

Subsec. (m). Pub. L. 102-240, §3049(c)(8), as added by Pub. L. 105-130, added subsec. (m).

1996—Subsec. (g)(2). Pub. L. 104-287 substituted “section 5311(b)(2)” for “section 5308(b)(2)”.

EFFECTIVE AND TERMINATION DATES OF 2012
AMENDMENT

Amendment by section 20028 of Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as a note under section 101 of Title 23, Highways.

Amendment by section 113006 of Pub. L. 112-141 effective July 1, 2012, see section 114001 of Pub. L. 112-141, set out as a note under section 5305 of this title.

Amendment by Pub. L. 112-140 to cease to be effective on July 6, 2012, with text as amended by Pub. L. 112-140 to revert back to read as it did on the day before June 29, 2012, and amendments by Pub. L. 112-141 to be executed as if Pub. L. 112-140 had not been enacted, see section 1(c) of Pub. L. 112-140, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, 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.

ALLOCATIONS FOR NATIONAL RESEARCH AND
TECHNOLOGY PROGRAMS

Pub. L. 109-59, title III, §3046, Aug. 10, 2005, 119 Stat. 1706, as amended by Pub. L. 110-244, title II, §201(o)(6), June 6, 2008, 122 Stat. 1615; Pub. L. 111-147, title IV, §437(f), Mar. 18, 2010, 124 Stat. 93; Pub. L. 111-322, title II, §2307(f), Dec. 22, 2010, 124 Stat. 3530; Pub. L. 112-5, title III, §307(f), Mar. 4, 2011, 125 Stat. 21; Pub. L. 112-30, title I, §137(f), Sept. 16, 2011, 125 Stat. 355; Pub. L. 112-102, title III, §307(f), Mar. 30, 2012, 126 Stat. 281; Pub. L. 112-140, title III, §307(f), June 29, 2012, 126 Stat. 402; Pub. L. 112-141, div. G, title III, §113007(f), July 6, 2012, 126 Stat. 988, which allocated amounts appropriated pursuant to former subsec. (d) of this section for various national research and technology programs, was repealed by Pub. L. 112-141, div. B, §20002(c)(5), July 6, 2012, 126 Stat. 622.

ADJUSTMENTS FOR SURFACE TRANSPORTATION
EXTENSION ACT OF 1997

Pub. L. 105-178, title III, §3041, June 9, 1998, 112 Stat. 394, provided that the Secretary of Transportation ensure that the total apportionments and allocations made to a designated grant recipient under this section for fiscal year 1998 be reduced by the amount apportioned to such designated recipient pursuant to section 8 of Pub. L. 105-130 (amending sections 5309, 5337, and 5338 of this title) and in making the apportionments, the Secretary adjust the amount apportioned to each urbanized area for fixed guideway modernization for fiscal year 1998 to reflect the method of apportioning funds in former section 5337(a) of this title.

TRAINING AND CURRICULUM DEVELOPMENT

Pub. L. 105-178, title III, §3015(d), as added by Pub. L. 105-206, title IX, §9009(k)(2), July 22, 1998, 112 Stat. 857, and amended by Pub. L. 108-88, §8(j)(3), Sept. 30, 2003, 117 Stat. 1124; Pub. L. 108-202, §9(j)(2), Feb. 29, 2004, 118 Stat. 487; Pub. L. 108-224, §7(j)(2), Apr. 30, 2004, 118 Stat. 636; Pub. L. 108-263, §7(j)(2), June 30, 2004, 118 Stat. 707; Pub. L. 108-280, §7(j)(2), July 30, 2004, 118 Stat. 884; Pub. L. 108-310, §8(j)(3), Sept. 30, 2004, 118 Stat. 1157; Pub. L.

109-14, §7(i)(2), May 31, 2005, 119 Stat. 332; Pub. L. 109-20, §7(i)(2), July 1, 2005, 119 Stat. 355; Pub. L. 109-35, §7(i)(2), July 20, 2005, 119 Stat. 388; Pub. L. 109-37, §7(i)(2), July 22, 2005, 119 Stat. 403; Pub. L. 109-40, §7(i)(2), July 28, 2005, 119 Stat. 419, specified how funds made available by former subsec. (e)(2)(C)(iii) of this section could be used by certain institutions for transportation research, training, and curriculum development.

PROGRAMS OF FEDERAL TRANSIT ADMINISTRATION;
LIMITATION ON OBLIGATIONS

Pub. L. 109-115, div. A, title I, §140, Nov. 30, 2005, 119 Stat. 2420, which provided that the limitations on obligations for the programs of the Federal Transit Administration were not to apply to any authority under this section previously made available for obligation, or to any other authority previously made available for obligation, was from the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006 and was repeated in provisions of subsequent appropriations acts which are not set out in the Code.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-447, div. H, title I, §160, Dec. 8, 2004, 118 Stat. 3227.

Pub. L. 108-199, div. F, title I, §160, Jan. 23, 2004, 118 Stat. 308.

Pub. L. 108-7, div. I, title III, §309, Feb. 20, 2003, 117 Stat. 407.

Pub. L. 107-87, title III, §309, Dec. 18, 2001, 115 Stat. 855.

Pub. L. 106-346, §101(a) [title III, §311], Oct. 23, 2000, 114 Stat. 1356, 1356A-27.

Pub. L. 106-69, title III, §311, Oct. 9, 1999, 113 Stat. 1018.

Pub. L. 105-277, div. A, §101(g) [title III, §311], Oct. 21, 1998, 112 Stat. 2681-439, 2681-467.

Pub. L. 105-66, title III, §311, Oct. 27, 1997, 111 Stat. 1443.

Pub. L. 104-205, title III, §311, Sept. 30, 1996, 110 Stat. 2971.

Pub. L. 104-50, title III, §312, Nov. 15, 1995, 109 Stat. 455.

Pub. L. 103-331, title III, §313, Sept. 30, 1994, 108 Stat. 2490.

Pub. L. 103-122, title III, §313, Oct. 27, 1993, 107 Stat. 1221.

Pub. L. 102-388, title III, §313, Oct. 6, 1992, 106 Stat. 1546.

Pub. L. 102-143, title III, §313, Oct. 28, 1991, 105 Stat. 941, as amended by Pub. L. 102-240, title III, §§3003(b), 3004(b), Dec. 18, 1991, 105 Stat. 2088.

Pub. L. 101-516, title III, §313, Nov. 5, 1990, 104 Stat. 2181.

Pub. L. 101-164, title III, §314, Nov. 21, 1989, 103 Stat. 1094.

Pub. L. 100-457, title III, §314, Sept. 30, 1988, 102 Stat. 2148.

Pub. L. 100-202, §101(l) [title III, §314], Dec. 22, 1987, 101 Stat. 1329-358, 1329-379.

Pub. L. 99-500, §101(l) [H.R. 5205, title III, §317], Oct. 18, 1986, 100 Stat. 1783-308, and Pub. L. 99-591, §101(l) [H.R. 5205, title III, §317], Oct. 30, 1986, 100 Stat. 3341-308.

Pub. L. 99-190, §101(e) [title III, §322], Dec. 19, 1985, 99 Stat. 1267, 1287.

§ 5339. Bus and bus facilities formula grants

(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to assist eligible recipients described in subsection (c)(1) in financing capital projects—

(1) to replace, rehabilitate, and purchase buses and related equipment; and

(2) to construct bus-related facilities.

(b) GRANT REQUIREMENTS.—The requirements of section 5307 apply to recipients of grants made under this section.

(c) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

(1) RECIPIENTS.—Eligible recipients under this section are designated recipients that operate fixed route bus service or that allocate funding to fixed route bus operators.

(2) SUBRECIPIENTS.—A designated recipient that receives a grant under this section may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation.

(d) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(J) shall be distributed as follows:

(1) NATIONAL DISTRIBUTION.—\$65,500,000 for each of fiscal years 2013 and 2014 and \$43,606,849 for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be allocated to all States and territories, with each State receiving \$1,250,000 for each such fiscal year and \$832,192 for such period and each territory receiving \$500,000 for each such fiscal year and \$332,877 for such period.

(2) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under paragraph (1) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

(e) TRANSFERS OF APPORTIONMENTS.—

(1) TRANSFER FLEXIBILITY FOR NATIONAL DISTRIBUTION FUNDS.—The Governor of a State may transfer any part of the State's apportionment under subsection (d)(1) to supplement amounts apportioned to the State under section 5311(c) of this title or amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336 of this title.

(2) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS FUNDS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 any amounts apportioned under subsection (d)(2) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

(f) GOVERNMENT'S SHARE OF COSTS.—

(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this section may provide additional local matching amounts.

(2) REMAINING COSTS.—The remainder of the net project cost shall be provided—

(A) in cash from non-Government sources other than revenues from providing public transportation services;

(B) from revenues derived from the sale of advertising and concessions;

(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital; or

(D) from amounts received under a service agreement with a State or local social service agency or private social service organization.

(g) PERIOD OF AVAILABILITY TO RECIPIENTS.—Amounts made available under this section may be obligated by a recipient for 3 years after the fiscal year in which the amount is apportioned.

Not later than 30 days after the end of the 3-year period described in the preceding sentence, any amount that is not obligated on the last day of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.

(h) DEFINITIONS.—For purposes of this section:

(1) The term “State” means a State of the United States.

(2) The term “territory” means the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.

(Added Pub. L. 108–7, div. I, title III, §356, Feb. 20, 2003, 117 Stat. 421; amended Pub. L. 109–59, title III, §3037(a), Aug. 10, 2005, 119 Stat. 1635; Pub. L. 112–141, div. B, §20029(a), July 6, 2012, 126 Stat. 729; Pub. L. 113–159, title I, §1204, Aug. 8, 2014, 128 Stat. 1847.)

AMENDMENTS

2014—Subsec. (d)(1). Pub. L. 113–159 inserted “for each of fiscal years 2013 and 2014 and \$43,606,849 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “\$65,500,000”, “for each such fiscal year and \$832,192 for such period” after “\$1,250,000”, and “for each such fiscal year and \$332,877 for such period” after “\$500,000”.

2012—Pub. L. 112–141 amended section generally. Prior to amendment, section related to alternatives analysis program.

2005—Pub. L. 109–59 inserted section catchline and amended text generally. Prior to amendment, text read as follows: “Effective for funds not yet expended on the effective date of this section, the Federal share for funds under this chapter for a grantee named in section 603(14) of Public Law 97–468 shall be the same as the Federal share under 23 U.S.C. section 120(b) for Federal aid highway funds apportioned to the State in which it operates.”

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.

§ 5340. Apportionments based on growing States and high density States formula factors

(a) DEFINITION.—In this section, the term “State” shall mean each of the 50 States of the United States.

(b) ALLOCATION.—Of the amounts made available for each fiscal year under section 5338(b)(2)(M),¹ the Secretary shall apportion—

(1) 50 percent to States and urbanized areas in accordance with subsection (c); and

(2) 50 percent to States and urbanized areas in accordance with subsection (d).

(c) GROWING STATE APPORTIONMENTS.—

(1) APPORTIONMENT AMONG STATES.—The amounts apportioned under subsection (b)(1) shall provide each State with an amount equal to the total amount apportioned multiplied by a ratio equal to the population of that State forecast for the year that is 15 years after the most recent decennial census, divided by the total population of all States forecast for the year that is 15 years after the most recent decennial census. Such forecast shall be based on

¹ See References in Text note below.