

“(C) An analysis of the costs, benefits, and efficiencies of the proposed public-private partnership agreement.

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

“(A) State and local laws permit public-private agreements for all phases of project development, construction, and operation of the project;

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

“(C) the plan implementing the public-private partnership is justified.

“(5) PROGRAM TERM.—The Secretary may approve an application of a recipient for a public-private partnership for fiscal years 2006 through 2011 and the period beginning on October 1, 2011, and ending on March 31, 2012.

“(6) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report containing an assessment of the costs, benefits, and efficiencies of a public-private partnership program for new fixed guideway capital projects.”

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

Pub. L. 105-200, title IV, §403(b), July 16, 1998, 112 Stat. 670, provided that: “Not later than 2 years after the date of the enactment of this Act [July 16, 1998], the Secretary of Transportation, in consultation with the Secretary of Health and Human Services, shall submit to the Committees on Ways and Means and on Transportation and Infrastructure of the House of Representatives and the Committees on Finance and on Environment and Public Works of the Senate a report that—

“(1) describes the manner in which funds made available under section 3037 of the Transportation Equity Act for the 21st Century [Pub. L. 105-178, set out as a note below] have been used;

“(2) describes whether such uses of such funds has improved transportation services for low-income individuals; and

“(3) contains such other relevant information as may be appropriate.”

DOLLAR VALUE OF MOBILITY IMPROVEMENTS

Pub. L. 105-178, title III, §3010, June 9, 1998, 112 Stat. 357, as amended by Pub. L. 105-206, title IX, §9009(i), July 22, 1998, 112 Stat. 856, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall not consider the dollar value of mobility improvements, as specified in the report required under section 5309(o) (as added by this Act), in evaluating projects under section 5309 of title 49, United States Code, in developing regulations, or in carrying out any other duty of the Secretary.

“(b) STUDY.—

“(1) IN GENERAL.—The Comptroller General shall conduct a study of the dollar value of mobility improvements and the relationship of mobility improvements to the overall transportation justification of a new fixed guideway system or extension to an existing system.

“(2) REPORT.—Not later than January 1, 2000, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study under paragraph (1), including an analysis of the factors relevant to determining the dollar value of mobility improvements.”

JOB ACCESS AND REVERSE COMMUTE GRANTS

Pub. L. 105-178, title III, §3037, June 9, 1998, 112 Stat. 387, as amended by Pub. L. 105-206, title IX, §9009(w),

July 22, 1998, 112 Stat. 862; Pub. L. 108-88, §8(l), Sept. 30, 2003, 117 Stat. 1124; Pub. L. 108-202, §9(l), Feb. 29, 2004, 118 Stat. 488; Pub. L. 108-224, §7(l), Apr. 30, 2004, 118 Stat. 636; Pub. L. 108-263, §7(l), June 30, 2004, 118 Stat. 707; Pub. L. 108-280, §7(l), July 30, 2004, 118 Stat. 884; Pub. L. 108-310, §8(l), Sept. 30, 2004, 118 Stat. 1157; Pub. L. 109-14, §7(k), May 31, 2005, 119 Stat. 333; Pub. L. 109-20, §7(k), July 1, 2005, 119 Stat. 355; Pub. L. 109-35, §7(k), July 20, 2005, 119 Stat. 388; Pub. L. 109-37, §7(k), July 22, 2005, 119 Stat. 403; Pub. L. 109-40, §7(k), July 28, 2005, 119 Stat. 420, which authorized the Secretary of Transportation to make access to jobs grants and reverse commute grants to assist qualified entities in financing eligible projects, was repealed by Pub. L. 109-59, title III, §3018(c), Aug. 10, 2005, 119 Stat. 1605, effective Oct. 1, 2005. See section 5316 of this title.

ENCOURAGEMENT OF ADVERSELY AFFECTED INDUSTRIES
TO COMPETE FOR CONTRACTS

Pub. L. 91-453, §10, Oct. 15, 1970, 84 Stat. 968, as amended by Pub. L. 102-240, title III, §3003(b), Dec. 18, 1991, 105 Stat. 2088, provided that: “The Secretary of Transportation shall in all ways (including the provision of technical assistance) encourage industries adversely affected by reductions in Federal Government spending on space, military, and other Federal projects to compete for the contracts provided for under sections 3 and 6 of the Federal Transit Act (49 U.S.C. 1602 and 1605) [now 49 U.S.C. 5309 and 5312], as amended by this Act.”

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

(a) GENERAL AUTHORITY.—

(1) GRANTS.—The Secretary may make grants to States and local governmental authorities under this section for public transportation capital projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities.

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

(A) a private nonprofit organization, if the public transportation service provided under paragraph (1) is unavailable, insufficient, or inappropriate; or

(B) a governmental authority that—

(i) is approved by the State to coordinate services for elderly individuals and individuals with disabilities; or

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

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

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

(b) APPORTIONMENT AND TRANSFERS.—

(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section under a formula the Secretary administers that considers the number of elderly in-

dividuals and individuals with disabilities in each State.

(2) TRANSFER OF FUNDS.—Any funds apportioned to a State under paragraph (1) may be transferred by the State to the apportionments made under sections 5311(c) and 5336 if such funds are only used for eligible projects selected under this section.

(c) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—

(A) IN GENERAL.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project, as determined by the Secretary.

(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive an increased Government share in accordance with the formula under that section.

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

(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital;

(B) may be derived from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; and

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

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

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—A grant under this section shall be subject to all requirements of a grant under section 5307 to the extent the Secretary determines appropriate.

(2) CERTIFICATION REQUIREMENTS.—

(A) FUND TRANSFERS.—A grant recipient under this section that transfers funds to a project funded under section 5336 in accordance with subsection (b)(2) shall certify that the project for which the funds are requested has been coordinated with private nonprofit providers of services under this section.

(B) PROJECT SELECTION AND PLAN DEVELOPMENT.—Beginning in fiscal year 2007, each grant recipient under this section shall certify that—

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

(ii) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

(C) ALLOCATIONS TO SUBRECIPIENTS.—Each grant recipient under this section shall certify that allocations of the grant to subrecipients, if any, are distributed on a fair and equitable basis.

(e) STATE PROGRAM OF PROJECTS.—

(1) IN GENERAL.—Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for elderly individuals and individuals with disabilities that are included in a State program of projects.

(2) SUBMISSION AND APPROVAL.—A State shall submit to the Secretary annually for approval a program of projects. The program shall contain an assurance that the program provides for maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

(f) LEASING VEHICLES.—Vehicles acquired under this section may be leased to local governmental authorities to improve transportation services designed to meet the special needs of elderly individuals and individuals with disabilities.

(g) MEAL DELIVERY FOR HOMEBOUND INDIVIDUALS.—Public transportation service providers receiving assistance under this section or section 5311(c) may coordinate and assist in regularly providing meal delivery service for homebound individuals if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

(h) TRANSFERS OF FACILITIES AND EQUIPMENT.—With the consent of the recipient in possession of a facility or equipment acquired with a grant under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 807; Pub. L. 105-178, title III, §3013(a), June 9, 1998, 112 Stat. 359; Pub. L. 109-59, title III, §§3002(b)(2), 3012(a), Aug. 10, 2005, 119 Stat. 1544, 1589.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5310(a)	49 App.:1612(b) (1st sentence words before cl. (1)), cls. (1) (words before 3d comma), (2) (words before "with such grants").	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §16(b) (1st sentence); added Oct. 15, 1970, Pub. L. 91-453, §8, 84 Stat. 967; restated Aug. 13, 1973, Pub. L. 93-87, §301(g), 87 Stat. 295; Dec. 18, 1991, Pub. L. 102-240, §3021(1)-(4), 105 Stat. 2110.
5310(b)	49 App.:1612(c)(2), (3).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §16(c); added Dec. 18, 1991, Pub. L. 102-240, §3021(6), 105 Stat. 2110; Oct. 6, 1992, Pub. L. 102-388, §502(k), 106 Stat. 1567.
5310(c)	49 App.:1612(c)(1).	
5310(d)	49 App.:1612(b) (1st sentence cl. (3)).	
5310(e)	49 App.:1612(b) (1st sentence cls. (1) (words after 3d comma), (2) (words after "service under this subsection").	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5310(f)	49 App.:1612(e).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §16(e); added Jan. 6, 1983, Pub. L. 97-424, §317(c), 96 Stat. 2153; Apr. 2, 1987, Pub. L. 100-17, §327(a)(4), 101 Stat. 238; Dec. 18, 1991, Pub. L. 102-240, §3021(1), (5), 105 Stat. 2110.
5310(g)	49 App.:1612(c)(4).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §16(f); added Apr. 2, 1987, Pub. L. 100-17, §321, 101 Stat. 235; re-stated Dec. 18, 1991, Pub. L. 102-240, §3021(5), (7), 105 Stat. 2110, 2111.
5310(h)	49 App.:1612(f).	
5310(i)	49 App.:1614(g) (related to 1612(b)).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §18(g) (related to §16(b)); added Nov. 6, 1978, Pub. L. 95-599, §313, 92 Stat. 2750; restated Dec. 18, 1991, Pub. L. 102-240, §3022, 105 Stat. 2111.
5310(j)	49 App.:1604b.	Nov. 26, 1974, Pub. L. 93-503, §108, 88 Stat. 1572.

In this section, the words “governmental authorities” are substituted for “public bodies” because of section 5302(a) of the revised title.

In subsection (a), before clause (1), the words “In addition to the grants and loans otherwise provided for under this chapter” are omitted as surplus. In clauses (1) and (2), the words “the specific purpose of” are omitted as surplus. In clause (1), the words “or agencies thereof” are omitted as surplus.

In subsection (b), the words “for expenditure”, “to the States”, and “amounts of a” are omitted as surplus.

In subsection (d), the words “A recipient of amounts under this section” are added for clarity to correct an error in the source provisions. The words “under a contract, lease, or other arrangement” are omitted as surplus.

In subsection (e), the words “terms, conditions . . . and provisions” are omitted as surplus.

In subsection (e)(1), the words “and is deemed” are substituted for “and being considered for the purposes of all other laws” for consistency in the revised title and with other titles of the United States Code.

In subsection (e)(2), the words “insofar as may be appropriate” and “necessary or . . . for purposes of this paragraph” are omitted as surplus.

In subsection (f), the words “any applicable” are omitted as surplus. The words “prescribe regulations establishing” are substituted for “not later than ninety days after January 6, 1983, publish in the Federal Register for public comment, proposed regulations and, not later than one hundred and eighty days after January 6, 1983, promulgate final regulations, establishing” to eliminate unnecessary and executed words. Section 3021(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 2110) is applied to 49 App.:1612(e) to carry out the apparent intent of Congress.

In subsection (g), the words “not later than 60 days following December 18, 1991” are omitted as obsolete. The words “and agencies” are omitted as surplus.

In subsection (j), the words “elderly individuals and individuals with disabilities” are substituted for “elderly and handicapped persons” for consistency.

AMENDMENTS

2005—Pub. L. 109-59, §3012(a), amended section catchline and text generally. Prior to amendment, text consisted of subsecs. (a) to (j) relating to formula grants and loans for special needs of elderly individuals and individuals with disabilities.

Subsec. (h). Pub. L. 109-59, §3002(b)(2), substituted “Public” for “Mass”.

1998—Pub. L. 105-178 substituted “Formula grants” for “Grants” in section catchline.

ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM

Pub. L. 109-59, title III, §3012(b), Aug. 10, 2005, 119 Stat. 1591, as amended by Pub. L. 111-147, title IV, §437(c), Mar. 18, 2010, 124 Stat. 92; Pub. L. 111-322, title II, §2307(c), Dec. 22, 2010, 124 Stat. 3530; Pub. L. 112-5, title III, §307(c), Mar. 4, 2011, 125 Stat. 21; Pub. L. 112-30, title I, §137(c), Sept. 16, 2011, 125 Stat. 354, provided that:

“(1) IN GENERAL.—In fiscal year 2006, the Secretary [of Transportation] shall establish a pilot program that will allow Wisconsin, Alaska, Minnesota, Oregon, and 3 other States selected by the Secretary to use not more than 33 percent of the funds apportioned to each State to carry out section 5310 of title 49, United States Code, for operating costs associated with public transportation projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities under such section. The Secretary may base the selection of participating States on a State’s exemplary coordination of public transit-human services transportation. The Secretary may require participants to collect data necessary to support the report to Congress required by paragraph (7).

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

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

“(B) the plan was developed through a process that included representatives of public, private, and non-profit transportation and human services providers and participation by the public.

“(3) GOVERNMENT’S SHARE OF COSTS.—Operating assistance under this subsection may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary. The credit for any non-Federal share provided under this subsection shall not reduce nor replace State funds required to match Federal funds for formula grants for the special needs of elderly individuals and individuals with disabilities program authorized under section 5310 of title 49, United States Code.

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

“(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

“(B) may be derived from amounts appropriated to or made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation.

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

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

“(7) REPORT.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the pilot program, which may include—

“(A) the extent to which funds were used to subsidize existing paratransit service provided in compliance with the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.];

“(B) whether States participating in the pilot program use the funds to provide services to persons

with disabilities that exceed those services required by the Americans with Disabilities Act of 1990 differently than States not in the pilot program;

“(C) whether States participating in this pilot program use the funds to provide services to individuals with disabilities that exceed those services required by the Americans with Disabilities Act of 1990 to the detriment of other eligible projects;

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

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

“(F) the extent to which States participating in this pilot program serve a wider range of elderly, low income, and persons with disabilities populations;

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

“(H) the extent to which States participating in the pilot program were able to expand the range of transportation alternatives available to elderly individuals and individuals with disabilities; and

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

“(8) SUNSET.—This subsection shall cease to be effective on March 31, 2012.”

OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM

Pub. L. 105-178, title III, §3038, June 9, 1998, 112 Stat. 392, as amended by Pub. L. 105-206, title IX, §9009(x), July 22, 1998, 112 Stat. 862; Pub. L. 106-346, §101(a) [title III, §336], Oct. 23, 2000, 114 Stat. 1356, 1356A-31; Pub. L. 108-88, §8(m), Sept. 30, 2003, 117 Stat. 1125; Pub. L. 108-202, §9(m), Feb. 29, 2004, 118 Stat. 488; Pub. L. 108-224, §7(m), Apr. 30, 2004, 118 Stat. 636; Pub. L. 108-263, §7(m), June 30, 2004, 118 Stat. 707; Pub. L. 108-280, §7(m), July 30, 2004, 118 Stat. 885; Pub. L. 108-310, §8(m), Sept. 30, 2004, 118 Stat. 1158; Pub. L. 109-14, §7(l), May 31, 2005, 119 Stat. 333; Pub. L. 109-20, §7(l), July 1, 2005, 119 Stat. 355; Pub. L. 109-35, §7(l), July 20, 2005, 119 Stat. 388; Pub. L. 109-37, §7(l), July 22, 2005, 119 Stat. 403; Pub. L. 109-40, §7(l), July 28, 2005, 119 Stat. 420; Pub. L. 109-59, title III, §3039(a), Aug. 10, 2005, 119 Stat. 1638, provided that:

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

“(1) INTERCITY, FIXED-ROUTE OVER-THE-ROAD BUS SERVICE.—The term ‘intercity, fixed-route over-the-road bus service’ means regularly scheduled bus service for the general public, using an over-the-road bus, that—

“(A) operates with limited stops over fixed routes connecting 2 or more urban areas not in close proximity or connecting 1 or more rural communities with an urban area not in close proximity;

“(B) has the capacity for transporting baggage carried by passengers; and

“(C) makes meaningful connections with scheduled intercity bus service to more distant points.

“(2) OTHER OVER-THE-ROAD BUS SERVICE.—The term ‘other over-the-road bus service’ means any other transportation using over-the-road buses including local fixed-route service, commuter service, and charter or tour service (including tour or excursion service that includes features in addition to bus transportation such as meals, lodging, admission to points of interest or special attractions or the services of a tour guide).

“(3) OVER-THE-ROAD BUS.—The term ‘over-the-road bus’ means a bus characterized by an elevated passenger deck located over a baggage compartment.

“(b) GENERAL AUTHORITY.—The Secretary [of Transportation] shall make grants under this section to operators of over-the-road buses to finance the incremental capital and training costs of complying with the Department of Transportation’s final rule regarding accessibility of over-the-road buses required by section 306(a)(2)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12186(a)(2)(B)).

“(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary shall consider—

“(1) the identified need for over-the-road bus accessibility for persons with disabilities in the areas served by the applicant;

“(2) the extent to which the applicant demonstrates innovative strategies and financial commitment to providing access to over-the-road buses to persons with disabilities;

“(3) the extent to which the over-the-road bus operator acquires equipment required by the final rule prior to any required timeframe in the final rule;

“(4) the extent to which financing the costs of complying with the Department of Transportation’s final rule regarding accessibility of over-the-road buses presents a financial hardship for the applicant; and

“(5) the impact of accessibility requirements on the continuation of over-the-road bus service, with particular consideration of the impact of the requirements on service to rural areas and for low-income individuals.

“(d) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis.

“(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds made available to carry out this section and shall be determined in accordance with section 5323(i) of title 49, United States Code.

“(f) GRANT REQUIREMENTS.—A grant under this section shall be subject to all of the terms and conditions applicable to subrecipients who provide intercity bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as the Secretary may prescribe.

“(g) FUNDING.—

“(1) INTERCITY, FIXED ROUTE OVER-THE-ROAD BUS SERVICE.—Of the amounts made available to carry out this section in each fiscal year, 75 percent shall be available for operators of over-the-road buses used substantially or exclusively in intercity, fixed-route over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation’s final rule regarding accessibility of over-the-road buses. Such amounts shall remain available until expended.

“(2) OTHER OVER-THE-ROAD BUS SERVICE.—Of the amounts made available to carry out this section in each fiscal year, 25 percent shall be available for operators of other over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation’s final rule regarding accessibility of over-the-road buses. Such amounts shall remain available until expended.”

§ 5311. Formula grants for other than urbanized areas

(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) RECIPIENT.—The term ‘recipient’ means a State or Indian tribe that receives a Federal transit program grant directly from the Federal Government.

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

(b) GENERAL AUTHORITY.—

(1) GRANTS AUTHORIZED.—Except as provided by paragraph (2), the Secretary may award grants under this section to recipients located in areas other than urbanized areas for—