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5324.	Public transportation emergency relief program.
5325.	Contract requirements.
5326.	Transit asset management.
5327.	Project management oversight.
[5328.	Repealed.]
5329.	Public transportation safety program.
5330.	State safety oversight. ¹
5331.	Alcohol and controlled substances testing.
5332.	Nondiscrimination.
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Editorial Notes

AMENDMENTS

2015—Pub. L. 114-94, div. A, title III, §§ 3008(c), 3009(b), 3017(b), 3030(b)-(d), Dec. 4, 2015, 129 Stat. 1469, 1473, 1487, 1496, 1497, substituted “Public transportation innovation” for “Research, development, demonstration, and deployment projects” in item 5312, “Technical assistance and workforce development” for “Technical assistance and standards development” in item 5314, and “Grants for buses and bus facilities” for “Bus and bus facilities formula grants” in item 5339, and struck out item 5313 “Transit cooperative research program”, item 5319 “Bicycle facilities”, and item 5322 “Human resources and training”.

2012—Pub. L. 112-141, div. B, § 20030(k), July 6, 2012, 126 Stat. 731, amended generally the analysis for this chapter, adding item 5326, substituting “Policies and purposes” for “Policies, findings, and purposes” in item 5301, “Statewide and nonmetropolitan transportation planning” for “Statewide transportation planning” in item 5304, “Fixed guideway capital investment grants” for “Capital investment grants” in item 5309, “Formula grants for the enhanced mobility of seniors and individuals with disabilities” for “Formula grants for special needs of elderly individuals and individuals with disabilities” in item 5310, “Formula grants for rural areas” for “Formula grants for other than urbanized areas” in item 5311, “Technical assistance and standards development” for “National research programs” in item 5314, “Private sector participation” for “National transit institute” in item 5315, “Human resources and training” for “Human resource programs” in item 5322, “General provisions” for “General provisions on assistance” in item 5323, “Public transportation emergency relief program” for “Special provisions for capital projects” in item 5324, “Public transportation safety program” for “Investigations of safety hazards and security risks” in item 5329, “State of good repair grants” for “Apportionment based on fixed guideway factors” in item 5337, and “Bus and bus facilities formula grants” for “Alternatives analysis program” in item 5339, and striking out items 5308 “Clean fuels grant program”, 5316 “Job access and reverse commute formula grants”, 5317 “New freedom program”, 5320 “Alternative transportation in parks and public lands, and 5328 “Project review”.

2005—Pub. L. 109-59, title III, §§ 3002(b)(1), 3005(c), 3006(c), 3007(b), 3010(b), 3011(b), 3012(c), 3013(i), 3014(e)(2), 3015(b)(2), 3016(d), 3018(b), 3019(b), 3021(b), 3024(b), 3025(b), 3028(d), 3029(b), 3033(b), 3035(b), 3038(b), Aug. 10, 2005, 119 Stat. 1544, 1559, 1566, 1568, 1573, 1588, 1593, 1596, 1597, 1600, 1605, 1608, 1614, 1620, 1622, 1625, 1627, 1629, 1638, substituted “PUBLIC” for “MASS” in chapter heading,

¹Section repealed by Pub. L. 112-141 without corresponding amendment of chapter analysis.

substituted “transportation planning” for “planning” in item 5303, “Statewide transportation planning” for “Transportation improvement program” in item 5304, “Planning programs” for “Transportation management areas” in item 5305, “grant program” for “formula grant program” in item 5308, “grants” for “grants and loans” in item 5309, “Formula grants” for “Formula grants and loans” in item 5310, “grants” for “grant” in item 5311, “deployment” for “training” in item 5312, “Transit cooperative research program” for “State planning and research programs” in item 5313, “research programs” for “planning and research programs” in item 5314, “Alternative transportation in parks and public lands” for “Suspended light rail system technology pilot project” in item 5320, “Special provisions for capital projects” for “Limitations on discretionary and special needs grants and loans” in item 5324, “Investigations of safety hazards and security risks” for “Investigation of safety hazards” in item 5329, “State safety oversight” for “Withholding amounts for noncompliance with safety requirements” in item 5330, “National transit database” for “Reports and audits” in item 5335, and “Apportionment based on fixed guideway factors” for “Apportionment of appropriations for fixed guideway modernization” in item 5337, added items 5316, 5317, and 5340, and struck out item 5326 “Special procurements”.

Pub. L. 109-59, title III, § 3037(b), Aug. 10, 2005, 119 Stat. 1636, which directed amendment of the analysis for chapter 53 by striking the item relating to section 5339 and inserting a new item 5339, was executed by adding the new item 5339 after item 5338 to reflect the probable intent of Congress, because no item for section 5339 had been enacted.

1998—Pub. L. 105-178, title III, §§ 3007(a)(2), 3008(b), 3009(b), 3014(b), 3017(b), 3025(b)(2), title V, § 5110(c), June 9, 1998, 112 Stat. 347, 352, 359, 361, 365, 444, substituted “Urbanized area formula grants” for “Block grants” in item 5307, “Clean fuels formula grant program” for “Mass Transit Account block grants” in item 5308, “Capital investment” for “Discretionary” in item 5309, “Formula grant” for “Financial assistance” in item 5311, and “transit” for “mass transportation” in item 5315, struck out items 5316 “University research institutes” and 5317 “Transportation centers”, and inserted “provisions” after “Administrative” in item 5334.

Pub. L. 105-178, title III, § 3013(b), June 9, 1998, 112 Stat. 359, which directed insertion of “formula” before “grants” in item 5310, was executed by substituting “Formula grants” for “Grants” to reflect the probable intent of Congress.

Pub. L. 105-178, title III, § 3027(d), as added by Pub. L. 105-206, title IX, § 9009(o)(2), July 22, 1998, 112 Stat. 858, substituted “formula grants” for “block grants” in item 5336.

§ 5301. Policies and purposes

(a) DECLARATION OF POLICY.—It is in the interest of the United States, including the economic interest of the United States, to foster the development and revitalization of public transportation systems with the cooperation of both public transportation companies and private companies engaged in public transportation.

(b) GENERAL PURPOSES.—The purposes of this chapter are to—

- (1) provide funding to support public transportation;
- (2) improve the development and delivery of capital projects;
- (3) establish standards for the state of good repair of public transportation infrastructure and vehicles;
- (4) promote continuing, cooperative, and comprehensive planning that improves the performance of the transportation network;
- (5) establish a technical assistance program to assist recipients under this chapter to more

effectively and efficiently provide public transportation service;

(6) continue Federal support for public transportation providers to deliver high quality service to all users, including individuals with disabilities, seniors, and individuals who depend on public transportation;

(7) support research, development, demonstration, and deployment projects dedicated to assisting in the delivery of efficient and effective public transportation service; and

(8) promote the development of the public transportation workforce.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 785; Pub. L. 109–59, title III, §§3002(b)(4), 3003, Aug. 10, 2005, 119 Stat. 1545; Pub. L. 112–141, div. B, §20003, July 6, 2012, 126 Stat. 622.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5301(a)	49 App.:1607(a) (1st sentence).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §8(a) (1st sentence); added Nov. 6, 1978, Pub. L. 95–599, §305(b), 92 Stat. 2743; Apr. 2, 1987, Pub. L. 100–17, §310, 101 Stat. 227; restated Dec. 18, 1991, Pub. L. 102–240, §3012, 105 Stat. 2098.
5301(b)	49 App.:1601(a). 49 App.:1601b.	July 9, 1964, Pub. L. 88–365, §2, 78 Stat. 302; Dec. 18, 1991, Pub. L. 102–240, §3005, 105 Stat. 2088. Nov. 26, 1974, Pub. L. 93–503, §2, 88 Stat. 1566.
5301(c)	49 App.:1601a (1st sentence).	Oct. 15, 1970, Pub. L. 91–453, §1, 84 Stat. 962.
5301(d)	49 App.:1612(a).	July 9, 1964, Pub. L. 88–365, 78 Stat. 302, §16(a); added Oct. 15, 1970, Pub. L. 91–453, §8, 84 Stat. 967; Dec. 18, 1991, Pub. L. 102–240, §3021(1), 105 Stat. 2110.
5301(e)	49 App.:1610(a) (1st sentence).	July 9, 1964, Pub. L. 88–365, §14(a) (1st sentence), 78 Stat. 308; Sept. 8, 1966, Pub. L. 89–562, §2(a)(1), 80 Stat. 715; restated Oct. 15, 1970, Pub. L. 91–453, §6, 84 Stat. 966.
5301(f)	49 App.:1601(b). 49 App.:1601a (last sentence).	

In subsection (b)(1), the words “the predominant part” in 49 App.:1601(a)(1) and “lives in urban areas” in 49 App.:1601b(1) are omitted because of the restatement. The words “metropolitan and other” in 49 App.:1601(a)(1) are omitted as surplus.

In subsection (b)(2), the words “housing, urban renewal, highway, and other”, “being”, “the . . . provision of”, and “transportation and other” in 49 App.:1601(a)(2) are omitted as surplus.

In subsection (b)(4), the words “the early 1970’s” are substituted for “recent years” in 49 App.:1601b(4), and the words “minimal mass transportation service” are substituted for “this essential public service”, for clarity.

In subsection (b)(5), the word “particularly” in 49 App.:1601b(5) is omitted as surplus.

In subsection (b)(6), the words “were . . . in the early 1970’s” are substituted for “now” in 49 App.:1601b(6) for clarity. The words “engaged in”, “actually”, and “comprehensive” in 49 App.:1601b(6) are omitted as surplus.

In subsection (b)(9), the word “many” in 49 App.:1601(b)(7) is omitted as surplus.

In subsection (c), the text of 49 App.:1601a (1st sentence words after semicolon) is omitted as executed.

In subsections (d) and (e), the words “hereby declared to be” are omitted as surplus.

In subsection (d), the words “to ensure that mass transportation can be used by elderly individuals and individuals with disabilities” are substituted for “in

the planning and design of mass transportation facilities and services so that the availability to elderly persons and persons with disabilities of mass transportation which they can effectively utilize will be assured” to eliminate unnecessary words. The words “the field of” and “(including the programs under this chapter) . . . contain provisions” are omitted as surplus.

In subsection (e), the words “carrying out” are substituted for “construction of”, and the word “capital” is added, for consistency in the revised chapter. The reference to section 5310 of the revised title is added for clarity because a loan or grant made under section 5310 is deemed to have been made under section 5309.

In subsection (f)(5), the words “local” and “to exercise the initiative necessary” are omitted as surplus.

Editorial Notes

AMENDMENTS

2012—Pub. L. 112–141 amended section generally. Prior to amendment, section related to policies, findings, and purposes.

2005—Subsec. (a). Pub. L. 109–59, §3003(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “It is in the interest of the United States to encourage and promote the development of transportation systems that embrace various modes of transportation and efficiently maximize mobility of individuals and goods in and through urbanized areas and minimize transportation-related fuel consumption and air pollution.”

Subsec. (b)(1). Pub. L. 109–59, §3003(b), substituted “two-thirds” for “70 percent” and “urbanized areas” for “urban areas”.

Subsecs. (b)(4), (6) to (9), (d). Pub. L. 109–59, §3002(b)(4), substituted “public transportation” for “mass transportation” wherever appearing.

Subsec. (e). Pub. L. 109–59, §3003(c), substituted “a” for “an urban” and struck out “under sections 5309 and 5310 of this title” before period at end.

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

Subsec. (f)(1). Pub. L. 109–59, §3003(d)(1), substituted “public transportation equipment” for “mass transportation equipment” and “both public transportation companies and private companies engaged in public transportation” for “public and private mass transportation companies”.

Subsec. (f)(2). Pub. L. 109–59, §3003(d)(2), substituted “public transportation systems” for “urban mass transportation systems” and “both public transportation companies and private companies engaged in public transportation” for “public and private mass transportation companies”.

Subsec. (f)(3). Pub. L. 109–59, §3003(d)(3), substituted “public transportation systems” for “urban mass transportation systems” and “public transportation companies or private companies engaged in public transportation” for “public or private mass transportation companies”.

Subsec. (f)(5). Pub. L. 109–59, §3003(d)(4), substituted “public” for “urban mass”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

FEDERAL TRANSIT ADMINISTRATION GRANTS

Pub. L. 117–2, title III, §3401, Mar. 11, 2021, 135 Stat. 72, provided that:

“(a) FEDERAL TRANSIT ADMINISTRATION APPROPRIATION.—

“(1) IN GENERAL.—In addition to amounts otherwise made available, there are appropriated for fiscal year 2021, out of any funds in the Treasury not otherwise

appropriated, \$30,461,355,534, to remain available until September 30, 2024, that shall—

“(A) be for grants to eligible recipients under sections 5307, 5309, 5310, and 5311 of title 49, United States Code, to prevent, prepare for, and respond to coronavirus; and

“(B) not be subject to any prior restriction on the total amount of funds available for implementation or execution of programs authorized under sections 5307, 5310, or 5311 of such title.

“(2) AVAILABILITY OF FUNDS FOR OPERATING EXPENSES.—

“(A) IN GENERAL.—Notwithstanding subsection (a)(1) or (b) of section 5307 and section 5310(b)(2)(A) of title 49, United States Code, funds provided under this section, other than subsection (b)(4), shall be available for the operating expenses of transit agencies to prevent, prepare for, and respond to the coronavirus public health emergency, including, beginning on January 20, 2020—

“(i) reimbursement for payroll of public transportation (including payroll and expenses of private providers of public transportation);

“(ii) operating costs to maintain service due to lost revenue due as a result of the coronavirus public health emergency, including the purchase of personal protective equipment; and

“(iii) paying the administrative leave of operations or contractor personnel due to reductions in service.

“(B) USE OF FUNDS.—Funds described in subparagraph (A) shall be—

“(i) available for immediate obligation, notwithstanding the requirement for such expenses to be included in a transportation improvement program, long-range transportation plan, statewide transportation plan, or statewide transportation improvement program under sections 5303 and 5304 of title 49, United States Code;

“(ii) directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation), unless the recipient certifies to the Administrator of the Federal Transit Administration that the recipient has not furloughed any employees;

“(iii) used to provide a Federal share of the costs for any grant made under this section of 100 percent.

“(b) ALLOCATION OF FUNDS.—

“(1) URBANIZED AREA FORMULA GRANTS.—

“(A) IN GENERAL.—Of the amounts made available under subsection (a), \$26,086,580,227 shall be for grants to recipients and subrecipients under section 5307 of title 49, United States Code, and shall be administered as if such funds were provided under section 5307 of such title.

“(B) ALLOCATION.—Amounts made available under subparagraph (A) shall be apportioned to urbanized areas based on data contained in the National Transit Database such that—

“(i) each urbanized area shall receive an apportionment of an amount that, when combined with amounts that were otherwise made available to such urbanized area for similar activities to prevent, prepare for, and respond to coronavirus, is equal to 132 percent of the urbanized area’s 2018 operating costs; and

“(ii) for funds remaining after the apportionment described in clause (i), such funds shall be apportioned such that each urbanized area that did not receive an apportionment under clause (i) shall receive an apportionment equal to 25 percent of the urbanized area’s 2018 operating costs.

“(2) FORMULA GRANTS FOR THE ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.—

“(A) IN GENERAL.—Of the amounts made available under subsection (a), \$50,000,000 shall be for grants to recipients or subrecipients eligible under section 5310 of title 49, United States Code, and shall be apportioned in accordance with such section.

“(B) ALLOCATION RATIO.—Amounts made available under subparagraph (A) shall be allocated in the same ratio as funds were provided under section 5310 of title 49, United States Code, for fiscal year 2020.

“(3) FORMULA GRANTS FOR RURAL AREAS.—

“(A) IN GENERAL.—Of the amounts made available under subsection (a), \$317,214,013 shall be for grants to recipients or subrecipients eligible under section 5311 of title 49, United States Code, and shall be administered as if the funds were provided under section 5311 of such title, and shall be apportioned in accordance with such section, except as described in paragraph (B).

“(B) ALLOCATION RATIO.—Amounts made available under subparagraph (A) to States, as defined in section 5302 of title 49, United States Code, shall be allocated to such States based on data contained in the National Transit Database, such that—

“(i) any State that received an amount for similar activities to prevent, prepare for, and respond to coronavirus that is equal to or greater than 150 percent of the combined 2018 rural operating costs of the recipients and subrecipients in such State shall receive an amount equal to 5 percent of such State’s 2018 rural operating costs;

“(ii) any State that does not receive an allocation under clause (i) that received an amount for similar activities to prevent, prepare for, and respond to coronavirus that is equal to or greater than 140 percent of the combined 2018 rural operating costs of the recipients and subrecipients in that State shall receive an amount equal to 10 percent of such State’s 2018 rural operating costs; and

“(iii) any State that does not receive an allocation under clauses (i) or (ii) shall receive an amount equal to 20 percent of such State’s 2018 rural operating costs.

“(4) CAPITAL INVESTMENTS.—

“(A) IN GENERAL.—Of the amounts made available under subsection (a)—

“(i) \$1,425,000,000 shall be for grants administered under subsections (d) and (e) of section 5309 of title 49, United States Code; and

“(ii) \$250,000,000 shall be for grants administered under subsection (h) of section 5309 of title 49, United States Code.

“(B) FUNDING DISTRIBUTION.—

“(i) IN GENERAL.—Of the amounts made available in subparagraph (A)(i), \$1,250,000,000 shall be provided to each recipient for all projects with existing full funding grant agreements that received allocations for fiscal year 2019 or 2020, except that recipients with projects open for revenue service are not eligible to receive a grant under this subparagraph. Funds shall be provided proportionally based on the non-capital investment grant share of the amount allocated.

“(ii) ALLOCATION.—Of the amounts made available in subparagraph (A)(i), \$175,000,000 shall be provided to each recipient for all projects with existing full funding grant agreements that received an allocation only prior to fiscal year 2019, except that projects open for revenue service are not eligible to receive a grant under this subparagraph and no project may receive more than 40 percent of the amounts provided under this clause. The Administrator of the Federal Transit Administration shall proportionally distribute funds in excess of such percent to recipients for which the percent of funds does not exceed 40 percent. Funds shall be provided proportionally based on the non-capital investment grant share of the amount allocated.

“(iii) ELIGIBLE RECIPIENTS.—For amounts made available in subparagraph (A)(ii), eligible recipients shall be any recipient of an allocation under subsection (h) of section 5309 of title 49, United States Code, or an applicant in the project devel-

opment phase described in paragraph (2) of such subsection.

“(iv) AMOUNT.—Amounts distributed under clauses (i), (ii), and (iii) of subparagraph (A) shall be provided notwithstanding the limitation of any calculation of the maximum amount of Federal financial assistance for the project under subsection (k)(2)(C)(ii) or (h)(7) of section 5309 of title 49, United States Code.

“(5) SECTION 5311(F) SERVICES.—

“(A) IN GENERAL.—Of the amounts made available under subsection (a) and in addition to the amounts made available under paragraph (3), \$100,000,000 shall be available for grants to recipients for bus operators that partner with recipients or subrecipients of funds under section 5311(f) of title 49, United States Code.

“(B) ALLOCATION RATIO.—Notwithstanding paragraph (3), the Administrator of the Federal Transit Administration shall allocate amounts under subparagraph (A) in the same ratio as funds were provided under section 5311 of title 49, United States Code, for fiscal year 2020.

“(C) EXCEPTION.—If a State or territory does not have bus providers eligible under section 5311(f) of title 49, United States Code, funds under this paragraph may be used by such State or territory for any expense eligible under section 5311 of title 49, United States Code.

“(6) PLANNING.—

“(A) IN GENERAL.—Of the amounts made available under subsection (a), \$25,000,000 shall be for grants to recipients eligible under section 5307 of title 49, United States Code, for the planning of public transportation associated with the restoration of services as the coronavirus public health emergency concludes and shall be available in accordance with such section.

“(B) AVAILABILITY OF FUNDS FOR ROUTE PLANNING.—Amounts made available under subparagraph (A) shall be available for route planning designed to—

“(i) increase ridership and reduce travel times, while maintaining or expanding the total level of vehicle revenue miles of service provided in the planning period; or

“(ii) make service adjustments to increase the quality or frequency of service provided to low-income riders and disadvantaged neighborhoods or communities.

“(C) LIMITATION.—Amounts made available under subparagraph (A) shall not be used for route planning related to transitioning public transportation service provided as of the date of receipt of funds to a transportation network company or other third-party contract provider, unless the existing provider of public transportation service is a third-party contract provider.

“(7) RECIPIENTS AND SUBRECIPIENTS REQUIRING ADDITIONAL ASSISTANCE.—

“(A) IN GENERAL.—Of the amounts made available under subsection (a), \$2,207,561,294 shall be for grants to eligible recipients or subrecipients of funds under sections 5307 or 5311 of title 49, United States Code, that, as a result of COVID-19, require additional assistance for costs related to operations, personnel, cleaning, and sanitization combating the spread of pathogens on transit systems, and debt service payments incurred to maintain operations and avoid layoffs and furloughs.

“(B) ADMINISTRATION.—Funds made available under subparagraph (A) shall, after allocation, be administered as if provided under paragraph (1) or (3), as applicable.

“(C) APPLICATION REQUIREMENTS.—

“(i) IN GENERAL.—The Administrator of the Federal Transit Administration may not allocate funds to an eligible recipient or subrecipient of funds under chapter 53 of title 49, United States Code, unless the recipient provides to the Administrator—

“(I) estimates of financial need;

“(II) data on reductions in farebox or other sources of local revenue for sustained operations;

“(III) a spending plan for such funds; and

“(IV) demonstration of expenditure of greater than 90 percent of funds available to the applicant from funds made available for similar activities in fiscal year 2020.

“(ii) DEADLINES.—The Administrator of the Federal Transit Administration shall—

“(I) not later than 180 days after the date of enactment of this Act [Mar. 11, 2021], issue a Notice of Funding Opportunity for assistance under this paragraph; and

“(II) not later than 120 days after the application deadline established in the Notice of Funding Opportunity under subclause (I), make awards under this paragraph to selected applicants.

“(iii) EVALUATION.—

“(I) IN GENERAL.—Applications for assistance under this paragraph shall be evaluated by the Administrator of the Federal Transit Administration based on the level of financial need demonstrated by an eligible recipient or subrecipient, including projections of future financial need to maintain service as a percentage of the 2018 operating costs that has not been replaced by the funds made available to the eligible recipient or subrecipient under paragraphs (1) through (5) of this subsection when combined with the amounts allocated to such eligible recipient or subrecipient from funds previously made available for the operating expenses of transit agencies related to the response to the COVID-19 public health emergency.

“(II) RESTRICTION.—Amounts made available under this paragraph shall only be available for operating expenses.

“(iv) STATE APPLICANTS.—A State may apply for assistance under this paragraph on behalf of an eligible recipient or subrecipient or a group of eligible recipients or subrecipients.

“(D) UNOBLIGATED FUNDS.—If amounts made available under this paragraph remain unobligated on September 30, 2023, such amounts shall be available for any purpose eligible under sections 5307 or 5311 of title 49, United States Code.”

CONTRACTING OUT STUDY

Pub. L. 105-178, title III, §3032, June 9, 1998, 112 Stat. 385, as amended by Pub. L. 105-206, title IX, §9009(v), July 22, 1998, 112 Stat. 861, provided that a study of the effect of contracting out mass transportation operation and administrative functions was to be arranged between the Secretary of Transportation and the Transportation Research Board of the National Academy of Sciences no later than 6 months after June 9, 1998, and made available funds for fiscal year 1999.

COMMUTE-TO-WORK BENEFITS

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

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

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

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

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

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

“(5) the current ‘cliff provision’, which treats an entire commuter transit benefit as taxable income if it

exceeds \$21 per month, unduly penalizes the most effective employer efforts to change commuter behavior;

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

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

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

§ 5302. Definitions

Except as otherwise specifically provided, in this chapter the following definitions apply:

(1) ASSAULT ON A TRANSIT WORKER.—The term “assault on a transit worker” means a circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.

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

(A) historic preservation, rehabilitation, and operation of historic public transportation buildings, structures, and facilities (including historic bus and railroad facilities) intended for use in public transportation service;

(B) bus shelters;

(C) functional landscaping and streetscaping, including benches, trash receptacles, and street lights;

(D) pedestrian access and walkways;

(E) bicycle access, including bicycle storage shelters and parking facilities and the installation of equipment for transporting bicycles on public transportation vehicles;

(F) signage; or

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

(3) BUS RAPID TRANSIT SYSTEM.—The term “bus rapid transit system” means a bus transit system—

(A) in which the majority of each line operates in a separated right-of-way dedicated for public transportation use during peak periods; and

(B) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

(i) defined stations;

(ii) traffic signal priority for public transportation vehicles;

(iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and

(iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

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

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

(B) rehabilitating a bus;

(C) remanufacturing a bus;

(D) overhauling rail rolling stock;

(E) preventive maintenance;

(F) leasing equipment or a facility for use in public transportation;

(G) a joint development improvement that—

(i) enhances economic development or incorporates private investment, such as commercial and residential development;

(ii)(I) enhances the effectiveness of public transportation and is related physically or functionally to public transportation; or

(II) establishes new or enhanced coordination between public transportation and other transportation;

(iii) provides a fair share of revenue that will be used for public transportation;

(iv) provides that if equipment to fuel privately owned zero-emission passenger vehicles is installed, the recipient of assistance under this chapter shall collect fees from users of the equipment in order to recover the costs of construction, maintenance, and operation of the equipment;

(v) provides that a person making an agreement to occupy space in a facility constructed under this paragraph shall pay a fair share of the costs of the facility through rental payments and other means; and

(vi) may include—

(I) property acquisition;

(II) demolition of existing structures;

(III) site preparation;

(IV) utilities;

(V) building foundations;

(VI) walkways;

(VII) pedestrian and bicycle access to a public transportation facility;

(VIII) construction, renovation, and improvement of intercity bus and intercity rail stations and terminals;

(IX) renovation and improvement of historic transportation facilities;