

## Summary of MAP-21 Transit Title

The summary below is intended to highlight key changes from current law and important provisions included in H.R. 4388, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) for the transit program. If there are no changes to the provisions of current law, the summary will not mention those current provisions. A more extensive of the section 5309 New Starts, Small Starts and Core Capacity provisions has already been prepared. If you would like a copy of that more extensive summary, please contact Jeff Boothe at jeff.boothe@hklaw.com.

<p style="text-align: center;"><b><u>Current Law</u></b>  <b><u>(49 U.S.C.</u></b>  <b><u>§ 5301, et. seq)</u></b></p>	<p style="text-align: center;"><b><u>Summary of Provisions in MAP-21</u></b></p>
<p style="text-align: center;"><b>Policies and Purposes</b>  <b>(section 5301)</b></p>	<ul style="list-style-type: none"> <li>• Significantly scales back what is determined to be the declaration of policy and purposes of the program</li> <li>• Focus is on foster development and revitalization of public transportation systems with cooperation of public and private transportation companies</li> <li>• Purposes of program are to: (1) provide funding, (2) improve and development and delivery of projects, (3) establish standards for state of good repair, (4) promote continuing, cooperative and comprehensive planning, (5) establish programs of technical assistance, (6) continue to provide high quality services to users, including elderly and persons with disabilities, (7) support research, development, demonstration and deployment programs; and, (8) promote the development of the workforce.</li> </ul>
<p style="text-align: center;"><b>Definitions</b>  <b>(Section 5302)</b></p>	<ul style="list-style-type: none"> <li>• Associated Transit Improvement               <ul style="list-style-type: none"> <li>○ With respect to any project or area served by a project, projects that are designed to enhance public transit service or use that are physically or functionally related to transit</li> <li>○ Eligibility includes bus shelters, landscaping and streetscaping, signage, and enhanced access for persons with disabilities</li> </ul> </li> <li>• Bus Rapid Transit System               <ul style="list-style-type: none"> <li>○ Majority of each line operates in a separated right-of-way dedicated for public transit use during peak periods; and,</li> <li>○ Includes features that emulate the services provided by fixed guideway public transportation systems, including -                   <ul style="list-style-type: none"> <li>• Defined stations;</li> <li>• Traffic signal priority for public transportation vehicles;</li> <li>• Short headway bidirectional services for a substantial part of weekdays and weekend days, and;</li> <li>• Any other features Secretary may determine are necessary to produce high quality public transportation</li> </ul> </li> </ul> </li> </ul>

	<p style="text-align: center;">that emulates rail fixed guideway public transportation systems</p> <ul style="list-style-type: none"> <li>• Capital Project <ul style="list-style-type: none"> <li>○ Deletes crime prevention and security</li> <li>○ Deletes transit enhancement activities</li> <li>○ Associated capital maintenance is defined here rather than in section 5307</li> <li>○ Designated Grant Recipient <ul style="list-style-type: none"> <li>• Entity designated by Governor, responsible local officials, and publicly owned operators in accordance with the planning process in areas above 200,000 in population</li> <li>• State or regional authority if the authority is responsible under state law for a capital project or for financing and directly providing public transportation</li> </ul> </li> <li>○ Disability has same meaning as the Americans with Disabilities Act</li> <li>○ Makes clear that "fixed guideway" includes passenger ferry systems and bus rapid transit projects</li> <li>○ Job Access and Reverse Commute Project <ul style="list-style-type: none"> <li>• Eligible Low Income Individuals are defined as persons at or below 150 percent of the poverty line</li> <li>• Welfare recipient defined as person who receives assistance under a State or tribal program at any time during the three-year date before the date on which an applicant applies for funds</li> </ul> </li> <li>○ Public Transportation - exclusions are expanded to include courtesy shuttle service for patrons one or more specific establishments and intra-terminal or intra-facility shuttle service</li> </ul> </li> </ul>
<p><b>Metropolitan Transportation Planning (Section 5303)</b></p>	<ul style="list-style-type: none"> <li>• Not later than two years after enactment, Metropolitan Planning Organizations are to include officials of public transit providers</li> <li>• Introduces the use of Performance-Based Planning in support of the national goals set forth in section 150(c) of title 23 <ul style="list-style-type: none"> <li>○ Each MPO shall establish performance targets to use in tracking progress towards attainment of critical outcomes for the region. The targets shall be coordinated with the State.</li> <li>○ Selection of performance targets shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d)</li> <li>○ MPO establishes targets within 180 days after which the State or provider of public transportation establishes targets</li> <li>○ MPO shall integrate directly or indirectly the goals, objectives, performance measures and targets described in State transportation plans and processes</li> <li>○ Failure to consider any factor is not reviewable in court</li> <li>○ MPO is required to describe the performance measures and develop a system performance report and subsequent updates evaluating the condition and performance of the transportation regarding the progress achieved by the MPO to meet the performance goals,, for those that elect to develop scenario plans, how the preferred scenario has improved the conditions and performance of the system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ If MPOs elect to develop multiple scenarios for consideration in development of the transportation plan, the MPO shall be encouraged to consider <ul style="list-style-type: none"> <li>▪ Potential regional investment strategies</li> <li>▪ Assumed distribution of population and employment</li> <li>▪ Scenario that maintains baseline conditions for as many performance measures as extent practicable</li> <li>▪ Scenario that improves baseline condition for an many of the performance measures as possible</li> <li>▪ Estimated costs and potential revenues available.</li> <li>▪ Metrics are developed locally</li> </ul> </li> <li>● Pilot Program for Transit-Oriented Development Planning <ul style="list-style-type: none"> <li>○ Eligible project means a new fixed guideway capital project or a core capacity project</li> <li>○ Secretary may make grants to a State or local governmental authority to assist in financing comprehensive planning associated with an eligible transit project that seeks to - <ul style="list-style-type: none"> <li>● Enhance economic development, ridership, and other goals during PD and engineering;</li> <li>● Facilitate multimodal connectivity and accessibility;</li> <li>● Increase access to transit hubs;</li> <li>● Enable mixed-use development;</li> <li>● Identify infrastructure needs associated with the eligible project; and</li> <li>● Include private sector participation.</li> <li>● Submit an applications that contains, at a minimum - <ul style="list-style-type: none"> <li>● Identification of an eligible project;</li> <li>● Schedule and process for development of a comprehensive plan;</li> <li>● Description for how the project and comprehensive plan advance the metropolitan transportation plan of the MPO; and</li> <li>● Identification of <ul style="list-style-type: none"> <li>➤ Partners;</li> <li>➤ Availability of funding; and</li> <li>➤ Potential State, local or other impediments in the implementation of the comprehensive plan.</li> </ul> </li> </ul> </li> </ul> </li> </ul> </li> </ul>
<p style="text-align: center;"><b>Statewide Transportation Planning (Section 5304)</b></p>	<ul style="list-style-type: none"> <li>● Introduces the use of Performance-Based Planning in support of the national goals set forth in section 150(c) of title 23 <ul style="list-style-type: none"> <li>○ Statewide transportation plan shall provide for the establishment and use of a performance- Each State shall establish performance targets to use in tracking progress towards attainment of critical outcomes for the region. The targets shall be coordinated with the relevant MPO.</li> <li>○ Selection of performance targets shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d)</li> <li>○ State shall integrate directly or indirectly the goals, objectives, performance measures and targets in State transportation plans and processes. The performance measures and targets established shall be considered by a</li> </ul> </li> </ul>

	<p>State when developing policies, program and investment priorities reflected in the statewide transportation plan and statewide transportation improvement program</p> <ul style="list-style-type: none"> <li>○ Failure to consider any factor is not reviewable in court</li> <li>● Performance Target Achievement - a statewide transportation plan shall include, to the maximum extent practicable, a discussion of the anticipated effect of the statewide transportation improvement program toward achieving the transportation targets established in the statewide transportation plan, linking investment priorities to those performance targets.</li> <li>● Performance-Based Planning Processes Evaluation - Secretary shall develop criteria to evaluate the effectiveness of the performance-based planning processes of the State, taking into consideration - <ul style="list-style-type: none"> <li>○ extent to which the State is making progress and whether the State developed the appropriate performance targets,</li> <li>○ extent to which the State has made transportation Investments That are efficient and cost effective,</li> <li>○ extent to which the State has developed and investment process that relies on public input and awareness to ensure that investments are transparent and accountable, and provides reports allowing the public to access the information collected in a format that meaningfully assesses the performance of the State.</li> </ul> </li> <li>● Secretary shall submit a report to Congress within five year of enactment evaluating the overall effectiveness of performance-based planning as a tool to guide transportation investments and the effectiveness of the performance-based planning process of each State.</li> </ul>
<b>Planning Programs (Section 5305)</b>	<ul style="list-style-type: none"> <li>● No change</li> </ul>
<b>Private Enterprise Participation in Metropolitan Planning (Section 5306)</b>	<ul style="list-style-type: none"> <li>● No change</li> </ul>
<b>Urbanized Area Formula Grants (Section 5307)</b>	<ul style="list-style-type: none"> <li>● General Authority <ul style="list-style-type: none"> <li>○ Deleted transit enhancements are eligible for funding</li> <li>○ Operating Assistance <ul style="list-style-type: none"> <li>● Deleted special rule for areas between 200,000 and 225,000 where the urbanized area was in more than one State</li> <li>● Deleted special rule for those areas within the Houston urbanized area but are not within the Houston Metro service area</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Deleted special rule for areas that exceeded 200,000 following 1990 decennial Census, was a separate area with less than 200,000 in population or was not designated as an urbanized area following the 1990 Census</li> <li>• Created new Special Rule for areas above 200,000\ <ul style="list-style-type: none"> <li>➤ For systems with 75 or fewer buses operating in fixed route service during peak hour, allowed to use up to 75 percent of funding for operating assistance</li> <li>➤ For systems between 76 and 100 buses operating in fixed route service during peak hour, allowed to use up to 50 percent of funding for operating assistance</li> </ul> </li> <li>○ Program of Projects - each recipient shall - <ul style="list-style-type: none"> <li>• Make available to the public the amounts available to the recipient under this section;</li> <li>• Develop, in consultation with interested parties and private operators, a proposed program of projects to be published;</li> <li>• Publish the program with the opportunity for public comment;</li> <li>• Provide a public hearing;</li> <li>• Ensure that the proposed program provides coordination of public transportation services with transportation services assisted from other governmental sources;</li> <li>• Consider comments and views received; and,</li> <li>• Make final program available to the public.</li> </ul> </li> <li>○ Grant Recipient Requirements <ul style="list-style-type: none"> <li>• Defines persons eligible to receive reduced fare during non-peak hours to include seniors; individuals who because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including a person who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service, or a public transportation facility effectively without special facilities, planning or design; and, individuals presenting a Medicaid card</li> </ul> </li> </ul>
<p><b>Clean Fuels (Section 5308)</b></p>	<ul style="list-style-type: none"> <li>• Repealed</li> </ul>
<p><b>Fixed Guideway Capital Investments Grants (Section 5309)</b></p>	<ul style="list-style-type: none"> <li>• I have prepared a separate memo that sets forth the changes in MAP-21 for the project approval process which is available upon request</li> <li>• Contractor Performance Report is repealed</li> <li>• Capitol Hill review of FFGAs is reduced from 60 to 30 days</li> <li>• The set asides for ferry boat projects in Alaska and Hawaii and for Denali Commission are eliminated</li> </ul>
<p><b>Formula Grants for enhanced mobility of</b></p>	<ul style="list-style-type: none"> <li>• Grants - expanded eligibility to include: <ul style="list-style-type: none"> <li>○ Projects that exceed the requirements of the Americans with Disabilities Act;</li> <li>○ Public transportation projects that improve access to fixed route service and decrease reliance by persons with</li> </ul> </li> </ul>

<p><b>seniors and persons with disabilities (Section 5310)</b></p>	<p>disabilities on complementary paratransit service; and</p> <ul style="list-style-type: none"> <li>○ Alternatives to public transportation that assist seniors and persons with disabilities with transportation.</li> <li>○ No less than 55 percent of the monies are to be spent on projects planned, designed and carried out to meet needs of seniors and persons with disabilities.</li> <li>● Coordination - to maximum extent feasible, Secretary shall coordinate with other Federal departments and agencies. State or local governments that receive assistance from sources (other than the Department of Transportation) participate and coordinate with recipients of assistance in the design and delivery of services and participate in the planning of transportation services.</li> <li>● Program of Projects <ul style="list-style-type: none"> <li>○ Amounts available to the recipient under this section may be used for transportation projects to assist in providing transportation services for seniors and persons with disabilities, if such projects are included in the program of projects.</li> <li>○ Recipient shall annually submit a program of projects to the Secretary.</li> <li>○ Program of projects submitted shall contain an assurance that the program provides maximum feasible coordination of public transportation services with transportation services assisted from other governmental sources.</li> </ul> </li> <li>● Apportionment - 60 percent to areas above 200,000, 20 percent to areas below 200,000 and 20 percent to rural areas based on the proportion of seniors and persons with disabilities within the urbanized area or State as compared to other urbanized areas or States.</li> <li>● Establish a competitive process for grants to subrecipients.</li> <li>● Performance Measures - Secretary must submit a report making recommendations on the establishment of performance measures for making grants under this subsection which shall be developed in consultation with nonprofit organizations that provide technical assistance and advocacy related to transportation services for seniors and persons with disabilities. Measures shall require collection of quantitative and qualitative information, as available concerning modifications of geographic coverage, quality of transportation service, or service times, ridership, accessibility improvements and other measures.</li> </ul>
<p><b>Formula grants for rural areas (Section 5311)</b></p>	<ul style="list-style-type: none"> <li>● No change</li> </ul>
<p><b>Research, development, demonstration and deployment</b></p>	<ul style="list-style-type: none"> <li>● Congress undertakes a major rewrite of the section 5312</li> <li>● Section expands the entities with whom the Secretary may enter into agreements to include specifically include State and local governments, providers of public transportation, private or non-profit organizations, institutions of higher education and technical and community colleges.</li> <li>● Establishes an application process to receive a grant, contract or cooperative agreement. The application must contain</li> </ul>

<p><b>projects (Section 5312)</b></p>	<p>the following information:</p> <ul style="list-style-type: none"> <li>○ Statement of the purpose the need being addressed;</li> <li>○ Short- and long-term goals of the project, including the opportunities for future innovation and development, the potential for deployment, and benefits to riders and public transportation; and,</li> <li>○ The short- and long-term requirements to complete the project and any future objectives of the project.</li> </ul> <ul style="list-style-type: none"> <li>● Research <ul style="list-style-type: none"> <li>○ Secretary may make a grant to or enter into a contract, cooperative agreement or other agreement to carry out a research project that has as the ultimate goal the development and deployment of new and innovative ideas, practices and approaches</li> <li>○ Eligible Projects shall focus on <ul style="list-style-type: none"> <li>● Providing more effective and efficient public transportation services to seniors, persons with disabilities and low income individuals</li> <li>● Mobility management</li> <li>● Data and communication system enhancements</li> <li>● System capacity including train control, capacity improvements and performance management</li> <li>● Capital and operating efficiencies</li> <li>● Planning and forecasting modeling and simulation</li> <li>● Advanced vehicle design</li> <li>● Advancements in vehicle technology</li> <li>● Asset management and repair systems advancement</li> <li>● Alternate fuels</li> <li>● The environment and energy efficiency</li> <li>● Safety improvements, or</li> <li>● Any other area.</li> </ul> </li> </ul> </li> <li>● Innovation and Development <ul style="list-style-type: none"> <li>○ Secretary may make a grant to or enter into a contract, cooperative agreement or other agreement to carry out a public transportation innovation and development that seeks to improve public transportation nationwide in order to provide more efficient and effective delivery of public transportation services</li> <li>○ Eligible projects shall focus on <ul style="list-style-type: none"> <li>● Planning and forecasting modeling and simulation</li> <li>● Capital and operating efficiencies</li> <li>● Advancements in vehicle technology</li> <li>● The environment and energy efficiency</li> <li>● System capacity. Including train control and capacity improvements, or</li> <li>● Any other area</li> </ul> </li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>• Demonstration, Deployment and Evaluation <ul style="list-style-type: none"> <li>○ Secretary may make a grant to or enter into a contract, cooperative agreement, or other agreement to promote early deployment and demonstration of innovation in public transportation that has broad applicability</li> <li>○ Participants are entities described above or a consortium of entities, including a provider of public transportation, that will share the risks and rewards or early deployment</li> <li>○ Eligible projects shall build on successful research, innovation and development efforts to facilitate deployment of research and technology development, and the implementation of research and technology development</li> <li>○ Projects funded shall be evaluated for success or failure no later than two years after a project receives assistance and any plan for broad-based implementation of innovation promoted by successful projects.</li> <li>○ Low or No Emission Vehicle Deployment <ul style="list-style-type: none"> <li>• Eligible areas are those areas designated as non-attainment or maintenance areas under the Clean Air Act</li> <li>• Eligible project means a project or program of projects for acquiring or leasing low or no emission vehicles, constructing or leasing facilities and related equipment, constructing new public transportation facilities to accommodate low or no emission vehicles, or, rehabilitating or improving existing public transportation facilities or accommodate low or no emission vehicles.</li> <li>• Secretary has authority to make grants to finance projects</li> <li>• Section 5307 applies to any grants</li> <li>• Of the \$70 million for FY 13 and FY 14 made available for this project, not less than 65 percent shall be made available to fund no or low emission buses, and not less than 10 percent shall be made available for projects relating to facilities and related equipment for low or no emission buses</li> <li>• Priority is given to buses that make greater reductions in energy consumption or harmful emissions than comparable standard buses</li> <li>• Monies will remain available for two years following the year for which the monies are made available or appropriated</li> </ul> </li> <li>○ Government share shall not exceed 80 percent</li> </ul> </li> </ul>
<p style="text-align: center;"><b>Transit Cooperative Research Program (Section 5313)</b></p>	<ul style="list-style-type: none"> <li>• No change</li> </ul>
<p style="text-align: center;"><b>Technical Assistance and Standards Development</b></p>	<ul style="list-style-type: none"> <li>• Secretary may make a grant or enter into a contract, cooperative agreement, or other agreement to carry out the activities that the Secretary determines will assist recipients of assistance to more effectively and efficiently provide public transportation, administer funds; and improve public transportation. Activities include technical assistance and voluntary and consensus-based standards and best practices for safety, fare collection, Intelligent Transportation Systems, accessibility, procurement, security, asset management to maintain a state of good repair, operations,</li> </ul>



<p><b>(Section 5314)</b></p>	<p>maintenance, vehicle propulsion, communications and vehicle electronics.</p> <ul style="list-style-type: none"> <li>• Secretary may enter into contracts, cooperative agreements and other agreements with national nonprofit organizations to comply with Americans with Disabilities Act, comply with human service transportation coordination agreements and enhance coordination of Federal human services transportation, meet transportation needs of the elderly, increase transit ridership in coordination with MPOs through development around transit stations, address transportation equity with regard to effect that transportation planning, investment, and operations have for low-income and minority populations; and any other technical assistance activity</li> <li>• Secretary must prepare an annual report on each project funded evaluating the activities carried out and proposing future allocations.</li> <li>• Government share shall be no greater than 80 percent and the non-governmental share can come from in-kind contributions.</li> </ul>
<p><b>Private Sector Participation (Section 5315)</b></p>	<ul style="list-style-type: none"> <li>• To provide for better coordination of public and private-sector provided transportation services; promote more effective utilization of private sector expertise, financing, and operational capacity to deliver costly and complex new fixed guideway projects; and, promote transparency and public understanding or public-private partnerships affecting public transportation</li> <li>• Secretary shall provide technical assistance on practices and methods to best utilize private providers; and educate recipients on law and regulations in this chapter that impact private providers of public transportation</li> <li>• Upon a request of a sponsor of a new fixed guideway project, the Secretary shall identify best practices for public-partnership models in the United States and other countries, develop standard public-private partnership transaction model contracts; and perform financial assessments that include the calculation of public and private benefits of a proposed public-private partnership transaction</li> <li>• Secretary shall identify provisions that impede greater use of PPPs, develop and implement on a project basis procedures and approaches that address such impediments in a manner similar to the Special Experiment Project Number 15 of the FHWA; and, protect the public interest and any public investment in public transportation projects that involve public-private partnerships or private investment in public transportation capital projects</li> <li>• Secretary shall develop guidance to promote greater transparency and public access to public-private partnership agreements including any conflict of interest; tax and financing aspects; changes in workforce and wages, benefits, or rules; estimates of the revenue or savings the public-private partnership will produce; any impacts on other developments and transportation modes as a result of non-compete clauses contained in the agreements; and any other issues.</li> <li>• Secretary is required to issue rulemaking implementing these procedures and approaches and report to Congress within 4 years of enactment on the status of the procedures and approaches</li> <li>• Comptroller General is to submit a comprehensive report to Congress within 1 year of enactment on contracting out public transportation operations and administrative functions on cost, availability and level of service, efficiency and quality of service</li> </ul>

	<ul style="list-style-type: none"> <li>Secretary is required to publish guidance within 1 year of enactment that describes for Federal transit recipients the best way to document compliance with the requirements regarding private enterprise participation</li> </ul>
<b>Job Access and Reverse Commute (Section 5316)</b>	<ul style="list-style-type: none"> <li>Repealed</li> </ul>
<b>New Freedom (Section 5317)</b>	<ul style="list-style-type: none"> <li>Repealed</li> </ul>
<b>Bus Testing Facility (Section 5318)</b>	<ul style="list-style-type: none"> <li>Amends section to require that any best tested meets performance standards for maintainability, reliability, performance (including braking performance), structural integrity, fuel economy emissions, and noise; and minimum safety standards established by the Secretary</li> <li>Not later than two years after enactment, Secretary shall issue a final rule including bus scoring model that uses the standards above to develop a "pass/fail" standard. Model would be developed input from bus manufacturers, bus testing facility and transit providers.</li> </ul>
<b>Bicycle Facilities (Section 5319)</b>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<b>Alternative Transit in the Parks (Section 5320)</b>	<ul style="list-style-type: none"> <li>Repealed</li> </ul>
<b>Crime Prevention and Security</b>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<b>Human Resources Programs (Section 5322)</b>	<ul style="list-style-type: none"> <li>Innovative Public Transportation Workforce Development Program - Secretary shall establish a competitive program to assist the development of innovative activities eligible for assistance <ul style="list-style-type: none"> <li>Maximum extent feasible, Secretary shall select recipients that are geographically diverse; address the workforce and human needs of or large, small, urban and rural transportation providers; advance training related to the maintenance of alternative energy, energy efficiency, or zero emission vehicles and facilities used in public transportation; target areas of high unemployment; and, address current and projected workforce shortages in areas that require technical expertise.</li> <li>The government share is 50 percent</li> </ul> </li> <li>National Transit Institute - Secretary shall establish a National Transit Institute and award grants to a four year institution of higher education <ul style="list-style-type: none"> <li>In cooperation with FTA, State transportation departments, public transportation authorities, and national and</li> </ul> </li> </ul>

	<p>international entities, it shall develop and conduct training and educational programs for U.S citizens and foreign nationals</p> <ul style="list-style-type: none"> <li>○ The training and educational programs may include courses related to wide range of subjects important to the transit industry, such as management, acquisition and use of right-of-way, emission reduction technologies, engineering and architectural design, etc.</li> <li>○ Training shall be provided at no charge to States and local governments for subjects that are a governmental responsibility, and .5 percent of the funding for section 5307 and section 5309 is set aside to provide match for educational and training for State and local transportation employees.</li> <li>○ Not later than two years after date of enactment a report concerning the measurable outcomes and impacts shall be submitted to Congress.</li> </ul>
<p><b>General Provisions (Section 5323)</b></p>	<ul style="list-style-type: none"> <li>• Deleted specific provisions relating to Notice and Public hearing for transit capital projects</li> <li>• Uniform Relocation Assistance and Real Property Acquisition shall apply to capital projects - moved from section 5324</li> <li>• Secretary shall cooperate and consult with other resource agencies on each project that may have a substantial impact on the environment and the National Environmental Policy Act shall apply to capital projects - moved from section 5324</li> <li>• Deleted Pilot Program for Urbanized areas in the use of bond proceeds.</li> <li>• Schoolbus Transportation - deleted an exception for State or local government authorities where they are a direct predecessor in interest from which it acquired the duty of transportation children after November 23, 1973 but before November 26, 1974.</li> <li>• Government Share of Costs for Certain Projects <ul style="list-style-type: none"> <li>○ Vehicles used for purposes of complying with the Americans with Disabilities Act or the Clean Air Act is 85 percent.</li> <li>○ Vehicles-related facilities and equipment required by the Americans with Disabilities and Clean air Act is 90 percent.</li> <li>○ Vanpools - <ul style="list-style-type: none"> <li>• Local matching share may includes amount expended by a provider of public transportation for the acquisition of rolling stock to be used in the recipient's service area, excluding any amounts the provider may have received from Federal, State or local governments.</li> <li>• A private provider may use revenues it receives in excess of operating costs for acquisition of rolling stock, if the provider enters into a binding agreement with the recipient that requires use of the rolling stock in the recipient's service area.</li> <li>• Private provider is defined as an entity providing vanpool services in the service area of the recipient using a commuter highway vehicle or a vanpool vehicle</li> <li>• Commuter highway vehicle or vanpool vehicle is defined as having a seating capacity of at least six people</li> </ul> </li> </ul> </li> </ul>

	<p>and at least 80 percent of the mileage us of which can reasonably be expected to be for the purposes of transporting commuters in connection with travel between their residences and their place of employment.</p> <ul style="list-style-type: none"> <li>• Buy America - Requires Secretary to prepare a written justification for a waiver prior to publishing in the Federal Register. Requires Secretary to prepare an annual report listing any waivers issued the preceding year.</li> <li>• Political Activity of Nonsupervisory Personnel - Chapter 15 of Title 5 regarding prohibitions on political activity shall not apply to any nonsupervisory personnel of a public transportation system (or any other agency or entity performing related functions).</li> <li>• Corridor Preservation - Secretary may assist a recipient in acquiring right-of-way before the completion of the environmental reviews for any project that may use the right-of-way if the acquisition is permitted under Federal law. The Secretary may establish conditions on such an acquisition. The right-of-way may not be developed until all required environmental reviews have been completed - expands prior section 5324 that was limited to railroad right-of-way</li> <li>• Reasonable Access to Public Transportation Facilities - A recipient may not deny reasonable access for a private intercity or charter transportation operator to a federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes. In determining reasonable access, capacity requirements of the recipient and the extent to which the recipient would be detrimental to existing public transportation services may be considered.</li> </ul>
<p style="text-align: center;"><b>Public Transportation Emergency Relief Program (Section 5324)</b></p>	<ul style="list-style-type: none"> <li>• Eligible operating costs include costs relating to evacuation services, rescue operations, temporary public transportation service; or reestablishing, expanding, or relocating public transportation route service before, during or after an emergency.</li> <li>• An "emergency" would have to be declared by the Governor or the President.</li> <li>• Secretary may make grants and enter into contracts and other agreements for <ul style="list-style-type: none"> <li>○ Capital projects to protect, repair, reconstruct or replace equipment and facilities of a public transportation system; and,</li> <li>○ Eligible operating expenses for a one-year period and, if there is a compelling need, for a two-year period.</li> </ul> </li> <li>• Monies would be in addition to any other monies provided under Title 49.</li> <li>• Provision of monies would have no effect on monies provided by other agencies of the federal, state or local government.</li> <li>• The grants would be subject to the terms and conditions the Secretary determines are necessary; and made only for expenses that are not reimbursed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.</li> <li>• Government share shall be 80 percent, but the Federal share may be waived.</li> <li>• DOT and DHA enter into a Memorandum of Understanding to coordinate roles and responsibilities in providing assistance.</li> <li>• In declaring a disaster, the Administrator of the Federal Emergency Management Agency shall make available to States, local, and tribal governments including public transportation systems, a description of the factors that the President considers in declaring a</li> </ul>

	major disaster or emergency, including any pre-disaster emergency declaration policies.
<b>Contract Requirements (Section 5325)</b>	<ul style="list-style-type: none"> <li>Amends current rolling stock contract options to add a new provision to allow for the extension of an option for seven years after the date of the original contract, provided that such option does not allow for significant changes or alterations to the rolling stock.</li> <li>Veterans Employment - Recipients and subrecipients shall ensure that contractors working on a capital project provide a hiring preference, to the extent practicable, to veterans who have the requisite skills and abilities to perform construction work. This subsection shall not be understood, construed, or enforced in any manner that would require an employer to give a preference to any veteran over any equally qualified applicant who is a member of any racial or ethnic minority, female, an individual with a disability or a former employee.</li> </ul>
<b>Transit Asset Management (Section 5326)</b>	<ul style="list-style-type: none"> <li>Capital Asset includes rolling stock, infrastructure or facilities for use in public transportation and owned or lease by a recipient or subrecipient.</li> <li>Plans include capital asset inventories and condition assessments, decision support tools, and investment prioritization</li> <li>Secretary shall establish a transit asset management system that includes <ul style="list-style-type: none"> <li>A definition of "state of good repair",</li> <li>objective standards for measuring the condition of capital assets, including equipment, rolling stock, infrastructure and facilities;</li> <li>a requirement that recipients and subrecipients develop an asset management program;</li> <li>a requirement that each designated recipient or subrecipient reports on the condition of the system and a description of any changes since the last report;</li> <li>an analytical process or decision support tool that allows for estimation of capital investment needs of such systems over time and assists with asset management prioritization;</li> <li>and technical assistance.</li> </ul> </li> <li>Secretary shall issue a final rule to establish performance measures based on the state of good repair standards established above and each recipient of Federal financial assistance must submit a report annually that describes the progress of the recipient during the preceding year towards meeting the performance targets and the performance targets established by the recipient</li> </ul>
<b>Project Management Oversight (Section 5327)</b>	<ul style="list-style-type: none"> <li>Requires all major capital projects to prepare a project management plan that is approved by the Secretary.</li> <li>Requires recipients of federal assistance to grant the Secretary and any contractor the Secretary access to the construction sites and records of the recipient when reasonably necessary.</li> </ul>
<b>Project Review (Section 5328)</b>	<ul style="list-style-type: none"> <li>Repealed</li> </ul>
<b>Public Transportation</b>	<ul style="list-style-type: none"> <li>Secretary is to create and implement a national public transportation safety plan. <ul style="list-style-type: none"> <li>Plan shall include safety performance criteria for all modes; minimum safety performance standards for public transportation vehicles that do not apply to rolling stock already regulated by the Secretary (e.g. commuter rail), and that into consideration</li> </ul> </li> </ul>

**Safety Program  
(Section 5329)**

- the recommendations of the National Transportation Safety Board recommendations, and best practices of the public transportation industry; and, public transportation safety certification training.
- Public Transportation Safety Certification Training
    - Secretary shall establish a public transportation safety certification training program for Federal and State employees who conduct audits and examinations of public transportation systems and employees.
    - Secretary will establish interim provisions for certification and training within 90 days of enactment and will remain in place until there is a final rule to implement program.
  - Public Transportation Agency Safety Plan
    - Within 1 year after the effective date of the final rule, each recipient or State, shall certify that a comprehensive safety plan has been established that includes, at a minimum,
      - that the board of directors (or equivalent) approve the safety plan and any updates;
      - methods for identifying and evaluating safety risks throughout the system;
      - strategies to minimize exposure of the public, personnel and property to hazards and unsafe conditions;
      - a process and timeline for conducting an annual review and update of the safety plan;
      - performance targets on the performance criteria and state of good repair standards;
      - assignment of adequately trained safety officer who reports directly to the general manager, president, or equivalent officer; and
      - comprehensive staff training for the operations personnel and personnel directly responsible for safety that includes completion of the safety program and continuing safety education and training.
  - State Safety Oversight Program
    - State must have in effect a State safety oversight program approved by the Secretary within three years of after the date of the effective date of the final rule which the State --
      - Assumes responsibility for overseeing rail fixed guideway public transportation safety;
      - Adopts and enforces Federal and relevant State laws on rail fixed guideway public transportation safety;
      - Establishes a state safety oversight agency;
      - Determines an appropriate staffing level for the state safety oversight agency that is commensurate with the number, size and complexity of the rail fixed guideway public transportation systems in the state;
      - Requires that employees and other personnel of the state safety oversight agency are qualified to perform such functions through appropriate training, including completion of the safety certification program; and
      - Prohibits any public transportation agency from providing funds to the State safety oversight agency
    - Each State Safety Oversight program shall create a state safety agency that --
      - Is financially and legally independent from any public transportation entity;
      - Does not provide public transportation services;
      - Does not employ an individual who is also responsible for the administration of rail fixed guideway public transportation programs;
      - Has authority to review, approve, oversee, and enforce the implementation by the fixed guideway rail transportation agency;
      - Has investigative and enforcement authority;
      - Audits, at least once triennially, the compliance of the rail fixed guideway public transportation system; and

- Provides, at least once annually, a status report on the safety of the systems to FTA, Governor and Board of Directors
  - An eligible State that has within the jurisdiction of the eligible State a rail fixed guideway public transportation system that operates in more than one state shall develop joint safety standards and enforcement procedures.
  - Secretary shall make grants to eligible States to carry out the state safety oversight programs shall be apportioned based on fixed guideway revenue miles, fixed guideway route miles, and fixed guideway vehicle miles attributable to all fixed guideway systems not subject to regulation by FRA. Federal share shall be 80 percent. The non-government share can come from in-kind contributions, but may not be met by Federal funds, funds from the [public transportation agency, or any revenues earned by the public transportation agency.
  - Secretary shall determine whether each agency meet the requirements and issue a certification to each state that adequately meets the requirements. If the Secretary determines that a State safety oversight agency does not meet the requirements, the Secretary shall transmit a written explanation of the denial and allow the eligible State to modify and resubmit. If the Secretary determines that the modification is not sufficient, the Governor shall be notified and may withhold up to five percent of the section 5307 funds available to the State.
  - Multi-State transit systems shall FTA would establish minimum performance standards for vehicles used in public transportation and establish a training program for Federal and State employees
- Secretary may
  - conduct inspections, investigations, audits, examination and testing of equipment, facilities and rolling stock;
  - make reports and issue directives;
  - in conjunction with an accident investigation or pattern or practice of conduct that negatively affects public safety, may issue a subpoena to, or take a deposition of, any employee of a state safety oversight agency, if the Attorney General determines that the subpoena will not interfere with an ongoing criminal investigation, or fails to make a determination within thirty days;
  - require the production of documents by, and prescribe recordkeeping and reporting requirements for a recipient or state safety oversight agency;
  - investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accidents and incidents;
  - at reasonable times and, in a reasonable manner, enter and inspect equipment, facilities, rolling stock, operations and relevant records of the public transportation system; and
  - issue rules to carry out this section.
- Enforcement Actions
  - Secretary may take enforcement actions against an eligible State that does not comply, including issuing directives, requiring more frequent oversight of the recipient, imposing more frequent reporting requirements, and requiring that any Federal financial assistance provided under this section be spent on correcting safety deficiencies.
  - Secretary may withhold funds only if the Secretary has found a pattern or practice of serious safety violations or otherwise refused to comply with Federal law. Before withholding funds, Secretary shall provide written notice of the violation and amount to be withhold and provide a reasonable time period for the recipient to address the violation or propose an alternate means of compliance.
- Nothing in section preempts an action under State law seeking damages for personal injury, death or property damage alleging that the party has failed to comply with a Federal standard of care established by a regulation or order issued by the Secretary, or its own program, rule, or standard.
- Secretary shall issue a report within three years of enactment that analyzes public transportation safety trends, describes the effect

	on public transportation safety of activities carried out with the grants.
<b>State Safety Oversight (Section 5330)</b>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<b>Alcohol and Controlled Substances Testing (Section 5331)</b>	<ul style="list-style-type: none"> <li>No major changes</li> </ul>
<b>Nondiscrimination (Section 5332)</b>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<b>Labor Standards (Section 5333)</b>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<b>Administrative Provisions (Section 5334)</b>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<b>National Transit Database (Section 5335)</b>	<ul style="list-style-type: none"> <li>Recipients of federal assistance are required to report data regarding operating and asset condition.</li> <li>Must report any information related to a transit asset inventory and condition assessment conducted.</li> <li>Secretary shall develop and implement appropriate internal control activities to ensure that public transportation safety incident data is reported accurately and reliability</li> </ul>
<b>Apportionment of Appropriations for Formula Programs (Section 5336)</b>	<ul style="list-style-type: none"> <li>No change to section 5307 formula, except for areas that have vehicle revenue miles of fixed guideway directional miles that are located outside the urbanized area.</li> </ul>
<b>State of Good Repair Grants</b>	<ul style="list-style-type: none"> <li>Replaces the fixed guideway modernization program</li> <li>Pulls definition for fixed guideway, state of good repair, transit asset management plan from other sections of that title.</li> <li>Eligible projects to maintain public transportation systems in a state of good repair, including projects to replace and</li> </ul>



<p><b>(Section 5337)</b></p>	<p>rehabilitate include:</p> <ul style="list-style-type: none"> <li>○ Rolling stock;</li> <li>○ Track;</li> <li>○ Line equipment and structures;</li> <li>○ Signals and communications;</li> <li>○ Power equipment and substations;</li> <li>○ Passenger stations and terminals;</li> <li>○ Security equipment and systems, maintenance facilities and equipment; operational support equipment, including computer hardware and software;</li> <li>○ Development and implementation of an asset management plan; and,</li> <li>○ Other replacement and rehabilitation projects the Secretary deems appropriate.</li> </ul> <ul style="list-style-type: none"> <li>● Establishes a high intensity fixed guideway state of good repair program with 97.15 percent allocated to recipients under this subsection <ul style="list-style-type: none"> <li>○ 50 percent is based on FY 11 allocations under the fixed guideway modernization program</li> <li>○ 50 percent allocated based on a formula that provides 60 percent based on the number of fixed guideway vehicle revenue miles within the urbanized area compared to other urbanized areas, and 40 percent based on directional route miles within the urbanized area compared to other urbanized areas.</li> <li>○ An amount allocated to an area shall not decrease by more than .25 percent from FY 11 or from a prior fiscal year.</li> </ul> </li> <li>● Establishes High Intensity Motorbus State of Good Repair with 2.85 percent allocated for motorbus state of good repair within urbanized areas. <ul style="list-style-type: none"> <li>○ based on that allocates monies to fixed guideway systems based on vehicle miles and directional route miles</li> </ul> </li> </ul>
<p><b>Authorizations (Section 5338)</b></p>	<ul style="list-style-type: none"> <li>● See <a href="http://images.magnetmail.net/images/clients/APTA/attach/MovingAhead_Progress_21stCen_Act_Funding_Table_Revision_1.pdf">http://images.magnetmail.net/images/clients/APTA/attach/MovingAhead_Progress_21stCen_Act_Funding_Table_Revision_1.pdf</a></li> </ul>
<p><b>Bus and Bus Facilities Formula Grants (Section 5339)</b></p>	<ul style="list-style-type: none"> <li>● Alternatives Analysis Program Repealed</li> <li>● Establishes bus and bus facilities formula grant program <ul style="list-style-type: none"> <li>○ Eligible projects include capital projects to replace, rehabilitate and purchase buses and related equipment; and to construct bus-related facilities.</li> <li>○ Requirements of section 5307 apply to the grants.</li> <li>○ Both recipients and subrecipients are eligible for funding.</li> <li>○ Distribution of the funds <ul style="list-style-type: none"> <li>● \$65.5 million to all States and territories with each State receiving \$1.25 million and each territory \$500,000.</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Remainder allocated according to the section 5307 formula other than the rail factors.</li> <li>○ Government share is 80 percent while local funding can come from cash other than revenues from providing public transportation services, from revenues derived from the sale of advertising and concessions; from an undistributed cash surplus or reserve, or new capital; or from amounts received from a service agreement with a State or local social service agency.</li> <li>○ Monies are available for three years after the year in which the monies are appropriated</li> </ul>
<p><b>Apportionments Based on Growing States and High Density States Formula Factors (Section 5340)</b></p>	<ul style="list-style-type: none"> <li>• No change</li> </ul>