

tive and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

#### 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) 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.

(2) 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.

(3) 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 trackage 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 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

- (v) 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;
  - (X) open space;
  - (XI) safety and security equipment and facilities (including lighting, surveillance, and related intelligent transportation system applications);
  - (XII) facilities that incorporate community services such as daycare or health care;
  - (XIII) a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; and
  - (XIV) construction of space for commercial uses;
- (H) the introduction of new technology, through innovative and improved products, into public transportation;
- (I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts—
- (i) not to exceed 10 percent of such recipient's annual formula apportionment under sections 5307 and 5311; or
  - (ii) not to exceed 20 percent of such recipient's annual formula apportionment under sections 5307 and 5311, if, consistent with guidance issued by the Secretary, the recipient demonstrates that the recipient meets at least 2 of the following requirements:
    - (I) Provides an active fixed route travel training program that is available for riders with disabilities.
    - (II) Provides that all fixed route and paratransit operators participate in a passenger safety, disability awareness, and sensitivity training class on at least a biennial basis.
    - (III) Has memoranda of understanding in place with employers and the American Job Center to increase access to employment opportunities for people with disabilities.
- (J) establishing a debt service reserve, made up of deposits with a bondholder's trustee, to ensure the timely payment of principal and interest on bonds issued by a grant recipient to finance an eligible project under this chapter;
- (K) mobility management—
- (i) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental entity, under this chapter (other than section 5309); but
    - (ii) excluding operating public transportation services;
  - (L) associated capital maintenance, including—
    - (i) equipment, tires, tubes, and material, each costing at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment, tires, tubes, and material are to be used; and
    - (ii) reconstruction of equipment and material, each of which after reconstruction will have a fair market value of at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and material will be used;
  - (M) associated transit improvements; or
  - (N) technological changes or innovations to modify low or no emission vehicles (as defined in section 5339(c)) or facilities.
- (4) DESIGNATED RECIPIENT.—The term “designated recipient” means—
- (A) an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or
  - (B) a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.
- (5) DISABILITY.—The term “disability” has the same meaning as in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).
- (6) EMERGENCY REGULATION.—The term “emergency regulation” means a regulation—
- (A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(c); and
  - (B) prescribed by the Secretary as the result of a finding that a delay in the effective date of the regulation—
    - (i) would injure seriously an important public interest;
    - (ii) would frustrate substantially legislative policy and intent; or
    - (iii) would damage seriously a person or class without serving an important public interest.
- (7) 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.

(8) GOVERNOR.—The term “Governor”—

(A) means the Governor of a State, the mayor of the District of Columbia, and the chief executive officer of a territory of the United States; and

(B) includes the designee of the Governor.

(9) JOB ACCESS AND REVERSE COMMUTE PROJECT.—

(A) IN GENERAL.—The term “job access and reverse commute project” means a transportation project to finance planning, capital, and operating costs that support the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including transportation projects that facilitate the provision of public transportation services from urbanized areas and rural areas to suburban employment locations.

(B) DEFINITIONS.—In this paragraph:

(i) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term “eligible low-income individual” means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

(ii) WELFARE RECIPIENT.—The term “welfare recipient” means an individual who has received assistance under a State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) at any time during the 3-year period before the date on which the applicant applies for a grant under section 5307 or 5311.

(10) LOCAL GOVERNMENTAL AUTHORITY.—The term “local governmental authority” includes—

- (A) a political subdivision of a State;  
 (B) an authority of at least 1 State or political subdivision of a State;  
 (C) an Indian tribe; and  
 (D) a public corporation, board, or commission established under the laws of a State.

(11) LOW-INCOME INDIVIDUAL.—The term “low-income individual” means an individual whose family income is at or below 150 percent of the poverty line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section, for a family of the size involved.

(12) NET PROJECT COST.—The term “net project cost” means the part of a project that reasonably cannot be financed from revenues.

(13) NEW BUS MODEL.—The term “new bus model” means a bus model (including a model using alternative fuel)—

- (A) that has not been used in public transportation in the United States before the date of production of the model; or

(B) used in public transportation in the United States, but being produced with a major change in configuration or components.

(14) PUBLIC TRANSPORTATION.—The term “public transportation”—

(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and

(B) does not include—

- (i) intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);  
 (ii) intercity bus service;  
 (iii) charter bus service;  
 (iv) school bus service;  
 (v) sightseeing service;  
 (vi) courtesy shuttle service for patrons of one or more specific establishments; or  
 (vii) intra-terminal or intra-facility shuttle services.

(15) REGULATION.—The term “regulation” means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

(16) RURAL AREA.—The term “rural area” means an area encompassing a population of less than 50,000 people that has not been designated in the most recent decennial census as an “urbanized area” by the Secretary of Commerce.

(17) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(18) SENIOR.—The term “senior” means an individual who is 65 years of age or older.

(19) STATE.—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(20) 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).

(21) TRANSIT.—The term “transit” means public transportation.

(22) URBAN AREA.—The term “urban area” means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local public transportation system to serve individuals in the locality.

(23) URBANIZED AREA.—The term “urbanized area” means an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an “urbanized area” by the Secretary of Commerce.

(24) VALUE CAPTURE.—The term “value capture” means recovering the increased property value to property located near public transportation resulting from investments in public transportation.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 786; Pub. L. 103-331, title III, §335A, Sept. 30, 1994, 108 Stat. 2495; Pub. L. 104-50, title III, §333(a), Nov.

15, 1995, 109 Stat. 457; Pub. L. 104-287, §6(c), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 105-102, §3(a), Nov. 20, 1997, 111 Stat. 2214; Pub. L. 105-178, title III, §3003, June 9, 1998, 112 Stat. 338; Pub. L. 105-206, title IX, §9009(a), July 22, 1998, 112 Stat. 852; Pub. L. 109-59, title III, §§3002(b)(4), 3004, Aug. 10, 2005, 119 Stat. 1545; Pub. L. 110-244, title II, §201(a), June 6, 2008, 122 Stat. 1609; Pub. L. 112-141, div. B, §20004, July 6, 2012, 126 Stat. 623; Pub. L. 114-94, div. A, title III, §3002, Dec. 4, 2015, 129 Stat. 1446.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5302(a)(1) ....	49 App.:1608(c)(1).  49 App.:1608(c)(7), (8).	July 9, 1964, Pub. L. 88-365, §12(c)(1), 78 Stat. 306; Aug. 10, 1965, Pub. L. 89-117, §1109, 79 Stat. 507; Sept. 8, 1966, Pub. L. 89-562, §2(a)(1), 80 Stat. 715; May 25, 1967, Pub. L. 90-19, §20, 81 Stat. 25; Aug. 1, 1968, Pub. L. 90-448, §702, 82 Stat. 535; restated Nov. 6, 1978, Pub. L. 95-599, §308(b), 92 Stat. 2746; Jan. 6, 1983, Pub. L. 97-424, §309(a), 96 Stat. 2151; Apr. 2, 1987, Pub. L. 100-17, §309(a), 101 Stat. 227. July 9, 1964, Pub. L. 88-365, §12(c)(3)-(9), 78 Stat. 306; Aug. 10, 1965, Pub. L. 89-117, §1109, 79 Stat. 507; Sept. 8, 1966, Pub. L. 89-562, §2(a)(1), 80 Stat. 715; May 25, 1967, Pub. L. 90-19, §20, 81 Stat. 25; Aug. 1, 1968, Pub. L. 90-448, §702, 82 Stat. 535; restated Nov. 6, 1978, Pub. L. 95-599, §308(b), 92 Stat. 2746; Dec. 18, 1991, Pub. L. 102-240, §3016, 105 Stat. 2108.
5302(a)(2) ....	49 App.:1608(c)(3).	July 9, 1965, Pub. L. 88-365, 78 Stat. 302, §12(c)(12), (13); added Apr. 2, 1987, Pub. L. 100-17, §318(b)(3), 101 Stat. 234.
5302(a)(3) ....	49 App.:1608(c)(13).	
5302(a)(4) ....	49 App.:1608(c)(2).	July 9, 1964, Pub. L. 88-365, §12(c)(2), 78 Stat. 306; Aug. 10, 1965, Pub. L. 89-117, §1109, 79 Stat. 507; Sept. 8, 1966, Pub. L. 89-562, §2(a)(1), 80 Stat. 715; May 25, 1967, Pub. L. 90-19, §20, 81 Stat. 25; Aug. 1, 1968, Pub. L. 90-448, §702, 82 Stat. 535; restated Nov. 6, 1978, Pub. L. 95-599, §308(b), 92 Stat. 2746; Jan. 6, 1983, Pub. L. 97-424, §309(b), 96 Stat. 2151.
5302(a)(5) ....	49 App.:1608(c)(4) (1st sentence).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §12(h)(2); added Apr. 2, 1987, Pub. L. 100-17, §317(a), 101 Stat. 233; Dec. 18, 1991, Pub. L. 102-240, §6021(a), 105 Stat. 2184. Apr. 2, 1988, Pub. L. 100-17, §317(b)(4), 101 Stat. 233.
5302(a)(6) ....	49 App.:1608(c)(5).	
5302(a)(7) ....	49 App.:1608(c)(6).	
5302(a)(8) ....	(no source).	
5302(a)(9) ....	49 App.:1608(h)(2).	
5302(a)(10) ..	49 App.:1608(c)(12).	July 9, 1964, Pub. L. 88-365, §12(c)(10), (11), 78 Stat. 306; Aug. 10, 1965, Pub. L. 89-117, §1109, 79 Stat. 507; Sept. 8, 1966, Pub. L. 89-562, §2(a)(1), 80 Stat. 715; May 25, 1967, Pub. L. 90-19, §20, 81 Stat. 25; Aug. 1, 1968, Pub. L. 90-448, §702, 82 Stat. 535; restated Nov. 6, 1978, Pub. L. 95-599, §308(b), 92 Stat. 2746; Apr. 2, 1987, Pub. L. 100-17, §318(b)(1), (2), 101 Stat. 234.
5302(a)(11) ..	49 App.:1608(c)(9).	
5302(a)(12) ..	49 App.:1608(c)(10).	
5302(a)(13) ..	49 App.:1608(c)(11).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5302(b) .....	49 App.:1608(c)(4) (last sentence).	

In this chapter, the words “local governmental authority” are substituted for “local public body” for consistency in the revised title and with other titles of the United States Code.

In subsection (a), before clause (1), the text of 49 App.:1608(c)(7) is omitted as surplus. The text of 49 App.:1608(c)(8) is omitted because the complete title of the Secretary of Transportation is used the first time the term appears in a section. In clause (1), before subclause (A), the words “capital project” are substituted for “construction” for clarity. In subclause (A), the words “actual”, “all”, and “reconstruction” are omitted as surplus. In subclause (D), the words “(whether or not such overhaul increases the useful life of the rolling stock)” are omitted as surplus. In clause (2), the words “for each of the jurisdictions included in the definition of ‘State’” are omitted as surplus. In clauses (3) and (10), the word “regulation” is substituted for “rule” for consistency in the revised title and with other titles of the Code and because the terms are synonymous. In clause (3)(B)(iii), the words “of persons” are omitted as surplus. In clauses (4) and (5), the word “mass” is substituted for “public” because of the restatement. In clause (4)(A), the words “including, but not limited to, fixed rail, automated guideway transit, and exclusive facilities for buses” are omitted as surplus. In clause (6)(A), the words “municipalities and other” are omitted as surplus. In clause (6)(B), the word “authority” is substituted for “public agencies and instrumentalities” for consistency in the revised title and with other titles of the Code. The word “municipalities” is omitted as surplus. In clause (7), the words “bus, or rail, or other”, “either publicly or privately owned”, and “on a . . . basis” are omitted as surplus. Clause (8) is added for clarity because the term “net project cost” has the same meaning throughout this chapter. In clause (11), the words “the Commonwealths of” are omitted as surplus. In clause (12), the word “individuals” is substituted for “commuters or others” to eliminate unnecessary words. In clause (13)(A), the words “in the case of any such area” and “entire” are omitted as surplus. The words “Secretary of Commerce” are substituted for “Bureau of the Census” because of 15:1511(e). In clause (13)(B), the words “so designated by the Bureau of Census”, “which shall be”, “responsible”, and “in cooperation with each other” are omitted as surplus.

Subsection (b) applies to section 5307(d)(1)(D) of the revised title because of 49 App.:1607a(e)(1), restated as section 5307(n)(2) of the revised title.

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in par. (3)(I), 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.

The Social Security Act, referred to in par. (9)(B)(ii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

2015—Par. (1)(C). Pub. L. 114-94, §3002(1)(A), inserted “functional” before “landscaping and”.

Par. (1)(E). Pub. L. 114-94, §3002(1)(B), substituted “bicycle storage shelters and parking facilities and the installation of equipment” for “bicycle storage facilities and installing equipment”.

Par. (3)(F). Pub. L. 114-94, §3002(2)(A), added subpar. (F) and struck out former subpar. (F), which read as follows: "leasing equipment or a facility for use in public transportation, subject to regulations that the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than purchase or construction;"

Par. (3)(G)(iv). Pub. L. 114-94, §3002(2)(B)(i), inserted "and" at end.

Par. (3)(G)(v)(XIV). Pub. L. 114-94, §3002(2)(B)(ii), struck out "and" at end.

Par. (3)(G)(vi). Pub. L. 114-94, §3002(2)(B)(iii), struck out cl. (vi), which read as follows: "does not include outfitting of commercial space (other than an intercity bus or rail station or terminal) or a part of a public facility not related to public transportation;"

Par. (3)(I). Pub. L. 114-94, §3002(2)(C), added subpar. (I) and struck out former subpar. (I), which read as follows: "the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient's annual formula apportionment under sections 5307 and 5311;"

Par. (3)(M), (N). Pub. L. 114-94, §3002(2)(D)-(F), added subpars. (M) and (N).

Par. (24). Pub. L. 114-94, §3002(3), added par. (24).

2012—Pub. L. 112-141 amended section generally, substituting pars. (1) to (23) for former provisions defining terms for this chapter consisting of subsecs. (a) and (b).

2008—Subsec. (a)(10). Pub. L. 110-244 substituted "charter, sightseeing," for "charter,"

2005—Subsec. (a). Pub. L. 109-59, §3004(a), substituted "Except as otherwise specifically provided, in this chapter" for "In this chapter" in introductory provisions.

Subsec. (a)(1)(A), (F). Pub. L. 109-59, §3002(b)(4), substituted "public transportation" for "mass transportation".

Subsec. (a)(1)(G). Pub. L. 109-59, §3004(b)(1), inserted "construction, renovation, and improvement of intercity bus and intercity rail stations and terminals," after "public transportation facility," in introductory provisions.

Pub. L. 109-59, §3002(b)(4), substituted "public transportation" for "mass transportation" wherever appearing in introductory provisions.

Subsec. (a)(1)(G)(ii). Pub. L. 109-59, §3004(b)(2), inserted "(other than an intercity bus station or terminal)" after "commercial revenue-producing facility".

Pub. L. 109-59, §3002(b)(4), substituted "public transportation" for "mass transportation".

Subsec. (a)(1)(H). Pub. L. 109-59, §3002(b)(4), substituted "public transportation" for "mass transportation".

Subsec. (a)(1)(J) to (L). Pub. L. 109-59, §3004(b)(3)-(5), added subpars. (J) to (L).

Subsec. (a)(4). Pub. L. 109-59, §3002(b)(4), substituted "public transportation" for "mass transportation" in introductory provisions and subpar. (A).

Subsec. (a)(5). Pub. L. 109-59, §3004(c), substituted "Individual with a disability" for "Handicapped individual" in heading and "individual with a disability" for "handicapped individual" in text.

Pub. L. 109-59, §3002(b)(4), substituted "public transportation" for "mass transportation" in two places.

Subsec. (a)(7). Pub. L. 109-59, §3004(d), amended heading and text of par. (7) generally. Prior to amendment, text read as follows: "The term 'mass transportation' means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation."

Subsec. (a)(9). Pub. L. 109-59, §3002(b)(4), substituted "public transportation" for "mass transportation" in subpars. (A) and (B).

Subsec. (a)(10). Pub. L. 109-59, §3004(e), amended heading and text of par. (10) generally. Prior to amendment, text read as follows: "The term 'public transportation' means mass transportation."

Subsec. (a)(14) to (16). Pub. L. 109-59, §3002(b)(4), substituted "public transportation" for "mass transportation" wherever appearing.

Subsec. (a)(17). Pub. L. 109-59, §3004(f), reenacted heading without change and amended text of par. (17) generally. Prior to amendment, text read as follows: "The term 'urbanized area' means an area—

"(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

"(B) designated as an urbanized area within boundaries fixed by State and local officials and approved by the Secretary."

Subsec. (b). Pub. L. 109-59, §3004(g), substituted "Individual With a Disability" for "Handicapped Individual" in heading and "individual with a disability" for "handicapped individual" in text.

1998—Pub. L. 105-178, §3003(a), formerly §3003, as renumbered by Pub. L. 105-206, §9009(a)(1), amended section generally, revising and restating existing definitions and adding new pars. defining additional terms.

Subsec. (a)(1)(G)(i). Pub. L. 105-178, §3003(b), as added by Pub. L. 105-206, §9009(a)(2), substituted "daycare or" for "daycare and".

1997—Subsec. (a)(1)(B), (C). Pub. L. 105-102 made technical correction to directory language of Pub. L. 104-50, §333(a). See 1995 Amendment notes below.

1996—Subsec. (a)(1). Pub. L. 104-287 made technical correction to directory language of Pub. L. 103-331, §335A. See 1994 Amendment note below.

1995—Subsec. (a)(1)(B). Pub. L. 104-50, §333(a)(1), as amended by Pub. L. 105-102, §3(a)(1), struck out "that extends the economic life of a bus for at least 5 years" after "rehabilitating a bus".

Subsec. (a)(1)(C). Pub. L. 104-50, §333(a)(2), as amended by Pub. L. 105-102, §3(a)(2), struck out "that extends the economic life of a bus for at least 8 years" after "remanufacturing a bus".

1994—Subsec. (a)(1). Pub. L. 103-331, §335A, as amended by Pub. L. 104-287, inserted "payments for the capital portions of rail trackage rights agreements," after "rights of way,".

#### 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 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 1997 AMENDMENT

Pub. L. 105-102, §3(a), Nov. 20, 1997, 111 Stat. 2214, provided that the amendment made by section 3(a) is effective Nov. 15, 1995.

Amendment by Pub. L. 105-102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105-102, set out as a note under section 106 of this title.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-287, §6(c), Oct. 11, 1996, 110 Stat. 3398, provided that the amendment made by section 6(c) is effective Sept. 30, 1994.

## EFFECTIVE DATE OF 1995 AMENDMENT

Pub. L. 104-50, title III, §333(b), Nov. 15, 1995, 109 Stat. 457, provided that: "The amendments made by this section [amending this section] shall not take effect before March 31, 1996."

**§ 5303. Metropolitan transportation planning**

(a) **POLICY.**—It is in the national interest—

(1) to encourage and promote the safe and efficient management, operation, and development of resilient surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 5304(d).

(b) **DEFINITIONS.**—In this section and section 5304, the following definitions apply:

(1) **METROPOLITAN PLANNING AREA.**—The term "metropolitan planning area" means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

(2) **METROPOLITAN PLANNING ORGANIZATION.**—The term "metropolitan planning organization" means the policy board of an organization established as a result of the designation process under subsection (d).

(3) **NONMETROPOLITAN AREA.**—The term "non-metropolitan area" means a geographic area outside designated metropolitan planning areas.

(4) **NONMETROPOLITAN LOCAL OFFICIAL.**—The term "nonmetropolitan local official" means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

(5) **REGIONAL TRANSPORTATION PLANNING ORGANIZATION.**—The term "regional transportation planning organization" means a policy board of an organization established as the result of a designation under section 5304(l).

(6) **TIP.**—The term "TIP" means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

(7) **URBANIZED AREA.**—The term "urbanized area" means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

(c) **GENERAL REQUIREMENTS.**—

(1) **DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.**—To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation im-

provement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

(2) **CONTENTS.**—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) **PROCESS OF DEVELOPMENT.**—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(d) **DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.**—

(1) **IN GENERAL.**—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

(B) in accordance with procedures established by applicable State or local law.

(2) **STRUCTURE.**—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of—

(A) local elected officials;

(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

(C) appropriate State officials.

(3) **REPRESENTATION.**—

(A) **IN GENERAL.**—Designation or selection of officials or representatives under paragraph (2) shall be determined by the metropolitan planning organization according to the bylaws or enabling statute of the organization.

(B) **PUBLIC TRANSPORTATION REPRESENTATIVE.**—Subject to the bylaws or enabling statute of the metropolitan planning organization, a representative of a provider of public transportation may also serve as a representative of a local municipality.

(C) **POWERS OF CERTAIN OFFICIALS.**—An official described in paragraph (2)(B) shall have responsibilities, actions, duties, voting