

14 “(B) a State, tribal, or local governmental
15 authority with jurisdiction over land in the vi-
16 cinity of an eligible area acting with the consent
17 of the Federal land management agency, alone
18 or in partnership with a Federal land manage-
19 ment agency or other governmental or non-
20 governmental participant.

21 “(5) QUALIFIED PROJECT.—The term ‘qualified
22 project’ means a planning or capital project in or in
23 the vicinity of an eligible area that—

24 “(A) is an activity described in section
25 5302(a)(1)(A), 5303, 5304, 5305, or 5309(b);



1 “(B) involves—

2 “(i) the purchase of rolling stock that
3 incorporates clean fuel technology or the
4 replacement of buses of a type in use on
5 the date of enactment of the Federal Pub-
6 lic Transportation Act of 2005 with clean
7 fuel vehicles; or

8 “(ii) the deployment of alternative
9 transportation vehicles that introduce inno-
10 vative technologies or methods;

11 “(C) relates to the capital costs of coordi-
12 nating the Federal land management agency
13 public transportation systems with other public
14 transportation systems;

15 “(D) provides a nonmotorized transpor-
16 tation system (including the provision of facili-
17 ties for pedestrians, bicycles, and nonmotorized
18 watercraft);

19 “(E) provides waterborne access within or
20 in the vicinity of an eligible area, as appropriate
21 to and consistent with this section; or

22 “(F) is any other alternative transpor-
23 tation project that—

24 “(i) enhances the environment;



1 “(ii) prevents or mitigates an adverse
2 impact on a natural resource;

3 “(iii) improves Federal land manage-
4 ment agency resource management;

5 “(iv) improves visitor mobility and ac-
6 cessibility and the visitor experience;

7 “(v) reduces congestion and pollution
8 (including noise pollution and visual pollu-
9 tion); or

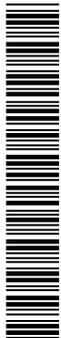
10 “(vi) conserves a natural, historical,
11 or cultural resource (excluding rehabilita-
12 tion or restoration of a non-transportation
13 facility).

14 “(c) FEDERAL AGENCY COOPERATIVE ARRANGE-
15 MENTS.—The Secretary shall develop cooperative arrange-
16 ments with the Secretary of the Interior that provide for—

17 “(1) technical assistance in alternative trans-
18 portation;

19 “(2) interagency and multidisciplinary teams to
20 develop Federal land management agency alternative
21 transportation policy, procedures, and coordination;
22 and

23 “(3) the development of procedures and criteria
24 relating to the planning, selection, and funding of
25 qualified projects and the implementation and over-



1 sight of the program of projects in accordance with
2 this section.

3 “(d) LIMITATION ON USE OF AVAILABLE
4 AMOUNTS.—

5 “(1) IN GENERAL.—The Secretary, in consulta-
6 tion with the Secretary of the Interior, may use not
7 more than 10 percent of the amount made available
8 for a fiscal year under section 5338(b)(2)(J) to
9 carry out planning, research, and technical assist-
10 ance under this section, including the development of
11 technology appropriate for use in a qualified project.

12 “(2) ADDITIONAL AMOUNTS.—Amounts made
13 available under this subsection are in addition to
14 amounts otherwise available to the Secretary to
15 carry out planning, research, and technical assist-
16 ance under this chapter or any other provision of
17 law.

18 “(3) MAXIMUM AMOUNT.—No qualified project
19 shall receive more than 25 percent of the total
20 amount made available to carry out this section
21 under section 5338(b)(2)(J) for any fiscal year.

22 “(e) PLANNING PROCESS.—In undertaking a quali-
23 fied project under this section—

24 “(1) if the qualified participant is a Federal
25 land management agency—



1 “(A) the Secretary, in cooperation with the
2 Secretary of the Interior, shall develop trans-
3 portation planning procedures that are con-
4 sistent with—

5 “(i) the metropolitan planning provi-
6 sions under section 5303;

7 “(ii) the statewide planning provisions
8 under section 5304; and

9 “(iii) the public participation require-
10 ments under section 5307(d); and

11 “(B) in the case of a qualified project that
12 is at a unit of the National Park System, the
13 planning process shall be consistent with the
14 general management plans of the unit of the
15 National Park System; and

16 “(2) if the qualified participant is a State or
17 local governmental authority, or more than one
18 State or local governmental authority in more than
19 one State, the qualified participant shall—

20 “(A) comply with the metropolitan plan-
21 ning provisions under section 5303;

22 “(B) comply with the statewide planning
23 provisions under section 5304;

24 “(C) comply with the public participation
25 requirements under section 5307(d); and



1 “(D) consult with the appropriate Federal
2 land management agency during the planning
3 process.

4 “(f) COST SHARING.—

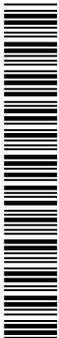
5 “(1) GOVERNMENT’S SHARE.—The Secretary,
6 in cooperation with the Secretary of the Interior,
7 shall establish the Government’s share of the net
8 project cost to be provided to a qualified participant
9 under this section.

10 “(2) CONSIDERATIONS.—In establishing the
11 Government’s share of the net project cost to be pro-
12 vided under this section, the Secretary shall
13 consider—

14 “(A) visitation levels and the revenue de-
15 rived from user fees in the eligible area in
16 which the qualified project is carried out;

17 “(B) the extent to which the qualified par-
18 ticipant coordinates with a public transpor-
19 tation authority or private entity engaged in
20 public transportation;

21 “(C) private investment in the qualified
22 project, including the provision of contract serv-
23 ices, joint development activities, and the use of
24 innovative financing mechanisms;



1 “(D) the clear and direct benefit to the
2 qualified participant; and

3 “(E) any other matters that the Secretary
4 considers appropriate to carry out this section.

5 “(3) SPECIAL RULE.—Notwithstanding any
6 other provision of law, funds appropriated to any
7 Federal land management agency may be counted
8 toward the remainder of the net project cost.

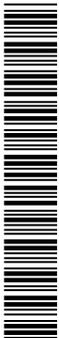
9 “(g) SELECTION OF QUALIFIED PROJECTS.—

10 “(1) IN GENERAL.—The Secretary of the Inte-
11 rior, after consultation with and in cooperation with
12 the Secretary, shall determine the final selection and
13 funding of an annual program of qualified projects
14 in accordance with this section.

15 “(2) CONSIDERATIONS.—In determining wheth-
16 er to include a project in the annual program of
17 qualified projects, the Secretary of the Interior shall
18 consider—

19 “(A) the justification for the qualified
20 project, including the extent to which the quali-
21 fied project would conserve resources, prevent
22 or mitigate adverse impact, and enhance the en-
23 vironment;

24 “(B) the location of the qualified project,
25 to ensure that the selected qualified projects—



1 “(i) are geographically diverse nation-
2 wide; and

3 “(ii) include qualified projects in eligi-
4 ble areas located in both urban areas and
5 rural areas;

6 “(C) the size of the qualified project, to
7 ensure that there is a balanced distribution;

8 “(D) the historical and cultural signifi-
9 cance of a qualified project;

10 “(E) safety;

11 “(F) the extent to which the qualified
12 project would—

13 “(i) enhance livable communities;

14 “(ii) reduce pollution (including noise
15 pollution, air pollution, and visual pollu-
16 tion);

17 “(iii) reduce congestion; and

18 “(iv) improve the mobility of people in
19 the most efficient manner; and

20 “(G) any other matters that the Secretary
21 of the Interior considers appropriate to carry
22 out this section, including—

23 “(i) visitation levels;

24 “(ii) the use of innovative financing or
25 joint development strategies; and



1 “(iii) coordination with gateway com-
2 munities.

3 “(h) QUALIFIED PROJECTS CARRIED OUT IN AD-
4 VANCE.—

5 “(1) IN GENERAL.—When a qualified partici-
6 pant carries out any part of a qualified project with-
7 out assistance under this section in accordance with
8 all applicable procedures and requirements, the Sec-
9 retary, in consultation with the Secretary of the In-
10 terior, may pay the share of the net capital project
11 cost of a qualified project if—

12 “(A) the qualified participant applies for
13 the payment;

14 “(B) the Secretary approves the payment;
15 and

16 “(C) before carrying out that part of the
17 qualified project, the Secretary approves the
18 plans and specifications in the same manner as
19 plans and specifications are approved for other
20 projects assisted under this section.

21 “(2) FINANCING COSTS.—

22 “(A) IN GENERAL.—The cost of carrying
23 out part of a qualified project under paragraph
24 (1) includes the amount of interest earned and
25 payable on bonds issued by a State or local gov-



1 ernmental authority, to the extent that proceeds
2 of the bond are expended in carrying out that
3 part.

4 “(B) LIMITATION ON AMOUNT OF INTER-
5 EST.—The rate of interest under this para-
6 graph may not exceed the most favorable rate
7 reasonably available for the qualified project at
8 the time of borrowing.

9 “(C) CERTIFICATION.—The qualified par-
10 ticipant shall certify, in a manner satisfactory
11 to the Secretary, that the qualified participant
12 has exercised reasonable diligence in seeking
13 the most favorable interest rate.

14 “(i) RELATIONSHIP TO OTHER LAWS.—

15 “(1) SECTION 5307.—A qualified participant
16 under this section shall be subject to the require-
17 ments of sections 5307 and 5333(a) to the extent
18 the Secretary determines to be appropriate.

19 “(2) OTHER REQUIREMENTS.—A qualified par-
20 ticipant under this section shall be subject to any
21 other requirements that the Secretary determines to
22 be appropriate to carry out this section, including
23 requirements for the distribution of proceeds on dis-
24 position of real property and equipment resulting
25 from a qualified project assisted under this section.



1 “(3) PROJECT MANAGEMENT PLAN.—If the
2 amount of assistance anticipated to be required for
3 a qualified project under this section is not less than
4 \$25,000,000—

5 “(A) the qualified project shall, to the ex-
6 tent the Secretary considers appropriate, be
7 carried out through a full funding grant agree-
8 ment in accordance with section 5309(g); and

9 “(B) the qualified participant shall prepare
10 a project management plan in accordance with
11 section 5327(a).

12 “(j) ASSET MANAGEMENT.—The Secretary, in con-
13 sultation with the Secretary of the Interior, may transfer
14 the interest of the Department of Transportation in, and
15 control over, all facilities and equipment acquired under
16 this section to a qualified participant for use and dispo-
17 sition in accordance with any property management regula-
18 tions that the Secretary determines to be appropriate.

19 “(k) COORDINATION OF RESEARCH AND DEPLOY-
20 MENT OF NEW TECHNOLOGIES.—

21 “(1) GRANTS AND OTHER ASSISTANCE.—The
22 Secretary, in cooperation with the Secretary of the
23 Interior, may undertake, or make grants, cooperative
24 agreements, contracts (including agreements with
25 departments, agencies, and instrumentalities of the



1 Federal Government) or other agreements for re-
2 search, development, and deployment of new tech-
3 nologies in eligible areas that will—

4 “(A) conserve resources;

5 “(B) prevent or mitigate adverse environ-
6 mental impact;

7 “(C) improve visitor mobility, accessibility,
8 and enjoyment; and

9 “(D) reduce pollution (including noise pol-
10 lution and visual pollution).

11 “(2) INFORMATION.—The Secretary may re-
12 quest and receive appropriate information from any
13 source.

14 “(3) FUNDING.—Grants, cooperative agree-
15 ments, contracts, and other agreements under para-
16 graph (1) shall be awarded from amounts allocated
17 under subsection (d)(1).

18 “(l) INNOVATIVE FINANCING.—A qualified project
19 receiving financial assistance under this section shall be
20 eligible for funding through a State infrastructure bank
21 or other innovative financing mechanism available to fi-
22 nance an eligible project under this chapter.

23 “(m) REPORTS.—

24 “(1) IN GENERAL.—The Secretary, in consulta-
25 tion with the Secretary of the Interior, shall annu-



1 ally submit a report on the allocation of amounts
2 made available to assist qualified projects under this
3 section to—

4 “(A) the Committee on Banking, Housing,
5 and Urban Affairs of the Senate;

6 “(B) the Committee on Transportation
7 and Infrastructure of the House of Representa-
8 tives; and

9 “(C) the Committee on Resources of the
10 House of Representatives and the Committee
11 on Energy and Natural Resources of the Sen-
12 ate.

13 “(2) ANNUAL REPORTS.—The report required
14 under paragraph (1) shall be included in the report
15 submitted under section 5309(k)(1).”.

16 (b) CONFORMING AMENDMENT.—The analysis for
17 chapter 53 is amended by striking the item relating to
18 section 5320 and inserting the following:

“5320. Alternative transportation in parks and public lands.”.

19 **SEC. 3022. HUMAN RESOURCES PROGRAMS.**

20 Section 5322 is amended—

21 (1) by inserting “(a) IN GENERAL.—” before
22 “The Secretary”; and

23 (2) by adding at the end the following:

24 “(b) FELLOWSHIPS.—



1 “(1) AUTHORITY TO MAKE GRANTS.—The Sec-
2 retary may make grants to States, local govern-
3 mental authorities, and operators of public transpor-
4 tation systems to provide fellowships to train per-
5 sonnel employed in managerial, technical, and pro-
6 fessional positions in the public transportation field.

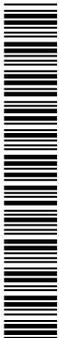
7 “(2) TERMS.—

8 “(A) PERIOD OF TRAINING.—A fellowship
9 under this subsection may be for not more than
10 one year of training in an institution that offers
11 a program applicable to the public transpor-
12 tation industry.

13 “(B) SELECTION OF INDIVIDUALS.—A re-
14 cipient of a grant for a fellowship under this
15 subsection shall select an individual on the basis
16 of demonstrated ability and for the contribution
17 the individual reasonably can be expected to
18 make to an efficient public transportation oper-
19 ation.

20 “(C) AMOUNT.—A grant for a fellowship
21 under this subsection may not be more than the
22 lesser of \$65,000 or 75 percent of the sum of—

23 “(i) tuition and other charges to the
24 fellowship recipient;



1 “(ii) additional costs incurred by the
2 training institution and billed to the grant
3 recipient; and

4 “(iii) the regular salary of the fellow-
5 ship recipient for the period of the fellow-
6 ship to the extent the salary is actually
7 paid or reimbursed by the grant recipi-
8 ent.”.

9 **SEC. 3023. GENERAL PROVISIONS ON ASSISTANCE.**

10 (a) INTERESTS IN PROPERTY.—Section 5323(a) is
11 amended—

12 (1) by striking paragraph (1) and inserting the
13 following:

14 “(1) IN GENERAL.—Financial assistance pro-
15 vided under this chapter to a State or a local gov-
16 ernmental authority may be used to acquire an in-
17 terest in, or to buy property of, a private company
18 engaged in public transportation, for a capital
19 project for property acquired from a private com-
20 pany engaged in public transportation after July 9,
21 1964, or to operate a public transportation facility
22 or equipment in competition with, or in addition to,
23 transportation service provided by an existing public
24 transportation company, only if—



1 “(A) the Secretary determines that such fi-
2 nancial assistance is essential to a program of
3 projects required under sections 5303, 5304,
4 and 5306;

5 “(B) the Secretary determines that the
6 program provides for the participation of pri-
7 vate companies engaged in public transpor-
8 tation to the maximum extent feasible; and

9 “(C) just compensation under State or
10 local law will be paid to the company for its
11 franchise or property.”; and

12 (2) in paragraph (2) by striking “(2) A govern-
13 mental authority” and inserting the following:

14 “(2) LIMITATION.—A governmental authority”.

15 (b) NOTICE AND PUBLIC HEARING.—Section
16 5323(b) is amended to read as follows:

17 “(b) NOTICE AND PUBLIC HEARING.—

18 “(1) IN GENERAL.—For a capital project that
19 will substantially affect a community, or the public
20 transportation service of a community, an applicant
21 shall—

22 “(A) provide an adequate opportunity for
23 public review and comment on the project;

24 “(B) after providing notice, hold a public
25 hearing on the project if the project affects sig-



1 nificant economic, social, or environmental in-
2 terests;

3 “(C) consider the economic, social, and en-
4 vironmental effects of the project; and

5 “(D) find that the project is consistent
6 with official plans for developing the commu-
7 nity.

8 “(2) NOTICE.—Notice of a hearing under this
9 subsection—

10 “(A) shall include a concise description of
11 the proposed project; and

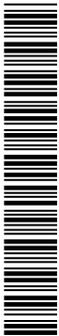
12 “(B) shall be published in a newspaper of
13 general circulation in the geographic area the
14 project will serve.

15 “(3) APPLICATION REQUIREMENTS.—An appli-
16 cation for a grant under this chapter for a capital
17 project described in paragraph (1) shall include—

18 “(A) a certification that the applicant has
19 complied with the requirements of this sub-
20 section; and

21 “(B) in the environmental record for the
22 project, evidence that the applicant has com-
23 plied with the requirements of this subsection.”.

24 (c) FARES NOT REQUIRED.—Section 5323(c) is
25 amended to read as follows:



1 “(c) FARES NOT REQUIRED.—This chapter does not
2 require that elderly individuals and individuals with dis-
3 abilities be charged a fare.”.

4 (d) CONDITION ON CHARTER BUS TRANSPORTATION
5 SERVICE.—Section 5323(d) is amended—

6 (1) by striking “(1) Financial assistance” and
7 inserting the following:

8 “(1) AGREEMENTS.—Financial assistance”; and

9 (2) by striking paragraph (2) and inserting the
10 following:

11 “(2) VIOLATIONS.—

12 “(A) INVESTIGATIONS.—On receiving a
13 complaint about a violation of the agreement
14 required under paragraph (1), the Secretary
15 shall investigate and decide whether a violation
16 has occurred.

17 “(B) ENFORCEMENT OF AGREEMENTS.—If
18 the Secretary decides that a violation has oc-
19 curred, the Secretary shall correct the violation
20 under terms of the agreement.

21 “(C) ADDITIONAL REMEDIES.—In addition
22 to any remedy specified in the agreement, the
23 Secretary shall bar a recipient or an operator
24 from receiving Federal transit assistance in an
25 amount the Secretary considers appropriate if

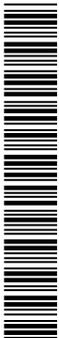


1 the Secretary finds a pattern of violations of
2 the agreement.”.

3 (e) BOND PROCEEDS ELIGIBLE FOR LOCAL
4 SHARE.—Section 5323(e) is amended to read as follows:
5 “(e) BOND PROCEEDS ELIGIBLE FOR LOCAL
6 SHARE.—

7 “(1) USE AS LOCAL MATCHING FUNDS.—Not-
8 withstanding any other provision of law, a recipient
9 of assistance under section 5307 or 5309 may use
10 the proceeds from the issuance of revenue bonds as
11 part of the local matching funds for a capital
12 project.

13 “(2) MAINTENANCE OF EFFORT.—The Sec-
14 retary shall approve of the use of the proceeds from
15 the issuance of revenue bonds for the remainder of
16 the net project cost only if the Secretary finds that
17 the aggregate amount of financial support for public
18 transportation in the urbanized area provided by the
19 State and affected local governmental authorities
20 during the next 3 fiscal years, as programmed in the
21 State transportation improvement program under
22 section 5304, is not less than the aggregate amount
23 provided by the State and affected local govern-
24 mental authorities in the urbanized area during the
25 preceding 3 fiscal years.



1 “(3) DEBT SERVICE RESERVE.—The Secretary
2 may reimburse an eligible recipient for deposits of
3 bond proceeds in a debt service reserve that the re-
4 cipient establishes pursuant to section
5 5302(a)(1)(K) from amounts made available to the
6 recipient under section 5309.

7 “(4) PILOT PROGRAM FOR URBANIZED
8 AREAS.—

9 “(A) IN GENERAL.—The Secretary shall
10 establish a pilot program to reimburse not to
11 exceed 10 eligible recipients for deposits of bond
12 proceeds in a debt service reserve that the re-
13 cipient establishes pursuant to section
14 5302(a)(1)(K) from amounts made available to
15 the recipient under section 5307.

16 “(B) REPORT.—Not later than July 31,
17 2008, the Secretary shall submit to the Com-
18 mittee on Banking, Housing, and Urban Affairs
19 of the Senate and the Committee on Transpor-
20 tation and Infrastructure of the House of Rep-
21 resentatives a report on the status and effec-
22 tiveness of the pilot program established under
23 subparagraph (A).”.

24 (f) SCHOOLBUS TRANSPORTATION.—Section 5323(f)
25 is amended—



1 (1) by striking “(1) Financial assistance” and
2 inserting the following:

3 “(1) AGREEMENTS.—Financial assistance”;

4 (2) in paragraph (1) by moving subparagraphs
5 (A), (B), and (C) 2 ems to the right; and

6 (3) by striking paragraph (2) and inserting the
7 following:

8 “(2) VIOLATIONS.—If the Secretary finds that
9 an applicant, governmental authority, or publicly
10 owned operator has violated the agreement required
11 under paragraph (1), the Secretary shall bar a re-
12 cipient or an operator from receiving Federal transit
13 assistance in an amount the Secretary considers ap-
14 propriate.”.

15 (g) BUYING BUSES UNDER OTHER LAWS.—Section
16 5323(g) is amended by striking “103(e)(4) and 142(a) or
17 (c)” each place it appears and inserting “133 and 142”.

18 (h) GOVERNMENT’S SHARE OF COSTS FOR CERTAIN
19 PROJECTS.—Section 5323(i) is amended—

20 (1) in the subsection heading by striking “GOV-
21 ERNMENT” and inserting “GOVERNMENT’S”;

22 (2) by striking “A grant” and inserting the fol-
23 lowing:

24 “(1) EQUIPMENT FOR ADA AND CLEAN AIR ACT
25 COMPLIANCE.—A grant”;



1 (3) by inserting “or facilities” after “equip-
2 ment” each place it appears; and

3 (4) by adding at the end the following:

4 “(2) CERTAIN STATE OWNED RAILROADS.—The
5 Government share for financial assistance under this
6 chapter to a State-owned railroad (as defined in sec-
7 tion 603 of the Rail Safety and Service Improvement
8 Act of 1982 (45 U.S.C. 1202)) shall be the same as
9 the Government share under section 120(b) of title
10 23 for Federal-aid highway funds apportioned to the
11 State in which the railroad operates.”.

12 (i) BUY AMERICA.—

13 (1) PUBLIC INTEREST WAIVER.—Section
14 5323(j) is amended—

15 (A) by redesignating paragraphs (3)
16 through (7) as paragraphs (4) through (8), re-
17 spectively; and

18 (B) by inserting after paragraph (2) the
19 following:

20 “(3) WRITTEN JUSTIFICATION FOR PUBLIC IN-
21 TEREST WAIVER.—When issuing a waiver based on
22 a public interest determination under paragraph
23 (2)(A), the Secretary shall issue a detailed written
24 justification as to why the waiver is in the public in-
25 terest. The Secretary shall publish such justification



1 in the Federal Register and provide the public with
2 a reasonable period of time for notice and com-
3 ment.”.

4 (2) INELIGIBILITY FOR CONTRACTS.—Section
5 5323(j)(6) (as so redesignated) is amended by strik-
6 ing “Intermodal Surface Transportation Efficiency
7 Act of 1991 (Public Law 102–240, 105 Stat.
8 1914)” and inserting “Federal Public Transpor-
9 tation Act of 2005”.

10 (3) ADMINISTRATIVE REVIEW.—Section 5323(j)
11 is amended by adding at the end the following:

12 “(9) ADMINISTRATIVE REVIEW.—A party ad-
13 versely affected by an agency action under this sub-
14 section shall have the right to seek review under sec-
15 tion 702 of title 5.”.

16 (4) REPEAL OF GENERAL WAIVER.—Sub-
17 sections (b) and (c) of Appendix A of section 661.7
18 of title 49, Code of Federal Regulations, shall cease
19 to be in effect beginning on the date of enactment
20 of this Act.

21 (5) RULEMAKING.—Not later than 180 days
22 after the date of enactment of this Act, the Sec-
23 retary shall issue a final rule on implementation of
24 the requirements of section 5323(j) of title 49,
25 United States Code (in this paragraph referred to as

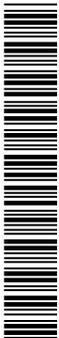


1 the “Buy America requirements”). The purposes of
2 the regulations shall be as follows:

3 (A) MICROPROCESSOR WAIVER.—To clarify
4 that any waiver from the Buy America require-
5 ments issued under section 5323(j)(2) of such
6 title for a microprocessor, computer, or micro-
7 computer applies only to a device used solely for
8 the purpose of processing or storing data and
9 does not extend to a product containing a
10 microprocessor, computer, or microcomputer.

11 (B) DEFINITIONS.—To define the terms
12 “end product”, “negotiated procurement”, and
13 “contractor” for purposes of part 661 of title
14 49, Code of Federal Regulations. In defining
15 the terms, the Secretary shall develop a list of
16 representative items that are subject to the Buy
17 America requirements, and shall address the
18 procurement of systems under the definition to
19 ensure that major system procurements are not
20 used to circumvent the Buy America require-
21 ments.

22 (C) POST-AWARD WAIVERS.—To permit a
23 grantee to request a non-availability waiver
24 from the Buy America requirements under sec-
25 tion 661.7c of title 49, Code of Federal Regula-



1 tions, after contract award in any case in which
2 the contractor has made a certification of com-
3 pliance with the requirements in good faith.

4 (D) CERTIFICATION UNDER NEGOTIATED
5 PROCUREMENT PROCESS.—In any case in which
6 a negotiated procurement process is used, com-
7 pliance with the Buy America requirements
8 shall be determined on the basis of the certifi-
9 cation submitted with the final offer.

10 (j) RELATIONSHIP TO OTHER LAWS.—Section
11 5323(l) is amended to read as follows:

12 “(l) RELATIONSHIP TO OTHER LAWS.—Section 1001
13 of title 18 applies to a certificate, submission, or statement
14 provided under this chapter. The Secretary may terminate
15 financial assistance under this chapter and seek reim-
16 bursement directly, or by offsetting amounts, available
17 under this chapter if the Secretary determines that a re-
18 cipient of such financial assistance has made a false or
19 fraudulent statement or related act in connection with a
20 Federal transit program.”.

21 (k) PREAWARD AND POSTDELIVERY REVIEW OF
22 ROLLING STOCK PURCHASES.—Section 5323(m) is
23 amended by adding at the end the following: “Rolling
24 stock procurements of 20 vehicles or fewer made for the
25 purpose of serving other than urbanized areas and urban-



1 ized areas with populations of 200,000 or fewer shall be
2 subject to the same requirements as established for pro-
3 curements of 10 or fewer buses under the post-delivery
4 purchaser's requirements certification process under sec-
5 tion 663.37(c) of title 49, Code of Federal Regulations.”.

6 (l) GRANT REQUIREMENTS.—Section 5323(o) is
7 amended by striking “the Transportation Infrastructure
8 Finance and Innovation Act of 1998” and inserting
9 “chapter 6 (other than section 609) of title 23”.

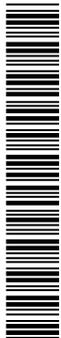
10 (m) ALTERNATIVE FUELING FACILITIES.—Section
11 5323 is amended by adding at the end the following:

12 “(p) ALTERNATIVE FUELING FACILITIES.—A recipi-
13 ent of assistance under this chapter may allow the inci-
14 dental use of Federally funded alternative fueling facilities
15 and equipment by nontransit public entities and private
16 entities if—

17 “(1) the incidental use does not interfere with
18 the recipient's public transportation operations;

19 “(2) all costs related to the incidental use are
20 fully recaptured by the recipient from the nontransit
21 public entity or private entity;

22 “(3) the recipient uses revenues received from
23 the incidental use in excess of costs for planning,
24 capital, and operating expenses that are incurred in
25 providing public transportation; and



1 “(4) private entities pay all applicable excise
2 taxes on fuel.”.

3 **SEC. 3024. SPECIAL PROVISIONS FOR CAPITAL PROJECTS.**

4 (a) IN GENERAL.—Section 5324 is amended to read
5 as follows:

6 **“§ 5324. Special provisions for capital projects**

7 “(a) RELOCATION AND REAL PROPERTY REQUIRE-
8 MENTS.—The Uniform Relocation Assistance and Real
9 Property Acquisition Policies Act of 1970 (42 U.S.C. 4601
10 et seq.) shall apply to financial assistance for capital
11 projects under this chapter.

12 “(b) CONSIDERATION OF ECONOMIC, SOCIAL, AND
13 ENVIRONMENTAL INTERESTS.—

14 “(1) COOPERATION AND CONSULTATION.—In
15 carrying out the policy of section 5301(e), the Sec-
16 retary shall cooperate and consult with the Secretary
17 of the Interior and the Administrator of the Envi-
18 ronmental Protection Agency on each project that
19 may have a substantial impact on the environment.

20 “(2) PUBLIC PARTICIPATION IN ENVIRON-
21 MENTAL REVIEWS.—In performing environmental
22 reviews, the Secretary shall review each transcript of
23 a hearing submitted under section 5323(b) to estab-
24 lish that an adequate opportunity to present views
25 was given to all parties having a significant eco-



1 nomic, social, or environmental interest in the
2 project, and that the project application includes a
3 record of—

4 “(A) the environmental impact of the pro-
5 posal;

6 “(B) adverse environmental effects that
7 cannot be avoided;

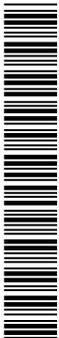
8 “(C) alternatives to the proposal; and

9 “(D) irreversible and irretrievable impacts
10 on the environment.

11 “(3) APPROVAL OF APPLICATIONS FOR ASSIST-
12 ANCE.—

13 “(A) FINDINGS BY THE SECRETARY.—The
14 Secretary may approve an application for finan-
15 cial assistance for a capital project in accord-
16 ance with this chapter only if the Secretary
17 makes written findings, after reviewing the ap-
18 plication and the transcript of any hearing held
19 before a State or local governmental authority
20 under section 5323(b), that—

21 “(i) an adequate opportunity to
22 present views was given to all parties hav-
23 ing a significant economic, social, or envi-
24 ronmental interest;



1 “(ii) the preservation and enhance-
2 ment of the environment and the interest
3 of the community in which the project is
4 located were considered; and

5 “(iii) no adverse environmental effect
6 is likely to result from the project, or no
7 feasible and prudent alternative to the ef-
8 fect exists and all reasonable steps have
9 been taken to minimize the effect.

10 “(B) HEARING.—If a hearing has not been
11 conducted or the Secretary decides that the
12 record of the hearing is inadequate for making
13 the findings required by this subsection, the
14 Secretary shall conduct a hearing on an envi-
15 ronmental issue raised by the application after
16 giving adequate notice to interested persons.

17 “(C) AVAILABILITY OF FINDINGS.—The
18 Secretary’s findings under subparagraph (A)
19 shall be made a matter of public record.

20 “(c) RAILROAD CORRIDOR PRESERVATION.—

21 “(1) IN GENERAL.—The Secretary may assist
22 an applicant to acquire railroad right-of-way before
23 the completion of the environmental reviews for any
24 project that may use the right-of-way if the acquisi-
25 tion is otherwise permitted under Federal law. The



1 Secretary may establish restrictions on such an ac-
2 quisition as the Secretary determines to be necessary
3 and appropriate.

4 “(2) ENVIRONMENTAL REVIEWS.—Railroad
5 right-of-way acquired under this subsection may not
6 be developed in anticipation of the project until all
7 required environmental reviews for the project have
8 been completed.”.

9 (b) CHAPTER ANALYSIS.—The analysis for chapter
10 53 is amended by striking the item relating to section
11 5324 and inserting the following:

“5324. Special provisions for capital projects.”.

12 **SEC. 3025. CONTRACT REQUIREMENTS.**

13 (a) IN GENERAL.—Section 5325 is amended to read
14 as follows:

15 **“§ 5325. Contract requirements**

16 “(a) COMPETITION.—Recipients of assistance under
17 this chapter shall conduct all procurement transactions in
18 a manner that provides full and open competition as deter-
19 mined by the Secretary.

20 “(b) ARCHITECTURAL, ENGINEERING, AND DESIGN
21 CONTRACTS.—

22 “(1) PROCEDURES FOR AWARDING CON-
23 TRACT.—A contract or requirement for program
24 management, architectural engineering, construction
25 management, a feasibility study, and preliminary en-



1 gineering, design, architectural, engineering, sur-
2 veying, mapping, or related services for a project for
3 which Federal assistance is provided under this
4 chapter shall be awarded in the same way as a con-
5 tract for architectural and engineering services is ne-
6 gotiated under chapter 11 of title 40 or an equiva-
7 lent qualifications-based requirement of a State.

8 “(2) EFFECT OF STATE LAWS.—Paragraph (1)
9 does not apply to the extent a State has adopted by
10 law, before the date of enactment of the Federal
11 Public Transportation Act of 2005, an equivalent
12 State qualifications-based requirement for con-
13 tracting for architectural, engineering, and design
14 services.

15 “(3) ADDITIONAL REQUIREMENTS.—When
16 awarding a contract described in paragraph (1), re-
17 cipients of assistance under this chapter shall com-
18 ply with the following requirements:

19 “(A) PERFORMANCE OF AUDITS.—Any
20 contract or subcontract awarded under this
21 chapter shall be performed and audited in com-
22 pliance with cost principles contained in part 31
23 of title 48, Code of Federal Regulations (com-
24 monly known as the Federal Acquisition Regu-
25 lation).



1 “(B) INDIRECT COST RATES.—A recipient
2 of funds under a contract or subcontract award-
3 ed under this chapter shall accept indirect cost
4 rates established in accordance with the Federal
5 Acquisition Regulation for 1-year applicable ac-
6 counting periods by a cognizant Federal or
7 State government agency, if such rates are not
8 currently under dispute.

9 “(C) APPLICATION OF RATES.—After a
10 firm’s indirect cost rates are accepted under
11 subparagraph (B), the recipient of the funds
12 shall apply such rates for the purposes of con-
13 tract estimation, negotiation, administration,
14 reporting, and contract payment, and shall not
15 be limited by administrative or de facto ceilings.

16 “(D) PRENOTIFICATION; CONFIDEN-
17 TIALITY OF DATA.—A recipient requesting or
18 using the cost and rate data described in sub-
19 paragraph (C) shall notify any affected firm be-
20 fore such request or use. Such data shall be
21 confidential and shall not be accessible or pro-
22 vided by the group of agencies sharing cost
23 data under this subparagraph, except by writ-
24 ten permission of the audited firm. If prohibited



1 by law, such cost and rate data shall not be dis-
2 closed under any circumstances.

3 “(c) EFFICIENT PROCUREMENT.—A recipient may
4 award a procurement contract under this chapter to other
5 than the lowest bidder if the award furthers an objective
6 consistent with the purposes of this chapter, including im-
7 proved long-term operating efficiency and lower long-term
8 costs.

9 “(d) DESIGN-BUILD PROJECTS.—

10 “(1) TERM DEFINED.—In this subsection, the
11 term ‘design-build project’—

12 “(A) means a project under which a recipi-
13 ent enters into a contract with a seller, firm, or
14 consortium of firms to design and build a public
15 transportation system, or an operable segment
16 of such system, that meets specific performance
17 criteria; and

18 “(B) may include an option to finance, or
19 operate for a period of time, the system or seg-
20 ment or any combination of designing, building,
21 operating, or maintaining such system or seg-
22 ment.

23 “(2) FINANCIAL ASSISTANCE FOR CAPITAL
24 COSTS.—Federal financial assistance under this
25 chapter may be provided for the capital costs of a



1 design-build project after the recipient complies with
2 Government requirements.

3 “(e) MULTIYEAR ROLLING STOCK.—

4 “(1) CONTRACTS.—A recipient procuring roll-
5 ing stock with Government financial assistance
6 under this chapter may make a multiyear contract
7 to buy the rolling stock and replacement parts under
8 which the recipient has an option to buy additional
9 rolling stock or replacement parts for not more than
10 5 years after the date of the original contract.

11 “(2) COOPERATION AMONG RECIPIENTS.—The
12 Secretary shall allow at least 2 recipients to act on
13 a cooperative basis to procure rolling stock in com-
14 pliance with this subsection and other Government
15 procurement requirements.

16 “(f) ACQUIRING ROLLING STOCK.—A recipient of fi-
17 nancial assistance under this chapter may enter into a
18 contract to expend that assistance to acquire rolling
19 stock—

20 “(1) based on—

21 “(A) initial capital costs; or

22 “(B) performance, standardization, life
23 cycle costs, and other factors; or

24 “(2) with a party selected through a competi-
25 tive procurement process.



1 “(g) EXAMINATION OF RECORDS.—Upon request,
2 the Secretary and the Comptroller General, or any of their
3 representatives, shall have access to and the right to exam-
4 ine and inspect all records, documents, and papers, includ-
5 ing contracts, related to a project for which a grant is
6 made under this chapter.

7 “(h) GRANT PROHIBITION.—A grant awarded under
8 this chapter or the Federal Public Transportation Act of
9 2005 may not be used to support a procurement that uses
10 an exclusionary or discriminatory specification.

11 “(i) BUS DEALER REQUIREMENTS.—No State law
12 requiring buses to be purchased through in-State dealers
13 shall apply to vehicles purchased with a grant under this
14 chapter.

15 “(j) AWARDS TO RESPONSIBLE CONTRACTORS.—

16 “(1) IN GENERAL.—Federal financial assistance
17 under this chapter may be provided for contracts
18 only if a recipient awards such contracts to respon-
19 sible contractors possessing the ability to success-
20 fully perform under the terms and conditions of a
21 proposed procurement.

22 “(2) CRITERIA.—Before making an award to a
23 contractor under paragraph (1), a recipient shall
24 consider—

25 “(A) the integrity of the contractor;



1 “(1) LIMITATIONS ON USE OF AVAILABLE
2 AMOUNTS.—Of the amounts made available to carry
3 out this chapter for a fiscal year, the Secretary may
4 use not more than the following amounts to make
5 contracts for the activities described in paragraph
6 (2):

7 “(A) 0.5 percent of amounts made avail-
8 able to carry out section 5305.

9 “(B) 0.75 percent of amounts made avail-
10 able to carry out section 5307.

11 “(C) 1 percent of amounts made available
12 to carry out section 5309.

13 “(D) 0.5 percent of amounts made avail-
14 able to carry out section 5310.

15 “(E) 0.5 percent of amounts made avail-
16 able to carry out section 5311.

17 “(F) 0.5 percent of amounts made avail-
18 able to carry out section 5320.

19 “(2) ACTIVITIES.—Paragraph (1) shall apply to
20 the following:

21 “(A) Activities to oversee the construction
22 of a major project.

23 “(B) Activities to review and audit the
24 safety and security, procurement, management,
25 and financial compliance of a recipient or sub-



1 recipient of funds under sections 5305, 5307,
2 5309, 5310, 5311, and 5320.

3 “(C) Activities to provide technical assist-
4 ance to correct deficiencies identified in compli-
5 ance reviews and audits carried out under this
6 section.

7 “(3) LIMITATIONS ON APPLICABILITY.—Sub-
8 sections (a), (b), and (e) do not apply to contracts
9 under this section for activities described in para-
10 graphs (2)(B) and (2)(C).

11 “(4) GOVERNMENT’S SHARE OF COSTS.—The
12 Government shall pay the entire cost of carrying out
13 a contract under this subsection.

14 “(5) AVAILABILITY OF CERTAIN FUNDS.—Be-
15 ginning in fiscal year 2006, funds available under
16 paragraph (1)(C) shall be made available to the Sec-
17 retary before allocating the funds appropriated to
18 carry out any project under a full funding grant
19 agreement or project construction grant agree-
20 ment.”.

21 **SEC. 3027. PROJECT REVIEW.**

22 Section 5328(a) is amended—

23 (1) in paragraph (1) by striking “(1) When the
24 Secretary of Transportation allows a new fixed
25 guideway project to advance into the alternatives



1 analysis stage of project review, the Secretary shall
2 cooperate with the applicant in” and inserting the
3 following:

4 “(1) ALTERNATIVES ANALYSIS.—The Secretary
5 shall cooperate with an applicant undertaking an al-
6 ternatives analysis required by subsections (d) and
7 (e) of section 5309 in the”; and

8 (2) in paragraph (2)—

9 (A) by striking “(2) After” and inserting
10 the following:

11 “(2) ADVANCEMENT TO PRELIMINARY ENGI-
12 NEERING STAGE.—After”; and

13 (B) by striking “is consistent with section
14 5309(e)” and inserting “meets the require-
15 ments of subsection (d) or (e) of section 5309”;

16 (3) in paragraph (3)—

17 (A) by striking “(3) The Secretary” and
18 inserting the following:

19 “(3) RECORD OF DECISION.—The Secretary”;

20 (B) by striking “of construction”; and

21 (C) by adding before the period at the end
22 the following: “if the Secretary determines that
23 the project meets the requirements of sub-
24 section (d) or (e) of section 5309”; and



1 (4) by striking paragraph (4) and inserting the
2 following:

3 “(4) **FUNDING AGREEMENTS.**—The Secretary
4 shall enter into a full funding grant agreement or
5 project construction grant agreement, as appro-
6 priate, between the Government and the project
7 sponsor if the Secretary determines that the project
8 meets the requirements of subsection (d) or (e) of
9 section 5309.”.

10 **SEC. 3028. INVESTIGATIONS OF SAFETY AND HAZARDS AND**
11 **SECURITY RISKS.**

12 (a) **IN GENERAL.**—Section 5329 is amended to read
13 as follows:

14 **“§ 5329. Investigations of safety hazards and security**
15 **risks**

16 “(a) **IN GENERAL.**—The Secretary may conduct in-
17 vestigations into safety hazards and security risks associ-
18 ated with a condition in equipment, a facility, or an oper-
19 ation financed under this chapter to establish the nature
20 and extent of the condition and how to eliminate, mitigate,
21 or correct it.

22 “(b) **SUBMISSION OF CORRECTIVE PLAN.**—If the
23 Secretary establishes that a safety hazard or security risk
24 warrants further protective measures, the Secretary shall
25 require the local governmental authority receiving



1 amounts under this chapter to submit a plan for elimi-
2 nating, mitigating, or correcting it.

3 “(c) WITHHOLDING FINANCIAL ASSISTANCE.—Fi-
4 nancial assistance under this chapter, in an amount to be
5 determined by the Secretary, may be withheld until a plan
6 is approved and carried out.”.

7 (b) PUBLIC TRANSPORTATION SECURITY.—

8 (1) IN GENERAL.—Not later than 45 days after
9 the date of enactment of this Act, the Secretary
10 shall execute an annex to the memorandum of un-
11 derstanding between the Secretary and the Secretary
12 of Homeland Security, dated September 28, 2004, to
13 define and clarify the respective roles and respon-
14 sibilities of the Department of Transportation and
15 the Department of Homeland Security relating to
16 public transportation security.

17 (2) CONTENTS.—The annex to be executed
18 under paragraph (1) shall—

19 (A) establish a process to develop security
20 standards for public transportation agencies;

21 (B) create a method of direct coordination
22 with public transportation agencies on security
23 matters;



1 (C) address any other issues determined to
2 be appropriate by the Secretary and the Sec-
3 retary of Homeland Security; and

4 (D) include a formal and permanent mech-
5 anism to ensure coordination and involvement
6 by the Department of Transportation, as appro-
7 priate, in public transportation security.

8 (c) RULEMAKING.—Not later than 180 days after the
9 date of enactment of this Act, the Secretary and the Sec-
10 retary of Homeland Security shall issue jointly final regu-
11 lations to establish the characteristics of and requirements
12 for public transportation security grants, including fund-
13 ing priorities, eligible activities, methods for awarding
14 grants, and limitations on administrative expenses.

15 (d) CHAPTER ANALYSIS.—The analysis for chapter
16 53 is amended by striking the item relating to section
17 5329 and inserting the following:

“5329. Investigations of safety hazards and security risks.”.

18 **SEC. 3029. STATE SAFETY OVERSIGHT.**

19 (a) IN GENERAL.—Section 5330 is amended—

20 (1) by striking the section heading and all that
21 follows through subsection (a) and inserting the fol-
22 lowing:

23 **“§ 5330. State safety oversight**

24 “(a) APPLICATION.—This section shall only apply
25 to—



1 “(1) States that have rail fixed guideway public
2 transportation systems that are not subject to regu-
3 lation by the Federal Railroad Administration; and

4 “(2) States that are designing rail fixed guide-
5 way public transportation systems that will not be
6 subject to regulation by the Federal Railroad Ad-
7 ministration.”;

8 (2) in subsection (d) by striking “may” and in-
9 serting “shall ensure uniform safety standards and
10 enforcement or shall”; and

11 (3) by striking subsection (f).

12 (b) CHAPTER ANALYSIS.—The analysis for chapter
13 53 is amended by striking the item relating to section
14 5330 and inserting the following:

“5330. State safety oversight.”.

15 **SEC. 3030. CONTROLLED SUBSTANCES AND ALCOHOL MIS-**
16 **USE TESTING.**

17 (a) DEFINITIONS.—Section 5331(a)(3) is amended
18 by striking the period at the end and inserting the fol-
19 lowing: “or section 2303a, 7101(i), or 7302(e) of title 46.
20 The Secretary may also decide that a form of public trans-
21 portation is covered adequately, for employee alcohol and
22 controlled substances testing purposes, under the alcohol
23 and controlled substance statutes or regulations of an
24 agency within the Department of Transportation or the
25 Coast Guard.”.



1 (b) TECHNICAL CORRECTIONS.—Subsections (b)(1)
2 and (g) of section 5331 are each amended by striking “or
3 section 103(e)(4) of title 23”.

4 (c) REGULATIONS.—Section 5331(f) is amended by
5 striking paragraph (3).

6 **SEC. 3031. EMPLOYEE PROTECTIVE ARRANGEMENTS.**

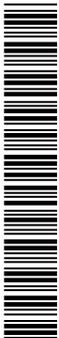
7 Section 5333(b) is amended—

8 (1) in paragraph (1) by striking “5318(d),
9 5323(a)(1), (b), (d), and (e), 5328, 5337, and
10 5338(b)” each place it appears and inserting “5316,
11 5318, 5323(a)(1), 5323(b), 5323(d), 5328, 5337,
12 and 5338(b)”; and

13 (2) by adding at the end the following:

14 “(4) Fair and equitable arrangements to protect the
15 interests of employees utilized by the Secretary of Labor
16 for assistance to purchase like-kind equipment or facilities,
17 and grant amendments which do not materially revise or
18 amend existing assistance agreements, shall be certified
19 without referral.

20 “(5) When the Secretary is called upon to issue fair
21 and equitable determinations involving assurances of em-
22 ployment when one private transit bus service contractor
23 replaces another through competitive bidding, such deci-
24 sions shall be based on the principles set forth in the De-
25 partment of Labor’s decision of September 21, 1994, as



1 clarified by the supplemental ruling of November 7, 1994,
2 with respect to grant NV-90-X021. This paragraph shall
3 not serve as a basis for objections under section 215.3(d)
4 of title 29, Code of Federal Regulations.”.

5 **SEC. 3032. ADMINISTRATIVE PROCEDURES.**

6 Section 5334 is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (9) by striking “and” at
9 the end;

10 (B) in paragraph (10) by striking the pe-
11 riod at the end and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(11) issue regulations as necessary to carry
14 out the purposes of this chapter.”;

15 (2) by striking subsection (i);

16 (3) by redesignating subsections (b) through (h)
17 as subsections (c) through (i), respectively;

18 (4) by inserting after subsection (a) the fol-
19 lowing:

20 “(b) PROHIBITIONS AGAINST REGULATING OPER-
21 ATIONS AND CHARGES.—

22 “(1) IN GENERAL.—Except for purposes of na-
23 tional defense or in the event of a national or re-
24 gional emergency, the Secretary may not regulate
25 the operation, routes, or schedules of a public trans-



1 portation system for which a grant is made under
2 this chapter, nor may the Secretary regulate the
3 rates, fares, tolls, rentals, or other charges pre-
4 scribed by any provider of public transportation.

5 “(2) LIMITATION ON STATUTORY CONSTRUC-
6 TION.—Nothing in this subsection shall be construed
7 to prevent the Secretary from requiring a recipient
8 of funds under this chapter to comply with the
9 terms and conditions of its Federal assistance agree-
10 ment.”; and

11 (5) by striking subsection (c)(4) (as redesign-
12 nated by paragraph (3) of this subsection) and in-
13 serting the following:

14 “(4) The Secretary of Transportation shall comply
15 with this section (except subsection (i)) and sections
16 5318(e), 5323(a)(2), 5325(a), 5325(b), and 5325(f) when
17 proposing or carrying out a regulation governing an activ-
18 ity under this chapter, except for a routine matter or a
19 matter with no significant impact.”; and

20 (6) by adding at the end the following:

21 “(k) NOTIFICATION OF PENDING DISCRETIONARY
22 GRANTS.—Not less than 3 full business days before an-
23 nouncement of award by the Secretary of any discre-
24 tionary grant, letter of intent, or full funding grant agree-
25 ment totaling \$1,000,000 or more, the Secretary shall no-



1 tify the Committees on Banking, Housing, and Urban Af-
2 fairs and Appropriations of the Senate and Committees
3 on Transportation and Infrastructure and Appropriations
4 of the House of Representatives.

5 “(1) AGENCY STATEMENTS.—

6 “(1) IN GENERAL.—The Administrator of the
7 Federal Transit Administration shall follow applica-
8 ble rulemaking procedures under section 553 of title
9 5 before the Federal Transit Administration issues
10 a statement that imposes a binding obligation on re-
11 cipients of Federal assistance under this chapter.

12 “(2) BINDING OBLIGATION DEFINED.—In this
13 subsection, the term ‘binding obligation’ means a
14 substantive policy statement, rule, or guidance docu-
15 ment issued by the Federal Transit Administration
16 that grants rights, imposes obligations, produces sig-
17 nificant effects on private interests, or effects a sig-
18 nificant change in existing policy.”.

19 **SEC. 3033. NATIONAL TRANSIT DATABASE.**

20 (a) IN GENERAL.—Section 5335 is amended—

21 (1) by striking the section heading and insert-
22 ing the following:

23 **“§ 5335. National transit database”;**

24 (2) by striking subsection (b); and

25 (3) in subsection (a)—



1 (A) in paragraph (1), by striking “(1)”;

2 and

3 (B) in paragraph (2), by striking “(2) The

4 Secretary may make a grant under section

5 5307 of this title” and inserting the following:

6 “(b) REPORTING AND UNIFORM SYSTEMS.—The Sec-

7 retary may award a grant under section 5307 or 5311”.

8 (b) CHAPTER ANALYSIS.—The analysis for chapter

9 53 is amended by striking the item relating to section

10 5335 and inserting the following:

“5335. National transit database.”.

11 **SEC. 3034. APPORTIONMENTS OF FORMULA GRANTS.**

12 (a) APPORTIONMENTS.—Section 5336 is amended—

13 (1) by striking subsections (d), (h), and (k);

14 (2) by redesignating subsections (e), (f), (g),

15 (i), and (j) as subsections (d), (e), (f), (g), and (h),

16 respectively;

17 (3) by adding at the end the following:

18 “(i) APPORTIONMENTS.—Of the amounts made avail-

19 able for each fiscal year under subsections (a)(1)(C)(vi)

20 and (b)(2)(B) of section 5338—

21 “(1) one percent shall be apportioned, in fiscal

22 year 2006 and each fiscal year thereafter, to certain

23 urbanized areas with populations of less than

24 200,000 in accordance with subsection (j); and



1 “(2) any amount not apportioned under para-
2 graph (1) shall be apportioned to urbanized areas in
3 accordance with subsections (a) through (c).”; and

4 (4) in subsection (a) by striking “Of the
5 amount made available or appropriated under sec-
6 tion 5338(a) of this title” and inserting “Of the
7 amount apportioned under subsection (i)(2)”.

8 (b) SMALL TRANSIT INTENSIVE CITIES FORMULA.—
9 Section 5336 is amended by adding at the end the fol-
10 lowing:

11 “(j) SMALL TRANSIT INTENSIVE CITIES FOR-
12 MULA.—

13 “(1) DEFINITIONS.—In this subsection, the fol-
14 lowing definitions apply:

15 “(A) ELIGIBLE AREA.—The term ‘eligible
16 area’ means an urbanized area with a popu-
17 lation of less than 200,000 that meets or ex-
18 ceeds in one or more performance categories the
19 industry average for all urbanized areas with a
20 population of at least 200,000 but not more
21 than 999,999, as determined by the Secretary
22 in accordance with subsection (c)(2).

23 “(B) PERFORMANCE CATEGORY.—The
24 term ‘performance category’ means each of the
25 following:



1 “(i) Passenger miles traveled per vehi-
2 cle revenue mile.

3 “(ii) Passenger miles traveled per ve-
4 hicle revenue hour.

5 “(iii) Vehicle revenue miles per capita.

6 “(iv) Vehicle revenue hours per capita.

7 “(v) Passenger miles traveled per cap-
8 ita.

9 “(vi) Passengers per capita.

10 “(2) APPORTIONMENT.—

11 “(A) APPORTIONMENT FORMULA.—The
12 amount to be apportioned under subsection
13 (i)(1) shall be apportioned among eligible areas
14 in the ratio that—

15 “(i) the number of performance cat-
16 egories for which each eligible area meets
17 or exceeds the industry average in urban-
18 ized areas with a population of at least
19 200,000 but not more than 999,999; bears
20 to

21 “(ii) the aggregate number of per-
22 formance categories for which all eligible
23 areas meet or exceed the industry average
24 in urbanized areas with a population of at
25 least 200,000 but not more than 999,999.



1 “(B) DATA USED IN FORMULA.—The Sec-
2 retary shall calculate apportionments under this
3 subsection for a fiscal year using data from the
4 national transit database used to calculate ap-
5 portionments for that fiscal year under this sec-
6 tion.”.

7 (c) STUDY ON INCENTIVES IN FORMULA PRO-
8 GRAMS.—Section 5336 is amended by adding at the end
9 the following:

10 “(c) STUDY ON INCENTIVES IN FORMULA PRO-
11 GRAMS.—

12 “(1) STUDY.—The Secretary shall conduct a
13 study to assess the feasibility and appropriateness of
14 developing and implementing an incentive funding
15 system under sections 5307 and 5311 for operators
16 of public transportation.

17 “(2) REPORT.—

18 “(A) IN GENERAL.—Not later than 2 years
19 after the date of enactment of the Federal Pub-
20 lic Transportation Act of 2005, the Secretary
21 shall submit a report on the results of the study
22 conducted under paragraph (1) to the Com-
23 mittee on Banking, Housing, and Urban Affairs
24 of the Senate and the Committee on Transpor-



1 tation and Infrastructure of the House of Rep-
2 resentatives.

3 “(B) CONTENTS.—The report submitted
4 under subparagraph (A) shall include—

5 “(i) an analysis of the availability of
6 appropriate measures to be used as a basis
7 for the distribution of incentive payments;

8 “(ii) the optimal number and size of
9 any incentive programs;

10 “(iii) what types of systems should
11 compete for various incentives;

12 “(iv) how incentives should be distrib-
13 uted; and

14 “(v) the likely effects of the incentive
15 funding system.”.

16 (d) TECHNICAL AMENDMENTS.—Section 5336 is
17 amended—

18 (1) in subsection (a) by striking “of this title”
19 and inserting “to carry out section 5307”;

20 (2) in paragraph (2) by inserting before the pe-
21 riod at the end the following: “, except that the
22 amount apportioned to the Anchorage urbanized
23 area under subsection (b) shall be available to the
24 Alaska Railroad for any costs related to its pas-
25 senger operations”;



1 (3) in subsection (b)(1) by inserting “and, be-
2 ginning in fiscal year 2006, 60 percent of the direc-
3 tional route miles attributable to the Alaska Rail-
4 road passenger operations” after “recipient”; and

5 (4) in subsection (h) by striking “a grant made
6 under” each place it appears and inserting “a grant
7 made with funds apportioned under”.

8 **SEC. 3035. APPORTIONMENTS BASED ON FIXED GUIDEWAY**
9 **FACTORS.**

10 (a) IN GENERAL.—Section 5337 is amended—

11 (1) by striking the section designation and
12 heading and inserting the following:

13 **“§ 5337. Apportionment based on fixed guideway fac-**
14 **tors”**; and

15 (2) by adding at the end the following:

16 “(f) ADJUSTMENT.—For purposes of this section, an
17 urbanized area with a population of 55,997, according to
18 the most recent decennial census, shall be treated as an
19 urbanized area eligible for assistance under section
20 5336(b)(2)(A) to which amounts were apportioned under
21 this section for fiscal year 1997. For the purposes of para-
22 graph (e)(1), the number of fixed guideway revenue vehicle
23 miles of service and number of fixed guideway route miles
24 for that urbanized area as of the date of enactment of
25 the Federal Public Transportation Act of 2005 shall be



1 considered to have been used to determine apportionments
2 for fiscal year 1997.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
4 chapter 53 is amended by striking the item relating to
5 section 5337 and inserting the following:

“5337. Apportionment based on fixed guideway factors.”.

6 **SEC. 3036. AUTHORIZATIONS.**

7 Section 5338 is amended to read as follows:

8 **“§ 5338. Authorizations**

9 “(a) FISCAL YEAR 2005.—

10 “(1) FORMULA GRANTS.—

11 “(A) TRUST FUND.—For fiscal year 2005,
12 \$3,499,927,776 shall be available from the
13 Mass Transit Account of the Highway Trust
14 Fund to carry out sections 5307, 5308, 5310,
15 and 5311 and section 3038 of the Transpor-
16 tation Equity Act for the 21st Century (49
17 U.S.C. 5310 note).

18 “(B) GENERAL FUND.—In addition to the
19 amounts made available under subparagraph
20 (A), there is authorized to be appropriated
21 \$499,989,824 for fiscal year 2005 to carry out
22 sections 5307, 5308, 5310, and 5311 and sec-
23 tion 3038 of the Transportation Equity Act for
24 the 21st Century (49 U.S.C. 5310 note).



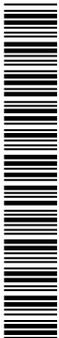
1 “(C) ALLOCATION OF FUNDS.—Of the
2 amounts made available or appropriated under
3 this paragraph—

4 “(i) \$4,811,150 shall be available to
5 the Alaska Railroad for improvements to
6 its passenger operations under section
7 5307;

8 “(ii) \$5,208,000 shall be available to
9 provide over-the-road bus accessibility
10 grants under section 3038 of the Trans-
11 portation Equity Act for the 21st Century
12 (49 U.S.C. 5310 note) to operators of
13 intercity, fixed-route over-the-road buses;

14 “(iii) \$1,686,400 shall be available to
15 provide over-the-road bus accessibility
16 grants under section 3038 of the Trans-
17 portation Equity Act for the 21st Century
18 (49 U.S.C. 5310 note) to operators of
19 over-the-road buses providing other than
20 intercity, fixed-route service;

21 “(iv) \$94,526,689 shall be available to
22 provide transportation services to elderly
23 individuals and individuals with disabilities
24 under section 5310;



1 “(v) \$250,889,588 shall be available
2 to provide financial assistance for other
3 than urbanized areas under section 5311;

4 “(vi) \$3,593,195,773 shall be avail-
5 able to provide financial assistance for ur-
6 banized areas under section 5307; and

7 “(vii) \$49,600,000 shall be available
8 to carry out the clean fuels program under
9 section 5308.

10 “(2) JOB ACCESS AND REVERSE COMMUTE.—

11 “(A) TRUST FUND.—For fiscal year 2005,
12 \$108,500,000 shall be available from the Mass
13 Transit Account of the Highway Trust Fund to
14 carry out section 3037 of the Transportation
15 Equity Act for the 21st Century (49 U.S.C.
16 5309 note).

17 “(B) GENERAL FUND.—In addition to the
18 amounts made available under subparagraph
19 (A), there is authorized to be appropriated
20 \$15,500,000 for fiscal year 2005 to carry out
21 section 3037 of the Transportation Equity Act
22 of the 21st Century (49 U.S.C. 5309 note).

23 “(3) CAPITAL PROGRAM GRANTS.—

24 “(A) TRUST FUND.—For fiscal year 2005,
25 \$2,898,100,224 shall be available from the



1 Mass Transit Account of the Highway Trust
2 Fund to carry out section 5309.

3 “(B) GENERAL FUND.—In addition to the
4 amounts made available under subparagraph
5 (A), there is authorized to be appropriated
6 \$414,014,176 for fiscal year 2005 to carry out
7 sections 5308, 5309, and 5318 and section
8 3015(b) of the Transportation Equity Act for
9 the 21st Century (112 Stat. 361).

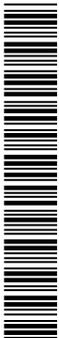
10 “(C) ALLOCATION OF FUNDS.—Of the
11 amounts made available or appropriated under
12 this paragraph—

13 “(i) \$49,600,000 shall be available to
14 carry out the clean fuels program under
15 section 5308;

16 “(ii) \$669,600,000 shall be available
17 for capital projects to replace, rehabilitate,
18 and purchase bus and related equipment
19 and to construct bus-related facilities
20 under section 5309;

21 “(iii) \$1,204,684,800 shall be avail-
22 able for fixed guideway modernization
23 under section 5309;

24 “(iv) \$1,437,829,600 shall be avail-
25 able for capital projects for new fixed



1 guideway systems and extensions to exist-
2 ing fixed guideway systems under section
3 5309;

4 “(v) \$10,213,632 shall be available
5 for capital projects in Alaska and Hawaii
6 under section 5309;

7 “(vi) \$2,976,000 shall be available to
8 carry out bus testing under section 5318;
9 and

10 “(vii) \$4,811,200 shall be available to
11 carry out the fuel cell bus and bus facilities
12 program under section 3015(b) of the
13 Transportation Equity Act for the 21st
14 Century (112 Stat. 361).

15 “(4) PLANNING.—

16 “(A) TRUST FUND.—For fiscal year 2005,
17 \$63,364,000 shall be available from the Mass
18 Transit Account of the Highway Trust Fund to
19 carry out sections 5303, 5304, 5305, and
20 5313(b), as in effect on the day before the date
21 of enactment of the Federal Public Transpor-
22 tation Act of 2005.

23 “(B) GENERAL FUND.—In addition to the
24 amounts made available under subparagraph
25 (A), there is authorized to be appropriated



1 \$9,052,000 for fiscal year 2005 to carry out
2 sections 5303, 5304, 5305, and 5313(b), as in
3 effect on the day before the date of enactment
4 of the Federal Public Transportation Act of
5 2005.

6 “(C) ALLOCATION OF FUNDS.—Of the
7 amounts made available or appropriated under
8 this paragraph—

9 “(i) 82.72 percent shall be allocated
10 for metropolitan planning under section
11 5305; and

12 “(ii) 17.28 percent shall be allocated
13 for State planning under section 5305.

14 “(5) RESEARCH.—

15 “(A) TRUST FUND.—For fiscal year 2005,
16 \$47,740,000 shall be available from the Mass
17 Transit Account of the Highway Trust Fund to
18 carry out sections 5311(b)(2), 5312, 5313(a),
19 5314, 5315, and 5322.

20 “(B) GENERAL FUND.—In addition to the
21 amounts made available under subparagraph
22 (A), there is authorized to be appropriated
23 \$6,820,000 for fiscal year 2005 to carry out
24 sections 5311(b)(2), 5312, 5313(a), 5314,
25 5315, and 5322.



1 “(C) ALLOCATION OF FUNDS.—Of the
2 funds made available or appropriated under this
3 paragraph—

4 “(i) not less than \$3,968,000 shall be
5 available to carry out programs under the
6 National Transit Institute under section
7 5315, of which not more than \$992,000
8 shall be available to carry out section
9 5315(a)(16);

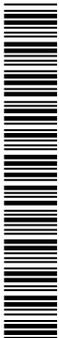
10 “(ii) not less than \$5,208,000 shall be
11 available to provide rural transportation
12 assistance under section 5311(b)(2);

13 “(iii) not less than \$8,184,000 shall
14 be available to carry out transit coopera-
15 tive research programs under section
16 5313(a);

17 “(iv) not less than \$2,976,000 shall
18 be available to carry out Project Action
19 under section 5312; and

20 “(v) the remainder shall be available
21 to carry out national research and tech-
22 nology programs under sections 5312,
23 5314, and 5322.

24 “(6) UNIVERSITY TRANSPORTATION RE-
25 SEARCH.—



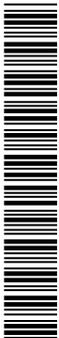
1 “(A) TRUST FUND.—For fiscal year 2005,
2 \$5,208,000 shall be available from the Mass
3 Transit Account of the Highway Trust Fund to
4 carry out sections 5505.

5 “(B) GENERAL FUND.—In addition to
6 amounts made available under subparagraph
7 (A), there is authorized to be appropriated
8 \$744,000 for fiscal year 2005 to carry out sec-
9 tions 5505.

10 “(C) ALLOCATION OF FUNDS.—Of the
11 amounts made available or appropriated under
12 this paragraph—

13 “(i) \$1,984,000 shall be available for
14 grants under section 5505(d) to the center
15 identified in section 5505(j)(4)(A), as in
16 effect on the day before the date of enact-
17 ment of the Federal Public Transportation
18 Act of 2005; and

19 “(ii) \$1,984,000 shall be available for
20 grants under section 5505(d) to the center
21 identified in section 5505(j)(4)(F), as in
22 effect on the day before the date of enact-
23 ment of the Federal Public Transportation
24 Act of 2005.



1 “(D) SPECIAL RULE.—Nothing in this
2 paragraph shall be construed to limit the trans-
3 portation research conducted by the centers re-
4 ceiving financial assistance under this section.

5 “(7) ADMINISTRATION.—

6 “(A) TRUST FUND.—For fiscal year 2005,
7 \$67,704,000 shall be available from the Mass
8 Transit Account of the Highway Trust Fund to
9 carry out section 5334.

10 “(B) GENERAL FUND.—In addition to
11 amounts made available under subparagraph
12 (A), there is authorized to be appropriated
13 \$9,672,000 for fiscal year 2005 to carry out
14 section 5334.

15 “(8) AVAILABILITY OF AMOUNTS.—Amounts
16 made available or appropriated under paragraphs
17 (1) through (6) shall remain available until ex-
18 pended.

19 “(b) FORMULA AND BUS GRANTS.—

20 “(1) IN GENERAL.—There shall be available
21 from the Mass Transit Account of the Highway
22 Trust Fund to carry out sections 5305, 5307, 5308,
23 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339,
24 and 5340 and section 3038 of the Federal Transit
25 Act of 1998 (112 Stat. 387 et seq.)—



1 “(A) \$6,979,931,000 for fiscal year 2006;

2 “(B) \$7,262,775,000 for fiscal year 2007;

3 “(C) \$7,872,893,000 for fiscal year 2008;

4 and

5 “(D) \$8,360,565,000 for fiscal year 2009.

6 “(2) ALLOCATION OF FUNDS.—Of the amounts
7 made available under paragraph (1)—

8 “(A) \$95,000,000 for fiscal year 2006,
9 \$99,000,000 for fiscal year 2007, \$107,000,000
10 for fiscal year 2008, and \$113,500,000 for fis-
11 cal year 2009 shall be available to carry out
12 section 5305;

13 “(B) \$3,466,681,000 for fiscal year 2006,
14 \$3,606,175,000 for fiscal year 2007,
15 \$3,910,843,000 for fiscal year 2008, and
16 \$4,160,365,000 for fiscal year 2009 shall be al-
17 located in accordance with section 5336 to pro-
18 vide financial assistance for urbanized areas
19 under section 5307;

20 “(C) \$43,000,000 for fiscal year 2006,
21 \$45,000,000 for fiscal year 2007, \$49,000,000
22 for fiscal year 2008, and \$51,500,000 for fiscal
23 year 2009 shall be available to carry out section
24 5308;

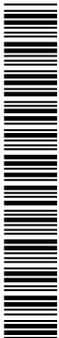


1 “(D) \$1,391,000,000 for fiscal year 2006,
2 \$1,448,000,000 for fiscal year 2007,
3 \$1,570,000,000 for fiscal year 2008, and
4 \$1,666,500,000 for fiscal year 2009 shall be al-
5 located in accordance with section 5337 to pro-
6 vide financial assistance under section
7 5309(m)(2)(B); and

8 “(E) \$822,250,000 for fiscal year 2006,
9 \$855,500,000 for fiscal year 2007,
10 \$927,750,000 for fiscal year 2008, and
11 \$984,000,000 for fiscal year 2009 shall be
12 available to carry out section 5309(m)(2)(C).

13 “(F) \$112,000,000 for fiscal year 2006,
14 \$117,000,000 for fiscal year 2007,
15 \$127,000,000 for fiscal year 2008, and
16 \$133,500,000 for fiscal year 2009 shall be
17 available to provide financial assistance for
18 services for elderly persons and persons with
19 disabilities under section 5310;

20 “(G) \$388,000,000 for fiscal year 2006,
21 \$404,000,000 for fiscal year 2007,
22 \$438,000,000 for fiscal year 2008, and
23 \$465,000,000 for fiscal year 2009 shall be
24 available to provide financial assistance for
25 other than urbanized areas under section 5311;



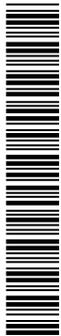
1 “(H) \$138,000,000 for fiscal year 2006,
2 \$144,000,000 for fiscal year 2007,
3 \$156,000,000 for fiscal year 2008, and
4 \$164,500,000 for fiscal year 2009 shall be
5 available to carry out section 5316;

6 “(I) \$78,000,000 for fiscal year 2006,
7 \$81,000,000 for fiscal year 2007, \$87,500,000
8 for fiscal year 2008, and \$92,500,000 for fiscal
9 year 2009 shall be available to carry out section
10 5317;

11 “(J) \$22,000,000 for fiscal year 2006,
12 \$23,000,000 for fiscal year 2007, \$25,000,000
13 for fiscal year 2008, and \$26,900,000 for fiscal
14 year 2009 shall be available to carry out section
15 5320;

16 “(K) \$3,500,000 in fiscal year 2006;
17 \$3,500,000 in fiscal year 2007; \$3,500,000 in
18 fiscal year 2008; and \$3,500,000 in fiscal year
19 2009 shall be available to carry out section
20 5335;

21 “(L) \$25,000,000 in fiscal year 2006;
22 \$25,000,000 in fiscal year 2007; \$25,000,000
23 in fiscal year 2008; and \$25,000,000 in fiscal
24 year 2009 shall be available to carry out section
25 5339;



1 “(M) \$388,000,000 for fiscal year 2006,
2 \$404,000,000 for fiscal year 2007,
3 \$438,000,000 for fiscal year 2008, and
4 \$465,000,000 for fiscal year 2009 shall be allo-
5 cated in accordance with section 5340 to pro-
6 vide financial assistance for urbanized areas
7 under section 5307 and other than urbanized
8 areas under section 5311; and

9 “(N) \$7,500,000 for fiscal year 2006,
10 \$7,600,000 for fiscal year 2007, \$8,300,000 for
11 fiscal year 2008, and \$8,800,000 for fiscal year
12 2009 shall be available to carry out section
13 3038 of the Transportation Equity Act for the
14 21st Century (49 U.S.C. 5310 note).

15 “(c) MAJOR CAPITAL INVESTMENT GRANTS.—There
16 are authorized to be appropriated to carry out section
17 5309(m)(2)(A)—

18 “(1) \$1,503,000,000 for fiscal year 2006;

19 “(2) \$1,566,000,000 for fiscal year 2007;

20 “(3) \$1,700,000,000 for fiscal year 2008; and

21 “(4) \$1,809,250,000 for fiscal year 2009.

22 “(d) RESEARCH AND UNIVERSITY RESEARCH CEN-
23 TERS.—

24 “(1) IN GENERAL.—There is authorized to be
25 appropriated to carry out transit cooperative re-

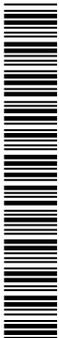


1 search programs under section 5313, the National
2 Transit Institute under section 5315, university re-
3 search centers under section 5506, and national re-
4 search programs under sections 5312, 5313, 5314,
5 and 5322 \$58,000,000 for fiscal year 2006,
6 \$61,000,000 for fiscal year 2007, \$65,500,000 for
7 fiscal year 2008, and \$69,750,000 for fiscal year
8 2009, of which—

9 “(A) \$9,000,000 for fiscal year 2006,
10 \$9,300,000 for fiscal year 2007, \$9,600,000 for
11 fiscal year 2008, and \$10,000,000 for fiscal
12 year 2009 shall be allocated to carry out transit
13 cooperative research programs under section
14 5313;

15 “(B) \$4,300,000 shall be allocated for each
16 fiscal year to carry out programs under the Na-
17 tional Transit Institute under section 5315, of
18 which not more than \$1,000,000 for each fiscal
19 year shall be used to carry out section
20 5315(a)(16);

21 “(C) \$7,000,000 shall be allocated for each
22 fiscal year to carry out the university centers
23 program under section 5506;



1 “(D) \$3,000,000 shall be allocated for
2 each fiscal year to carry out Project Action
3 under section 5314(a)(2);

4 “(E) \$1,000,000 shall be allocated for each
5 fiscal year to carry out the National Technical
6 Assistance Center under section 5314(e); and

7 “(F) any funds made available under this
8 paragraph that are not allocated under sub-
9 paragraphs (A) through (E) shall be allocated
10 to carry out national research programs under
11 sections 5312, 5313, 5314, and 5322.

12 “(2) UNIVERSITY CENTERS PROGRAM.—

13 “(A) ALLOCATION.—Of the amounts allo-
14 cated under paragraph (1)(C), the following
15 amounts shall be available to provide transpor-
16 tation research, training, and curriculum devel-
17 opment:

18 “(i) \$2,000,000 for each of fiscal
19 years 2006 through 2009 for the Univer-
20 sity of Tennessee—Knoxville National
21 Transportation Research Center.

22 “(ii) \$1,500,000 for each of fiscal
23 years 2006 through 2009 for Texas A&M
24 University—Texas Transportation Insti-
25 tute.



1 “(iii) \$1,000,000 for each of fiscal
2 years 2006 through 2009 for Morgan
3 State University.

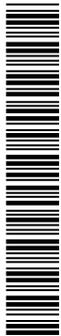
4 “(iv) \$400,000 for each of fiscal years
5 2006 and 2007 for the Small Urban &
6 Rural Transit Center at North Dakota
7 State University.

8 “(v) \$550,000 for each of fiscal years
9 2006 and 2007 and \$650,000 for each of
10 fiscal years 2008 and 2009 for the Univer-
11 sity Transportation Center at the Univer-
12 sity of Alabama.

13 “(vi) \$450,000 for each of fiscal years
14 2006 and 2007 and \$550,000 for each of
15 fiscal years 2008 and 2009 for the Injury
16 Control Research Center at the University
17 of Alabama Birmingham.

18 “(vii) \$550,000 for each of fiscal
19 years 2006 and 2007 and \$650,000 for
20 each of fiscal years 2008 and 2009 for the
21 Jackson State University Intermodal
22 Transportation Institute at the Jackson
23 State University.

24 “(viii) \$550,000 for each of fiscal
25 years 2006 and 2007 and \$650,000 for



1 each of fiscal years 2008 and 2009 for the
2 University Transportation Center at the
3 University of Denver/Mississippi State
4 University.

5 “(B) REQUIREMENTS.—The universities
6 specified in subparagraph (A) shall be consid-
7 ered to be university transportation centers
8 under section 5506 and shall be subject to the
9 requirements of subsections (b), (h), (i), (k), (l),
10 and (m) of such section.

11 “(e) ADMINISTRATION.—There is authorized to be
12 appropriated to carry out section 5334—

13 “(1) \$82,000,000 for fiscal year 2006;

14 “(2) \$85,000,000 for fiscal year 2007;

15 “(3) \$92,500,000 for fiscal year 2008; and

16 “(4) \$98,500,000 for fiscal year 2009.

17 “(f) GRANTS AS CONTRACTUAL OBLIGATIONS.—

18 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
19 FUND.—A grant or contract that is approved by the
20 Secretary and financed with amounts made available
21 from the Mass Transit Account of the Highway
22 Trust Fund pursuant to this section is a contractual
23 obligation of the Government to pay the Federal
24 share of the cost of the project.



1 “(2) GRANTS FINANCED FROM GENERAL
2 FUND.—A grant or contract that is approved by the
3 Secretary and financed with amounts appropriated
4 in advance from the General Fund of the Treasury
5 pursuant to this section is a contractual obligation
6 of the Government to pay the Federal share of the
7 cost of the project only to the extent that amounts
8 are appropriated for such purpose by an Act of Con-
9 gress.

10 “(g) AVAILABILITY OF AMOUNTS.—Amounts made
11 available by or appropriated under subsections (b), (c),
12 and (d) shall remain available until expended.”.

13 **SEC. 3037. ALTERNATIVES ANALYSIS PROGRAM.**

14 “(a) IN GENERAL.—Section 5339 is amended to read
15 as follows:

16 **“§ 5339. Alternatives analysis program**

17 “(a) GRANTS AND AGREEMENTS.—Under criteria es-
18 tablished by the Secretary, the Secretary may award
19 grants to States, authorities of the States, metropolitan
20 planning organizations, and local governmental authorities
21 to develop alternatives analyses as defined by section
22 5309(a)(1).

23 “(b) GOVERNMENT’S SHARE OF COSTS.—The Gov-
24 ernment’s share of the cost of an activity funded using



1 amounts made available under this section may not exceed
2 80 percent of the cost of the activity.

3 “(c) AVAILABILITY OF FUNDS.—An amount made
4 available or appropriated under section 5338(b)(2)(L) for
5 this section shall remain available for 3 fiscal years, in-
6 cluding the fiscal year in which the amount is made avail-
7 able or appropriated. Any of such amounts that are unob-
8 ligated at the end of the 3-fiscal-year period may be used
9 by the Secretary for any purpose under this section.”

10 (b) CONFORMING AMENDMENT.—The analysis for
11 chapter 53 is amended by striking the item relating to
12 section 5339 and inserting the following:

“5339. Alternatives analysis program.”

13 (c) PROJECTS.—For each of fiscal years 2006 and
14 2007, of the funds authorized under this section, funds
15 shall be made available to the following projects in not
16 less than the amounts specified:

17 (1) Minnesota Red Rock Corridor/Rush Line/
18 Central Corridors studies, \$2,000,000.

19 (2) Trans-Hudson Midtown corridor study,
20 \$1,500,000.

21 (3) Lane County, Oregon Bus Rapid Transit
22 Phase II corridor study, \$500,000.

23 (4) Portland Streetcar, Oregon corridor study,
24 \$1,500,000.



1 (5) San Gabriel Valley-Gold Line Foothill Ex-
2 tension corridor study, \$1,250,000.

3 (6) Monmouth-Ocean-Middlesex Counties, New
4 Jersey corridor study, \$1,250,000.

5 (7) Metra BNSF Naperville to Aurora corridor
6 study, \$1,250,000.

7 (8) Madison and Dane Counties, Wisconsin
8 Transport 2020 corridor study, \$750,000.

9 (9) Sound Transit I-90 Long-Range Plan cor-
10 ridor studies, \$750,000.

11 (10) Middle Rio Grande Coalition of govern-
12 ments, Albuquerque to Santa Fe corridor study,
13 \$500,000.

14 (11) Piedmont Authority Regional Transpor-
15 tation East-West corridor study, \$1,000,000.

16 (12) Baltimore Red Line/Green Line Transit
17 Project study, \$1,500,000.

18 (13) Metra-West Line Extension, Elgin to
19 Rockford study, \$1,000,000.

20 (14) Madison-Ridgeland Transportation Com-
21 mission, Mississippi, Madison Light Rail Transpor-
22 tation Corridor study, \$350,000.

23 (15) South Carolina Department of Transpor-
24 tation Light Rail study, \$300,000.

25 (16) Provo Orem BRT study, \$500,000.



1 (17) Sevierville County Transportation Board,
2 Sevier County BRT study, \$500,000.

3 (18) New Jersey Transit Midtown Project
4 study, \$2,500,000.

5 **SEC. 3038. APPORTIONMENTS BASED ON GROWING STATES**

6 **FORMULA FACTORS.**

7 (a) IN GENERAL.—Chapter 53 is amended by adding
8 at the end the following:

9 **“§ 5340. Apportionments based on growing States and**
10 **high density States formula factors**

11 “(a) DEFINITION.—In this section, the term ‘State’
12 shall mean each of the 50 States of the United States.

13 “(b) ALLOCATION.—Of the amounts made available
14 for each fiscal year under section 5338(b)(2)(M), the Sec-
15 retary shall apportion—

16 “(1) 50 percent to States and urbanized areas
17 in accordance with subsection (c); and

18 “(2) 50 percent to States and urbanized areas
19 in accordance with subsection (d).

20 “(c) GROWING STATE APPORTIONMENTS.—

21 “(1) APPORTIONMENT AMONG STATES.—The
22 amounts apportioned under subsection (b)(1) shall
23 provide each State with an amount equal to the total
24 amount apportioned multiplied by a ratio equal to
25 the population of that State forecast for the year



1 that is 15 years after the most recent decennial cen-
2 sus, divided by the total population of all States
3 forecast for the year that is 15 years after the most
4 recent decennial census. Such forecast shall be based
5 on the population trend for each State between the
6 most recent decennial census and the most recent
7 estimate of population made by the Secretary of
8 Commerce.

9 “(2) APPORTIONMENTS BETWEEN URBANIZED
10 AREAS AND OTHER THAN URBANIZED AREAS IN
11 EACH STATE.—

12 “(A) IN GENERAL.—The Secretary shall
13 apportion amounts to each State under para-
14 graph (1) so that urbanized areas in that State
15 receive an amount equal to the amount appor-
16 tioned to that State multiplied by a ratio equal
17 to the sum of the forecast population of all ur-
18 banized areas in that State divided by the total
19 forecast population of that State. In making the
20 apportionment under this subparagraph, the
21 Secretary shall utilize any available forecasts
22 made by the State. If no forecasts are available,
23 the Secretary shall utilize data on urbanized
24 areas and total population from the most recent
25 decennial census.



1 “(B) REMAINING AMOUNTS.—Amounts re-
2 maining for each State after apportionment
3 under subparagraph (A) shall be apportioned to
4 that State and added to the amount made avail-
5 able for grants under section 5311.

6 “(3) APPORTIONMENTS AMONG URBANIZED
7 AREAS IN EACH STATE.—The Secretary shall appor-
8 tion amounts made available to urbanized areas in
9 each State under paragraph (2)(A) so that each ur-
10 banized area receives an amount equal to the
11 amount apportioned under paragraph (2)(A) multi-
12 plied by a ratio equal to the population of each ur-
13 banized area divided by the sum of populations of all
14 urbanized areas in the State. Amounts apportioned
15 to each urbanized area shall be added to amounts
16 apportioned to that urbanized area under section
17 5336, and made available for grants under section
18 5307.

19 “(d) HIGH DENSITY STATE APPORTIONMENTS.—
20 Amounts to be apportioned under subsection (b)(2) shall
21 be apportioned as follows:

22 “(1) ELIGIBLE STATES.—The Secretary shall
23 designate as eligible for an apportionment under this
24 subsection all States with a population density in ex-
25 cess of 370 persons per square mile.



1 “(2) STATE URBANIZED LAND FACTOR.—For
2 each State qualifying for an apportionment under
3 paragraph (1), the Secretary shall calculate an
4 amount equal to—

5 “(A) the total land area of the State (in
6 square miles); multiplied by

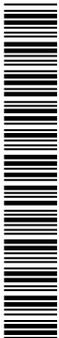
7 “(B) 370; multiplied by

8 “(C)(i) the population of the State in ur-
9 banized areas; divided by

10 “(ii) the total population of the State.

11 “(3) STATE APPORTIONMENT FACTOR.—For
12 each State qualifying for an apportionment under
13 paragraph (1), the Secretary shall calculate an
14 amount equal to the difference between the total
15 population of the State less the amount calculated in
16 paragraph (2).

17 “(4) STATE APPORTIONMENT.—Each State
18 qualifying for an apportionment under paragraph
19 (1) shall receive an amount equal to the amount to
20 be apportioned under this subsection multiplied by
21 the amount calculated for the State under paragraph
22 (3) divided by the sum of the amounts calculated
23 under paragraph (3) for all States qualifying for an
24 apportionment under paragraph (1).



1 “(5) APPORTIONMENTS AMONG URBANIZED
2 AREAS IN EACH STATE.—The Secretary shall appor-
3 tion amounts made available to each State under
4 paragraph (4) so that each urbanized area receives
5 an amount equal to the amount apportioned under
6 paragraph (4) multiplied by a ratio equal to the pop-
7 ulation of each urbanized area divided by the sum
8 of populations of all urbanized areas in the State.
9 Amounts apportioned to each urbanized area shall
10 be added to amounts apportioned to that urbanized
11 area under section 5336, and made available for
12 grants under section 5307.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 chapter 53 is amended by adding at the end the following:

“5340. Apportionments based on growing States and high density States for-
mula factors.”.

15 **SEC. 3039. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM.**

16 (a) IN GENERAL.—Section 3038 of the Transpor-
17 tation Equity Act for the 21st Century (49 U.S.C. 5310
18 note; 112 Stat. 392) is amended—

19 (1) by striking the section heading and insert-
20 ing the following:

21 **“SEC. 3038. OVER-THE-ROAD BUS ACCESSIBILITY PRO-**
22 **GRAM.”;**

23 (2) by striking subsection (e) and inserting the
24 following:



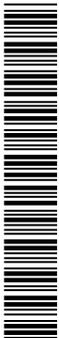
1 “(e) FEDERAL SHARE OF COSTS.—The Federal
2 share of costs under this section shall be provided from
3 funds made available to carry out this section and shall
4 be determined in accordance with section 5323(i) of title
5 49, United States Code.”; and

6 (3) by striking subsection (g) and inserting the
7 following:

8 “(g) FUNDING.—

9 “(1) INTERCITY, FIXED ROUTE OVER-THE-ROAD
10 BUS SERVICE.—Of the amounts made available to
11 carry out this section in each fiscal year, 75 percent
12 shall be available for operators of over-the-road
13 buses used substantially or exclusively in intercity,
14 fixed-route over-the-road bus service to finance the
15 incremental capital and training costs of the Depart-
16 ment of Transportation’s final rule regarding acces-
17 sibility of over-the-road buses. Such amounts shall
18 remain available until expended.

19 “(2) OTHER OVER-THE-ROAD BUS SERVICE.—
20 Of the amounts made available to carry out this sec-
21 tion in each fiscal year, 25 percent shall be available
22 for operators of other over-the-road bus service to fi-
23 nance the incremental capital and training costs of
24 the Department of Transportation’s final rule re-



1 garding accessibility of over-the-road buses. Such
2 amounts shall remain available until expended.”.

3 (b) CONFORMING AMENDMENTS.—The table of con-
4 tents contained in section 1(b) of the Transportation Eq-
5 uity Act for the 21st Century (112 Stat. 107) is amended
6 by striking the item relating to section 3038 and inserting
7 the following:

 “3038. Over-the-road bus accessibility program.”.

8 **SEC. 3040. OBLIGATION CEILING.**

9 Notwithstanding any other provision of law, the total
10 of all obligations from amounts made available from the
11 Mass Transit Account of the Highway Trust Fund by, and
12 amounts appropriated under, subsections (a) through (f)
13 of section 5338 of title 49, United States Code, shall not
14 exceed—

15 (1) \$7,646,336,000 for fiscal year 2005, of
16 which not more than \$6,690,544,000 shall be from
17 the Mass Transit Account;

18 (2) \$8,622,931,000 for fiscal year 2006, of
19 which not more than \$6,979,931,000 shall be from
20 the Mass Transit Account;

21 (3) \$8,974,775,000 for fiscal year 2007, of
22 which not more than \$7,262,775,000 shall be from
23 the Mass Transit Account;



1 (4) \$9,730,893,000 for fiscal year 2008, of
2 which not more than \$7,871,895,000 shall be from
3 the Mass Transit Account; and

4 (5) \$10,338,065,000 for fiscal year 2009, of
5 which not more than \$8,360,565,000 shall be from
6 the Mass Transit Account.

7 **SEC. 3041. ADJUSTMENTS FOR FISCAL YEAR 2005.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, the Secretary shall ensure that the total ap-
10 portionments and allocations made for fiscal year 2005 to
11 each grant recipient under the Federal Transit Adminis-
12 tration programs shall not exceed the amount made avail-
13 able under section 5338 of title 49, United States Code,
14 as amended by this title, for fiscal year 2005 plus prior
15 year balances.

16 (b) FIXED GUIDEWAY MODERNIZATION ADJUST-
17 MENT.—In making the apportionments described in sub-
18 section (a), the Secretary shall adjust the amount appor-
19 tioned for fiscal year 2005 to each urbanized area for fixed
20 guideway modernization to reflect the apportionment
21 method set forth in section 5337(a) of title 49, United
22 States Code.

23 (c) RECONCILIATION.—Funds authorized by or made
24 available under section 5338, as amended by this title, for
25 fiscal year 2005—



1 (1) shall not be subject to the across-the-board
2 rescissions in section 122 of division J of Public
3 Law 108–477;

4 (2) shall be transferred or made available for
5 the purposes as indicated in division H of Public
6 Law 108–477, as amended by Public Law 109–13;
7 and

8 (3) shall be administered consistent with the
9 applicable formula authorized under Public Law
10 105–178, as amended.

11 **SEC. 3042. TERRORIST ATTACKS AND OTHER ACTS OF VIO-**
12 **LENCE AGAINST PUBLIC TRANSPORTATION**
13 **SYSTEMS.**

14 (a) IN GENERAL.—Section 1993 of title 18, United
15 States Code, is amended—

16 (1) in the section heading by striking “**mass**”
17 and inserting “**public**”;

18 (2) by striking “mass” each place the term ap-
19 pears and inserting “public”;

20 (3) in subsection (a)(5) by inserting “control-
21 ling,” after “operating,”; and

22 (4) in subsection (c)(5) by striking “5302(a)(7)
23 of title 49, United States Code,” and inserting
24 “5302(a) of title 49,”.



1 (b) CHAPTER ANALYSIS.—The analysis for chapter
2 97 of title 18, United States Code, is amended by striking
3 the item relating to section 1993 and inserting the fol-
4 lowing:

“1993. Terrorist attacks and other acts of violence against public transportation systems.”.

5 **SEC. 3043. PROJECT AUTHORIZATIONS FOR NEW FIXED**
6 **GUIDEWAY CAPITAL PROJECTS.**

7 (a) EXISTING FULL FUNDING GRANT AGREE-
8 MENTS.—The following projects are authorized for final
9 design and construction for existing full funding grant
10 agreements in not less than the amount specified for each
11 fiscal year:

12 (1) Atlanta—North Springs Extension
13 \$263,287 for fiscal year 2005.

14 (2) Baltimore—Central LRT Double Tracking
15 \$28,777,920 for fiscal year 2005 and \$12,655,664
16 for fiscal year 2006.

17 (3) Charlotte—South Corridor LRT
18 \$29,760,000 for fiscal year 2005, \$55,000,000 for
19 fiscal year 2006, and \$69,405,565 for fiscal year
20 2007.

21 (4) Chicago—Chicago Transit Authority Doug-
22 las Branch Reconstruction \$84,320,000 for fiscal
23 year 2005 and \$45,825,190 for fiscal year 2006.



1 (5) Chicago—Chicago Transit Authority
2 Ravenswood Expansion Project \$39,680,000 for fis-
3 cal year 2005, \$40,000,000 for fiscal year 2006,
4 \$40,000,000 for fiscal year 2007, \$40,000,000 for
5 fiscal year 2008, and \$65,152,615 for fiscal year
6 2009.

7 (6) Cleveland—Euclid Corridor Transportation
8 Project \$24,800,000 for fiscal year 2005 and
9 \$24,774,513 for fiscal year 2006.

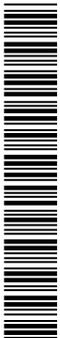
10 (7) Denver Southeast Corridor LRT
11 \$79,360,000 for fiscal year 2005, \$80,000,000 for
12 fiscal year 2006, \$80,000,000 for fiscal year 2007,
13 and \$77,192,758 for fiscal year 2008.

14 (8) Fort Lauderdale—Tri-Rail Commuter Rail
15 Upgrade \$11,210,695 for fiscal year 2005.

16 (9) Los Angeles—Metro Gold Line Eastside
17 Extension \$59,520,000 for fiscal year 2005,
18 \$80,000,000 for fiscal year 2006, \$100,000,000 for
19 fiscal year 2007, \$80,000,000 for fiscal year 2008,
20 and \$80,000,000 for fiscal year 2009.

21 (10) Los Angeles—North Hollywood MOS-3
22 \$663,339 in fiscal year 2005.

23 (11) Metra North Central Corridor Commuter
24 Rail \$24,084,000 for fiscal year 2005 and
25 \$16,529,452 for fiscal year 2006.



1 (12) Metra South West Corridor Commuter
2 Rail \$15,500,000 for fiscal year 2005 and
3 \$11,781,395 for fiscal year 2006.

4 (13) Metra Union Pacific West Line Extension
5 \$12,000,000 for fiscal year 2005 and \$14,285,749
6 for fiscal year 2006.

7 (14) Minneapolis—Hiawatha Corridor LRT
8 \$33,111,257 for fiscal year 2005.

9 (15) New Jersey Urban Core—Hudson-Bergen
10 LRT \$313,896.

11 (16) New Jersey Urban Core—Hudson-Bergen
12 LRT MOS-2 \$99,200,000 for fiscal year 2005,
13 \$100,000,000 for fiscal year 2006, \$100,000,000 for
14 fiscal year 2007, and \$53,202,995 for fiscal year
15 2008.

16 (17) New Jersey Urban Core—Newark-Eliza-
17 beth Rail Link MOS-1 \$1,342,076 for fiscal year
18 2005.

19 (18) New Orleans MOS-1 Canal Street
20 \$16,455,206 for fiscal year 2005.

21 (19) Phoenix—Central Phoenix/East Valley
22 LRT \$74,400,000 for fiscal year 2005, \$90,000,000
23 for fiscal year 2006, \$90,000,000 for fiscal year
24 2007, \$90,000,000 for fiscal year 2008, and
25 \$90,000,000 for fiscal year 2009.



1 (20) Pittsburgh—North Shore LRT Connector
2 \$54,560,000 in fiscal year 2005, \$55,000,000 in fis-
3 cal year 2006, \$55,000,000 in fiscal year 2007, and
4 \$14,421,944 in fiscal year 2008.

5 (21) Pittsburgh—Stage II LRT Reconstruction
6 \$1,120,854 for fiscal year 2005.

7 (22) Portland—Interstate MAX LRT Exten-
8 sion \$23,292,160 fiscal year 2005 and \$18,292,550
9 for fiscal year 2006.

10 (23) St. Louis—Metrolink Extension St. Clair
11 County, IL \$53,383 for fiscal year 2005.

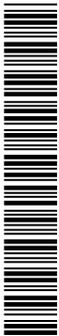
12 (24) Salt Lake City—CBD to University LRT
13 \$1,127,405 for fiscal year 2005.

14 (25) Salt Lake City—Medical Center
15 \$8,682,141 for fiscal year 2005.

16 (26) San Diego—Mission Valley East LRT Ex-
17 tension \$80,986,880 for fiscal year 2005 and
18 \$8,353,424 for fiscal year 2006.

19 (27) San Diego—Oceanside Escondido Rail
20 Corridor \$54,560,000 fiscal year 2005 and
21 \$12,651,061 for fiscal year 2006.

22 (28) San Francisco—BART Extension to San
23 Francisco Airport \$99,200,000 fiscal year 2005 and
24 \$82,655,680 for fiscal year 2006.



1 (29) San Juan—Tren Urbano \$44,263,040 fis-
2 cal year 2005 and \$10,555,900 for fiscal year 2006.

3 (30) Seattle—Central Link Initial Segment
4 LRT \$79,360,000 for fiscal year 2005, \$80,000,000
5 for fiscal year 2006, \$80,000,000 for fiscal year
6 2007, \$70,000,000 for fiscal year 2008, and
7 \$24,028,149 for fiscal year 2009.

8 (31) Washington DC/MD—Largo Metrorail Ex-
9 tension \$75,432,887 for fiscal year 2005.

10 (b) FINAL DESIGN AND CONSTRUCTION.—The fol-
11 lowing projects are authorized for final design and con-
12 struction for fiscal years 2005 through 2009 under para-
13 graphs (1)(A) and (2)(A) of section 5309(m) of title 49,
14 United States Code:

15 (1) Baltimore—MARC Commuter Rail Im-
16 provements.

17 (2) Boston—Silver Line BRT Phase III.

18 (3) Central Florida Commuter Rail System.

19 (4) Charlotte—South Corridor LRT.

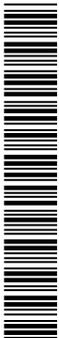
20 (5) Dallas Area Rapid Transit—Northwest-
21 Southeast LRT Extension.

22 (6) Delaware—Wilmington-Newark Commuter
23 Rail Improvements.

24 (7) Denver—West Corridor LRT.



- 1 (8) El Paso—Rapid Transit (SMART) Starter
- 2 Line.
- 3 (9) Harrisburg—Corridor One Commuter Rail
- 4 (MOS-1).
- 5 (10) Houston Advanced Transit Program Light
- 6 Rail.
- 7 (11) Kansas City, Missouri—Southtown BRT.
- 8 (12) Las Vegas—Resort Corridor Downtown
- 9 Extension Project.
- 10 (13) Los Angeles MTA—Exposition LRT.
- 11 (14) Miami-Dade Transit—North Corridor.
- 12 (15) Minneapolis—North Star Corridor.
- 13 (16) Nashua—Commuter Rail.
- 14 (17) Nashville, Tennessee Commuter Rail.
- 15 (18) New Britain-Hartford Busway Project.
- 16 (19) New Orleans—Desire Corridor Streetcar.
- 17 (20) New York—Long Island Railroad East
- 18 Side Access Project.
- 19 (21) New York—Second Avenue Subway.
- 20 (22) Norfolk Light Rail.
- 21 (23) Northern Virginia—Dulles Corridor Ex-
- 22 tension to Wiehle Avenue (Phase 1).
- 23 (24) Orange County, California—Rapid Transit
- 24 Project.
- 25 (25) Philadelphia—Schuylkill Valley MetroRail.



- 1 (26) Pittsburgh—North Shore Connector.
- 2 (27) Portland, Oregon—South Corridor I-205/
3 Portland Mall LRT.
- 4 (28) Providence—South County Commuter
5 Rail.
- 6 (29) Sacramento—South Corridor LRT Exten-
7 sion (Phase 2), Meadowview to Consumnes River
8 College.
- 9 (30) Salt Lake City—Weber County to Salt
10 Lake City Commuter Rail.
- 11 (31) San Diego—Mid-Coast Extension.
- 12 (32) San Francisco Muni—Third Street LRT-
13 Phase I/II.
- 14 (33) San Gabriel Valley—Gold Line Foothill
15 Extension Phase I/PhaseII, Los Angeles to
16 Montclair.
- 17 (34) Santa Clara Valley Transit Authority—Sil-
18 icon Valley Rapid Transit Corridor.
- 19 (35) Tampa Bay—Regional Rail.
- 20 (36) Triangle Transit Authority, North Caro-
21 lina—Regional Rail Project.
- 22 (37) Washington County, Oregon—Wilsonville
23 to Beaverton Commuter Rail.
- 24 (38) Wasilla-Girdwood, Alaska—Commuter
25 Rail.



1 (c) PRELIMINARY ENGINEERING.—The following
2 projects are authorized for preliminary engineering for fis-
3 cal years 2005 through 2009 under paragraphs (1)(A) and
4 (2)(A) of section 5309(m) of title 49, United States Code:

5 (1) Alameda, California—Fixed Guideway Cor-
6 ridor Project.

7 (2) Alameda, California—Transit Improve-
8 ments and Multimodal Center.

9 (3) Albuquerque—High Capacity Corridor.

10 (4) Ann Arbor/Downtown Detroit—Transit Im-
11 provement Project.

12 (5) Atlanta—East Line 1–20 Corridor Project.

13 (6) Atlanta—MARTA Memorial Drive Bus
14 Rapid Transit.

15 (7) Atlanta—GRTA I–75 Corridor, Downtown
16 Atlanta—Cherokee County.

17 (8) Atlanta—Interstate 285 Transit Corridor.

18 (9) Atlanta—Georgia 400 North Line Corridor
19 Project.

20 (10) Atlanta—Belt Line C–Loop.

21 (11) Atlanta—I–20 East Line I–20 Corridor
22 Project.

23 (12) Atlanta—West Line I–20 Corridor
24 Project.



- 1 (13) Austin—San Antonio I-35 Commuter
- 2 Rail.
- 3 (14) Austin—Rapid Bus Project.
- 4 (15) Austin—Urban Commuter Rail.
- 5 (16) Baltimore Red Line/Green Line Transit
- 6 Project.
- 7 (17) Baton Rouge—Bus Rapid Transit.
- 8 (18) Bayonne, New Jersey—Hudson Bergen
- 9 LRT Extension to NY Harbor.
- 10 (19) Bernalillo-Santa Fe—New Mexico Com-
- 11 muter Rail.
- 12 (20) Birmingham, Alabama—Transit Corridor.
- 13 (21) Boise—Downtown Circulator.
- 14 (22) Boise, Idaho—Valley Regional Transit
- 15 Rail Corridor Preservation.
- 16 (23) Boston—Assembly Square Orange Line
- 17 Station.
- 18 (24) Boston—Lechmere Transit Improvement
- 19 to Somerville and Medford.
- 20 (25) Boston—North Shore Corridor and Blue
- 21 Line Extension.
- 22 (26) Boston—North/South Rail Link.
- 23 (27) Boston—Urban Ring BRT.
- 24 (28) Bridgeport, Connecticut—Bridgeport
- 25 Intermodal Facility.



- 1 (29) Broward County, Florida—Bus Rapid
2 Transit.
- 3 (30) Camden, New Jersey—North Ferry Ter-
4 minal.
- 5 (31) Carrollton, Texas—Regional Intermodal
6 Passenger Rail Facility Project.
- 7 (32) Cedar Rapids, Iowa—River Rail Project.
- 8 (33) Central Phoenix—East Valley Corridor
9 LRT Extensions.
- 10 (34) Charlotte—Charlotte Multimodal Station.
- 11 (35) Charlotte—North Corridor Project.
- 12 (36) Charlotte—Northeast Corridor Project.
- 13 (37) Charlotte—South Corridor LRT extension
14 to Rock Hill, South Carolina.
- 15 (38) Charlotte—Southeast Corridor Project.
- 16 (39) Charlotte—West Corridor Project.
- 17 (40) Charlotte—Center City Streetcar Project.
- 18 (41) Chicago—Cermack Road BRT.
- 19 (42) Chicago CTA—Red Line Extension.
- 20 (43) Chicago CTA—Chicago Transit Hub (Cir-
21 cle Line-Ogden Streetcar).
- 22 (44) Chicago CTA—Orange Line Extension
23 (Midway Airport to Ford City).
- 24 (45) Chicago CTA—Yellow Line Extension
25 (Dempster-Old Orchard).



- 1 (46) Chicago—Ogden Avenue Corridor.
- 2 (47) Chicago—Pace Golf Road Bus Rapid
3 Transit.
- 4 (48) Chula Vista, California—Bus Rapid Tran-
5 sit.
- 6 (49) Clark County, Washington—MAX Exten-
7 sion.
- 8 (50) Cleveland-Akron-Canton (Northeast Ohio)
9 Commuter Rail.
- 10 (51) Columbia, South Carolina—Light Rail.
- 11 (52) Columbus—North Corridor LRT Project.
- 12 (53) Contra-Costa—BART Extension.
- 13 (54) Corpus Christi—Downtown Rail Trolley.
- 14 (55) Dallas Area Rapid Transit—Dallas Cen-
15 tral Business District.
- 16 (56) Dallas Area Rapid Transit—Rowlett LRT
17 Extension.
- 18 (57) Dallas Area Rapid Transit—Beltline to
19 DFW Airport.
- 20 (58) Dayton—Aviation Heritage Corridor
21 Streetcar Project.
- 22 (59) Dayton—Aviation Heritage Corridor
23 Streetcar Project Phase I.
- 24 (60) Denton County Transportation Authority,
25 Texas—Fixed Guideway Project.



- 1 (61) Denver—Gold Line Extension to Arvada.
- 2 (62) Denver—RR Right of Way Acquisition.
- 3 (63) Denver—United States Route 36 Transit
- 4 Corridor.
- 5 (64) Denver—North Metro Corridor to Thorn-
- 6 ton.
- 7 (65) Denver—East Corridor to DIA Airport.
- 8 (66) Denver—I-225 Transit Corridor.
- 9 (67) Denver—Southeast Corridor Extension to
- 10 Lone-Tree/Ridgegate.
- 11 (68) Denver—Southwest Corridor Extension to
- 12 C470/Lucent Boulevard.
- 13 (69) Detroit—Center City Loop.
- 14 (70) Detroit—Woodward Corridor.
- 15 (71) District of Columbia—Light Rail Starter
- 16 Line.
- 17 (72) Erie, Pennsylvania—Ferry Acquisition.
- 18 (73) Fitchburg, Massachusetts—Commuter
- 19 Rail Extensions and Improvements.
- 20 (74) Florence-Myrtle Beach, South Carolina—
- 21 Transit Corridor.
- 22 (75) Fort Lauderdale—Downtown Rail Link.
- 23 (76) Fort Lauderdale—Transit Project from
- 24 NW 215th and 79th Streets.



- 1 (77) Fort Worth—Cottonbelt Commuter Rail to
2 DFW.
- 3 (78) Fort Worth—Trinity Railway Express
4 Commuter Rail Extensions.
- 5 (79) Galveston—Rail Trolley Extension.
- 6 (80) Glendale, California—Downtown Streetcar.
- 7 (81) Grand Rapids—Fixed Guideway Corridor
8 Project.
- 9 (82) Guam—Tumon Bay-Airport Light Rail.
- 10 (83) Harrisburg, Pennsylvania—Corridor One
11 MOS-2 (East Mechanicsburg to Carlisle).
- 12 (84) Harrison County, Mississippi—Canal Road
13 Intermodal Connector.
- 14 (85) Henderson-Las Vegas-North Las Vegas—
15 Regional Fixed Guideway Project.
- 16 (86) Honolulu—Rapid Transit Project.
- 17 (87) Houston—Commuter Rail Service in Har-
18 ris & Fort Bend Counties.
- 19 (88) Houston—Advanced Transportation Tech-
20 nology System.
- 21 (89) Indianapolis—System of Metropolitan
22 Area Rapid Transit.
- 23 (90) Jacksonville—East-Southwest BRT.
- 24 (91) Jacksonville—North-Southeast BRT.



1 (92) Kansas City, Missouri-Lawrence, Kan-
2 sas—Commuter Rail.

3 (93) Kenosha-Racine-Milwaukee Metra Com-
4 muter Rail Extension (Wisconsin).

5 (94) Kenosha, Wisconsin Streetcar Expansion
6 Project.

7 (95) King County, Washington—I-405 Cor-
8 ridor Bus Rapid Transit.

9 (96) Lake Tahoe—Passenger Ferry Service.

10 (97) Lakeville, Minnesota—Cedar Avenue Cor-
11 ridor Bus Rapid Transit.

12 (98) Lane County, Oregon—Bus Rapid Tran-
13 sit, Phase 2.

14 (99) Las Vegas—Boulder Highway MAX Bus
15 Rapid Transit.

16 (100) Little Rock—River Rail Streetcar Exten-
17 sions.

18 (101) Little Rock—West Little Rock Commuter
19 Rail.

20 (102) Livermore, California—BART Rail Ex-
21 tension to Livermore.

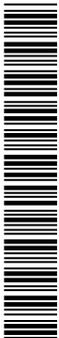
22 (103) Long Island Railroad—Nassau Hub.

23 (104) Lorain-Cleveland Commuter Rail.

24 (105) LOSSAN Del Mar-San Diego—Rail Cor-
25 ridor Improvements.



- 1 (106) Lovejoy to Griffin, Georgia Commuter
2 Rail.
- 3 (107) Madison, Wisconsin—Madison Streetcar.
- 4 (108) Madison, Wisconsin—Light Rail Trans-
5 portation.
- 6 (109) Madison and Dane Counties, Wis-
7 consin—Transport 2020 Commuter Rail.
- 8 (110) Maryland—I-270 Corridor Cities
9 Transitway.
- 10 (111) Maryland—Route 5 Corridor to Waldorf.
- 11 (112) Maryland—Silver Spring Capacity Im-
12 provements.
- 13 (113) Massachusetts—Commuter Rail Exten-
14 sions to Worcester and New Bedford.
- 15 (114) Memphis—Downtown Airport Corridor.
- 16 (115) Memphis—Intermodal Terminal.
- 17 (116) Memphis Regional Rail Plan.
- 18 (117) Metra BNSF Naperville to Aurora Cor-
19 ridor Extension and Improvements.
- 20 (118) Metra South Suburban Airport Com-
21 muter Rail Extension.
- 22 (119) Metra SouthEast Service Line Commuter
23 Rail.
- 24 (120) Metra STAR Line Inter-Suburban Com-
25 muter Rail.



- 1 (121) Metra UP Northwest Line Core Capacity
- 2 Upgrades.
- 3 (122) Metra UP West Line Core Capacity Up-
- 4 grades.
- 5 (123) Metra-West Line Extension, Elgin to
- 6 Rockford.
- 7 (124) Miami-Dade Transit—Douglas Road Ex-
- 8 tension.
- 9 (125) Miami-Dade Transit—East-West Cor-
- 10 ridor.
- 11 (126) Miami-Dade Transit—Kendall Corridor.
- 12 (127) Miami-Dade Transit—Northeast Cor-
- 13 ridor.
- 14 (128) Miami-Dade Transit—South Dade Cor-
- 15 ridor.
- 16 (129) Miami-Dade Transit—Miami Intermodal
- 17 Center to Earlington Heights.
- 18 (130) Miami—Downtown Streetcar Project.
- 19 (131) Middletown-South Fallsburg, New York,
- 20 Passenger Rail.
- 21 (132) Milwaukee—Downtown Dedicated Guide-
- 22 way Transit Connector.
- 23 (133) Minneapolis—Northwest Corridor
- 24 Busway.



- 1 (134) Minneapolis-St. Paul—Central Corridor
2 Transit Project.
- 3 (135) Minneapolis-St. Paul-Hinekley, Min-
4 nesota—Rush Line Corridor.
- 5 (136) Missouri/Kansas—Interstate 35 Transit
6 Corridor.
- 7 (137) Monterey County, California—Commuter
8 Rail.
- 9 (138) Montgomery and Prince George’s Coun-
10 ties, Maryland—Bi-County Transitway (Purple
11 Line).
- 12 (139) Nashua-Manchester—Commuter Rail Ex-
13 tension.
- 14 (140) Nashville—Area Transit Corridors.
- 15 (141) Nashville—Southeast Rail Corridor.
- 16 (142) Nashville Tennessee Commuter Rail.
- 17 (143) Nassau and Queens Counties, New
18 York—LIRR Main Line Third Track Project.
- 19 (144) New Bedford-Fall River, Massachu-
20 setts—Commuter Rail Extension.
- 21 (145) New Haven, Connecticut-Hartford, Con-
22 necticut-Springfield, Massachusetts Commuter Line.
- 23 (146) New Jersey Trans-Hudson Midtown Cor-
24 ridor.



1 (147) New Jersey Transit—Northeast Corridor
2 Trans-Hudson Commuter Rail Improvements.

3 (148) New Jersey Transit—Morris/Essex/Boon-
4 ton Trans-Hudson Commuter Rail Improvements.

5 (149) New Jersey Transit—New York Susque-
6 hanna and Western RR Commuter Extension.

7 (150) New Jersey Transit—Phillipsburg Exten-
8 sion.

9 (151) New Jersey Transit—West Trenton Line
10 Commuter Line Service Extension.

11 (152) New Jersey-Pennsylvania Lackawanna
12 Cutoff Rail Restoration.

13 (153) New Jersey Urban Core.

14 (154) New Orleans—Airport-CBD Commuter
15 Rail.

16 (155) New Orleans—Riverfront Streetcar
17 Downriver Extension.

18 (156) New Orleans—Riverfront Streetcar
19 Upriver Extension.

20 (157) New York—Governors Island Transpor-
21 tation Access.

22 (158) New York—Long Island Sound (Long Is-
23 land) Ferry Service.

24 (159) New York—Long Island Sound (West-
25 chester) Ferry Service.



- 1 (160) New York—NYC Bus Rapid Transit.
- 2 (161) New York—NYC Highline.
- 3 (162) New York—Penn Station Access Project.
- 4 (163) New York—Rockaway-Brooklyn Army
5 Terminal-Manhattan Ferry Service.
- 6 (164) New York—Staten Island to Manhattan
7 High-Speed Ferry Service Extension.
- 8 (165) New York—Stewart Airport Rail Access.
- 9 (166) New York—Tappan Zee I-287 Corridor.
- 10 (167) New York—West Harlem Waterfront
11 Ferry Improvements.
- 12 (168) Newburg, New York—LRT System.
- 13 (169) Northern Indiana—Commuter District
14 Line.
- 15 (170) Northern Indiana—West Lake Commuter
16 Rail Link (South Shore Commuter Rail).
- 17 (171) Norfolk—Naval Station Corridor.
- 18 (172) Norfolk-Petersburg—United States
19 Route 460 Commuter Rail Project.
- 20 (173) Northern Virginia—Crystal City Potomac
21 Yards Transit.
- 22 (174) Northern Virginia—Columbia Pike Rapid
23 Transit Project.
- 24 (175) Northern Virginia—Dulles Corridor Ex-
25 tension, Phase 2.



- 1 (176) Northern Virginia—Richmond Highway
- 2 (Route 1) Rapid Transit Project.
- 3 (177) Oakland—Telegraph Avenue/Inter-
- 4 national Blvd/East 14th Street BRT.
- 5 (178) Ogden—Intermodal-Weber State Univer-
- 6 sity Transit Connection.
- 7 (179) Orange County, California—Bus Rapid
- 8 Transit.
- 9 (180) Orlando-Orange County, Florida—Light
- 10 Rail Project.
- 11 (181) Ottawa, Illinois—Illinois Valley Com-
- 12 muter Rail Extension.
- 13 (182) Pawtucket, Rhode Island—Commuter
- 14 Rail Station.
- 15 (183) Philadelphia—Elwyn to Wawa Train
- 16 Service Restoration.
- 17 (184) Philadelphia—Navy Yard Transit Exten-
- 18 sion.
- 19 (185) Philadelphia—52nd Street City Con-
- 20 nector Project.
- 21 (186) Philadelphia—Route 100 Rapid Trolley
- 22 Extension.
- 23 (187) Philadelphia—Broad Street Subway Line
- 24 Extension.



1 (188) Piedmont Authority Regional Transpor-
2 tation—East-West Rail Transit Corridor Project.

3 (189) Pinellas Mobility Initiative Bus Rapid
4 Transit.

5 (190) Pittsburgh—Keystone West Passenger
6 Rail Corridor in Blair, Cambria, West Moreland,
7 and Allegheny Counties.

8 (191) Pittsburgh—East-West Corridor Rapid
9 Transit.

10 (192) Pittsburgh—Martin Luther King, Jr.
11 Busway Extension.

12 (193) Pittsburgh—Oakland Technology Cor-
13 ridor.

14 (194) Portland Streetcar Extensions.

15 (195) Portland-Yarmouth-Brunswick-Lewiston/
16 Auburn Passenger Rail.

17 (196) Providence—South County Commuter
18 Rail Phase II.

19 (197) Provo-Orem Utah—Bus Rapid Transit.

20 (198) Quakertown-Stoney Creek, Pennsyl-
21 vania—Rail Restoration.

22 (199) Raritan Valley, New Jersey—Commuter
23 Rail.

24 (200) Reno, Nevada—Virginia Street Bus
25 Rapid Transit Project.



1 (201) Riverside County, California—Perris Val-
2 ley Line Metrolink Extension.

3 (202) Roaring Fork Valley, Colorado—Bus
4 Rapid Transit.

5 (203) Rock Island, Illinois—Quad Cities Rapid
6 Transit System.

7 (204) Sacramento—Downtown Streetcar
8 Project.

9 (205) Sacramento—Regional Rail, Auburn to
10 Oakland.

11 (206) Sacramento—Downtown/Natomas Air-
12 port Transit Corridor.

13 (207) Salt Lake City—Airport to University
14 LRT.

15 (208) Salt Lake City—Delta Center to Gateway
16 Intermodal Center LRT Extension.

17 (209) Salt Lake City—Draper to Sandy LRT
18 Extension.

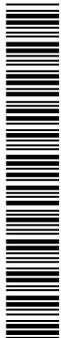
19 (210) Salt Lake-Provo—Commuter Rail Exten-
20 sion.

21 (211) Salt Lake City—TRAX Capacity Im-
22 provements.

23 (212) Salt Lake City—West Valley City LRT
24 Extension.



- 1 (213) Salt Lake City—West Valley City 3500
2 South BRT.
- 3 (214) Salt Lake City—West Jordan LRT ex-
4 tension.
- 5 (215) Salt Lake City to South Davis Transit
6 Connection.
- 7 (216) San Antonio—Bus Rapid Transit.
- 8 (217) San Diego—First Bus Rapid Transit.
- 9 (218) San Diego—San Diego Imperial County
10 Mag-Lev Rail Airport Corridor Project.
- 11 (219) San Diego—Sprinter Rail Line Extension
12 Project.
- 13 (220) San Francisco—BART Extension to
14 Livermore.
- 15 (221) San Francisco—BART Extension to
16 Oakland International Airport.
- 17 (222) San Francisco—MUNI Geary Boulevard
18 Bus Rapid Transit.
- 19 (223) San Francisco—Oyster Point Ferry Ter-
20 minal.
- 21 (224) San Francisco—Transbay Terminal/
22 Caltrain Downtown Extension Project.
- 23 (225) San Joaquin, California—Regional Rail
24 Commission Central Valley Rail Service.



- 1 (226) San Joaquin Regional Rail Commission
- 2 Commuter Rail (Altamont Commuter Express).
- 3 (227) San Juan Tren Urbano—Extension from
- 4 Rio Piedras to Carolina.
- 5 (228) San Juan—Tren Urbano Minillas Exten-
- 6 sion.
- 7 (229) Santa Fe—El Dorado Rail Link.
- 8 (230) Seattle—Monorail Project Post—Green
- 9 Line Extensions.
- 10 (231) Seattle—Link LRT Extensions.
- 11 (232) Seattle—Sound Transit Commuter Rail.
- 12 (233) Seattle—Sound Transit Regional Express
- 13 Bus.
- 14 (234) Sevierville to Pigeon Ford, Tennessee—
- 15 Bus Rapid Transit.
- 16 (235) Sonoma/Marin (SMART) Commuter
- 17 Rail, California.
- 18 (236) Southern California High Speed Regional
- 19 Transit.
- 20 (237) Southern New Jersey to Philadelphia
- 21 Transit Project.
- 22 (238) St. Louis Metro Link—Scott AFB to
- 23 Mid America Airport.
- 24 (239) St. Louis—East/West Gateway.



- 1 (240) St. Louis—Metro Link Northside Daniel
2 Boone Project.
- 3 (241) St. Louis—Metro South Corridor.
- 4 (242) St. Louis—University Downtown Trolley.
- 5 (243) St. Paul—Red Rock Corridor Commuter
6 Rail Project.
- 7 (244) Stamford, Connecticut—Boston Post
8 Road Intermodal Center and Capacity Expansion
9 Project.
- 10 (245) Stamford, Connecticut—Urban
11 Transitway Phase II.
- 12 (246) Tampa—Bus Rapid Transit Improve-
13 ments.
- 14 (247) Tampa—Streetcar Extension to Down-
15 town Tampa.
- 16 (248) Toledo, Ohio—CBD to Zoo.
- 17 (249) Toledo, Ohio—University Corridor.
- 18 (250) Trenton Trolley.
- 19 (251) Tri-Rail Dolphin Extension.
- 20 (252) Tri-Rail Florida East Coast Commuter
21 Rail Extension.
- 22 (253) Tri-Rail Jupiter Extension.
- 23 (254) Tri-Rail Scripps Corridor Extension
24 Project.
- 25 (255) Tucson—Old Pueblo Trolley Expansion.



1 (256) Vancouver—Interstate MAX Extension
2 to Clark County, Washington.

3 (257) Virginia Beach—Bus Rapid Transit.

4 (258) Virginia Railway Express Capacity Im-
5 provements.

6 (259) Washington, D.C.—Woodrow Wilson
7 Bridge Transit Projects.

8 (260) Washington State Ferries and Ferry Fa-
9 cilities.

10 (261) Washington State—Issaquah Valley Trol-
11 ley Project.

12 (262) Williamsburg-Newport News—Peninsula
13 Rail Transit.

14 (263) Wilmington, Delaware—Commuter Rail
15 to Middletown.

16 (264) Winston-Salem—Downtown Streetcar
17 System.

18 (d) PROJECT AUTHORIZATIONS.—Subject to the re-
19 quirements of sections 5309(d) and 5309(e) of title 49,
20 United States Code, the following projects are authorized
21 for the following amounts:

22 (1) Ann Arbor/Downtown Detroit Transit Im-
23 provement Project, \$100,000,000.

24 (2) Baltimore Red Line/Green Line Transit
25 Project, \$102,300,000.



1 (3) Bernalillo—Santa Fe—New Mexico Com-
2 muter Rail, \$75,000,000.

3 (4) Birmingham-Jefferson Transit Authority—
4 I-65 South BRT, \$100,000,000.

5 (5) Boston—Assembly Square Orange Line
6 Station, \$25,000,000.

7 (6) Boston—Silver Line BRT Phase II,
8 \$20,000,000.

9 (7) Bridgeport, Connecticut—Bridgeport Inter-
10 modal Transit Center, \$28,000,000.

11 (8) Dallas Area Rapid Transit—NW/SW Light
12 Rail Transit Minimal Operable Segment,
13 \$260,000,000.

14 (9) Delaware—Wilmington-Newark Commuter
15 Rail Improvements, \$14,000,000.

16 (10) Denver Regional Transit District—West
17 Corridor, \$270,000,000.

18 (11) Grand Rapids—Fixed Guideway Corridor
19 Project, \$14,400,000.

20 (12) Harrison County, Mississippi HOV/BRT
21 Canal Road Intermodal Connector, \$70,000,000.

22 (13) Henderson-Las Vegas-North Las Vegas—
23 Regional Fixed Guideway Project, \$32,000,000.

24 (14) Houston—Advanced Transportation Tech-
25 nology System in Harris County, \$245,000,000.



1 (15) Kenosha-Racine-Milwaukee Metra Com-
2 muter Rail Extension (Wisconsin), \$80,000,000.

3 (16) Lake Tahoe—Passenger Ferry Service,
4 \$8,000,000.

5 (17) Lane County, Oregon—Bus Rapid Tran-
6 sit, Phase 2, \$31,000,000.

7 (18) Las Vegas—Boulder Highway MAX Bus
8 Rapid Transit, \$12,000,000.

9 (19) Las Vegas—Resort Corridor Downtown
10 Extension Project, \$16,000,000.

11 (20) Long Island Railroad—Nassau Hub,
12 \$10,000,000.

13 (21) Los Angeles County Metropolitan Trans-
14 portation Authority (LACMTA): Mid-City/Expo-
15 sition Light Rail Transit Project, \$11,000,000.

16 (22) Metro Gold Line Foothill Extension Con-
17 struction Authority: Gold Line Foothill Light Rail
18 Transit Project, \$6,000,000.

19 (23) Miami—Downtown Streetcar Project,
20 \$50,000,000.

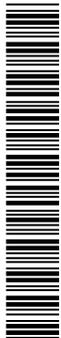
21 (24) Minneapolis—North Star Corridor,
22 \$80,000,000.

23 (25) Mississippi—I-69 HOV/BRT,
24 \$70,000,000.

25 (26) Nashville—Commuter Rail, \$6,200,000.



- 1 (27) New Bedford-Fall River, Massachusetts—
2 Commuter Rail Extension, \$10,000,000.
- 3 (28) New Britain-Hartford Busway Project,
4 \$55,000,000.
- 5 (29) New Jersey Transit -- Northeast Corridor
6 Trans-Hudson Commuter Rail Improvements,
7 \$80,000,000.
- 8 (30) New Orleans—Airport-CBD Commuter
9 Rail, \$5,000,000.
- 10 (31) New Orleans—Desire Corridor Streetcar,
11 \$69,700,000.
- 12 (32) New York—Penn Station Access Project,
13 \$15,000,000.
- 14 (33) New York—Stewart Airport Rail Access,
15 \$40,000,000.
- 16 (34) Providence—South County Commuter
17 Rail, Phase II, \$60,000,000.
- 18 (35) Providence—South County Commuter
19 Rail, \$36,000,000.
- 20 (36) Pennsylvania—New Jersey Lackawanna
21 Cutoff Rail Restoration, \$120,000,000.
- 22 (37) Philadelphia—Schuylkill Valley Metro,
23 \$250,000,000.
- 24 (38) Reno, Nevada—Virginia Street Bus Rapid
25 Transit, \$12,000,000.



1 (39) Sacramento—South Corridor LRT Exten-
2 sion (Phase2), Meadowview to Consumnes River Col-
3 lege, \$11,000,000.

4 (40) Sacramento Regional Transit District:
5 Downtown Natoma Airport Transit Corridor,
6 \$5,000,000.

7 (41) San Diego—Mid-Coast Light Rail Transit
8 Extension, \$11,000,000.

9 (42) San Francisco Muni Third St. Light Rail
10 Transit-Phase I/II, \$15,000,000

11 (43) Santa Clara Valley Transportation Author-
12 ity—Silicon Valley Rapid Transit Corridor Project,
13 \$11,000,000.

14 (44) Santa Fe —El Dorado Rail Link,
15 \$5,400,000.

16 (45) Sonoma Marin Area Rail Transit
17 (SMART) Project, \$5,000,000.

18 (46) St. Louis—Metro South Corridor
19 Metrolink Light Rail Extension, \$135,000,000.

20 (47) St. Louis—North Side and Daniel Boone
21 Corridors Metrolink Light Rail Extensions,
22 \$275,000,000.

23 (48) Stamford, Connecticut Urban Transitway
24 Phase II, \$22,800,000.



1 (49) Tampa—Streetcar Extension to Downtown
2 Tampa, \$3,000,000.

3 (50) Utah—Regional Commuter Rail,
4 \$200,000,000.

5 (51) Washington State Ferries, \$25,000,000.

6 (52) Wilmington, Delaware—Commuter Rail to
7 Middletown, \$24,900,000.

8 (e) RULES RELATING TO FUNDING.—

9 (1) SUBSECTION (a) PROJECTS.—

10 (A) IN GENERAL.—The Secretary is au-
11 thorized to expend funds made available under
12 section 5309(m) of title 49, United States
13 Code, for final design and construction of
14 projects authorized by subsection (a) as existing
15 full funding grant agreements.

16 (B) MINIMUM FUNDING LEVELS.—The
17 Secretary shall make available not less than the
18 following amounts for projects authorized by
19 subsection (a): \$1,157,400,426 for fiscal year
20 2005, \$838,360,578 for fiscal year 2006,
21 \$614,405,565 for fiscal year 2007,
22 \$424,817,697 for fiscal year 2008, and
23 \$259,180,764 for fiscal year 2009.

24 (2) SUBSECTION (b) PROJECTS.—



1 (A) IN GENERAL.—Projects authorized by
2 subsection (b) for final design and construction
3 are also authorized for alternatives analysis and
4 preliminary engineering.

5 (B) MINIMUM FUNDING LEVELS.—The
6 Secretary shall make available not less than the
7 following amounts for projects authorized by
8 subsection (b): \$165,402,806 for fiscal year
9 2005, \$544,399,422 for fiscal year 2006,
10 \$826,314,435 for fiscal year 2007,
11 \$1,139,182,303 for fiscal year 2008, and
12 \$1,405,329,236 for fiscal year 2009.

13 (C) PRIORITY.—In making funds available
14 under subparagraph (B), the Secretary shall
15 first make such funds available for any full
16 funding grant agreement executed by the Sec-
17 retary in fiscal year 2005 after the date of en-
18 actment of this Act and for any full funding
19 grant agreement executed by the Secretary in
20 the amount indicated in fiscal years 2005
21 through 2009 in the amount indicated in the
22 “Schedule of Federal Funds for the Project”
23 included in such agreement.

24 (3) SUBSECTION (c) PROJECTS.—



1 (A) IN GENERAL.—Effective October 1,
2 2007, projects authorized by subsection (c) for
3 preliminary engineering are also authorized for
4 final design and construction.

5 (B) MAXIMUM FUNDING LEVELS.—The
6 Secretary shall make available not more than
7 the following amounts for projects authorized
8 by subsection (c): \$115,026,368 for fiscal year
9 2005, \$120,240,000 for fiscal year 2006, and
10 \$125,280,000 in fiscal year 2007.

11 (C) MAXIMUM FUNDING LEVELS FOR PRE-
12 LIMINARY ENGINEERING.—In fiscal years 2008
13 and 2009, the Secretary shall make available
14 not more than the following amounts for
15 projects authorized by subsection (b), and
16 projects authorized by subsection (c), to con-
17 duct preliminary engineering activities:
18 \$136,000,000 in fiscal year 2008 and
19 \$144,740,000 in fiscal year 2009.

20 (f) NEW JERSEY URBAN CORE PROJECT.—Section
21 3031(d) of the Intermodal Surface Transportation Effi-
22 ciency Act of 1991 (112 Stat. 380; 105 Stat. 2122) is
23 amended—

24 (1) by striking “associated components to and
25 at the contiguous New Jersey Meadowlands Sports



1 Complex),” and inserting “to and at the contiguous
2 New Jersey Meadowlands Sports Complex), includ-
3 ing a connection to the Hudson River Waterfront
4 Transportation System, the Lackawanna Cutoff,”;
5 and

6 (2) by striking “in Lakewood to Freehold to
7 Matawan or Jamesburg, New Jersey, as described in
8 section 3035(p) of the Intermodal Surface Transpor-
9 tation Efficiency Act of 1991 (105 Stat. 2131)” and
10 inserting “from Lakehurst to the Northeast Corridor
11 or the New Jersey Coast Line”.

12 (g) NEW JERSEY TRANS-HUDSON MIDTOWN COR-
13 RIDOR.—Not later than 90 days after the date of enact-
14 ment of this Act, the Secretary shall permit New Jersey
15 Transit to enter into preliminary engineering on the New
16 Jersey Trans-Hudson Midtown Corridor project. When
17 evaluating the local share of such project in the new starts
18 rating process, the Secretary shall give consideration to
19 project elements of the New Jersey Trans-Hudson Mid-
20 town Corridor advanced with 100 percent non-Federal
21 funds, including the purchase of bi-level rail equipment
22 and the New Jersey Transit Light Rail River Line. Based
23 upon the project’s evaluations and ratings required under
24 section 5309(d) of title 49, United States Code, the Sec-



1 retary shall give strong consideration to the project for
2 a full funding grant agreement.

3 (h) HOUSTON METRO.—

4 (1) LOCAL SHARE.—Notwithstanding any other
5 provision of law, for the purpose of calculating the
6 non-Federal share of the net project cost of any new
7 fixed guideway capital project currently included in
8 the Advanced Transit Program (“Metro Solutions
9 Plan”) sponsored by the Metropolitan Transit Au-
10 thority of Harris County, Texas, the Secretary shall
11 include \$324,000,000 in State and local funds ex-
12 pended for the design and construction of the Red
13 Line Light Rail Transit system that operates in
14 Harris County, Texas.

15 (2) SPECIAL RULE.—No provision of this Act
16 shall be construed to override or nullify the will of
17 the voters who approved the Metro Solutions Plan as
18 described on the ballot and in the accompanying
19 Board resolutions, nor shall any provision of this Act
20 be construed to override or nullify the terms and
21 conditions of Metro Board Resolution No. 2003–77
22 or any applicable provision of State law or the char-
23 ter of the city of Houston as in effect as of the date
24 of enactment of this Act.



1 (b) CLEAN FUEL GRANTS PROGRAM PROJECTS.—

2 (1) FUNDING.—Notwithstanding subsection (a),
3 the Secretary shall make funds available for the
4 projects listed in item numbers 497, 517, 519, 557,
5 575, 578, 605, 611, 612, 614, 631, 638, 640, 641,
6 648, and 659 in the table contained in subsection
7 (a), in the amounts specified, from amounts made
8 available to carry out section 5308 of title 49,
9 United States Code.

10 (2) PURCHASE OF BUSES UNDER SUPPLE-
11 MENTAL ENVIRONMENTAL PROJECT.—With respect
12 to the project numbered 605, purchases of buses
13 procured under a supplemental environmental
14 project executed by the Rhode Island Public Transit
15 Authority and the Environmental Protection Agency
16 are eligible for assistance under section 5308 of such
17 title.

18 (c) SPECIAL RULE.—Notwithstanding any other pro-
19 vision of law, the Secretary shall pay the Federal share
20 of the net project cost to a State or local governmental
21 authority that carries out or has carried out any part of
22 the bus and bus-related facilities projects numbered 258
23 and 347 under subsection (a).



1 **SEC. 3045. NATIONAL FUEL CELL BUS TECHNOLOGY DE-**
2 **VELOPMENT PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary shall establish
4 a national fuel cell bus technology development program
5 (in this section referred to as the “program”) to facilitate
6 the development of commercially viable fuel cell bus tech-
7 nology and related infrastructure.

8 (b) **GENERAL AUTHORITY.**—The Secretary may
9 enter into grants, contracts, and cooperative agreements
10 with no more than 3 geographically diverse nonprofit orga-
11 nizations and recipients under chapter 53 of title 49,
12 United States Code, to conduct fuel cell bus technology
13 and infrastructure projects under the program.

14 (c) **GRANT CRITERIA.**—In selecting applicants for
15 grants under the program, the Secretary shall consider the
16 applicant’s—

17 (1) ability to contribute significantly to fur-
18 thering fuel cell technology as it relates to transit
19 bus operations, including hydrogen production, en-
20 ergy storage, fuel cell technologies, vehicle systems
21 integration, and power electronics technologies;

22 (2) financing plan and cost share potential;

23 (3) fuel cell technology to ensure that the pro-
24 gram advances different fuel cell technologies, in-
25 cluding hydrogen-fueled and methanol-powered liq-



1 uid-fueled fuel cell technologies, that may be viable
2 for public transportation systems; and

3 (4) other criteria that the Secretary determines
4 are necessary to carry out the program.

5 (d) COMPETITIVE GRANT SELECTION.—The Sec-
6 retary shall conduct a national solicitation for applications
7 for grants under the program. Grant recipients shall be
8 selected on a competitive basis. The Secretary shall give
9 priority consideration to applicants that have successfully
10 managed advanced transportation technology projects, in-
11 cluding projects related to hydrogen and fuel cell public
12 transportation operations for a period of not less than 5
13 years.

14 (e) FEDERAL SHARE.—The Federal share of costs of
15 the program shall be provided from funds made available
16 to carry out this section. The Federal share of the cost
17 of a project carried out under the program shall not exceed
18 50 percent of such cost. The cost of a project carried out
19 under the program shall not include the cost of a fuel cell
20 power unit.

21 (f) GRANT REQUIREMENTS.—A grant under this sec-
22 tion shall be subject to—

23 (1) all terms and conditions applicable to a
24 grant made under section 5309 of title 49, United
25 States Code; and



1 (2) such other terms and conditions as are de-
2 termined by the Secretary.

3 **SEC. 3046. ALLOCATIONS FOR NATIONAL RESEARCH AND**
4 **TECHNOLOGY PROGRAMS.**

5 (a) IN GENERAL.—Amounts appropriated pursuant
6 to section 5338(d) of title 49, United States Code, for na-
7 tional research and technology programs under sections
8 5312, 5314, and 5322 of such title shall be allocated by
9 the Secretary as follows:

10 (1) PUBLIC TRANSPORTATION NATIONAL SECUR-
11 RITY STUDY.—

12 (A) IN GENERAL.—Not later than 6
13 months after the date of enactment of this Act,
14 the Secretary shall enter into an agreement
15 with the National Academy of Sciences to con-
16 duct a study and evaluation of the value major
17 public transportation systems in the United
18 States serving the 38 urbanized areas that have
19 a population of more than 1,000,000 individ-
20 uals provide to the Nation's security and the
21 ability of such systems to accommodate the
22 evacuation, egress or ingress of people to or
23 from critical locations in times of emergency.



1 (B) ALTERNATIVE ROUTES.—For each
2 system described in subparagraph (A) the study
3 shall identify—

4 (i) potential alternative routes for
5 evacuation using other transportation
6 modes such as highway, air, marine, and
7 pedestrian activities; and

8 (ii) transit routes that, if disrupted,
9 do not have sufficient transit alternatives
10 available.

11 (C) REPORT.—Not later than 24 months
12 after the date of entry into the agreement, the
13 Academy shall submit to the Secretary and the
14 Committee on Transportation and Infrastruc-
15 ture of the House of Representatives and the
16 Committee on Banking, Housing and Urban
17 Affairs of the Senate a final report on the re-
18 sults of the study and evaluation, together with
19 such recommendations as the Academy con-
20 siders appropriate.

21 (D) FUNDING.—For each of fiscal years
22 2006 and 2007 \$250,000 shall be available to
23 carry out this paragraph.

24 (2) CENTER FOR TRANSIT-ORIENTED DEVELOP-
25 MENT.—For each of fiscal years 2006 through 2009,



1 not less than \$1,000,000 shall be made available by
2 the Secretary for establishment and operation of the
3 Center for Transit-Oriented Development—

4 (A) to develop standards and definitions
5 for transit-oriented development adjacent to
6 public transportation facilities;

7 (B) to develop system planning guidance,
8 performance criteria, and modeling techniques
9 for metropolitan planning agencies and public
10 transportation agencies to maximize ridership
11 through land use planning and adjacent devel-
12 opment; and

13 (C) to provide research support and tech-
14 nical assistance to public transportation agen-
15 cies, metropolitan planning agencies, and other
16 persons regarding transit-oriented development.

17 (3) TRANSPORTATION EQUITY RESEARCH PRO-
18 GRAM.—For each of fiscal years 2006 through 2009,
19 not less than \$1,000,000 shall be made available by
20 the Secretary for research and demonstration activi-
21 ties that focus on the impacts that transportation
22 planning, investment, and operations have on low-in-
23 come and minority populations that are transit de-
24 pendent. Such activities shall include the develop-
25 ment of strategies to advance economic and commu-



1 nity development in low-income and minority com-
2 munities and the development of training programs
3 that promote the employment of low-income and mi-
4 nority community residents on Federal-aid transpor-
5 tation projects constructed in their communities.

6 (4) COGNITIVE IMPAIRMENT STUDY.—For fiscal
7 year 2006, \$1,000,000 shall be made available by
8 the Secretary for research and demonstration activi-
9 ties that focus on the capacity and resources of Or-
10 egon public transportation systems to address the
11 needs, barriers, and desires for travel of people with
12 cognitive impairments.

13 (5) TRANSIT CAREER LADDER TRAINING PRO-
14 GRAM.—For each fiscal years 2006 through 2009,
15 not less than \$1,000,000 shall be available for a na-
16 tionwide career ladder job training partnership pro-
17 gram for public transportation employees to respond
18 to technological changes in the public transportation
19 industry, especially in the area of maintenance. Such
20 program shall be carried out by the Secretary
21 through a contract with a national nonprofit organi-
22 zation with a demonstrated capacity to develop and
23 provide such programs.

24 (6) PILOT PROGRAM FOR REMOTE INFRARED
25 AUDIBLE SIGNS.—



1 (A) IN GENERAL.—For each of fiscal years
2 2006 through 2009, not less than \$500,000
3 shall be made available by the Secretary to
4 carry out a pilot program to determine the ben-
5 efits of remote infrared audible signage tech-
6 nology for provision of wayfinding and informa-
7 tion to people who are visually, cognitively, or
8 learning disabled.

9 (B) REPORT.—

10 (i) IN GENERAL.—Not later than Sep-
11 tember 30, 2009, the Secretary shall trans-
12 mit to the Committee on Transportation
13 and Infrastructure of the House of Rep-
14 resentatives and the Committee on Bank-
15 ing, Housing, and Urban Affairs of the
16 Senate a report on the pilot program car-
17 ried out under this section.

18 (ii) CONTENTS.—The report—

19 (I) shall include—

20 (aa) an evaluation of the ef-
21 fect of the pilot program on
22 multimodal accessibility in public
23 transportation;

24 (bb) an evaluation of the ef-
25 fect of the program on operators



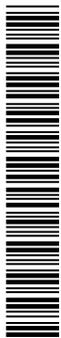
1 of public transportation and their
2 passengers;

3 (cc) an evaluation of the ef-
4 fect of making public transpor-
5 tation accessible to people with
6 visual, cognitive, and learning
7 disabilities on ridership of public
8 transportation and use of para-
9 transit; and

10 (dd) an evaluation of the ef-
11 fect of the program on the edu-
12 cation, community integration,
13 work life, and general quality of
14 life of the targeted populations.

15 (7) HYDROGEN FUEL CELL SHUTTLE DEPLOY-
16 MENT DEMONSTRATION PROJECT.—To demonstrate
17 the utility of hydrogen fuel cell vehicles in daily
18 shuttle service, \$800,000 in each of fiscal years
19 2006 and 2007 shall be provided for hydrogen fuel
20 cell employee shuttle vans, related equipment, oper-
21 ations, public education and outreach in Allentown,
22 Pennsylvania.

23 (8) WISCONSIN SUPPLEMENTAL TRANSPOR-
24 TATION RURAL ASSISTANCE PROGRAM (STRAP).—



1 (A) IN GENERAL.—For capital projects,
2 operations, purchase or lease of vehicles, and
3 integration, planning and coordination of public
4 transportation services in the State of Wis-
5 consin that will supplement and expand existing
6 rural and special public transportation services
7 in that State, \$2,000,000 in each of fiscal years
8 2006, 2007, 2008, and 2009 shall be provided
9 to the State of Wisconsin Department of Trans-
10 portation.

11 (B) PURPOSE.—Funds received under this
12 program may be used to supplement public
13 transportation programs for rural populations
14 for activities authorized under sections 5310,
15 5311, and 5316 of title 49, United States Code.
16 Funds made available under this program are
17 subject to the requirements of section 5311 of
18 title 49, United States Code, except that funds
19 may be made available for up to 80 percent of
20 net operating costs. In awarding grants made
21 available under this program, the State shall
22 consider—

23 (i) rural population in the area to be
24 served by the applicant;



1 (ii) extent to which the applicant dem-
2 onstrates coordination of existing transpor-
3 tation services or proposed public transpor-
4 tation services;

5 (iii) need for additional services in the
6 area being serviced by the applicant and
7 the extent to which the proposed services
8 will address those needs and provide acces-
9 sibility for non-ambulatory recipients;

10 (iv) extent to which the applicant
11 demonstrates an innovative approach that
12 is responsive to the identified service needs
13 of the rural population; and

14 (v) extent to which the applicant dem-
15 onstrates that the communities being
16 served have been consulted in the planning
17 process.

18 (9) HUMAN SERVICES TRANSPORTATION CO-
19 ORDINATION.—

20 (A) IN GENERAL.—For the management of
21 a program to improve and enhance the coordi-
22 nation of Federal resources for human services
23 transportation with those of the Department of
24 Transportation, \$1,600,000 in each of fiscal
25 years 2006, 2007, 2008, and 2009 shall be pro-



1 vided to a national non-profit organization that
2 is competitively selected by the Secretary. Such
3 organization shall have demonstrated expertise
4 in issues of transportation coordination and in
5 providing technical assistance to local transpor-
6 tation organizations.

7 (B) ELIGIBLE ACTIVITIES.—Under this
8 program, the organization selected by the Sec-
9 retary shall—

10 (i) establish an advisory panel con-
11 sisting of federal, state and local officials
12 and organizations;

13 (ii) prepare an inventory of human
14 service transportation agencies operating
15 in the United States;

16 (iii) prepare an inventory of Federal
17 transportation spending;

18 (iv) develop a program of technical as-
19 sistance and training for human services
20 transportation organizations that shall in-
21 clude on-site technical assistance, a re-
22 source clearinghouse, and preparation of
23 technical manuals;

24 (v) prepare an annual report for the
25 Secretary on activities under this program



1 and make recommendations for improving
2 coordination.

3 (10) PORTLAND, OREGON STREETCAR PROTO-
4 TYPE PURCHASE AND DEPLOYMENT.—Not less than
5 \$1,000,000 shall be made available in each of fiscal
6 years 2006, 2007, 2008, and 2009 by the Secretary
7 to TriMet for the purchase and deployment of a do-
8 mestically manufactured streetcar.

9 (11) PUBLIC TRANSPORTATION PARTICIPATION
10 PILOT PROGRAM.—

11 (A) IN GENERAL.—Of the funds allocated
12 under this section for each of fiscal years 2006
13 through 2009, \$1,000,000 for each fiscal year
14 shall be made available by the Secretary to es-
15 tablish a pilot program to support planning and
16 public participation activities related to public
17 transportation projects.

18 (B) ELIGIBLE ACTIVITIES.—Activities eli-
19 gible to be carried out under the pilot program
20 may include the following:

21 (i) Improving data collection analysis
22 and transportation access for all users of
23 the public transportation systems.

24 (ii) Supporting public participation
25 through the project development phases.



1 (iii) Using innovative techniques to
2 improve the coordination of transportation
3 alternatives.

4 (iv) Enhancing the coordination of
5 public transportation benefits and services.

6 (v) Contracting with stakeholders to
7 focus on the delivery of transportation
8 plans and programs.

9 (vi) Measuring and reporting on the
10 annual performance of the transportation
11 systems.

12 (12) TRANSPORTATION HYBRID ELECTRIC VE-
13 HICLE AND FUEL CELL RESEARCH.—\$500,000 in
14 each of fiscal years 2006 through 2009 for a trans-
15 portation hybrid electric vehicle and fuel cell re-
16 search program at the University of Alabama.

17 (13) TRAUMA CARE SYSTEM RESEARCH AND
18 DEVELOPMENT.—\$500,000 in each of fiscal years
19 2006 through 2009 for trauma care system research
20 and development at the University of Alabama in
21 Birmingham.

22 (14) TRANSPORTATION INFRASTRUCTURE AND
23 LOGISTICS RESEARCH.—\$500,000 in each of fiscal
24 years 2006 through 2009 for transportation infra-



1 structure and logistics research at the University of
2 Alabama in Huntsville.

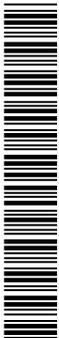
3 (15) NATIONAL BUS RAPID TRANSIT INSTI-
4 TUTE.—\$1,750,000 in each of fiscal years 2006
5 though 2009 for the National Bus Rapid Transit In-
6 stitute at the University of South Florida.

7 (16) APPLICATION OF INFORMATION TECH-
8 NOLOGY TO TRANSPORTATION LOGISTICS AND SECU-
9 RITY.—\$400,000 in each of fiscal years 2006
10 through 2009 for research on the application of in-
11 formation technology to transportation logistics and
12 security at the Northern Kentucky University.

13 (17) INTELLIGENT TRANSPORTATION SYSTEM
14 PILOT PROJECT.—\$465,000 in each of fiscal years
15 2006 through 2009 for an intelligent transportation
16 system pilot project with the National Consortium
17 on Remote Sensing in Transportation Flows at the
18 Ohio State University.

19 (18) REGIONAL PUBLIC SAFETY TRAINING CEN-
20 TER.—\$500,000 in each of fiscal years 2006
21 through 2009 for a regional public safety training
22 center at the Lehigh-Carbon Community College.

23 (19) TRANSIT SECURITY TRAINING FACILITY.—
24 \$750,000 in each of fiscal years 2006 though 2009



1 for a transit security training facility at the Chester
2 County Community College.

3 (20) SMALL URBAN AND RURAL TRANSIT CEN-
4 TER.—\$800,000 in fiscal year 2006, \$800,000 in
5 fiscal year 2007, \$1,200,000 in fiscal year 2008,
6 and \$1,200,000 in fiscal year 2009 for the Small
7 Urban and Rural Transit Center at North Dakota
8 State University.

9 (21) ADVANCED TECHNOLOGY BUS RAPID
10 TRANSIT PROJECT.— \$500,000 in fiscal year 2006,
11 \$540,000 in fiscal year 2007, \$550,000 in fiscal
12 year 2008, and \$625,000 in fiscal year 2009 for the
13 Southeastern Connecticut Advanced Technology Bus
14 Rapid Transit Project.

15 (22) GREATER NEW HAVEN TRANSIT DISTRICT
16 FUEL CELL-POWERED BUS RESEARCH.—\$500,000 in
17 fiscal year 2006, \$540,000 in fiscal year 2007,
18 \$550,000 in fiscal year 2008, and \$625,000 in fiscal
19 year 2009 for the Greater New Haven Transit Dis-
20 trict Fuel Cell-Powered Bus Research.

21 (23) CENTER FOR ADVANCED TRANSPORTATION
22 INITIATIVES.—\$500,000 in fiscal year 2006,
23 \$540,000 in fiscal year 2007, \$540,000 in fiscal
24 year 2008, and \$625,000 in fiscal year 2009 for the

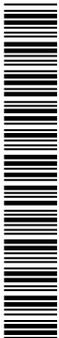


1 Rutgers Center for Advanced Transportation Initia-
2 tives (CAIT).

3 (24) INSTITUTE OF TECHNOLOGY'S TRANSPOR-
4 TATION, ECONOMIC, AND LAND USE SYSTEM.—
5 \$500,000 in fiscal year 2006, \$540,000 in fiscal
6 year 2007, \$540,000 in fiscal year 2008, and
7 \$625,000 in fiscal year 2009 for the New Jersey In-
8 stitute of Technology's Transportation, Economic,
9 and Land Use System program (TELUS).

10 (25) REGIONAL TRANSIT TRAINING CONSOR-
11 TIUM PILOT PROGRAM.—\$270,000 in fiscal year
12 2006, \$380,000 in fiscal year 2007, \$380,000 in fis-
13 cal year 2008, and \$450,000 in fiscal year 2009 for
14 the Southern California Regional Transit Training
15 Consortium Pilot Program.

16 (b) REMAINDER.—After making allocations under
17 subsection (a), the remainder of funds made available by
18 section 5338(d) of title 49, United States Code, for na-
19 tional research and technology programs under sections
20 5312, 5314, and 5322 for a fiscal year shall be allocated
21 at the discretion of the Secretary to other transit research,
22 development, demonstration and deployment projects au-
23 thorized by sections 5312, 5314, and 5322 of such title.



1 **SEC. 3047. FORGIVENESS OF GRANT AGREEMENT.**

2 (a) LANE COUNTY TRANSIT DISTRICT.—Notwith-
3 standing any other provision of law (including any regula-
4 tion), any outstanding balances on the following grant
5 agreements made to the Lane County Transit District,
6 Oregon, do not have to be repaid:

7 (1) Federal Contract Number OR–03–0087.

8 (2) Federal Contract Number OR–90–X094.

9 (b) PEE DEE REGIONAL TRANSIT AUTHORITY.—The
10 debt identified in the 2000 Triennial Review of the Pee
11 Dee Regional Transit Authority as owed to the Federal
12 Transit Administration by the Pee Dee Regional Transit
13 Authority does not have to be repaid.

14 **SEC. 3048. COOPERATIVE PROCUREMENT.**

15 Not later than 6 months after the date of enactment
16 of this Act, the Secretary shall undertake a 30-day review
17 of efforts to use cooperative procurement to determine
18 whether benefits are sufficient to formally incorporate co-
19 operative procurement into the mass transit program. In
20 particular, the Secretary shall review the progress made
21 under the pilot program authorized under section 166 of
22 division F of the Consolidated Appropriations Act, 2004
23 (49 U.S.C. 5397 note; 118 Stat. 309), based on experience
24 to date in the pilot program and any available reports to
25 Congress submitted under such section 166. The Sec-
26 retary shall also consider information gathered from



1 grantees about cooperative procurement, whether or not
2 related to the pilot program.

3 **SEC. 3049. TRANSPORTATION FRINGE BENEFITS.**

4 (a) TRANSIT PASS TRANSPORTATION FRINGE BENE-
5 FITS.—

6 (1) IN GENERAL.—Effective as of the first day
7 of the next fiscal year beginning after the date of
8 the enactment of this Act, each covered agency shall
9 implement a program under which all qualified Fed-
10 eral employees serving in or under such agency shall
11 be offered transit pass transportation fringe bene-
12 fits, as described in paragraph (2).

13 (2) BENEFITS DESCRIBED.—The benefits de-
14 scribed in this paragraph are the transit pass trans-
15 portation fringe benefits which, under section 2 of
16 Executive Order 13150, are required to be offered
17 by Federal agencies in the National Capital Region
18 on the date of the enactment of this Act.

19 (3) DEFINITIONS.—In this subsection—

20 (A) the term “covered agency” means any
21 agency, to the extent of its facilities in the Na-
22 tional Capital Region;

23 (B) the term “agency” means any agency
24 (as defined by 7905(a)(2) of title 5, United



1 States Code), the Postal Rate Commission, and
2 the Smithsonian Institution;

3 (C) the term “National Capital Region”
4 includes the District of Columbia and every
5 county or other geographic area covered by sec-
6 tion 2 of Executive Order 13150;

7 (D) the term “Executive Order 13150” re-
8 fers to Executive Order 13150 (5 U.S.C. 7905
9 note);

10 (E) the term “Federal agency” is used in
11 the same way as under section 2 of Executive
12 Order 13150; and

13 (F) any determination as to whether or not
14 one is a “qualified Federal employee” shall be
15 made applying the same criteria as would apply
16 under section 2 of Executive Order 13150.

17 (4) RULE OF CONSTRUCTION.—Nothing in this
18 subsection shall be considered to require that a cov-
19 ered agency—

20 (A) terminate any program or benefits in
21 existence on the date of the enactment of this
22 Act, or postpone any plans to implement (before
23 the effective date referred to in paragraph (1))
24 any program or benefits permitted or required
25 under any other provision of law; or



1 (B) discontinue (on or after the effective
2 date referred to in paragraph (1)) any program
3 or benefits referred to in subparagraph (A), so
4 long as such program or benefits satisfy the re-
5 quirements of paragraphs (1) through (3).

6 (b) AUTHORITY TO TRANSPORT FEDERAL EMPLOY-
7 EES BETWEEN THEIR PLACE OF EMPLOYMENT AND
8 MASS TRANSIT FACILITIES.—

9 (1) IN GENERAL.—Section 1344 of title 31,
10 United States Code, is amended—

11 (A) by redesignating subsections (g) and
12 (h) as subsections (h) and (i), respectively; and

13 (B) by inserting after subsection (f) the
14 following:

15 “(g)(1) If and to the extent that the head of a Fed-
16 eral agency, in his or her sole discretion, deems it appro-
17 priate, a passenger carrier may be used to transport an
18 officer or employee of a Federal agency between the offi-
19 cer’s or employee’s place of employment and a mass tran-
20 sit facility (whether or not publicly owned) in accordance
21 with succeeding provisions of this subsection.

22 “(2) Notwithstanding section 1343, a Federal agency
23 that provides transportation services under this subsection
24 (including by passenger carrier) may absorb the costs of



1 such services using any funds available to such agency,
2 whether by appropriation or otherwise.

3 “(3) In carrying out this subsection, a Federal agen-
4 cy, to the maximum extent practicable and consistent with
5 sound budget policy, should—

6 “(A) use alternative fuel vehicles for the provi-
7 sion of transportation services;

8 “(B) to the extent consistent with the purposes
9 of this subsection, provide transportation services in
10 a manner that does not result in additional gross in-
11 come for Federal income tax purposes; and

12 “(C) coordinate with other Federal agencies to
13 share, and otherwise avoid duplication of, transpor-
14 tation services provided under this subsection.

15 “(4) For purposes of any determination under chap-
16 ter 81 of title 5 or chapter 171 of title 28, an individual
17 shall not be considered to be in the ‘performance of duty’
18 or ‘acting within the scope of his or her office or employ-
19 ment’ by virtue of the fact that such individual is receiving
20 transportation services under this subsection. Nor shall
21 any time during which an individual uses such services be
22 considered when calculating the hours of work or employ-
23 ment for that individual for purposes of title 5 of the
24 United States Code, including chapter 55 of that title.



1 “(5)(A) The Administrator of General Services, after
2 consultation with the appropriate agencies, shall prescribe
3 any regulations necessary to carry out this subsection.

4 “(B) Transportation services under this subsection
5 shall be subject neither to the last sentence of subsection
6 (d)(3) nor to any regulations under the last sentence of
7 subsection (e)(1).

8 “(6) In this subsection, the term ‘passenger carrier’
9 means a passenger motor vehicle or similar means of
10 transportation that is owned, leased, or provided pursuant
11 to contract by the United States Government.”.

12 (2) FUNDS FOR MAINTENANCE, REPAIR, ETC.—
13 Subsection (a) of section 1344 of title 31, United
14 States Code, is amended by adding at the end the
15 following:

16 “(3) For purposes of paragraph (1), the transpor-
17 tation of an individual between such individual’s place of
18 employment and a mass transit facility pursuant to sub-
19 section (g) is transportation for an official purpose.”.

20 (3) COORDINATION.—The authority to provide
21 transportation services under section 1344(g) of title
22 31, United States Code (as amended by paragraph
23 (1)) shall be in addition to any authority otherwise
24 available to the agency involved.



1 **SEC. 3050. COMMUTER RAIL.**

2 (a) IN GENERAL.—The Federal Transit Administra-
3 tion shall approve final design for the projects authorized
4 under section 3030(c)(1)(A)(xlv) of the Federal Transit
5 Act of 1998 and section 1214(g) of the Transportation
6 Equity Act for the 21st Century (16 U.S.C. 668dd note)
7 in the absence of an access agreement with the owner of
8 the railroad right of way.

9 (b) TIMELY RESOLUTION OF ISSUES.—The Secretary
10 shall timely resolve any issues delaying the completion of
11 the projects authorized under section 1214(g) of the
12 Transportation Equity Act for the 21st Century (16
13 U.S.C. 668dd note) and section 3030(c)(1)(A)(xlv) of the
14 Federal Transit Act of 1998.

15 **SEC. 3051. PARATRANSIT SERVICE IN ILLINOIS.**

16 In the State of Illinois, a regional or State agency,
17 or another transit agency, may be responsible for pro-
18 viding the complementary paratransit services that would
19 otherwise be provided by a transit agency under the Amer-
20 icans with Disabilities Act of 1990. Where a regional or
21 State agency, or another transit agency, undertakes to
22 provide such services, either by agreement or pursuant to
23 State legislation, the Secretary may audit the paratransit
24 services provided, make recommendations, and take appro-
25 priate enforcement action directed to such regional, State,
26 or transit agency providing the services, to ensure that the



1 requirements of the Americans with Disabilities Act of
2 1990 are met. Nothing in this Act shall be construed to
3 conflict with the requirements of the Americans with Dis-
4 abilities Act of 1990 and its implementing regulations.

