

1998—Subsec. (a). Pub. L. 105-178, §3026(a)(1), substituted “National Transit Database” for “Reporting System and Uniform System of Accounts and Records” in heading.

Subsec. (a)(1). Pub. L. 105-178, §3026(a)(2), substituted “using uniform categories” for “by uniform categories,” and “and using a uniform system of accounts” for “and a uniform system of accounts and records”.

Subsecs. (b) to (d). Pub. L. 105-178, §3026(b), redesignated subsec. (d) as (b) and struck out former subsecs. (b) and (c) which related to quarterly reports and biennial needs report, respectively.

1996—Subsec. (b). Pub. L. 104-287, §5(9), substituted “Transportation and Infrastructure” for “Public Works and Transportation” in introductory provisions.

Subsec. (c). Pub. L. 104-316 struck out “and in January of every 2d year after 1993” after “In January 1993” in introductory provisions.

Pub. L. 104-287, §5(9), substituted “Transportation and Infrastructure” for “Public Works and Transportation” in introductory provisions.

Subsec. (d). Pub. L. 104-316 struck out “and in January of every 2d year after 1993” after “In January 1993” in introductory provisions.

Pub. L. 104-287, §5(9), substituted “Transportation and Infrastructure” for “Public Works and Transportation” in introductory provisions.

Subsec. (d)(2)(B). Pub. L. 104-287, §5(18), substituted “Americans with Disabilities Act” for “Americans With Disabilities Act”.

§ 5336. Apportionment of appropriations for formula grants

(a) BASED ON URBANIZED AREA POPULATION.—Of the amount apportioned under subsection (i)(2) to carry out section 5307—

(1) 9.32 percent shall be apportioned each fiscal year only in urbanized areas with a population of less than 200,000 so that each of those areas is entitled to receive an amount equal to—

(A) 50 percent of the total amount apportioned multiplied by a ratio equal to the population of the area divided by the total population of all urbanized areas with populations of less than 200,000 as shown in the latest United States Government census; and

(B) 50 percent of the total amount apportioned multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary of Transportation, of the number of inhabitants in each square mile; and

(2) 90.68 percent shall be apportioned each fiscal year only in urbanized areas with populations of at least 200,000 as provided in subsections (b) and (c) of this section, except that the amount apportioned to the Anchorage urbanized area under subsection (b) shall be available to the Alaska Railroad for any costs related to its passenger operations.

(b) BASED ON FIXED GUIDEWAY REVENUE VEHICLE-MILES, ROUTE-MILES, AND PASSENGER-MILES.—(1) In this subsection, “fixed guideway revenue vehicle-miles” and “fixed guideway route-miles” include ferry boat operations directly or under contract by the designated recipient and, beginning in fiscal year 2006, 60 percent of the directional route miles attributable to the Alaska Railroad passenger operations.

(2) Of the amount apportioned under subsection (a)(2) of this section, 33.29 percent shall be apportioned as follows:

(A) 95.61 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(i) 60 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway revenue vehicle-miles attributable to the area, as established by the Secretary of Transportation, divided by the total number of all fixed guideway revenue vehicle-miles attributable to all areas; and

(ii) 40 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway route-miles attributable to the area, established by the Secretary, divided by the total number of all fixed guideway route-miles attributable to all areas.

An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.

(B) 4.39 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(i) the number of fixed guideway vehicle passenger-miles traveled multiplied by the number of fixed guideway vehicle passenger-miles traveled for each dollar of operating cost in an area; divided by

(ii) the total number of fixed guideway vehicle passenger-miles traveled multiplied by the total number of fixed guideway vehicle passenger-miles traveled for each dollar of operating cost in all areas.

An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.

(C) Under subparagraph (A) of this paragraph, fixed guideway revenue vehicle- or route-miles, and passengers served on those miles, in an urbanized area with a population of less than 200,000, where the miles and passengers served otherwise would be attributable to an urbanized area with a population of at least 1,000,000 in an adjacent State, are attributable to the governmental authority in the State in which the urbanized area with a population of less than 200,000 is located. The authority is deemed an urbanized area with a population of at least 200,000 if the authority makes a contract for the service.

(D) A recipient’s apportionment under subparagraph (A)(i) of this paragraph may not be reduced if the recipient, after satisfying the Secretary of Transportation that energy or operating efficiencies would be achieved, reduces revenue vehicle-miles but provides the same frequency of revenue service to the same number of riders.

(c) BASED ON BUS REVENUE VEHICLE-MILES AND PASSENGER-MILES.—Of the amount apportioned under subsection (a)(2) of this section, 66.71 percent shall be apportioned as follows:

(1) 90.8 percent of the total amount apportioned under this subsection shall be apportioned as follows:

(A) 73.39 percent of the 90.8 percent apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 1,000,000 is entitled to receive an amount equal to—

(i) 50 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus revenue vehicle-miles operated in or directly serving the urbanized area divided by the total bus revenue vehicle-miles attributable to all areas;

(ii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown by the latest Government census; and

(iii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary of Transportation, of the number of inhabitants in each square mile.

(B) 26.61 percent of the 90.8 percent apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 200,000 but not more than 999,999 is entitled to receive an amount equal to—

(i) 50 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus revenue vehicle-miles operated in or directly serving the urbanized area divided by the total bus revenue vehicle-miles attributable to all areas;

(ii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown by the latest Government census; and

(iii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary of Transportation, of the number of inhabitants in each square mile.

(2) 9.2 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(A) the number of bus passenger-miles traveled multiplied by the number of bus passenger-miles traveled for each dollar of operating cost in an area; divided by

(B) the total number of bus passenger-miles traveled multiplied by the total number of bus passenger-miles traveled for each dollar of operating cost in all areas.

(d) DATE OF APPORTIONMENT.—The Secretary of Transportation shall—

(1) apportion amounts appropriated under subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338 of this title to carry out section 5307 of

this title not later than the 10th day after the date the amounts are appropriated or October 1 of the fiscal year for which the amounts are appropriated, whichever is later; and

(2) publish apportionments of the amounts, including amounts attributable to each urbanized area with a population of more than 50,000 and amounts attributable to each State of a multistate urbanized area, on the apportionment date.

(e) AMOUNTS NOT APPORTIONED TO DESIGNATED RECIPIENTS.—The chief executive officer of a State may expend in an urbanized area with a population of less than 200,000 an amount apportioned under this section that is not apportioned to a designated recipient as defined in section 5307(a) of this title.

(f) TRANSFERS OF APPORTIONMENTS.—(1) The chief executive officer of a State may transfer any part of the State's apportionment under subsection (a)(1) of this section to supplement amounts apportioned to the State under section 5311(c) of this title or amounts apportioned to urbanized areas under this subsection. The chief executive officer may make a transfer only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was apportioned under this section.

(2) The chief executive officer of a State may transfer any part of the State's apportionment under section 5311(c) of this title to supplement amounts apportioned to the State under subsection (a)(1) of this section.

(3) The chief executive officer of a State may use throughout the State amounts of a State's apportionment remaining available for obligation at the beginning of the 90-day period before the period of the availability of the amounts expires.

(4) A designated recipient for an urbanized area with a population of at least 200,000 may transfer a part of its apportionment under this section to the chief executive officer of a State. The chief executive officer shall distribute the transferred amounts to urbanized areas under this section.

(5) Capital and operating assistance limitations applicable to the original apportionment apply to amounts transferred under this subsection.

(g) PERIOD OF AVAILABILITY TO RECIPIENTS.—An amount apportioned under this section may be obligated by the recipient for 3 years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 3-year period, an amount that is not obligated at the end of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.

(h) APPLICATION OF OTHER SECTIONS.—Sections 5302, 5318, 5323(a)(1), (d), and (f), 5332, and 5333 of this title apply to this section and to a grant made with funds apportioned under this section. Except as provided in this section, no other provision of this chapter applies to this section or to a grant made with funds apportioned under this section.

(i) APPORTIONMENTS.—Of the amounts made available for each fiscal year under subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338—

(1) one percent shall be apportioned, in fiscal year 2006 and each fiscal year thereafter, to certain urbanized areas with populations of less than 200,000 in accordance with subsection (j); and

(2) any amount not apportioned under paragraph (1) shall be apportioned to urbanized areas in accordance with subsections (a) through (c).

(j) SMALL TRANSIT INTENSIVE CITIES FORMULA.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ELIGIBLE AREA.—The term “eligible area” means an urbanized area with a population of less than 200,000 that meets or exceeds in one or more performance categories the industry average for all urbanized areas with a population of at least 200,000 but not more than 999,999, as determined by the Secretary in accordance with subsection (c)(2).

(B) PERFORMANCE CATEGORY.—The term “performance category” means each of the following:

- (i) Passenger miles traveled per vehicle revenue mile.
- (ii) Passenger miles traveled per vehicle revenue hour.
- (iii) Vehicle revenue miles per capita.
- (iv) Vehicle revenue hours per capita.
- (v) Passenger miles traveled per capita.
- (vi) Passengers per capita.

(2) APPORTIONMENT.—

(A) APPORTIONMENT FORMULA.—The amount to be apportioned under subsection (i)(1) shall be apportioned among eligible areas in the ratio that—

- (i) the number of performance categories for which each eligible area meets or exceeds the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999; bears to
- (ii) the aggregate number of performance categories for which all eligible areas meet or exceed the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999.

(B) DATA USED IN FORMULA.—The Secretary shall calculate apportionments under this subsection for a fiscal year using data from the national transit database used to calculate apportionments for that fiscal year under this section.

(k) STUDY ON INCENTIVES IN FORMULA PROGRAMS.—

(1) STUDY.—The Secretary shall conduct a study to assess the feasibility and appropriateness of developing and implementing an incentive funding system under sections 5307 and 5311 for operators of public transportation.

(2) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2005, the Secretary shall submit a report on the results of the study conducted under paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

- (i) an analysis of the availability of appropriate measures to be used as a basis for the distribution of incentive payments;
- (ii) the optimal number and size of any incentive programs;
- (iii) what types of systems should compete for various incentives;
- (iv) how incentives should be distributed; and
- (v) the likely effects of the incentive funding system.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 840; Pub. L. 104-287, §5(19), Oct. 11, 1996, 110 Stat. 3390; Pub. L. 105-178, title III, §§3027(a), (b), 3029(b)(10), (11), June 9, 1998, 112 Stat. 366, 373; Pub. L. 109-59, title III, §§3002(b)(4), 3034, Aug. 10, 2005, 119 Stat. 1545, 1627; Pub. L. 110-244, title II, §201(l), June 6, 2008, 122 Stat. 1611.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5336(a)(1)	49 App.:1607a(a)(1).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(a); added Jan. 6, 1983, Pub. L. 97-424, §303, 96 Stat. 2141; Apr. 2, 1987, Pub. L. 100-17, §327(b), 101 Stat. 238; Dec. 18, 1991, Pub. L. 102-240, §3013(a), 105 Stat. 2106.
	49 App.:1607a(d).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(b)(1)-(3), (c)-(e)(1), (m)(2); added Jan. 6, 1983, Pub. L. 97-424, §303, 96 Stat. 2141, 2147; Apr. 2, 1987, Pub. L. 100-17, §327(b), 101 Stat. 238.
5336(a)(2)	49 App.:1607a(a)(2).	
5336(b)(1)	49 App.:1607a(b)(2) (last sentence).	
5336(b)(2)(A)	49 App.:1607a(b)(1), (2) (1st sentence).	
5336(b)(2)(B)	49 App.:1607a(b)(3) (1st sentence).	
5336(b)(2)(C)	49 App.:1607a(b)(2) (2d sentence), (3) (last sentence).	
5336(b)(2)(D)	49 App.:1607a(b)(2) (3d sentence).	
5336(b)(2)(E)	49 App.:1607a(b)(4).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(b)(4); added Dec. 18, 1991, Pub. L. 102-240, §3013(b), 105 Stat. 2106.
5336(c)(1)	49 App.:1607a(c)(1), (2), (d) (last sentence).	
5336(c)(2)	49 App.:1607a(c)(3).	
5336(d)(1)	49 App.:1607a (k)(2)(A).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(k)(2)(A); added Jan. 6, 1983, Pub. L. 97-424, §303, 96 Stat. 2145; Apr. 2, 1987, Pub. L. 100-17, §§312(c)(1), (2), 327(b), 101 Stat. 228, 238.
5336(d)(2)	49 App.:1607a (k)(2)(B).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(k)(2)(B); added Apr. 2, 1987, Pub. L. 100-17, §312(c)(3), 101 Stat. 228; Dec. 18, 1991, Pub. L. 102-240, §3013(i), 105 Stat. 2107.
	49 App.:1607a (k)(2)(C).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(k)(2)(C); added Apr. 2, 1987, Pub. L. 100-17, §312(c)(3), 101 Stat. 228.
5336(e)	49 App.:1607a(q).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(q); added Apr. 2, 1987, Pub. L. 100-17, §312(e), 101 Stat. 229.
5336(f)	49 App.:1607a(m)(2).	
5336(g)	49 App.:1607a(n).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(n); added Jan. 6, 1983, Pub. L. 97-424, §303, 96 Stat. 2147; Apr. 2, 1987, Pub. L. 100-17, §§312(d), 327(b), 101 Stat. 229, 238.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5336(h)	49 App.:1607a(t).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(t); added Dec. 18, 1991, Pub. L. 102-240, §3013(k), 105 Stat. 2108.
5336(i)	49 App.:1607a(o).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(o); added Jan. 6, 1983, Pub. L. 97-424, §303, 96 Stat. 2147; Apr. 2, 1987, Pub. L. 100-17, §§311, 327(b), 101 Stat. 228, 238.
5336(j)	49 App.:1607a(e)(1).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §9(s); added Dec. 18, 1991, Pub. L. 102-240, §3013(j), 105 Stat. 2108.
5336(k)	49 App.:1607a(s).	

In this section, the word “apportioned” is substituted for “available”, “shall be available for expenditure”, “made available”, and “made available for expenditure” for clarity and consistency in this chapter.

In subsection (a)(1), before subclause (A), the words “the sum of” are omitted as surplus.

In subsection (b)(2)(D), the word “provided” is omitted as surplus. The words “is deemed” are substituted for “as if . . . were” for consistency in the revised title and with other titles of the United States Code. The words “directly or indirectly” are omitted as surplus.

In subsection (c)(1)(B), before clause (i), the words “of at least 200,000” are added for clarity.

In subsection (d)(1)(D), the words “Notwithstanding the preceding sentence” and “each fiscal year” are omitted as surplus.

In subsection (d)(2), the words “Beginning on October 1, 1991” are omitted as executed. The words “paragraph (1) of this subsection” are substituted for “under this section that may be used for operating assistance by urbanized areas” to eliminate unnecessary words. The words “(if any)” are omitted as surplus. The words “Secretary of Labor” are substituted for “Department of Labor” because of 29:551. The text of 49 App.:1607a(k)(2)(B) (2d sentence) is omitted as executed. The text of 49 App.:1607a(k)(2)(B) (last sentence) is omitted as surplus.

In subsection (e)(1), the words “under section 5338(f) of this title” are added for clarity. The words “in accordance with the provisions of this section” are omitted as surplus.

In subsection (e)(2), the words “established by the preceding sentence” are omitted as surplus.

In subsection (g)(1) and (2), the word “part” is substituted for “amount” for clarity.

In subsection (g)(4), the words “including areas of 200,000 or more population” are omitted as surplus.

In subsection (h), the words “in each fiscal year beginning after September 30, 1991” are omitted as obsolete.

In subsection (i), the words “the close of” are omitted as surplus.

In subsection (j), the references to sections 5302(a)(8) and 5318 are added for clarity. The source provisions of sections 5302(a)(8) and 5318, enacted by section 317 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17, 101 Stat. 233), were not intended to come under the exclusion stated in 49 App.:1607a(e)(1). The words “condition, limitation, or other” and “for programs of projects” are omitted as surplus.

In subsection (k), the text of 49 App.:1607a(s)(1) is omitted as obsolete.

PUB. L. 104-287

This amends 49:5336(b)(2) to clarify the restatement of 49 App.:1607a(b) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 840).

REFERENCES IN TEXT

The date of enactment of the Federal Public Transportation Act of 2005, referred to in subsec. (k)(2)(A), is

the date of enactment of title III of Pub. L. 109-59, which was approved Aug. 10, 2005.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-244, §201(l)(1)(A), in introductory provisions, substituted “Of the amount apportioned under subsection (i)(2) to carry out section 5307—” for “Of the amount apportioned under subsection (i)(2)—”.

Subsec. (a)(2). Pub. L. 110-244, §201(l)(2), amended Pub. L. 109-59, §3034(d)(2). See 2005 Amendment note below.

Subsec. (c). Pub. L. 110-244, §201(l)(1)(C), redesignated subsec. (c) relating to study on incentives in formula programs as (k).

Subsec. (d)(1). Pub. L. 110-244, §201(l)(1)(B), substituted “subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338” for “subsections (a) and (h)(2) of section 5338”.

Subsec. (k). Pub. L. 110-244, §201(l)(1)(C), redesignated subsec. (c) relating to study on incentives in formula programs as (k).

2005—Subsec. (a). Pub. L. 109-59, §3034(d)(1), which directed amendment of subsec. (a) by substituting “to carry out section 5307” for “of this title”, could not be executed because of prior amendment by Pub. L. 109-59, §3034(a)(4). See below.

Pub. L. 109-59, §3034(a)(4), substituted “Of the amount apportioned under subsection (i)(2)” for “Of the amount made available or appropriated under section 5338(a) of this title” in introductory provisions.

Subsec. (a)(2). Pub. L. 109-59, §3034(d)(2), as amended by Pub. L. 110-244, §201(l)(2), inserted before period at end “, except that the amount apportioned to the Anchorage urbanized area under subsection (b) shall be available to the Alaska Railroad for any costs related to its passenger operations”.

Subsec. (b)(1). Pub. L. 109-59, §3034(d)(3), inserted “and, beginning in fiscal year 2006, 60 percent of the directional route miles attributable to the Alaska Railroad passenger operations” before period at end.

Subsec. (c). Pub. L. 109-59, §3034(c), added at end of section subsec. (c) relating to study on incentives in formula programs.

Subsecs. (d) to (f). Pub. L. 109-59, §3034(a)(1), (2), redesignated subsecs. (e) to (g) as (d) to (f), respectively, and struck out former subsec. (d) which read as follows: “[Reserved.]”.

Subsec. (g). Pub. L. 109-59, §3034(a)(2), redesignated subsec. (i) as (g). Former subsec. (g) redesignated (f).

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

Subsec. (h). Pub. L. 109-59, §3034(d)(4), substituted “a grant made with funds apportioned under” for “a grant made under” in two places.

Pub. L. 109-59, §3034(a)(1), (2), redesignated subsec. (j) as (h) and struck out heading and text of former subsec. (h). Text read as follows: “If sufficient amounts are available, the Secretary of Transportation shall change apportionments under this section between the Mass Transit Account of the Highway Trust Fund and the general fund to ensure that each recipient receives from the general fund at least as much operating assistance made available each fiscal year under this section as the recipient is eligible to receive.”

Subsec. (i). Pub. L. 109-59, §3034(a)(3), added subsec. (i). Former subsec. (i) redesignated (g).

Subsec. (j). Pub. L. 109-59, §3034(b), added subsec. (j). Former subsec. (j) redesignated (h).

Subsec. (k). Pub. L. 109-59, §3034(a)(1), struck out heading and text of subsec. (k). Text read as follows: “An area designated an urbanized area under the 1980 census and not designated an urbanized area under the 1990 census for the fiscal year ending September 30, 1993, is eligible to receive—

“(1) 50 percent of the amount the area would have received if the area had been an urbanized area as defined by section 5302(a)(13) of this title; and

“(2) an amount equal to 50 percent of the amount that the State in which the area is located would have received if the area had been an area other than an urbanized area.”

1998—Pub. L. 105-178, §3027(a), substituted “formula grants” for “block grants” in section catchline.

Subsec. (a). Pub. L. 105-178, §3029(b)(10), substituted “5338(a) of this title” for “5338(f) of this title” in introductory provisions.

Subsec. (d). Pub. L. 105-178, §3027(b), amended subsec. (d) generally, substituting “[Reserved.]” for former provisions relating to operating assistance.

Subsec. (e)(1). Pub. L. 105-178, §3029(b)(11), substituted “subsections (a) and (h)(2) of section 5338” for “section 5338(f)”.

1996—Subsec. (b)(2)(A), (B). Pub. L. 104-287, §5(19)(A), inserted at end “An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.”

Subsec. (b)(2)(C) to (E). Pub. L. 104-287, §5(19)(B), (C), redesignated subpars. (D) and (E) as (C) and (D), respectively, and struck out former subpar. (C) which read as follows: “An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subsection.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 201(j)(2) of Pub. L. 110-244 effective as of the date of enactment of Pub. L. 109-59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109-59 as of that date, and provisions of Pub. L. 109-59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110-244 to be treated as not enacted, see section 121(b) of Pub. L. 110-244, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1996 AMENDMENT

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

URBANIZED AREA FORMULA STUDY

Pub. L. 105-178, title III, §3033, June 9, 1998, 112 Stat. 386, provided that:

“(a) STUDY.—The Secretary [of Transportation] shall conduct a study to determine whether the formula for apportioning funds to urbanized areas under section 5336 of title 49, United States Code, accurately reflects the transit needs of the urbanized areas and, if not, whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

“(b) REPORT.—Not later than December 31, 1999, 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 results of the study conducted under this section, together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.”

§ 5337. Apportionment based on fixed guideway factors

(a) DISTRIBUTION.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 2005 through 2012 as follows:

(1) The first \$497,700,000 shall be apportioned in the following urbanized areas as follows:

- (A) Baltimore, \$8,372,000.
- (B) Boston, \$38,948,000.
- (C) Chicago/Northwestern Indiana, \$78,169,000.
- (D) Cleveland, \$9,509,500.
- (E) New Orleans, \$1,730,588.

(F) New York, \$176,034,461.

(G) Northeastern New Jersey, \$50,604,653.

(H) Philadelphia/Southern New Jersey, \$58,924,764.

(I) Pittsburgh, \$13,662,463.

(J) San Francisco, \$33,989,571.

(K) Southwestern Connecticut, \$27,755,000.

(2) The next \$70,000,000 shall be apportioned as follows:

(A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A).

(B) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e)(1) of this section.

(3) The next \$5,700,000 shall be apportioned in the following urbanized areas as follows:

(A) Pittsburgh, 61.76 percent.

(B) Cleveland, 10.73 percent.

(C) New Orleans, 5.79 percent.

(D) 21.72 percent in urbanized areas to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e)(1) of this section.

(4) The next \$186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e)(1) of this section.

(5) The next \$70,000,000 shall be apportioned as follows:

(A) 65 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A) and subsection (e)(2) of this section.

(B) 35 percent to other urbanized areas eligible for assistance under section 5336(b)(2)(A) if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e)(2) of this section.

(6) The next \$50,000,000 shall be apportioned as follows:

(A) 60 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A) and subsection (e)(2) of this section.

(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e)(2) of this section.

(7) Remaining amounts shall be apportioned as follows:

(A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A) and subsection (e)(2) of this section.

(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in sec-