

endar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under this subsection, and evaluation of the program including the evaluation of the data reported in paragraph (4).

“(d) BUY AMERICA.—The requirements of section 5323(j) of title 49, United States Code, shall apply to all procurements under this section.”

§ 5326. Transit asset management

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

(1) CAPITAL ASSET.—The term “capital asset” includes equipment, rolling stock, infrastructure, and facilities for use in public transportation and owned or leased by a recipient or subrecipient of Federal financial assistance under this chapter.

(2) 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 complies with the rule issued under this section.

(3) TRANSIT ASSET MANAGEMENT SYSTEM.—The term “transit asset management system” means a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively throughout the life cycle of such assets.

(b) TRANSIT ASSET MANAGEMENT SYSTEM.—The Secretary shall establish and implement a national transit asset management system, which shall include—

(1) a definition of the term “state of good repair” that includes objective standards for measuring the condition of capital assets of recipients, including equipment, rolling stock, infrastructure, and facilities;

(2) a requirement that recipients and subrecipients of Federal financial assistance under this chapter develop a transit asset management plan;

(3) a requirement that each designated recipient of Federal financial assistance under this chapter report on the condition of the system of the recipient and provide a description of any change in condition since the last report;

(4) an analytical process or decision support tool for use by public transportation systems that—

(A) allows for the estimation of capital investment needs of such systems over time; and

(B) assists with asset investment prioritization by such systems; and

(5) technical assistance to recipients of Federal financial assistance under this chapter.

(c) PERFORMANCE MEASURES AND TARGETS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule to establish performance measures based on the state of good repair standards established under subsection (b)(1).

(2) TARGETS.—Not later than 3 months after the date on which the Secretary issues a final rule under paragraph (1), and each fiscal year thereafter, each recipient of Federal financial assistance under this chapter shall establish performance targets in relation to the performance measures established by the Secretary.

(3) REPORTS.—Each designated recipient of Federal financial assistance under this chapter shall submit to the Secretary an annual report that describes—

(A) the progress of the recipient during the fiscal year to which the report relates toward meeting the performance targets established under paragraph (2) for that fiscal year; and

(B) the performance targets established by the recipient for the subsequent fiscal year.

(d) RULEMAKING.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule to implement the transit asset management system described in subsection (b).

(Added Pub. L. 112-141, div. B, §20019, July 6, 2012, 126 Stat. 707.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Federal Public Transportation Act of 2012, referred to in subsecs. (c)(1) and (d), 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.

CODIFICATION

Pub. L. 112-141, div. B, §20019, July 6, 2012, 126 Stat. 707, which directed that section 5326 of this title be amended generally, was executed by adding a new section 5326 to reflect the probable intent of Congress. A prior section 5326 was repealed by Pub. L. 109-59, title III, §3025(b), Aug. 10, 2005, 119 Stat. 1622.

PRIOR PROVISIONS

A prior section 5326, Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 826; Pub. L. 103-429, §6(11), Oct. 31, 1994, 108 Stat. 4379; Pub. L. 105-178, title III, §3023(a), (b), June 9, 1998, 112 Stat. 364, related to turnkey system projects, acquisition of rolling stock, and procurement of associated capital maintenance items, prior to repeal by Pub. L. 109-59, title III, §3025(b), Aug. 10, 2005, 119 Stat. 1622.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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.

§ 5327. Project management oversight

(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project for public transportation under this chapter or any other provision of Federal law, a recipient must prepare a project management plan approved by the Secretary and carry out the project in accordance with the project management plan. The plan shall provide for—

(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

(3) a construction schedule for the project;

(4) a document control procedure and record-keeping system;

(5) a change order procedure that includes a documented, systematic approach to the handling of construction change orders;

(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

(8) material testing policies and procedures;

(9) internal plan implementation and reporting requirements;

(10) criteria and procedures to be used for testing the operational system or its major components;

(11) periodic updates of the plan, especially related to project budget and project schedule, financing, ridership estimates, and the status of local efforts to enhance ridership where ridership estimates partly depend on the success of those efforts;

(12) the recipient's commitment to submit a project budget and project schedule to the Secretary quarterly; and

(13) safety and security management.

(b) **PLAN APPROVAL.**—(1) The Secretary shall approve a plan not later than 60 days after it is submitted. If the approval cannot be completed within 60 days, the Secretary shall notify the recipient, explain the reasons for the delay, and estimate the additional time that will be required.

(2) The Secretary shall inform the recipient of the reasons when a plan is disapproved.

(c) **ACCESS TO SITES AND RECORDS.**—Each recipient of Federal financial assistance for public transportation under this chapter or any other provision of Federal law shall provide the Secretary and a contractor the Secretary chooses under section 5338(f)¹ with access to the construction sites and records of the recipient when reasonably necessary.

(d) **REGULATIONS.**—The Secretary shall prescribe regulations necessary to carry out this section. The regulations shall include—

(1) a definition of “major capital project” for section 5338(f)¹ that excludes a project to acquire rolling stock or to maintain or rehabilitate a vehicle;

(2) a requirement that oversight—

(A) begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maxi-

mize the transportation benefits and cost savings associated with project management oversight; and

(B) be limited to quarterly reviews of compliance by the recipient with the project management plan approved under subsection (b) unless the Secretary finds that the recipient requires more frequent oversight because the recipient has failed to meet the requirements of such plan and the project may be at risk of going over budget or becoming behind schedule; and

(3) a process for recipients that the Secretary has found require more frequent oversight to return to quarterly reviews for purposes of paragraph (2)(B).

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 826; Pub. L. 103-429, §6(12), Oct. 31, 1994, 108 Stat. 4379; Pub. L. 104-287, §5(17), Oct. 11, 1996, 110 Stat. 3390; Pub. L. 105-178, title III, §3024, June 9, 1998, 112 Stat. 364; Pub. L. 109-59, title III, §3026, Aug. 10, 2005, 119 Stat. 1622; Pub. L. 112-141, div. B, §20020, July 6, 2012, 126 Stat. 708; Pub. L. 114-94, div. A, title III, §3012, Dec. 4, 2015, 129 Stat. 1475.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5327(a)	49 App.:1619(d), (e).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §23(b)-(g); added Apr. 2, 1987, Pub. L. 100-17, §324, 101 Stat. 236.
5327(b)	49 App.:1619(g).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §23(a); added Apr. 2, 1987, Pub. L. 100-17, §324, 101 Stat. 235; Dec. 18, 1991, Pub. L. 102-240, §3027, 105 Stat. 2115.
5327(c)(1)	49 App.:1619(a).	
5327(c)(2)	49 App.:1619(h).	July 9, 1964, Pub. L. 88-365, 78 Stat. 302, §23(h); added Nov. 21, 1989, Pub. L. 101-164, §340, 103 Stat. 1099.
5327(c)(3)	49 App.:1619(b).	
5327(d)	49 App.:1619(c).	
5327(e)	49 App.:1619(f).	

In subsection (a), before clause (1), the words “as required in each case by the Secretary” are omitted as surplus. In clause (11), the words “such items as” and “where applicable” are omitted as surplus.

In subsection (c)(1), the words “Beginning October 1, 1987” are omitted as executed. The words “with any person” are omitted as surplus.

In subsection (c)(2), the words “In addition to the purposes provided for under subsection (a) of this section” and “with any person” are omitted as surplus. The cross-reference to paragraph (1) is not changed. The cross-reference in 49 App.:1619(h), the source provision being restated in this subsection, is no longer correct, but is apparently still meant to apply to funds made available under 49 App.:1619(a).

In subsection (e), before clause (1), the text of 49 App.:1619(f) (2d sentence) is omitted as executed. In clause (1), The words “vehicles or other” and “the performance of” are omitted as surplus.

PUB. L. 103-429

This amends 49:5327(c)(1) to correct an erroneous cross-reference.

PUB. L. 104-287

This amends 49:5327(c) to correct an erroneous cross-reference.

¹ See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

Section 5338, referred to in subssecs. (c) and (d)(1), was amended generally by Pub. L. 117-58, div. C, § 30017, Nov. 15, 2021, 135 Stat. 912. As amended, section 5338 no longer contains a subsec. (f). Provisions relating to oversight, formerly contained in section 5338(f), can be found elsewhere in section 5338.

AMENDMENTS

2015—Subsec. (c). Pub. L. 114-94, § 3012(1), which directed substitution of section “5338(f)” for “section 5338(i)”, was executed by substituting “section 5338(f)” for “section 5338(i)”, to reflect the probable intent of Congress.

Subsec. (d)(1). Pub. L. 114-94, § 3012(2)(A)(i), which directed substitution of section 5338(f) for “section 5338(i)” without placing quotation marks around the language to be substituted, was executed by substituting “section 5338(f)” for “section 5338(i)”, to reflect the probable intent of Congress.

Subsec. (d)(2), (3). Pub. L. 114-94, § 3012(2)(A)(ii), (B), added pars. (2) and (3) and struck out former par. (2), which read as follows: “a requirement that oversight begin during the project development phase of a project, unless the Secretary finds it more appropriate to begin the oversight during another phase of the project, to maximize the transportation benefits and cost savings associated with project management oversight.”

2012—Subsec. (a). Pub. L. 112-141, § 20020(1)(A), in introductory provisions, substituted “Federal financial assistance for a major capital project for public transportation under this chapter or any other provision of Federal law, a recipient must prepare a project management plan approved by the Secretary and carry out the project in accordance with the project management plan” for “United States Government financial assistance for a major capital project under this chapter or the National Capital Transportation Act of 1969 (Public Law 91-143, 83 Stat. 320), a recipient must prepare and carry out a project management plan approved by the Secretary of Transportation”.

Subsec. (a)(12). Pub. L. 112-141, § 20020(1)(B), substituted “quarterly” for “each month”.

Subsec. (c). Pub. L. 112-141, § 20020(2), (3), added subsec. (c) and struck out former subsec. (c) which related to limitations.

Subsec. (d). Pub. L. 112-141, § 20020(2), (4), redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to access to sites and records.

Subsec. (d)(1). Pub. L. 112-141, § 20020(5)(A), substituted “section 5338(i)” for “subsection (c) of this section”.

Subsec. (d)(2). Pub. L. 112-141, § 20020(5)(B), substituted “project development phase” for “preliminary engineering stage” and “another phase” for “another stage”.

Subsec. (e). Pub. L. 112-141, § 20020(4), redesignated subsec. (e) as (d).

Subsec. (f). Pub. L. 112-141, § 20020(2), struck out subsec. (f). Text read as follows: “A recipient of financial assistance for a project under this chapter with an estimated total cost of \$1,000,000,000 or more shall submit to the Secretary an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.”

2005—Subsec. (a)(13). Pub. L. 109-59, § 3026(a), added par. (13).

Subsec. (c). Pub. L. 109-59, § 3026(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) specified limitations on use of available amounts for certain purposes.

1998—Subsec. (c)(2). Pub. L. 105-178, § 3024(a), substituted “enter into contracts” for “make contracts”

and inserted “and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section” before period at end of first sentence.

Subsec. (f). Pub. L. 105-178, § 3024(b), added subsec. (f). 1996—Subsec. (c)(1). Pub. L. 104-287 substituted “to carry out a major project under section 5309” for “to carry out a major project under section 5307”.

1994—Subsec. (c)(1). Pub. L. 103-429 substituted “section 5307, 5309, 5311, or 103(e)(4) or that Act” for “section 5307, 5309, 5311, or 103(e)(4) of that Act”.

Statutory Notes and Related Subsidiaries

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 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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

FINANCING OF OVERSIGHT ACTIVITIES

Pub. L. 107-87, title III, § 319, Dec. 18, 2001, 115 Stat. 858, provided that: “Beginning in fiscal year 2002 and thereafter, the Secretary may use up to 1 percent of the amounts made available to carry out 49 U.S.C. 5309 for oversight activities under 49 U.S.C. 5327.”

[§ 5328. Repealed. Pub. L. 112-141, div. B, § 20002(a), July 6, 2012, 126 Stat. 622]

Section, Pub. L. 103-272, § 1(d), July 5, 1994, 108 Stat. 828; Pub. L. 104-205, title III, § 336, Sept. 30, 1996, 110 Stat. 2974; Pub. L. 104-287, § 5(9), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 105-178, title III, § 3009(h)(2), (3)(B), (C), June 9, 1998, 112 Stat. 356; Pub. L. 105-206, title IX, § 9009(h)(2), (3), July 22, 1998, 112 Stat. 856; Pub. L. 109-59, title III, § 3027, Aug. 10, 2005, 119 Stat. 1623, related to project review and advancement by the Secretary.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 5329. Public transportation safety program

(a) DEFINITION.—In this section, the term “recipient” means a State or local governmental authority, or any other operator of a public transportation system, that receives financial assistance under this chapter.

(b) NATIONAL PUBLIC TRANSPORTATION SAFETY PLAN.—

(1) IN GENERAL.—The Secretary shall create and implement a national public transportation safety plan to improve the safety of all public transportation systems that receive funding under this chapter.