

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make access to jobs grants and reverse commute grants to assist qualified entities in financing eligible projects, was repealed by Pub.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

ENCOURAGEMENT OF ADVERSELY AFFECTED INDUSTRIES
TO COMPETE FOR CONTRACTS

Pub. L. 91-453, §10, Oct. 15, 1970, 84 Stat. 968, as amended by Pub. L. 102-240, title III, §3003(b), Dec. 18, 1991, 105 Stat. 2088, encouraged industries adversely affected by reductions in Federal Government spending to compete for contracts under former sections 5309 and 5312 of this title.

§ 5310. Formula grants for the enhanced mobility of seniors and individuals with disabilities

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

(1) RECIPIENT.—The term “recipient” means a designated recipient or a State that receives a grant under this section directly.

(2) SUBRECIPIENT.—The term “subrecipient” means a State or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a grant under this section indirectly through a recipient.

(b) GENERAL AUTHORITY.—

(1) GRANTS.—The Secretary may make grants under this section to recipients for—

(A) public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;

(B) public transportation projects that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(C) public transportation projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit; and

(D) alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

(2) LIMITATIONS FOR CAPITAL PROJECTS.—

(A) AMOUNT AVAILABLE.—The amount available for capital projects under paragraph (1)(A) shall be not less than 55 percent of the funds apportioned to the recipient under this section.

(B) Allocation to subrecipients.—A recipient of a grant under paragraph (1)(A) may allocate the amounts provided under the grant to—

(i) a private nonprofit organization; or
(ii) a State or local governmental authority that—

(I) is approved by a State to coordinate services for seniors and individuals with disabilities; or

(II) certifies that there are no private nonprofit organizations readily available in the area to provide the services described in paragraph (1)(A).

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

(4) ELIGIBLE CAPITAL EXPENSES.—The acquisition of public transportation services is an eligible capital expense under this section.

(5) COORDINATION.—

(A) DEPARTMENT OF TRANSPORTATION.—To the maximum extent feasible, the Secretary shall coordinate activities under this section with related activities under other Federal departments and agencies.

(B) OTHER FEDERAL AGENCIES AND NON-PROFIT ORGANIZATIONS.—A State or local governmental authority or nonprofit organization that receives assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall—

(i) participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

(ii) participate in the planning for the transportation services described in clause (i).

(6) PROGRAM OF PROJECTS.—

(A) IN GENERAL.—Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for seniors and individuals with disabilities, if such transportation projects are included in a program of projects.

(B) SUBMISSION.—A recipient shall annually submit a program of projects to the Secretary.

(C) ASSURANCE.—The program of projects submitted under subparagraph (B) shall contain an assurance that the program provides for the maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

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

(c) APPORTIONMENT AND TRANSFERS.—

(1) FORMULA.—The Secretary shall apportion amounts made available to carry out this section as follows:

(A) LARGE URBANIZED AREAS.—Sixty percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census, in the ratio that—

- (i) the number of seniors and individuals with disabilities in each such urbanized area; bears to
- (ii) the number of seniors and individuals with disabilities in all such urbanized areas.
- (B) SMALL URBANIZED AREAS.—Twenty percent of the funds shall be apportioned among the States in the ratio that—
- (i) the number of seniors and individuals with disabilities in urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, in each State; bears to
- (ii) the number of seniors and individuals with disabilities in urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, in all States.
- (C) RURAL AREAS.—Twenty percent of the funds shall be apportioned among the States in the ratio that—
- (i) the number of seniors and individuals with disabilities in rural areas in each State; bears to
- (ii) the number of seniors and individuals with disabilities in rural areas in all States.
- (2) AREAS SERVED BY PROJECTS.—
- (A) IN GENERAL.—Except as provided in subparagraph (B)—
- (i) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census;
- (ii) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and
- (iii) funds apportioned under paragraph (1)(C) shall be used for projects serving rural areas.
- (B) EXCEPTIONS.—A State may use funds apportioned to the State under subparagraph (B) or (C) of paragraph (1)—
- (i) for a project serving an area other than an area specified in subparagraph (A)(ii) or (A)(iii), as the case may be, if the Governor of the State certifies that all of the objectives of this section are being met in the area specified in subparagraph (A)(ii) or (A)(iii); or
- (ii) for a project anywhere in the State, if the State has established a statewide program for meeting the objectives of this section.
- (C) LIMITED TO ELIGIBLE PROJECTS.—Any funds transferred pursuant to subparagraph (B) shall be made available only for eligible projects selected under this section.
- (D) CONSULTATION.—A recipient may transfer an amount under subparagraph (B) only after consulting with responsible local officials, publicly owned operators of public transportation, and nonprofit providers in the area for which the amount was originally apportioned.
- (d) GOVERNMENT SHARE OF COSTS.—
- (1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be in an amount equal to 80 percent of the net capital costs of the project, as determined by the Secretary.
- (2) OPERATING ASSISTANCE.—A grant made under this section for operating assistance may not exceed an amount equal to 50 percent of the net operating costs of the project, as determined by the Secretary.
- (3) REMAINDER OF NET COSTS.—The remainder of the net costs of a project carried out under this section—
- (A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and
- (B) may be derived from amounts appropriated or otherwise made available—
- (i) to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; or
- (ii) to carry out the Federal lands highways program under section 204¹ of title 23.
- (4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B)(i), the prohibition under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) on the use of grant funds for matching requirements shall not apply to Federal or State funds to be used for transportation purposes.
- (e) GRANT REQUIREMENTS.—
- (1) IN GENERAL.—A grant under this section shall be subject to the same requirements as a grant under section 5307, to the extent the Secretary determines appropriate.
- (2) CERTIFICATION REQUIREMENTS.—
- (A) PROJECT SELECTION AND PLAN DEVELOPMENT.—Before receiving a grant under this section, each recipient shall certify that—
- (i) the projects selected by the recipient are included in a locally developed, coordinated public transit-human services transportation plan;
- (ii) the plan described in clause (i) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public; and
- (iii) to the maximum extent feasible, the services funded under this section will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services.
- (B) ALLOCATIONS TO SUBRECIPIENTS.—If a recipient allocates funds received under this section to subrecipients, the recipient shall certify that the funds are allocated on a fair and equitable basis.

¹ See References in Text note below.

(f) COMPETITIVE PROCESS FOR GRANTS TO SUB-RECIPIENTS.—

(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) may conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants under this section.

(2) STATEWIDE SOLICITATIONS.—A recipient of funds apportioned under subparagraph (B) or (C) of subsection (c)(1) may conduct a statewide solicitation for applications for grants under this section.

(3) APPLICATION.—If the recipient elects to engage in a competitive process, a recipient or subrecipient seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient making the election an application in such form and in accordance with such requirements as the recipient making the election shall establish.

(g) TRANSFERS OF FACILITIES AND EQUIPMENT.—A recipient may transfer a facility or equipment acquired using a grant under this section to any other recipient eligible to receive assistance under this chapter, if—

(1) the recipient in possession of the facility or equipment consents to the transfer; and

(2) the facility or equipment will continue to be used as required under this section.

(h) PERFORMANCE MEASURES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit a 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 making recommendations on the establishment of performance measures for grants under this section. Such report shall be developed in consultation with national nonprofit organizations that provide technical assistance and advocacy on issues related to transportation services for seniors and individuals with disabilities.

(2) MEASURES.—The performance measures to be considered in the report under paragraph (1) shall require the collection of quantitative and qualitative information, as available, concerning—

(A) modifications to the geographic coverage of transportation service, the quality of transportation service, or service times that increase the availability of transportation services for seniors and individuals with disabilities;

(B) ridership;

(C) accessibility improvements; and

(D) other measures, as the Secretary determines is appropriate.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 807; Pub. L. 105-178, title III, §3013(a), June 9, 1998, 112 Stat. 359; Pub. L. 109-59, title III, §§3002(b)(2), 3012(a), Aug. 10, 2005, 119 Stat. 1544, 1589; Pub. L. 112-141, div. B, §20009, July 6, 2012, 126 Stat. 675.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5310(a)	49 App.:1612(b) (1st sentence words before cl. (1)), cls. (1) (words before 3d comma), (2) (words before "with such grants").	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §16(b) (1st sentence); added Oct. 15, 1970, Pub. L. 91-453, §8, 84 Stat. 967; restated Aug. 13, 1973, Pub. L. 93-87, §301(g), 87 Stat. 295; Dec. 18, 1991, Pub. L. 102-240, §3021(1)-(4), 105 Stat. 2110.
5310(b)	49 App.:1612(c)(2), (3).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §16(c); added Dec. 18, 1991, Pub. L. 102-240, §3021(6), 105 Stat. 2110; Oct. 6, 1992, Pub. L. 102-388, §502(k), 106 Stat. 1567.
5310(c)	49 App.:1612(c)(1).	
5310(d)	49 App.:1612(b) (1st sentence cl. (3)).	
5310(e)	49 App.:1612(b) (1st sentence cls. (1) (words after 3d comma), (2) (words after "service under this subsection").	
5310(f)	49 App.:1612(e).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §16(e); added Jan. 6, 1983, Pub. L. 97-424, §317(c), 96 Stat. 2153; Apr. 2, 1987, Pub. L. 100-17, §327(a)(4), 101 Stat. 238; Dec. 18, 1991, Pub. L. 102-240, §3021(1), (5), 105 Stat. 2110.
5310(g)	49 App.:1612(c)(4).	
5310(h)	49 App.:1612(f).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §16(f); added Apr. 2, 1987, Pub. L. 100-17, §321, 101 Stat. 235; restated Dec. 18, 1991, Pub. L. 102-240, §3021(5), (7), 105 Stat. 2110, 2111.
5310(i)	49 App.:1614(g) (related to 1612(b)).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §18(g) (related to §16(b)); added Nov. 6, 1978, Pub. L. 95-599, §313, 92 Stat. 2750; restated Dec. 18, 1991, Pub. L. 102-240, §3022, 105 Stat. 2111.
5310(j)	49 App.:1604b.	Nov. 26, 1974, Pub. L. 93-503, §108, 88 Stat. 1572.

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

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

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

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

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

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

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

In subsection (f), the words "any applicable" are omitted as surplus. The words "prescribe regulations establishing" are substituted for "not later than ninety days after January 6, 1983, publish in the Federal Register for public comment, proposed regulations and, not later than one hundred and eighty days after January 6, 1983, promulgate final regulations, establishing" to eliminate unnecessary and executed words. Section 3021(1) of the Intermodal Surface Transportation Effi-

ciency Act of 1991 (Public Law 102-240, 105 Stat. 2110) is applied to 49 App. 1612(e) to carry out the apparent intent of Congress.

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

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

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(1)(B), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

Section 204 of title 23, referred to in subsec. (d)(3)(B)(ii), was repealed and a new section 204 was enacted by Pub. L. 112-141, div. A, title I, §1119(a), July 6, 2012, 126 Stat. 473, 489. As enacted by Pub. L. 112-141, section 204 relates to the Federal lands access program.

The date of enactment of the Federal Public Transportation Act of 2012, referred to in subsec. (h)(1), is deemed to be Oct. 1, 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.

AMENDMENTS

2012—Pub. L. 112-141 amended section generally. Prior to amendment, section related to formula grants for special needs of elderly individuals and individuals with disabilities.

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

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

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

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.

ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM

Pub. L. 109-59, title III, §3012(b), Aug. 10, 2005, 119 Stat. 1591, as amended by Pub. L. 111-147, title IV, §437(c), Mar. 18, 2010, 124 Stat. 92; Pub. L. 111-322, title II, §2307(c), Dec. 22, 2010, 124 Stat. 3530; Pub. L. 112-5, title III, §307(c), Mar. 4, 2011, 125 Stat. 21; Pub. L. 112-30, title I, §137(c), Sept. 16, 2011, 125 Stat. 354; Pub. L. 112-102, title III, §307(c), Mar. 30, 2012, 126 Stat. 280; Pub. L. 112-140, title III, §307(c), June 29, 2012, 126 Stat. 401; Pub. L. 112-141, div. G, title III, §113007(c), July 6, 2012, 126 Stat. 987, which established a pilot program for certain States to carry out projects for public transportation of elderly individuals and individuals with disabilities, was repealed by Pub. L. 112-141, div. B, §20002(c)(3), July 6, 2012, 126 Stat. 622.

OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM

Pub. L. 105-178, title III, §3038, June 9, 1998, 112 Stat. 392, as amended by Pub. L. 105-206, title IX, §9009(x), July 22, 1998, 112 Stat. 862; Pub. L. 106-346, §101(a) [title III, §336], Oct. 23, 2000, 114 Stat. 1356, 1356A-31; Pub. L. 108-88, §8(m), Sept. 30, 2003, 117 Stat. 1125; Pub. L. 108-202, §9(m), Feb. 29, 2004, 118 Stat. 488; Pub. L. 108-224, §7(m), Apr. 30, 2004, 118 Stat. 636; Pub. L. 108-263, §7(m), June 30, 2004, 118 Stat. 707; Pub. L. 108-280, §7(m), July 30, 2004, 118 Stat. 885; Pub. L. 108-310, §8(m), Sept. 30, 2004, 118 Stat. 1158; Pub. L.

109-14, §7(l), May 31, 2005, 119 Stat. 333; Pub. L. 109-20, §7(l), July 1, 2005, 119 Stat. 355; Pub. L. 109-35, §7(l), July 20, 2005, 119 Stat. 388; Pub. L. 109-37, §7(l), July 22, 2005, 119 Stat. 403; Pub. L. 109-40, §7(l), July 28, 2005, 119 Stat. 420; Pub. L. 109-59, title III, §3039(a), Aug. 10, 2005, 119 Stat. 1638, which provided for grants to over-the-road bus operators to finance costs associated with bus accessibility for persons with disabilities, was repealed by Pub. L. 112-141, div. B, §20002(b), July 6, 2012, 126 Stat. 622.

§ 5311. Formula grants for rural areas

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

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

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

(b) GENERAL AUTHORITY.—

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

(A) planning, provided that a grant under this section for planning activities shall be in addition to funding awarded to a State under section 5305 for planning activities that are directed specifically at the needs of rural areas in the State;

(B) public transportation capital projects;

(C) operating costs of equipment and facilities for use in public transportation;

(D) job access and reverse commute projects; and

(E) the acquisition of public transportation services, including service agreements with private providers of public transportation service.

(2) STATE PROGRAM.—

(A) IN GENERAL.—A project eligible for a grant under this section shall be included in a State program for public transportation service projects, including agreements with private providers of public transportation service.

(B) SUBMISSION TO SECRETARY.—Each State shall submit to the Secretary annually the program described in subparagraph (A).

(C) APPROVAL.—The Secretary may not approve the program unless the Secretary determines that—

(i) the program provides a fair distribution of amounts in the State, including Indian reservations; and

(ii) the program provides the maximum feasible coordination of public transportation service assisted under this section with transportation service assisted by other Federal sources.

(3) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Secretary shall carry out a rural transportation assistance program in rural areas.