

2005—Pub. L. 109-59, §3033(a), substituted “National transit database” for “Reports and audits” in section catchline, redesignated pars. (1) and (2) of subsec. (a) as subsecs. (a) and (b), respectively, inserted subsec. (b) heading, substituted “The Secretary may award a grant under section 5307 or 5311” for “The Secretary may make a grant under section 5307 of this title” in subsec. (b), and struck out former subsec. (b) which related to submission of a report in January-1993, on carrying out former section 5307(b)(5) of this title.

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

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”.

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.

DATA ACCURACY AND RELIABILITY

Pub. L. 112-141, div. B, §20025(b), July 6, 2012, 126 Stat. 718, provided that: “The Secretary [of Transportation] shall—

“(1) develop and implement appropriate internal control activities to ensure that public transportation safety incident data is reported accurately and reliably by public transportation systems and State safety oversight agencies to the State Safety Oversight Rail Accident Database; and

“(2) report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 1 year of enactment of the Federal Public Transportation Act of 2012 [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways] on the steps taken to improve the accuracy and reliability of public transportation safety incident data reported to the State Safety Oversight Rail Accident Database.”

§ 5336. Apportionment of appropriations for formula grants

(a) **BASED ON URBANIZED AREA POPULATION.**—Of the amount apportioned under subsection (h)(5) 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 most recent decennial 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 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.

(b) **BASED ON FIXED GUIDEWAY VEHICLE REVENUE MILES, DIRECTIONAL ROUTE MILES, AND PASSENGER MILES.**—(1) In this subsection, “fixed guideway vehicle revenue miles” and “fixed guideway directional route miles” include passenger ferry operations directly or under contract by the designated recipient.

(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 vehicle revenue miles attributable to the area, as established by the Secretary, divided by the total number of all fixed guideway vehicle revenue 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 directional route miles attributable to the area, established by the Secretary, divided by the total number of all fixed guideway directional 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 vehicle revenue or directional 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 that energy or operating efficiencies would be achieved, reduces vehicle revenue miles but provides the same frequency of revenue service to the same number of riders.

(E) For purposes of subparagraph (A) and section 5337(c)(3), the Secretary shall deem to be attributable to an urbanized area not less than 27 percent of the fixed guideway vehicle revenue miles or fixed guideway directional route miles in the public transportation system of a recipient that are located outside the urbanized area for which the recipient receives funds, in addition to the fixed guideway vehicle revenue miles or fixed guideway directional route miles of the recipient that are located inside the urbanized area.

(c) **BASED ON BUS VEHICLE REVENUE 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 vehicle revenue miles operated in or directly serving the urbanized area divided by the total bus vehicle revenue 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 in the most recent decennial 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 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 vehicle revenue miles operated in or directly serving the urbanized area divided by the total bus vehicle revenue 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 most recent decennial 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 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 shall—

(1) apportion amounts appropriated under section 5338(a)(2)(C) 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 Governor 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.

(f) **TRANSFERS OF APPORTIONMENTS.**—(1) The Governor 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)(3).¹ The Governor 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 Governor of a State may transfer any part of the State's apportionment under section

¹ See References in Text note below.

5311(c)(3)¹ to supplement amounts apportioned to the State under subsection (a)(1) of this section.

(3) The Governor 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 Governor of a State. The Governor 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 5 years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 5-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) APPORTIONMENTS.—Of the amounts made available for each fiscal year under section 5338(a)(2)(C)—

(1) \$30,000,000 shall be set aside each fiscal year to carry out section 5307(h);

(2) 3.07 percent shall be apportioned to urbanized areas in accordance with subsection (j);

(3) of amounts not apportioned under paragraphs (1) and (2), 3 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);

(4) 0.75 percent shall be apportioned to eligible States for State safety oversight program grants in accordance with section 5329(e)(6); and

(5) any amount not apportioned under paragraphs (1), (2), (3), and (4) shall be apportioned to urbanized areas in accordance with subsections (a) through (c).

(i) 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 (h)(3) 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.

(j) APPORTIONMENT FORMULA.—The amounts apportioned under subsection (h)(2) shall be apportioned among urbanized areas as follows:

(1) 75 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more in the ratio that—

(A) the number of eligible low-income individuals in each such urbanized area; bears to

(B) the number of eligible low-income individuals in all such urbanized areas.

(2) 25 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of less than 200,000 in the ratio that—

(A) the number of eligible low-income individuals in each such urbanized area; bears to

(B) the number of eligible low-income individuals in all such urbanized areas.

(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(D), June 6, 2008, 122 Stat. 1611; Pub. L. 112-141, div. B, §20026, July 6, 2012, 126 Stat. 719; Pub. L. 113-159, title I, §1202, Aug. 8, 2014, 128 Stat. 1845; Pub. L. 114-21, title I, §1202, May 29, 2015, 129 Stat. 223; Pub. L. 114-41, title I, §1202, July 31, 2015, 129 Stat. 450; Pub. L. 114-73, title I, §1202, Oct. 29, 2015, 129 Stat. 573; Pub. L. 114-87, title I, §1202, Nov. 20, 2015, 129 Stat. 682; Pub. L. 114-94, div. A, title III, §3014, Dec. 4, 2015, 129 Stat. 1478; Pub. L. 117-58, div. C, §§30001(b)(3), 30015(a), (b)(1), Nov. 15, 2021, 135 Stat. 890, 910.)

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.

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	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) (1st 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.
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).	
5336(k)	49 App.:1607a(s).	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.

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).

Editorial Notes

REFERENCES IN TEXT

Section 5311(c)(3), referred to in subsec. (f)(1), (2), was redesignated section 5311(c)(4) by Pub. L. 117-58, div. C, §30006(1)(A), Nov. 15, 2021, 135 Stat. 900.

AMENDMENTS

2021—Subsec. (e). Pub. L. 117-58, §30001(b)(3), struck out “, as defined in section 5302(4)” after “designated recipient”.

Subsec. (h)(3). Pub. L. 117-58, §30015(a), substituted “paragraphs (1) and (2), 3 percent” for “paragraphs (1) and (2)—

“(A) for fiscal years 2016 through 2018, 1.5 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i); and

“(B) for fiscal years 2019 and 2020, 2 percent”.

Subsec. (h)(4). Pub. L. 117-58, §30015(b)(1), substituted “0.75 percent” for “0.5 percent”.

2015—Subsec. (a). Pub. L. 114-94, §3014(1), substituted “subsection (h)(5)” for “subsection (h)(4)” in introductory provisions.

Subsec. (b)(2)(E). Pub. L. 114-94, §3014(2), substituted “27 percent” for “22.27 percent”.

Subsec. (h)(1). Pub. L. 114-94, §3014(3)(A), added par. (1) and struck out former par. (1), which read as follows: “\$30,000,000 for each fiscal year ending before October 1, 2015, and \$5,327,869 for the period beginning on October 1, 2015, and ending on December 4, 2015, shall be set aside to carry out section 5307(h);”.

Pub. L. 114-87 substituted “and \$5,327,869 for the period beginning on October 1, 2015, and ending on December 4, 2015,” for “and \$4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015,”.

Pub. L. 114-73 substituted “and \$4,180,328 for the period beginning on October 1, 2015, and ending on November 20, 2015,” for “and \$2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41 substituted “for each fiscal year ending before October 1, 2015, and \$2,377,049 for the period beginning on October 1, 2015, and ending on October 29, 2015,” for “for each fiscal year ending before October 1, 2014, and \$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21 substituted “and \$24,986,301 for the period beginning on October 1, 2014, and ending on July 31, 2015,” for “and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

Subsec. (h)(3). Pub. L. 114-94, § 3014(3)(B), added par. (3) and struck out former par. (3), which read as follows: “of amounts not apportioned under paragraphs (1) and (2), 1.5 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);”

2014—Subsec. (h)(1). Pub. L. 113-159 inserted “for each fiscal year ending before October 1, 2014, and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be set aside”.

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to apportionment of appropriations for formula grants and consisted of subsecs. (a) to (k).

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.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117-58, div. C, § 30015(b)(2), Nov. 15, 2021, 135 Stat. 910, provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to fiscal year 2022 and each fiscal year thereafter.”

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

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.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 201(l)(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, required the Secretary of Transportation to conduct a study on the success of the formula used to apportion funds to urbanized areas and to submit a report no later than Dec. 31, 1999.

§ 5337. State of good repair grants

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

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

(A) using and occupying a separate right-of-way for the exclusive use of public transportation;

(B) using rail;

(C) using a fixed catenary system;

(D) for a passenger ferry system; or

(E) for a bus rapid transit system.

(2) STATE.—The term “State” means the 50 States, the District of Columbia, and Puerto Rico.

(3) STATE OF GOOD REPAIR.—The term “state of good repair” has the meaning given that term by the Secretary, by rule, under section 5326(b).

(4) TRANSIT ASSET MANAGEMENT PLAN.—The term “transit asset management plan” means a plan developed by a recipient of funding under this chapter that—

(A) includes, at a minimum, capital asset inventories and condition assessments, decision support tools, and investment prioritization; and

(B) the recipient certifies that the recipient complies with the rule issued under section 5326(d).

(b) GENERAL AUTHORITY.—

(1) ELIGIBLE PROJECTS.—The Secretary may make grants under this section to assist State and local governmental authorities in financing capital projects to maintain public transportation systems in a state of good repair, including projects to replace and rehabilitate—

(A) rolling stock;

(B) track;

(C) line equipment and structures;

(D) signals and communications;

(E) power equipment and substations;

(F) passenger stations and terminals;

(G) security equipment and systems;

(H) maintenance facilities and equipment;

(I) operational support equipment, including computer hardware and software;

(J) development and implementation of a transit asset management plan; and

(K) other replacement and rehabilitation projects the Secretary determines appropriate.

(2) INCLUSION IN PLAN.—A recipient shall include a project carried out under paragraph (1) in the transit asset management plan of the recipient upon completion of the plan.

(c) HIGH INTENSITY FIXED GUIDEWAY STATE OF GOOD REPAIR FORMULA.—

(1) IN GENERAL.—Of the amount authorized or made available under section 5338(a)(2)(K),¹ 97.15 percent shall be apportioned to recipients in accordance with this subsection.

(2) AREA SHARE.—

(A) IN GENERAL.—50 percent of the amount described in paragraph (1) shall be apportioned for fixed guideway systems in accordance with this paragraph.

(B) SHARE.—A recipient shall receive an amount equal to the amount described in subparagraph (A), multiplied by the amount the recipient would have received under this section, as in effect for fiscal year 2011, if the amount had been calculated in accordance with the provisions of section 5336(b)(1) and using the definition of the term “fixed guideway” under subsection (a) of this section, as such sections are in effect on the day after the date of enactment of the Federal Public Transportation Act of 2012, and divided by the total amount apportioned for all areas under this section for fiscal year 2011.

(C) RECIPIENT.—For purposes of this paragraph, the term “recipient” means an entity that received funding under this section, as in effect for fiscal year 2011.

(3) VEHICLE REVENUE MILES AND DIRECTIONAL ROUTE MILES.—

(A) IN GENERAL.—50 percent of the amount described in paragraph (1) shall be apportioned to recipients in accordance with this paragraph.

(B) VEHICLE REVENUE MILES.—A recipient in an urbanized area shall receive an amount equal to 60 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway vehicle revenue miles attributable to the urbanized area, as established by the Secretary, divided by the total number of all fixed guideway vehicle revenue miles attributable to all urbanized areas.

(C) DIRECTIONAL ROUTE MILES.—A recipient in an urbanized area shall receive an amount equal to 40 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway directional route miles attributable to the urbanized area, as established by the Secretary, divided by the total number of all fixed guideway directional route miles attributable to all urbanized areas.

(4) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the share of the total amount apportioned under this subsection that is apportioned to an area under this subsection shall not decrease by more than 0.25 percentage points compared to the share apportioned to the area under this subsection in the previous fiscal year.

(B) SPECIAL RULE FOR FISCAL YEAR 2013.—In fiscal year 2013, the share of the total amount apportioned under this subsection that is apportioned to an area under this subsection shall not decrease by more than 0.25 percentage points compared to the share

¹ See References in Text note below.