

Urban Affairs of the Senate a report containing the results of the study.

“(d) FUNDING.—There shall be available from funds made available under section 5338(f)(2) of title 49, United States Code, to carry out this section \$250,000 for fiscal year 1999.

“(e) CONTRACTUAL OBLIGATION.—Entry into an agreement to carry out this section that is financed with amounts made available under subsection (d) is a contractual obligation of the United States to pay the Government’s share of the cost of the study.”

COMMUTE-TO-WORK BENEFITS

Pub. L. 102-240, title VIII, § 8004, Dec. 18, 1991, 105 Stat. 2206, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) current Federal policy places commuter transit benefits at a disadvantage compared to drive-to-work benefits;

“(2) this Federal policy is inconsistent with important national policy objectives, including the need to conserve energy, reduce reliance on energy imports, lessen congestion, and clean our Nation’s air;

“(3) commuter transit benefits should be part of a comprehensive solution to national transportation and air pollution problems;

“(4) current Federal law allows employers to provide only up to \$21 per month in employee benefits for transit or van pools;

“(5) the current ‘cliff provision’, which treats an entire commuter transit benefit as taxable income if it exceeds \$21 per month, unduly penalizes the most effective employer efforts to change commuter behavior;

“(6) employer-provided commuter transit incentives offer many public benefits, including increased access of low-income persons to good jobs, inexpensive reduction of roadway and parking congestion, and cost-effective incentives for timely arrival at work; and

“(7) legislation to provide equitable treatment of employer-provided commuter transit benefits has been introduced with bipartisan support in both the Senate and House of Representatives.

“(b) POLICY.—The Congress strongly supports Federal policy that promotes increased use of employer-provided commuter transit benefits. Such a policy ‘levels the playing field’ between transportation modes and is consistent with important national objectives of energy conservation, reduced reliance on energy imports, lessened congestion, and clean air.”

§ 5302. Definitions

(a) IN GENERAL.—Except as otherwise specifically provided, in this chapter, the following definitions apply:

(1) CAPITAL PROJECT.—The term “capital project” means a project for—

(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in public transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail track-age rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

(B) rehabilitating a bus;

(C) remanufacturing a bus;

(D) overhauling rail rolling stock;

(E) preventive maintenance;

(F) leasing equipment or a facility for use in public transportation, subject to regula-

tions that the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than purchase or construction;

(G) a public transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to a public transportation facility, construction, renovation, and improvement of intercity bus and intercity rail stations and terminals, and the renovation and improvement of historic transportation facilities, because the improvement enhances the effectiveness of a public transportation project and is related physically or functionally to that public transportation project, or establishes new or enhanced coordination between public transportation and other transportation, and provides a fair share of revenue for public transportation that will be used for public transportation—

(i) including property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, safety and security equipment and facilities (including lighting, surveillance and related intelligent transportation system applications), facilities that incorporate community services such as daycare or health care, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall, except that a person making an agreement to occupy space in a facility under this subparagraph shall pay a reasonable share of the costs of the facility through rental payments and other means; and

(ii) excluding construction of a commercial revenue-producing facility (other than an intercity bus station or terminal) or a part of a public facility not related to public transportation;

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

(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient’s annual formula apportionment under sections 5307 and 5311;

(J) crime prevention and security—

(i) including—

(I) projects to refine and develop security and emergency response plans;

(II) projects aimed at detecting chemical and biological agents in public transportation;

(III) the conduct of emergency response drills with public transportation agencies and local first response agencies; and

(IV) security training for public transportation employees; but

(ii) excluding all expenses related to operations, other than such expenses incurred in conducting activities described in clauses (i)(III) and (i)(IV);

(K) establishing a debt service reserve, made up of deposits with a bondholder's trustee, to ensure the timely payment of principal and interest on bonds issued by a grant recipient to finance an eligible project under this chapter; or

(L) mobility management—

(i) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental entity, under this chapter (other than section 5309); but

(ii) excluding operating public transportation services.

(2) CHIEF EXECUTIVE OFFICER OF A STATE.—The term “chief executive officer of a State” includes the designee of the chief executive officer.

(3) EMERGENCY REGULATION.—The term “emergency regulation” means a regulation—

(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(b);¹ and

(B) prescribed by the Secretary as the result of a finding that a delay in the effective date of the regulation—

(i) would injure seriously an important public interest;

(ii) would frustrate substantially legislative policy and intent; or

(iii) would damage seriously a person or class without serving an important public interest.

(4) FIXED GUIDEWAY.—The term “fixed guideway” means a public transportation facility—

(A) using and occupying a separate right-of-way or rail for the exclusive use of public transportation and other high occupancy vehicles; or

(B) using a fixed catenary system and a right-of-way usable by other forms of transportation.

(5) INDIVIDUAL WITH A DISABILITY.—The term “individual with a disability” means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, public transportation service or a public transportation facility.

(6) LOCAL GOVERNMENTAL AUTHORITY.—The term “local governmental authority” includes—

(A) a political subdivision of a State;

(B) an authority of at least 1 State or political subdivision of a State;

(C) an Indian tribe; and

(D) a public corporation, board, or commission established under the laws of a State.

(7) MASS TRANSPORTATION.—The term “mass transportation” means public transportation.

(8) NET PROJECT COST.—The term “net project cost” means the part of a project that reasonably cannot be financed from revenues.

(9) NEW BUS MODEL.—The term “new bus model” means a bus model (including a model using alternative fuel)—

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

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

(10) PUBLIC TRANSPORTATION.—The term “public transportation” means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include schoolbus, charter, sightseeing, or intercity bus transportation or intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity).

(11) REGULATION.—The term “regulation” means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

(12) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(13) STATE.—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(14) TRANSIT.—The term “transit” means public transportation.

(15) TRANSIT ENHANCEMENT.—The term “transit enhancement” means, with respect to any project or an area to be served by a project, projects that are designed to enhance public transportation service or use and that are physically or functionally related to transit facilities. Eligible projects are—

(A) historic preservation, rehabilitation, and operation of historic public transportation buildings, structures, and facilities (including historic bus and railroad facilities);

(B) bus shelters;

(C) landscaping and other scenic beautification, including tables, benches, trash receptacles, and street lights;

(D) public art;

(E) pedestrian access and walkways;

(F) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on public transportation vehicles;

(G) transit connections to parks within the recipient's transit service area;

(H) signage; and

(I) enhanced access for persons with disabilities to public transportation.

(16) URBAN AREA.—The term “urban area” means an area that includes a municipality or

¹ See References in Text note below.

other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local public transportation system to serve individuals in the locality.

(17) URBANIZED AREA.—The term “urbanized area” means an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an “urbanized area” by the Secretary of Commerce.

(b) AUTHORITY TO MODIFY “INDIVIDUAL WITH A DISABILITY”.—The Secretary may by regulation modify the definition of the term “individual with a disability” in subsection (a)(5) as it applies to section 5307(d)(1)(D).

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 786; Pub. L. 103–331, title III, §335A, Sept. 30, 1994, 108 Stat. 2495; Pub. L. 104–50, title III, §333(a), Nov. 15, 1995, 109 Stat. 457; Pub. L. 104–287, §6(c), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 105–102, §3(a), Nov. 20, 1997, 111 Stat. 2214; Pub. L. 105–178, title III, §3003, June 9, 1998, 112 Stat. 338; Pub. L. 105–206, title IX, §9009(a), July 22, 1998, 112 Stat. 852; Pub. L. 109–59, title III, §§3002(b)(4), 3004, Aug. 10, 2005, 119 Stat. 1545; Pub. L. 110–244, title II, §201(a), June 6, 2008, 122 Stat. 1609.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5302(a)(1)	49 App.:1608(c)(1).	July 9, 1964, Pub. L. 88–365, §12(c)(1), 78 Stat. 306; Aug. 10, 1965, Pub. L. 89–117, §1109, 79 Stat. 507; Sept. 8, 1966, Pub. L. 89–562, §2(a)(1), 80 Stat. 715; May 25, 1967, Pub. L. 90–19, §20, 81 Stat. 25; Aug. 1, 1968, Pub. L. 90–448, §702, 82 Stat. 535; restated Nov. 6, 1978, Pub. L. 95–599, §308(b), 92 Stat. 2746; Jan. 6, 1983, Pub. L. 97–424, §309(a), 96 Stat. 2151; Apr. 2, 1987, Pub. L. 100–17, §309(a), 101 Stat. 227.
	49 App.:1608(c)(7), (8).	July 9, 1964, Pub. L. 88–365, §12(c)(3)–(9), 78 Stat. 306; Aug. 10, 1965, Pub. L. 89–117, §1109, 79 Stat. 507; Sept. 8, 1966, Pub. L. 89–562, §2(a)(1), 80 Stat. 715; May 25, 1967, Pub. L. 90–19, §20, 81 Stat. 25; Aug. 1, 1968, Pub. L. 90–448, §702, 82 Stat. 535; restated Nov. 6, 1978, Pub. L. 95–599, §308(b), 92 Stat. 2746; Dec. 18, 1991, Pub. L. 102–240, §3016, 105 Stat. 2108.
5302(a)(2)	49 App.:1608(c)(3).	July 9, 1965, Pub. L. 88–365, 78 Stat. 302, §12(c)(12), (13); added Apr. 2, 1987, Pub. L. 100–17, §318(b)(3), 101 Stat. 234.
5302(a)(3)	49 App.:1608(c)(13).	
5302(a)(4)	49 App.:1608(c)(2).	July 9, 1964, Pub. L. 88–365, §12(c)(2), 78 Stat. 306; Aug. 10, 1965, Pub. L. 89–117, §1109, 79 Stat. 507; Sept. 8, 1966, Pub. L. 89–562, §2(a)(1), 80 Stat. 715; May 25, 1967, Pub. L. 90–19, §20, 81 Stat. 25; Aug. 1, 1968, Pub. L. 90–448, §702, 82 Stat. 535; restated Nov. 6, 1978, Pub. L. 95–599, §308(b), 92 Stat. 2746; Jan. 6, 1983, Pub. L. 97–424, §309(b), 96 Stat. 2151.
5302(a)(5)	49 App.:1608(c)(4) (1st sentence).	
5302(a)(6)	49 App.:1608(c)(5).	
5302(a)(7)	49 App.:1608(c)(6).	
5302(a)(8)	(no source).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5302(a)(9)	49 App.:1608(h)(2).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §12(h)(2); added Apr. 2, 1987, Pub. L. 100–17, §317(a), 101 Stat. 233; Dec. 18, 1991, Pub. L. 102–240, §6021(a), 105 Stat. 2184.
	49 App.:1608 (note).	Apr. 2, 1988, Pub. L. 100–17, §317(b)(4), 101 Stat. 233.
5302(a)(10) ..	49 App.:1608(c)(12).	
5302(a)(11) ..	49 App.:1608(c)(9).	
5302(a)(12) ..	49 App.:1608(c)(10).	July 9, 1964, Pub. L. 88–365, §12(c)(10), (11), 78 Stat. 306; Aug. 10, 1965, Pub. L. 89–117, §1109, 79 Stat. 507; Sept. 8, 1966, Pub. L. 89–562, §2(a)(1), 80 Stat. 715; May 25, 1967, Pub. L. 90–19, §20, 81 Stat. 25; Aug. 1, 1968, Pub. L. 90–448, §702, 82 Stat. 535; restated Nov. 6, 1978, Pub. L. 95–599, §308(b), 92 Stat. 2746; Apr. 2, 1987, Pub. L. 100–17, §318(b)(1), (2), 101 Stat. 234.
5302(a)(13) ..	49 App.:1608(c)(11).	
5302(b)	49 App.:1608(c)(4) (last sentence).	

In this chapter, the words “local governmental authority” are substituted for “local public body” for consistency in the revised title and with other titles of the United States Code.

In subsection (a), before clause (1), the text of 49 App.:1608(c)(7) is omitted as surplus. The text of 49 App.:1608(c)(8) is omitted because the complete title of the Secretary of Transportation is used the first time the term appears in a section. In clause (1), before subclause (A), the words “capital project” are substituted for “construction” for clarity. In subclause (A), the words “actual”, “all”, and “reconstruction” are omitted as surplus. In subclause (D), the words “(whether or not such overhaul increases the useful life of the rolling stock)” are omitted as surplus. In clause (2), the words “for each of the jurisdictions included in the definition of ‘State’” are omitted as surplus. In clauses (3) and (10), the word “regulation” is substituted for “rule” for consistency in the revised title and with other titles of the Code and because the terms are synonymous. In clause (3)(B)(iii), the words “of persons” are omitted as surplus. In clauses (4) and (5), the word “mass” is substituted for “public” because of the restatement. In clause (4)(A), the words “including, but not limited to, fixed rail, automated guideway transit, and exclusive facilities for buses” are omitted as surplus. In clause (6)(A), the words “municipalities and other” are omitted as surplus. In clause (6)(B), the word “authority” is substituted for “public agencies and instrumentalities” for consistency in the revised title and with other titles of the Code. The word “municipalities” is omitted as surplus. In clause (7), the words “bus, or rail, or other”, “either publicly or privately owned”, and “on a . . . basis” are omitted as surplus. Clause (8) is added for clarity because the term “net project cost” has the same meaning throughout this chapter. In clause (11), the words “the Commonwealths of” are omitted as surplus. In clause (12), the word “individuals” is substituted for “commuters or others” to eliminate unnecessary words. In clause (13)(A), the words “in the case of any such area” and “entire” are omitted as surplus. The words “Secretary of Commerce” are substituted for “Bureau of the Census” because of 15:1511(e). In clause (13)(B), the words “so designated by the Bureau of Census”, “which shall be”, “responsible”, and “in cooperation with each other” are omitted as surplus.

Subsection (b) applies to section 5307(d)(1)(D) of the revised title because of 49 App.:1607a(e)(1), restated as section 5307(n)(2) of the revised title.

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (a)(1)(I), is Pub. L. 101–336, July 26, 1990,

104 Stat. 327, as amended, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

Subsec. (b) of section 5334, referred to in subsec. (a)(3)(A), was redesignated subsec. (c) by Pub. L. 109-59, title III, § 3023(3), Aug. 10, 2005, 119 Stat. 1626.

AMENDMENTS

2008—Subsec. (a)(10). Pub. L. 110-244 substituted “charter, sightseeing,” for “charter.”

2005—Subsec. (a). Pub. L. 109-59, § 3004(a), substituted “Except as otherwise specifically provided, in this chapter” for “In this chapter” in introductory provisions.

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

Subsec. (a)(1)(G). Pub. L. 109-59, § 3004(b)(1), inserted “construction, renovation, and improvement of intercity bus and intercity rail stations and terminals,” after “public transportation facility,” in introductory provisions.

Pub. L. 109-59, § 3002(b)(4), substituted “public transportation” for “mass transportation” wherever appearing in introductory provisions.

Subsec. (a)(1)(G)(ii). Pub. L. 109-59, § 3004(b)(2), inserted “(other than an intercity bus station or terminal)” after “commercial revenue-producing facility”.

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

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

Subsec. (a)(1)(J) to (L). Pub. L. 109-59, § 3004(b)(3)–(5), added subpars. (J) to (L).

Subsec. (a)(4). Pub. L. 109-59, § 3002(b)(4), substituted “public transportation” for “mass transportation” in introductory provisions and subpar. (A).

Subsec. (a)(5). Pub. L. 109-59, § 3004(c), substituted “Individual with a disability” for “Handicapped individual” in heading and “individual with a disability” for “handicapped individual” in text.

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

Subsec. (a)(7). Pub. L. 109-59, § 3004(d), amended heading and text of par. (7) generally. Prior to amendment, text read as follows: “The term ‘mass transportation’ means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation.”

Subsec. (a)(9). Pub. L. 109-59, § 3002(b)(4), substituted “public transportation” for “mass transportation” in subpars. (A) and (B).

Subsec. (a)(10). Pub. L. 109-59, § 3004(e), amended heading and text of par. (10) generally. Prior to amendment, text read as follows: “The term ‘public transportation’ means mass transportation.”

Subsec. (a)(14) to (16). Pub. L. 109-59, § 3002(b)(4), substituted “public transportation” for “mass transportation” wherever appearing.

Subsec. (a)(17). Pub. L. 109-59, § 3004(f), reenacted heading without change and amended text of par. (17) generally. Prior to amendment, text read as follows: “The term ‘urbanized area’ means an area—

“(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

“(B) designated as an urbanized area within boundaries fixed by State and local officials and approved by the Secretary.”

Subsec. (b). Pub. L. 109-59, § 3004(g), substituted “Individual With a Disability” for “Handicapped Individual” in heading and “individual with a disability” for “handicapped individual” in text.

1998—Pub. L. 105-178, § 3003(a), formerly § 3003, as renumbered by Pub. L. 105-206, § 9009(a)(1), amended section generally, revising and restating existing definitions and adding new pars. defining additional terms.

Subsec. (a)(1)(G)(i). Pub. L. 105-178, § 3003(b), as added by Pub. L. 105-206, § 9009(a)(2), substituted “daycare or” for “daycare and”.

1997—Subsec. (a)(1)(B), (C). Pub. L. 105-102 made technical correction to directory language of Pub. L. 104-50, § 333(a). See 1995 Amendment notes below.

1996—Subsec. (a)(1). Pub. L. 104-287 made technical correction to directory language of Pub. L. 103-331, § 335A. See 1994 Amendment note below.

1995—Subsec. (a)(1)(B). Pub. L. 104-50, § 333(a)(1), as amended by Pub. L. 105-102, § 3(a)(1), struck out “that extends the economic life of a bus for at least 5 years” after “rehabilitating a bus”.

Subsec. (a)(1)(C). Pub. L. 104-50, § 333(a)(2), as amended by Pub. L. 105-102, § 3(a)(2), struck out “that extends the economic life of a bus for at least 8 years” after “remanufacturing a bus”.

1994—Subsec. (a)(1). Pub. L. 103-331, § 335A, as amended by Pub. L. 104-287, inserted “payments for the capital portions of rail trackage rights agreements,” after “rights of way.”

EFFECTIVE DATE OF 1998 AMENDMENT

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

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-102, § 3(a), Nov. 20, 1997, 111 Stat. 2214, provided that the amendment made by section 3(a) is effective Nov. 15, 1995.

Amendment by Pub. L. 105-102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105-102, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 6(c) of Pub. L. 104-287 provided that the amendment made by that section is effective Sept. 30, 1994.

EFFECTIVE DATE OF 1995 AMENDMENT

Section 333(b) of Pub. L. 104-50 provided that: “The amendments made by this section [amending this section] shall not take effect before March 31, 1996.”

§ 5303. Metropolitan transportation planning

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

(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 5304(d).

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

(1) METROPOLITAN PLANNING AREA.—The term “metropolitan planning area” means the geo-