

under section 2009aa-12 of this title for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

**(2) Funding limitations**

The funding limitations under section 2009aa-3(b) of this title shall not apply to a project providing transportation or basic public services to residents of one or more distressed counties or isolated areas of distress in the region.

**(c) Nondistressed counties**

**(1) In general**

Except as provided in this subsection, no funds shall be provided under this subchapter for a project located in a county designated as a nondistressed county under subsection (a)(2).

**(2) Exceptions**

**(A) In general**

The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 2009aa-4(b) of this title.

**(B) Multicounty projects**

The Authority may waive the application of the funding prohibition under paragraph (1) to—

- (i) a multicounty project that includes participation by a nondistressed county; or
- (ii) any other type of project;

if the Authority determines that the project could bring significant benefits to areas of the region outside a nondistressed county.

**(C) Isolated areas of distress**

For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

- (i) by the most recent Federal data available; or
- (ii) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

**(d) Transportation and basic public infrastructure**

The Authority shall allocate at least 50 percent of any funds made available under section 2009aa-12 of this title for transportation and basic public infrastructure projects authorized under paragraphs (1) and (3) of section 2009aa-2(a) of this title.

(Pub. L. 87-128, title III, §382F, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-277.)

**§ 2009aa-6. Development planning process**

**(a) State development plan**

In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

**(b) Content of plan**

A State development plan submitted under subsection (a) shall reflect the goals, objectives,

and priorities identified in the regional development plan developed under section 2009aa-1(d)(2) of this title.

**(c) Consultation with interested local parties**

In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

- (1) consult with—
  - (A) local development districts; and
  - (B) local units of government; and

- (2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

**(d) Public participation**

**(1) In general**

The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subchapter.

**(2) Regulations**

The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

(Pub. L. 87-128, title III, §382G, as added Pub. L. 106-554, §1(a)(4) [div. B, title V, §503], Dec. 21, 2000, 114 Stat. 2763, 2763A-278.)

**§ 2009aa-7. Program development criteria**

**(a) In general**

In considering programs and projects to be provided assistance under this subchapter, and in establishing a priority ranking of the requests for assistance provided by the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

- (1) the relationship of the project or class of projects to overall regional development;
- (2) the per capita income and poverty and unemployment rates in an area;
- (3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;
- (4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;
- (5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area served by the project; and
- (6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

**(b) No relocation assistance**

No financial assistance authorized by this subchapter shall be used to assist a person or entity in relocating from one area to another, except