

1 **DIVISION B—PUBLIC**
2 **TRANSPORTATION**
3 **TITLE XXI—FEDERAL PUBLIC**
4 **TRANSPORTATION ACT**

5 **SEC. 21001. SHORT TITLE.**

6 This title may be cited as the “Federal Public Trans-
7 portation Act of 2015”.

8 **SEC. 21002. DEFINITIONS.**

9 Section 5302 of title 49, United States Code, is
10 amended—

11 (1) in paragraph (1)(E), by striking “bicycle
12 storage facilities and installing equipment” and in-
13 sserting “bicycle storage shelters and parking facili-
14 ties and the installation of equipment”;

15 (2) in paragraph (3)—

16 (A) by striking subparagraph (F) and in-
17 sserting the following:

18 “(F) leasing equipment or a facility for use
19 in public transportation;”;

20 (B) in subparagraph (G)—

21 (i) in clause (iv), by adding “and” at
22 the end;

1 (ii) in clause (v), by striking “and” at
2 the end; and

3 (iii) by striking clause (vi);

4 (C) in subparagraph (K), by striking “or”
5 at the end;

6 (D) in subparagraph (L), by striking the
7 period at the end and inserting a semicolon;
8 and

9 (E) by adding at the end the following:

10 “(M) associated transit improvements; or

11 “(N) technological changes or innovations
12 to modify low or no emission vehicles (as de-
13 fined in section 5339(c)) or facilities.”; and

14 (3) by adding at the end the following:

15 “(24) VALUE CAPTURE.—The term ‘value cap-
16 ture’ means recovering the increased value to prop-
17 erty located near public transportation resulting
18 from investments in public transportation.”.

19 **SEC. 21003. METROPOLITAN TRANSPORTATION PLANNING.**

20 Section 5303 of title 49, United States Code, is
21 amended—

22 (1) in subsection (a)(1), by inserting “resilient”
23 after “development of”;

24 (2) in subsection (c)(2), by striking “and bicy-
25 cle transportation facilities” and inserting “, bicycle

1 transportation facilities, intermodal facilities that
2 support intercity transportation, including intercity
3 buses and intercity bus facilities, and commuter van-
4 pool providers”;

5 (3) in subsection (d)—

6 (A) by redesignating paragraphs (3)
7 through (6) as paragraphs (4) through (7), re-
8 spectively;

9 (B) by inserting after paragraph (2) the
10 following:

11 “(3) REPRESENTATION.—

12 “(A) IN GENERAL.—Designation or selec-
13 tion of officials or representatives under para-
14 graph (2) shall be determined by the metropoli-
15 tan planning organization according to the by-
16 laws or enabling statute of the organization.

17 “(B) PUBLIC TRANSPORTATION REP-
18 RESENTATIVE.—Subject to the bylaws or ena-
19 bling statute of the metropolitan planning orga-
20 nization, a representative of a provider of public
21 transportation may also serve as a representa-
22 tive of a local municipality.

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

1 rights, and any other authority commensurate
2 with other officials described in paragraph
3 (2)(B).”; and

4 (C) in paragraph (5), as so redesignated,
5 by striking “paragraph (5)” and inserting
6 “paragraph (6)”;

7 (4) in subsection (e)(4)(B), by striking “sub-
8 section (d)(5)” and inserting “subsection (d)(6)”;

9 (5) in subsection (g)(3)(A), by inserting “nat-
10 ural disaster risk reduction,” after “environmental
11 protection,”;

12 (6) in subsection (h)(1)—

13 (A) in subparagraph (G), by striking
14 “and” at the end;

15 (B) in subparagraph (H), by striking the
16 period at the end and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(I) improve the resilience and reliability
19 of the transportation system.”;

20 (7) in subsection (i)—

21 (A) in paragraph (2)—

22 (i) in subparagraph (A)(i), by striking
23 “transit” and inserting “public transpor-
24 tation facilities, intercity bus facilities”;

25 (ii) in subparagraph (G)—

1 (I) by striking “and provide” and
2 inserting “, provide”; and

3 (II) by inserting before the pe-
4 riod at the end the following: “, and
5 reduce vulnerability due to natural
6 disasters of the existing transpor-
7 tation infrastructure”; and

8 (iii) in subparagraph (H), by inserting
9 before the period at the end the following:
10 “, including consideration of the role that
11 intercity buses may play in reducing con-
12 gestion, pollution, and energy consumption
13 in a cost-effective manner and strategies
14 and investments that preserve and enhance
15 intercity bus systems, including systems
16 that are privately owned and operated”;

17 (B) in paragraph (6)(A)—

18 (i) by inserting “public ports,” before
19 “freight shippers”; and

20 (ii) by inserting “(including intercity
21 bus operators and commuter vanpool pro-
22 viders)” after “private providers of trans-
23 portation”; and

1 (C) in paragraph (8), by striking “para-
2 graph (2)(C)” each place that term appears and
3 inserting “paragraph (2)(E)”;

4 (8) in subsection (j)(5)(A), by striking “sub-
5 section (k)(4)” and inserting “subsection (k)(3)”;

6 (9) in subsection (k)—

7 (A) by striking paragraph (3); and

8 (B) by redesignating paragraphs (4) and
9 (5) as paragraphs (3) and (4), respectively;

10 (10) in subsection (l)—

11 (A) in paragraph (1), by adding a period
12 at the end; and

13 (B) in paragraph (2)(D), by striking “of
14 less than 200,000” and inserting “with a popu-
15 lation of 200,000 or less”;

16 (11) by striking subsection (n);

17 (12) by redesignating subsections (o), (p), and
18 (q) as subsections (n), (o), and (p), respectively;

19 (13) in subsection (o), as so redesignated, by
20 striking “set aside under section 104(f) of title 23”
21 and inserting “apportioned under paragraphs (5)(D)
22 and (6) of section 104(b) of title 23”; and

23 (14) by adding at the end the following:

24 “(q) TREATMENT OF LAKE TAHOE REGION.—

1 “(1) DEFINITION OF LAKE TAHOE REGION.—In
 2 this subsection, the term ‘Lake Tahoe Region’ has
 3 the meaning given the term ‘region’ in subsection (a)
 4 of Article II of the Lake Tahoe Regional Planning
 5 Compact (Public Law 96–551; 94 Stat. 3234).

6 “(2) TREATMENT.—For purposes of this title,
 7 the Lake Tahoe Region shall be treated as—

8 “(A) a metropolitan planning organization;

9 “(B) a transportation management area
 10 under subsection (k); and

11 “(C) an urbanized area, which is com-
 12 prised of—

13 “(i) a population of 145,000 and 25
 14 square miles of land area in the State of
 15 California; and

16 “(ii) a population of 65,000 and 12
 17 square miles of land area in the State of
 18 Nevada.”.

19 **SEC. 21004. STATEWIDE AND NONMETROPOLITAN TRANS-**
 20 **PORTATION PLANNING.**

21 (a) IN GENERAL.—Section 5304 of title 49, United
 22 States Code, is amended—

23 (1) in subsection (a)(2), by striking “and bicy-
 24 cle transportation facilities” and inserting “, bicycle
 25 transportation facilities, intermodal facilities that

1 support intercity transportation, including intercity
2 buses and intercity bus facilities, and commuter van-
3 pool providers”;

4 (2) in subsection (d)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (G), by striking
7 “and” at the end;

8 (ii) in subparagraph (H), by striking
9 the period at the end and inserting “;
10 and”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(I) improve the resilience and reliability
14 of the transportation system.”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (B)(ii), by strik-
17 ing “urbanized areas with a population of
18 fewer than 200,000 individuals, as cal-
19 culated according to the most recent de-
20 cennial census, and” and inserting
21 “areas”; and

22 (ii) in subparagraph (C)—

23 (I) by striking “title 23” and in-
24 serting “this chapter”; and

1 (II) by striking “urbanized areas
2 with a population of fewer than
3 200,000 individuals, as calculated ac-
4 cording to the most recent decennial
5 census, and” and inserting “areas”;

6 (3) in subsection (e)(1)—

7 (A) by striking “In” and inserting “In”;

8 and

9 (B) by striking “subsection (l)” and insert-
10 ing “subsection (k)”;

11 (4) in subsection (f)—

12 (A) in paragraph (2)(B)(i), by striking
13 “subsection (l)” and inserting “subsection (k)”;

14 (B) in paragraph (3)(A)—

15 (i) in clause (i), by striking “sub-
16 section (l)” and inserting “subsection (k)”;

17 and

18 (ii) in clause (ii), by inserting “(in-
19 cluding intercity bus operators and com-
20 muter vanpool providers)” after “private
21 providers of transportation”;

22 (C) in paragraph (7), in the matter pre-
23 ceding subparagraph (A), by striking “should”
24 and inserting “shall”; and

1 (D) in paragraph (8), by inserting “, in-
2 cluding consideration of the role that intercity
3 buses may play in reducing congestion, pollu-
4 tion, and energy consumption in a cost-effective
5 manner and strategies and investments that
6 preserve and enhance intercity bus systems, in-
7 cluding systems that are privately owned and
8 operated” before the period at the end;

9 (5) in subsection (g)—

10 (A) in paragraph (2)(B)(i), by striking
11 “subsection (l)” and inserting “subsection (k)”;

12 (B) in paragraph (3)—

13 (i) by inserting “public ports,” before
14 “freight shippers”; and

15 (ii) by inserting “(including intercity
16 bus operators)” after “private providers of
17 transportation”; and

18 (C) in paragraph (6)(A), by striking “sub-
19 section (l)” and inserting “subsection (k)”;

20 (6) by striking subsection (i); and

21 (7) by redesignating subsections (j), (k), and (l)
22 as subsections (i), (j), and (k), respectively.

23 (b) CONFORMING AMENDMENT.—Section 5303(b)(5)
24 of title 49, United States Code, is amended by striking
25 “section 5304(l)” and inserting “section 5304(k)”.

1 **SEC. 21005. URBANIZED AREA FORMULA GRANTS.**

2 Section 5307 of title 49, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (2), by inserting “or gen-
6 eral public demand response service” before
7 “during” each place that term appears; and

8 (B) by adding at the end the following:

9 “(3) EXCEPTION TO SPECIAL RULE.—Notwith-
10 standing paragraph (2), if a public transportation
11 system described in that paragraph executes a writ-
12 ten agreement with 1 or more other public transpor-
13 tation systems within the urbanized area to allocate
14 funds for the purposes described in that paragraph
15 by a method other than by measuring vehicle rev-
16 enue hours, each public transportation system that
17 is a party to the written agreement may follow the
18 terms of the written agreement without regard to
19 measured vehicle revenue hours referred to in that
20 paragraph.

21 “(4) TEMPORARY AND TARGETED ASSIST-
22 ANCE.—

23 “(A) ELIGIBILITY.—The Secretary may
24 make a grant under this section to finance the
25 operating cost of equipment and facilities to a

1 recipient for use in public transportation in an
2 area that the Secretary determines has—

3 “(i) a population of not fewer than
4 200,000 individuals, as determined by the
5 Bureau of the Census; and

6 “(ii) a 3-month unemployment rate,
7 as reported by the Bureau of Labor Statis-
8 tics, that is—

9 “(I) greater than 7 percent; and

10 “(II) at least 2 percentage points
11 greater than the lowest 3-month un-
12 employment rate for the area during
13 the 5-year period preceding the date
14 of the determination.

15 “(B) AWARD OF GRANT.—

16 “(i) IN GENERAL.—Except as other-
17 wise provided in this subparagraph, the
18 Secretary may make a grant under this
19 paragraph for not more than 2 consecutive
20 fiscal years.

21 “(ii) ADDITIONAL YEAR.—If, at the
22 end of the second fiscal year following the
23 date on which the Secretary makes a de-
24 termination under subparagraph (A) with
25 respect to an area, the Secretary deter-

1 mines that the 3-month unemployment
2 rate for the area is at least 2 percentage
3 points greater than the unemployment rate
4 for the area at the time the Secretary
5 made the determination under subpara-
6 graph (A), the Secretary may make a
7 grant to a recipient in the area for 1 addi-
8 tional consecutive fiscal year.

9 “(iii) EXCLUSION PERIOD.—Begin-
10 ning on the last day of the last consecutive
11 fiscal year for which a recipient receives a
12 grant under this paragraph, the Secretary
13 may not make a subsequent grant under
14 this paragraph to the recipient for a num-
15 ber of fiscal years equal to the number of
16 consecutive fiscal years in which the recipi-
17 ent received a grant under this paragraph.

18 “(C) LIMITATION.—

19 “(i) FIRST FISCAL YEAR.—For the
20 first fiscal year following the date on which
21 the Secretary makes a determination under
22 subparagraph (A) with respect to an area,
23 not more than 25 percent of the amount
24 apportioned to a designated recipient
25 under section 5336 for the fiscal year shall

1 be available for operating assistance for
2 the area.

3 “(ii) SECOND AND THIRD FISCAL
4 YEARS.—For the second and third fiscal
5 years following the date on which the Sec-
6 retary makes a determination under sub-
7 paragraph (A) with respect to an area, not
8 more than 20 percent of the amount ap-
9 portioned to a designated recipient under
10 section 5336 for the fiscal year shall be
11 available for operating assistance for the
12 area.

13 “(D) PERIOD OF AVAILABILITY FOR OPER-
14 ATING ASSISTANCE.—Operating assistance
15 awarded under this paragraph shall be available
16 for expenditure to a recipient in an area until
17 the end of the second fiscal year following the
18 date on which the Secretary makes a deter-
19 mination under subparagraph (A) with respect
20 to the area, after which time any unexpended
21 funds shall be available to the recipient for
22 other eligible activities under this section.

23 “(E) CERTIFICATION.—The Secretary may
24 make a grant for operating assistance under

1 this paragraph for a fiscal year only if the re-
2 ipient certifies that—

3 “(i) the recipient will maintain public
4 transportation service levels at or above
5 the current service level, which shall be
6 demonstrated by providing an equal or
7 greater number of vehicle hours of service
8 in the fiscal year than the number of vehi-
9 cle hours of service provided in the pre-
10 ceding fiscal year;

11 “(ii) any non-Federal entity that pro-
12 vides funding to the recipient, including a
13 State or local governmental entity, will
14 maintain the tax rate or rate of allocations
15 dedicated to public transportation at or
16 above the rate for the preceding fiscal
17 year;

18 “(iii) the recipient has allocated the
19 maximum amount of funding under this
20 section for preventive maintenance costs el-
21 igible as a capital expense necessary to
22 maintain the level and quality of service
23 provided in the preceding fiscal year; and

24 “(iv) the recipient will not use funding
25 under this section for new capital assets

1 except as necessary for the existing system
2 to maintain or achieve a state of good re-
3 pair, assure safety, or replace obsolete
4 technology.”; and

5 (2) in subsection (c)(1)—

6 (A) in subparagraph (C), by inserting “in
7 a state of good repair” after “equipment and
8 facilities”;

9 (B) in subparagraph (J), by adding “and”
10 at the end;

11 (C) by striking subparagraph (K); and

12 (D) by redesignating subparagraph (L) as
13 subparagraph (K).

14 **SEC. 21006. FIXED GUIDEWAY CAPITAL INVESTMENT**
15 **GRANTS.**

16 (a) IN GENERAL.—Section 5309 of title 49, United
17 States Code, is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (3), by striking “and
20 weekend days”;

21 (B) in paragraph (6)—

22 (i) in subparagraph (A), by inserting
23 “, small start projects,” after “new fixed
24 guideway capital projects”; and

1 (ii) by striking subparagraph (B) and
2 inserting the following:

3 “(B) 2 or more projects that are any com-
4 bination of new fixed guideway capital projects,
5 small start projects, and core capacity improve-
6 ment projects.”; and

7 (C) in paragraph (7)—

8 (i) in subparagraph (A), by striking
9 “\$75,000,000” and inserting
10 “\$100,000,000”; and

11 (ii) in subparagraph (B), by striking
12 “\$250,000,000” and inserting
13 “\$300,000,000”;

14 (2) in subsection (d)—

15 (A) in paragraph (1)(B), by striking “,
16 policies and land use patterns that promote
17 public transportation,”; and

18 (B) in paragraph (2)(A)—

19 (i) in clause (iii), by adding “and” at
20 the end;

21 (ii) by striking clause (iv); and

22 (iii) by redesignating clause (v) as
23 clause (iv);

1 (3) in subsection (g)(2)(A)(i), by striking “, the
2 policies and land use patterns that support public
3 transportation,”;

4 (4) in subsection (i)—

5 (A) in paragraph (1), by striking “sub-
6 section (d) or (e)” and inserting “subsection
7 (d), (e), or (h)”;

8 (B) in paragraph (2)—

9 (i) in the matter preceding subpara-
10 graph (A), by inserting “new fixed guide-
11 way capital project or core capacity im-
12 provement” after “federally funded”;

13 (ii) by striking subparagraph (D) and
14 inserting the following:

15 “(D) the program of interrelated projects,
16 when evaluated as a whole—

17 “(i) meets the requirements of sub-
18 section (d)(2), subsection (e)(2), or para-
19 graphs (3) and (4) of subsection (h), as
20 applicable, if the program is comprised en-
21 tirely of—

22 “(I) new fixed guideway capital
23 projects;

24 “(II) core capacity improvement
25 projects; or

1 “(III) small start projects; or

2 “(ii) meets the requirements of sub-
3 section (d)(2) if the program is comprised
4 of any combination of new fixed guideway
5 projects, small start projects, and core ca-
6 pacity improvement projects;”; and

7 (iii) in subparagraph (F), by inserting
8 “or (h)(5), as applicable” after “subsection
9 (f)”; and

10 (C) in paragraph (3), by striking subpara-
11 graph (A) and inserting the following:

12 “(A) PROJECT ADVANCEMENT.—A project
13 receiving a grant under this section that is part
14 of a program of interrelated projects may not
15 advance—

16 “(i) in the case of a small start
17 project, from the project development
18 phase to the construction phase unless the
19 Secretary determines that the program of
20 interrelated projects meets the applicable
21 requirements of this section and there is a
22 reasonable likelihood that the program will
23 continue to meet such requirements; or

24 “(ii) in the case of a new fixed guide-
25 way capital project or a core capacity im-

1 provement project, from the project devel-
2 opment phase to the engineering phase, or
3 from the engineering phase to the con-
4 struction phase, unless the Secretary deter-
5 mines that the program of interrelated
6 projects meets the applicable requirements
7 of this section and there is a reasonable
8 likelihood that the program will continue to
9 meet such requirements.”; and

10 (5) by adding at the end the following:

11 “(p) JOINT PUBLIC TRANSPORTATION AND INTER-
12 CITY PASSENGER RAIL PROJECTS.—

13 “(1) IN GENERAL.—The Secretary may make
14 grants for new fixed guideway capital projects and
15 core capacity improvement projects that provide both
16 public transportation and intercity passenger rail
17 service.

18 “(2) ELIGIBLE COSTS.—Eligible costs for a
19 project under this subsection shall be limited to the
20 net capital costs of the public transportation costs
21 attributable to the project based on projected use of
22 the new segment or expanded capacity of the project
23 corridor, not including project elements designed to
24 achieve or maintain a state of good repair, as deter-
25 mined by the Secretary under paragraph (4).

1 “(3) PROJECT JUSTIFICATION AND LOCAL FI-
2 NANCIAL COMMITMENT.—A project under this sub-
3 section shall be evaluated for project justification
4 and local financial commitment under subsections
5 (d), (e), (f), and (h), as applicable to the project,
6 based on—

7 “(A) the net capital costs of the public
8 transportation costs attributable to the project
9 as determined under paragraph (4); and

10 “(B) the share of funds dedicated to the
11 project from sources other than this section in-
12 cluded in the unified finance plan for the
13 project.

14 “(4) CALCULATION OF NET CAPITAL PROJECT
15 COST.—The Secretary shall estimate the net capital
16 costs of a project under this subsection based on—

17 “(A) engineering studies;

18 “(B) studies of economic feasibility;

19 “(C) the expected use of equipment or fa-
20 cilities; and

21 “(D) the public transportation costs attrib-
22 utable to the project.

23 “(5) GOVERNMENT SHARE OF NET CAPITAL
24 PROJECT COST.—

1 “(A) GOVERNMENT SHARE.—The Govern-
2 ment share shall not exceed 80 percent of the
3 net capital cost attributable to the public trans-
4 portation costs of a project under this sub-
5 section as determined under paragraph (4).

6 “(B) NON-GOVERNMENT SHARE.—The re-
7 mainder of the net capital cost attributable to
8 the public transportation costs of a project
9 under this subsection shall be provided from an
10 undistributed cash surplus, a replacement or
11 depreciation cash fund or reserve, or new cap-
12 ital.”.

13 (b) EXPEDITED PROJECT DELIVERY FOR CAPITAL
14 INVESTMENT GRANTS PILOT PROGRAM.—

15 (1) DEFINITIONS.—In this subsection, the fol-
16 lowing definitions shall apply:

17 (A) APPLICANT.—The term “applicant”
18 means a State or local governmental authority
19 that applies for a grant under this subsection.

20 (B) CAPITAL PROJECT; FIXED GUIDEWAY;
21 LOCAL GOVERNMENTAL AUTHORITY; PUBLIC
22 TRANSPORTATION; STATE; STATE OF GOOD RE-
23 PAIR.—The terms “capital project”, “fixed
24 guideway”, “local governmental authority”,
25 “public transportation”, “State”, and “state of

1 good repair” have the meanings given those
2 terms in section 5302 of title 49, United States
3 Code.

4 (C) CORE CAPACITY IMPROVEMENT
5 PROJECT.—The term “core capacity improve-
6 ment project”—

7 (i) means a substantial corridor-based
8 capital investment in an existing fixed
9 guideway system that increases the capac-
10 ity of a corridor by not less than 10 per-
11 cent; and

12 (ii) may include project elements de-
13 signed to aid the existing fixed guideway
14 system in making substantial progress to-
15 wards achieving a state of good repair.

16 (D) CORRIDOR-BASED BUS RAPID TRANSIT
17 PROJECT.—The term “corridor-based bus rapid
18 transit project” means a small start project uti-
19 lizing buses in which the project represents a
20 substantial investment in a defined corridor as
21 demonstrated by features that emulate the serv-
22 ices provided by rail fixed guideway public
23 transportation systems—

24 (i) including—

25 (I) defined stations;

1 (II) traffic signal priority for
2 public transportation vehicles;

3 (III) short headway bidirectional
4 services for a substantial part of
5 weekdays; and

6 (IV) any other features the Sec-
7 retary may determine support a long-
8 term corridor investment; and

9 (ii) the majority of which does not op-
10 erate in a separated right-of-way dedicated
11 for public transportation use during peak
12 periods.

13 (E) ELIGIBLE PROJECT.—The term “eligi-
14 ble project” means a new fixed guideway capital
15 project, a small start project, or a core capacity
16 improvement project that has not entered into
17 a full funding grant agreement with the Federal
18 Transit Administration before the date of en-
19 actment of this Act.

20 (F) FIXED GUIDEWAY BUS RAPID TRANSIT
21 PROJECT.—The term “fixed guideway bus rapid
22 transit project” means a bus capital project—

23 (i) in which the majority of the
24 project operates in a separated right-of-

1 way dedicated for public transportation use
2 during peak periods;

3 (ii) that represents a substantial in-
4 vestment in a single route in a defined cor-
5 ridor or subarea; and

6 (iii) that includes features that emu-
7 late the services provided by rail fixed
8 guideway public transportation systems, in-
9 cluding—

10 (I) defined stations;

11 (II) traffic signal priority for
12 public transportation vehicles;

13 (III) short headway bidirectional
14 services for a substantial part of
15 weekdays and weekend days; and

16 (IV) any other features the Sec-
17 retary may determine are necessary to
18 produce high-quality public transpor-
19 tation services that emulate the serv-
20 ices provided by rail fixed guideway
21 public transportation systems.

22 (G) NEW FIXED GUIDEWAY CAPITAL
23 PROJECT.—The term “new fixed guideway cap-
24 ital project” means—

1 (i) a fixed guideway project that is a
2 minimum operable segment or extension to
3 an existing fixed guideway system; or

4 (ii) a fixed guideway bus rapid transit
5 project that is a minimum operable seg-
6 ment or an extension to an existing bus
7 rapid transit system.

8 (H) RECIPIENT.—The term “recipient”
9 means a recipient of funding under chapter 53
10 of title 49, United States Code.

11 (I) SMALL START PROJECT.—The term
12 “small start project” means a new fixed guide-
13 way capital project, a fixed guideway bus rapid
14 transit project, or a corridor-based bus rapid
15 transit project for which—

16 (i) the Federal assistance provided or
17 to be provided under this subsection is less
18 than \$75,000,000; and

19 (ii) the total estimated net capital cost
20 is less than \$300,000,000.

21 (2) GENERAL AUTHORITY.—The Secretary may
22 make grants under this subsection to States and
23 local governmental authorities to assist in financ-
24 ing—

1 (A) new fixed guideway capital projects or
2 small start projects, including the acquisition of
3 real property, the initial acquisition of rolling
4 stock for the system, the acquisition of rights-
5 of-way, and relocation, for projects in the ad-
6 vanced stages of planning and design; and

7 (B) core capacity improvement projects, in-
8 cluding the acquisition of real property, the ac-
9 quisition of rights-of-way, double tracking, sig-
10 nalization improvements, electrification, expand-
11 ing system platforms, acquisition of rolling
12 stock associated with corridor improvements in-
13 creasing capacity, construction of infill stations,
14 and such other capacity improvement projects
15 as the Secretary determines are appropriate to
16 increase the capacity of an existing fixed guide-
17 way system corridor by not less than 10 per-
18 cent. Core capacity improvement projects do
19 not include elements to improve general station
20 facilities or parking, or acquisition of rolling
21 stock alone.

22 (3) GRANT REQUIREMENTS.—

23 (A) IN GENERAL.—The Secretary may
24 make not more than 10 grants under this sub-

1 section for an eligible project if the Secretary
2 determines that—

3 (i) the eligible project is part of an
4 approved transportation plan required
5 under sections 5303 and 5304 of title 49,
6 United States Code;

7 (ii) the applicant has, or will have—

8 (I) the legal, financial, and tech-
9 nical capacity to carry out the eligible
10 project, including the safety and secu-
11 rity aspects of the eligible project;

12 (II) satisfactory continuing con-
13 trol over the use of the equipment or
14 facilities;

15 (III) the technical and financial
16 capacity to maintain new and existing
17 equipment and facilities; and

18 (IV) advisors providing guidance
19 to the applicant on the terms and
20 structure of the project that are inde-
21 pendent from investors in the project;

22 (iii) the eligible project is supported,
23 or will be supported, in part, through a
24 public-private partnership, provided such
25 support is determined by local policies, cri-

1 teria, and decisionmaking under section
2 5306(a) of title 49, United States Code;

3 (iv) the eligible project is justified
4 based on findings presented by the project
5 sponsor to the Secretary, including—

6 (I) mobility improvements attrib-
7 utable to the project;

8 (II) environmental benefits asso-
9 ciated with the project;

10 (III) congestion relief associated
11 with the project;

12 (IV) economic development ef-
13 fects derived as a result of the project;
14 and

15 (V) estimated ridership projec-
16 tions; and

17 (v) the eligible project is supported by
18 an acceptable degree of local financial com-
19 mitment (including evidence of stable and
20 dependable financing sources).

21 (B) CERTIFICATION.—An applicant that
22 has submitted the certifications required under
23 subparagraphs (A), (B), (C), and (H) of section
24 5307(c)(1) of title 49, United States Code, shall
25 be deemed to have provided sufficient informa-

1 tion upon which the Secretary may make the
2 determinations required under this paragraph.

3 (C) TECHNICAL CAPACITY.—The Secretary
4 shall use an expedited technical capacity review
5 process for applicants that have recently and
6 successfully completed not less than 1 new fixed
7 guideway capital project, small start project, or
8 core capacity improvement project, if—

9 (i) the applicant achieved budget,
10 cost, and ridership outcomes for the
11 project that are consistent with or better
12 than projections; and

13 (ii) the applicant demonstrates that
14 the applicant continues to have the staff
15 expertise and other resources necessary to
16 implement a new project.

17 (D) FINANCIAL COMMITMENT.—

18 (i) REQUIREMENTS.—In determining
19 whether an eligible project is supported by
20 an acceptable degree of local financial com-
21 mitment and shows evidence of stable and
22 dependable financing sources for purposes
23 of subparagraph (A)(v), the Secretary shall
24 require that—

1 (I) each proposed source of cap-
2 ital and operating financing is stable,
3 reliable, and available within the pro-
4 posed eligible project timetable; and

5 (II) resources are available to re-
6 capitalize, maintain, and operate the
7 overall existing and proposed public
8 transportation system, including es-
9 sential feeder bus and other services
10 necessary, without degradation to the
11 existing level of public transportation
12 services.

13 (ii) CONSIDERATIONS.—In assessing
14 the stability, reliability, and availability of
15 proposed sources of financing under clause
16 (i), the Secretary shall consider—

17 (I) the reliability of the fore-
18 casting methods used to estimate
19 costs and revenues made by the appli-
20 cant and the contractors to the appli-
21 cant;

22 (II) existing grant commitments;

23 (III) the degree to which financ-
24 ing sources are dedicated to the pro-
25 posed eligible project;

1 (IV) any debt obligation that ex-
2 ists or is proposed by the applicant,
3 for the proposed eligible project or
4 other public transportation purpose;
5 and

6 (V) private contributions to the
7 eligible project, including cost-effective
8 project delivery, management or
9 transfer of project risks, expedited
10 project schedule, financial partnering,
11 and other public-private partnership
12 strategies.

13 (E) LABOR STANDARDS.—The require-
14 ments under section 5333 of title 49, United
15 States Code, shall apply to each recipient of a
16 grant under this subsection.

17 (4) PROJECT ADVANCEMENT.—An applicant
18 that desires a grant under this subsection and meets
19 the requirements of paragraph (3) shall submit to
20 the Secretary, and the Secretary shall approve for
21 advancement, a grant request that contains—

22 (A) identification of an eligible project;

23 (B) a schedule and finance plan for the
24 construction and operation of the eligible
25 project;

1 (C) an analysis of the efficiencies of the
2 proposed eligible project development and deliv-
3 ery methods and innovative financing arrange-
4 ment for the eligible project, including any doc-
5 uments related to the—

6 (i) public-private partnership required
7 under paragraph (3)(A)(iii); and

8 (ii) project justification required
9 under paragraph (3)(A)(iv); and

10 (D) a certification that the existing public
11 transportation system of the applicant or, in the
12 event that the applicant does not operate a pub-
13 lic transportation system, the public transpor-
14 tation system to which the proposed project will
15 be attached, is in a state of good repair.

16 (5) WRITTEN NOTICE FROM THE SECRETARY.—

17 (A) IN GENERAL.—Not later than 120
18 days after the date on which the Secretary re-
19 ceives a grant request of an applicant under
20 paragraph (4), the Secretary shall provide writ-
21 ten notice to the applicant—

22 (i) of approval of the grant request; or

23 (ii) if the grant request does not meet
24 the requirements under paragraph (4), of
25 disapproval of the grant request, including

1 a detailed explanation of the reasons for
2 the disapproval.

3 (B) CONCURRENT NOTICE.—The Secretary
4 shall provide concurrent notice of an approval
5 or disapproval of a grant request under sub-
6 paragraph (A) to the Committee on Banking,
7 Housing, and Urban Affairs of the Senate and
8 the Committee on Transportation and Infra-
9 structure of the House of Representatives.

10 (6) WAIVER.—The Secretary may grant a waiv-
11 er to an applicant that does not comply with para-
12 graph (4)(D) if—

13 (A) the eligible project meets the definition
14 of a core capacity improvement project; and

15 (B) the Secretary certifies that the eligible
16 project will allow the applicant to make sub-
17 stantial progress in achieving a state of good
18 repair.

19 (7) SELECTION CRITERIA.—The Secretary may
20 enter into a full funding grant agreement with an
21 applicant under this subsection for an eligible
22 project for which an application has been submitted
23 and approved for advancement by the Secretary
24 under paragraph (4), only if the applicant has com-
25 pleted the planning and activities required under the

1 National Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq.).

3 (8) LETTERS OF INTENT AND FULL FUNDING
4 GRANT AGREEMENTS.—

5 (A) LETTERS OF INTENT.—

6 (i) AMOUNTS INTENDED TO BE OBLI-
7 GATED.—The Secretary may issue a letter
8 of intent to an applicant announcing an in-
9 tention to obligate, for an eligible project
10 under this subsection, an amount from fu-
11 ture available budget authority specified in
12 law that is not more than the amount stip-
13 ulated as the financial participation of the
14 Secretary in the eligible project. When a
15 letter is issued for an eligible project under
16 this subsection, the amount shall be suffi-
17 cient to complete at least an operable seg-
18 ment.

19 (ii) TREATMENT.—The issuance of a
20 letter under clause (i) is deemed not to be
21 an obligation under section 1108(c), 1501,
22 or 1502(a) of title 31, United States Code,
23 or an administrative commitment.

24 (B) FULL FUNDING GRANT AGREE-
25 MENTS.—

1 (i) IN GENERAL.—Except as provided
2 in clause (v), an eligible project shall be
3 carried out under this subsection through
4 a full funding grant agreement.

5 (ii) CRITERIA.—The Secretary shall
6 enter into a full funding grant agreement,
7 based the requirements of this subpara-
8 graph, with each applicant receiving assist-
9 ance for an eligible project that has re-
10 ceived a written notice of approval under
11 paragraph (5)(A)(i).

12 (iii) TERMS.—A full funding grant
13 agreement shall—

14 (I) establish the terms of partici-
15 pation by the Federal Government in
16 the eligible project;

17 (II) establish the maximum
18 amount of Federal financial assistance
19 for the eligible project;

20 (III) include the period of time
21 for completing construction of the eli-
22 gible project, consistent with the
23 terms of the public-private partner-
24 ship agreement, even if that period ex-

1 tends beyond the period of an author-
2 ization; and

3 (IV) make timely and efficient
4 management of the eligible project
5 easier according to the law of the
6 United States.

7 (iv) SPECIAL FINANCIAL RULES.—

8 (I) IN GENERAL.—A full funding
9 grant agreement under this subpara-
10 graph obligates an amount of avail-
11 able budget authority specified in law
12 and may include a commitment, con-
13 tingent on amounts to be specified in
14 law in advance for commitments
15 under this subparagraph, to obligate
16 an additional amount from future
17 available budget authority specified in
18 law.

19 (II) STATEMENT OF CONTINGENT
20 COMMITMENT.—A full funding grant
21 agreement shall state that the contin-
22 gent commitment is not an obligation
23 of the Federal Government.

24 (III) INTEREST AND OTHER FI-
25 NANCING COSTS.—Interest and other

1 financing costs of efficiently carrying
2 out a part of the eligible project with-
3 in a reasonable time are a cost of car-
4 rying out the eligible project under a
5 full funding grant agreement, except
6 that eligible costs may not be more
7 than the cost of the most favorable fi-
8 nancing terms reasonably available for
9 the eligible project at the time of bor-
10 rowing. The applicant shall certify, in
11 a way satisfactory to the Secretary,
12 that the applicant has shown reason-
13 able diligence in seeking the most fa-
14 vorable financing terms.

15 (IV) COMPLETION OF OPERABLE
16 SEGMENT.—The amount stipulated in
17 an agreement under this subpara-
18 graph for a new fixed guideway cap-
19 ital project, core capacity improve-
20 ment project, or small start project
21 shall be sufficient to complete at least
22 an operable segment.

23 (v) EXCEPTION.—

24 (I) IN GENERAL.—The Secretary,
25 to the maximum extent practicable,

1 shall provide Federal assistance under
2 this subsection for a small start
3 project in a single grant. If the Sec-
4 retary cannot provide such a single
5 grant, the Secretary may execute an
6 expedited grant agreement in order to
7 include a commitment on the part of
8 the Secretary to provide funding for
9 the project in future fiscal years.

10 (II) TERMS OF EXPEDITED
11 GRANT AGREEMENTS.—In executing
12 an expedited grant agreement under
13 this clause, the Secretary may include
14 in the agreement terms similar to
15 those established under clause (iii).

16 (C) LIMITATION ON AMOUNTS.—

17 (i) IN GENERAL.—The Secretary may
18 enter into full funding grant agreements
19 under this paragraph for eligible projects
20 that contain contingent commitments to
21 incur obligations in such amounts as the
22 Secretary determines are appropriate.

23 (ii) APPROPRIATION REQUIRED.—An
24 obligation may be made under this para-

1 graph only when amounts are appropriated
2 for obligation.

3 (D) NOTIFICATION TO CONGRESS.—

4 (i) IN GENERAL.—Not later than 30
5 days before the date on which the Sec-
6 retary issues a letter of intent or enters
7 into a full funding grant agreement for an
8 eligible project under this paragraph, the
9 Secretary shall notify, in writing, the Com-
10 mittee on Banking, Housing, and Urban
11 Affairs and the Committee on Appropria-
12 tions of the Senate and the Committee on
13 Transportation and Infrastructure and the
14 Committee on Appropriations of the House
15 of Representatives of the proposed letter of
16 intent or full funding grant agreement.

17 (ii) CONTENTS.—The written notifica-
18 tion under clause (i) shall include a copy of
19 the proposed letter of intent or full funding
20 grant agreement for the eligible project.

21 (9) GOVERNMENT SHARE OF NET CAPITAL
22 PROJECT COST.—

23 (A) IN GENERAL.—A grant for an eligible
24 project shall not exceed 25 percent of the net
25 capital project cost.

1 (B) REMAINDER OF NET CAPITAL
2 PROJECT COST.—The remainder of the net cap-
3 ital project cost shall be provided from an un-
4 distributed cash surplus, a replacement or de-
5 preciation cash fund or reserve, or new capital.

6 (C) LIMITATION ON STATUTORY CON-
7 STRUCTION.—Nothing in this subsection shall
8 be construed as authorizing the Secretary to re-
9 quire a non-Federal financial commitment for a
10 project that is more than 75 percent of the net
11 capital project cost.

12 (D) SPECIAL RULE FOR ROLLING STOCK
13 COSTS.—In addition to amounts allowed pursu-
14 ant to subparagraph (A), a planned extension
15 to a fixed guideway system may include the cost
16 of rolling stock previously purchased if the ap-
17 plicant satisfies the Secretary that only
18 amounts other than amounts provided by the
19 Federal Government were used and that the
20 purchase was made for use on the extension. A
21 refund or reduction of the remainder may be
22 made only if a refund of a proportional amount
23 of the grant of the Federal Government is made
24 at the same time.

1 (E) FAILURE TO CARRY OUT PROJECT.—If
2 an applicant does not carry out an eligible
3 project for reasons within the control of the ap-
4 plicant, the applicant shall repay all Federal
5 funds awarded for the eligible project from all
6 Federal funding sources, for all eligible project
7 activities, facilities, and equipment, plus reason-
8 able interest and penalty charges allowable by
9 law.

10 (F) CREDITING OF FUNDS RECEIVED.—
11 Any funds received by the Federal Government
12 under this paragraph, other than interest and
13 penalty charges, shall be credited to the appro-
14 priation account from which the funds were
15 originally derived.

16 (10) AVAILABILITY OF AMOUNTS.—

17 (A) IN GENERAL.—An amount made avail-
18 able for an eligible project shall remain avail-
19 able to that eligible project for 5 fiscal years,
20 including the fiscal year in which the amount is
21 made available. Any amounts that are unobli-
22 gated to the eligible project at the end of the
23 5-fiscal-year period may be used by the Sec-
24 retary for any purpose under this subsection.

1 (B) USE OF DEOBLIGATED AMOUNTS.—An
2 amount available under this subsection that is
3 deobligated may be used for any purpose under
4 this subsection.

5 (11) ANNUAL REPORT ON EXPEDITED PROJECT
6 DELIVERY FOR CAPITAL INVESTMENT GRANTS.—Not
7 later than the first Monday in February of each
8 year, the Secretary shall submit to the Committee
9 on Banking, Housing, and Urban Affairs and the
10 Committee on Appropriations of the Senate and the
11 Committee on Transportation and Infrastructure
12 and the Committee on Appropriations of the House
13 of Representatives a report that includes a proposed
14 amount to be available to finance grants for antici-
15 pated projects under this subsection.

16 (12) BEFORE AND AFTER STUDY AND RE-
17 PORT.—

18 (A) STUDY REQUIRED.—Each recipient
19 shall conduct a study that—

20 (i) describes and analyzes the impacts
21 of the eligible project on public transpor-
22 tation services and public transportation
23 ridership;

24 (ii) describes and analyzes the consist-
25 ency of predicted and actual benefits and

1 costs of the innovative project development
2 and delivery methods or innovative financ-
3 ing for the eligible project; and

4 (iii) identifies reasons for any dif-
5 ferences between predicted and actual out-
6 comes for the eligible project.

7 (B) SUBMISSION OF REPORT.—Not later
8 than 2 years after an eligible project that is se-
9 lected under this subsection begins revenue op-
10 erations, the recipient shall submit to the Sec-
11 retary a report on the results of the study con-
12 ducted under subparagraph (A).

13 (13) RULE OF CONSTRUCTION.—Nothing in
14 this subsection shall be construed to—

15 (A) require the privatization of the oper-
16 ation or maintenance of any project for which
17 an applicant seeks funding under this sub-
18 section;

19 (B) revise the determinations by local poli-
20 cies, criteria, and decisionmaking under section
21 5306(a) of title 49, United States Code;

22 (C) alter the requirements for locally devel-
23 oped, coordinated, and implemented transpor-
24 tation plans under sections 5303 and 5304 of
25 title 49, United States Code; or

1 (D) alter the eligibilities or priorities for
2 assistance under this subsection or section 5309
3 of title 49, United States Code.

4 **SEC. 21007. MOBILITY OF SENIORS AND INDIVIDUALS WITH**
5 **DISABILITIES.**

6 (a) COORDINATION OF PUBLIC TRANSPORTATION
7 SERVICES WITH OTHER FEDERALLY ASSISTED LOCAL
8 TRANSPORTATION SERVICES.—

9 (1) DEFINITIONS.—In this subsection—

10 (A) the term “allocated cost model” means
11 a method of determining the cost of trips by al-
12 locating the cost to each trip purpose served by
13 a transportation provider in a manner that is
14 proportional to the level of transportation serv-
15 ice that the transportation provider delivers for
16 each trip purpose, to the extent permitted by
17 applicable Federal requirements; and

18 (B) the term “Council” means the Inter-
19 agency Transportation Coordinating Council on
20 Access and Mobility established under Execu-
21 tive Order 13330 (49 U.S.C. 101 note).

22 (2) COORDINATING COUNCIL ON ACCESS AND
23 MOBILITY STRATEGIC PLAN.—Not later than 2 years
24 after the date of enactment of this Act, the Council
25 shall publish a strategic plan for the Council that—

1 (A) outlines the role and responsibilities of
2 each Federal agency with respect to local trans-
3 portation coordination, including non-emergency
4 medical transportation;

5 (B) identifies a strategy to strengthen
6 interagency collaboration;

7 (C) addresses any outstanding rec-
8 ommendations made by the Council in the 2005
9 Report to the President relating to the imple-
10 mentation of Executive Order 13330, includ-
11 ing—

12 (i) a cost-sharing policy endorsed by
13 the Council; and

14 (ii) recommendations to increase par-
15 ticipation by recipients of Federal grants
16 in locally developed, coordinated planning
17 processes; and

18 (D) to the extent feasible, addresses rec-
19 ommendations by the Comptroller General of
20 the United States concerning local coordination
21 of transportation services.

22 (3) DEVELOPMENT OF COST-SHARING POLICY
23 IN COMPLIANCE WITH APPLICABLE FEDERAL RE-
24 QUIREMENTS.—In establishing the cost-sharing pol-

1 icy required under paragraph (2), the Council may
2 consider, to the extent practicable—

3 (A) the development of recommended
4 strategies for grantees of programs funded by
5 members of the Council, including strategies for
6 grantees of programs that fund non-emergency
7 medical transportation, to use the cost-sharing
8 policy in a manner that does not violate applica-
9 ble Federal requirements; and

10 (B) optional incorporation of an allocated
11 cost model to facilitate local coordination efforts
12 that comply with applicable requirements of
13 programs funded by members of the Council,
14 such as—

15 (i) eligibility requirements;

16 (ii) service delivery requirements; and

17 (iii) reimbursement requirements.

18 (b) PILOT PROGRAM FOR INNOVATIVE COORDINATED
19 ACCESS AND MOBILITY.—

20 (1) DEFINITIONS.—In this subsection—

21 (A) the term “eligible project” has the
22 meaning given the term “capital project” in
23 section 5302 of title 49, United States Code;
24 and

1 (B) the term “eligible recipient” means a
2 recipient or subrecipient, as those terms are de-
3 fined in section 5310 of title 49, United States
4 Code.

5 (2) GENERAL AUTHORITY.—The Secretary may
6 make grants under this subsection to eligible recipi-
7 ents to assist in financing innovative projects for the
8 transportation disadvantaged that improve the co-
9 ordination of transportation services and non-emer-
10 gency medical transportation services, including—

11 (A) the deployment of coordination tech-
12 nology;

13 (B) projects that create or increase access
14 to community One-Call/One-Click Centers; and

15 (C) such other projects as determined by
16 the Secretary.

17 (3) APPLICATION.—An eligible recipient shall
18 submit to the Secretary an application that, at a
19 minimum, contains—

20 (A) a detailed description of the eligible
21 project;

22 (B) an identification of all eligible project
23 partners and their specific role in the eligible
24 project, including—

1 (i) private entities engaged in the co-
2 ordination of non-emergency medical trans-
3 portation services for the transportation
4 disadvantaged; or

5 (ii) nonprofit entities engaged in the
6 coordination of non-emergency medical
7 transportation services for the transpor-
8 tation disadvantaged;

9 (C) a description of how the eligible project
10 would—

11 (i) improve local coordination or ac-
12 cess to coordinated transportation services;

13 (ii) reduce duplication of service, if
14 applicable; and

15 (iii) provide innovative solutions in the
16 State or community; and

17 (D) specific performance measures the eli-
18 gible project will use to quantify actual out-
19 comes against expected outcomes.

20 (4) GOVERNMENT SHARE OF COSTS.—

21 (A) IN GENERAL.—The Government share
22 of the cost of an eligible project carried out
23 under this subsection shall not exceed 80 per-
24 cent.

1 (B) NON-GOVERNMENT SHARE.—The non-
2 Government share of the cost of an eligible
3 project carried out under this subsection may
4 be derived from in-kind contributions.

5 (5) RULE OF CONSTRUCTION.—For purposes of
6 this subsection, non-emergency medical transpor-
7 tation services shall be limited to services eligible
8 under Federal programs other than programs au-
9 thorized under chapter 53 of title 49, United States
10 Code.

11 (c) TECHNICAL CORRECTION.—Section 5310(a) of
12 title 49, United States Code, is amended by striking para-
13 graph (1) and inserting the following:

14 “(1) RECIPIENT.—The term ‘recipient’
15 means—

16 “(A) a designated recipient or a State that
17 receives a grant under this section directly; or

18 “(B) a State or local governmental entity
19 that operates a public transportation service.”.

20 **SEC. 21008. FORMULA GRANTS FOR RURAL AREAS.**

21 Section 5311 of title 49, United States Code, is
22 amended—

23 (1) in subsection (c)(1), as amended by division
24 G, by striking subparagraphs (A) and (B) and in-
25 serting the following:

1 “(A) \$5,000,000 for each fiscal year shall
2 be distributed on a competitive basis by the
3 Secretary.

4 “(B) \$30,000,000 for each fiscal year shall
5 be apportioned as formula grants, as provided
6 in subsection (j).”; and

7 (2) in subsection (j)(1)—

8 (A) in subparagraph (A)(iii), by striking
9 “(as defined by the Bureau of the Census)” and
10 inserting “(American Indian Areas, Alaska Na-
11 tive Areas, and Hawaiian Home Lands, as de-
12 fined by the Bureau of the Census)”; and

13 (B) by adding at the end the following:

14 “(E) ALLOCATION BETWEEN MULTIPLE
15 INDIAN TRIBES.—If more than 1 Indian tribe
16 provides public transportation service on tribal
17 lands in a single Tribal Statistical Area, and
18 the Indian tribes do not determine how to allo-
19 cate the funds apportioned under clause (iii) of
20 subparagraph (A) between the Indian tribes,
21 the Secretary shall allocate the funds such that
22 each Indian tribe shall receive an amount equal
23 to the total amount apportioned under such
24 clause (iii) multiplied by the ratio of the num-
25 ber of annual unlinked passenger trips provided

1 by each Indian tribe, as reported to the Na-
2 tional Transit Database, to the total unlinked
3 passenger trips provided by all the Indian tribes
4 in the Tribal Statistical Area.”.

5 **SEC. 21009. RESEARCH, DEVELOPMENT, DEMONSTRATION,**
6 **AND DEPLOYMENT PROGRAM.**

7 (a) IN GENERAL.—Section 5312 of title 49, United
8 States Code, is amended—

9 (1) in the section heading, by striking
10 **“projects”** and inserting **“program”**;

11 (2) in subsection (a), in the subsection heading,
12 by striking **“PROJECTS”** and inserting **“PROGRAM”**;

13 (3) in subsection (d)—

14 (A) in paragraph (3)—

15 (i) in the matter preceding subpara-
16 graph (A), by inserting “demonstration,
17 deployment, or evaluation” before “project
18 that”;

19 (ii) in subparagraph (A), by striking
20 “and” at the end;

21 (iii) in subparagraph (B), by striking
22 the period at the end and inserting “; or”;
23 and

24 (iv) by adding at the end the fol-
25 lowing:

1 “(C) the deployment of low or no emission
2 vehicles, zero emission vehicles, or associated
3 advanced technology.”; and

4 (B) by striking paragraph (5) and insert-
5 ing the following:

6 “(5) PROHIBITION.—The Secretary may not
7 make grants under this subsection for the dem-
8 onstration, deployment, or evaluation of a vehicle
9 that is in revenue service unless the Secretary deter-
10 mines that the project makes significant techno-
11 logical advancements in the vehicle.

12 “(6) DEFINITIONS.—In this subsection—

13 “(A) the term ‘direct carbon emissions’
14 means the quantity of direct greenhouse gas
15 emissions from a vehicle, as determined by the
16 Administrator of the Environmental Protection
17 Agency;

18 “(B) the term ‘low or no emission vehicle’
19 means—

20 “(i) a passenger vehicle used to pro-
21 vide public transportation that the Sec-
22 retary determines sufficiently reduces en-
23 ergy consumption or harmful emissions, in-
24 cluding direct carbon emissions, when com-
25 pared to a comparable standard vehicle; or

1 “(ii) a zero emission vehicle used to
2 provide public transportation; and

3 “(C) the term ‘zero emission vehicle’
4 means a low or no emission vehicle that pro-
5 duces no carbon or particulate matter.”;

6 (4) by redesignating subsections (e) and (f) as
7 subsections (f) and (g), respectively;

8 (5) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) **LOW OR NO EMISSION VEHICLE COMPONENT**
11 **ASSESSMENT.**—

12 “(1) **DEFINITIONS.**—In this subsection—

13 “(A) the term ‘covered institution of higher
14 education’ means an institution of higher edu-
15 cation with which the Secretary enters into a
16 contract or cooperative agreement, or to which
17 the Secretary makes a grant, under paragraph
18 (2)(B) to operate a facility designated under
19 paragraph (2)(A);

20 “(B) the terms ‘direct carbon emissions’
21 and ‘low or no emission vehicle’ have the mean-
22 ings given those terms in subsection (d)(6);

23 “(C) the term ‘institution of higher edu-
24 cation’ has the meaning given the term in sec-

1 tion 102 of the Higher Education Act of 1965
2 (20 U.S.C. 1002); and

3 “(D) the term ‘low or no emission vehicle
4 component’ means an item that is separately in-
5 stalled in and removable from a low or no emis-
6 sion vehicle.

7 “(2) ASSESSING LOW OR NO EMISSION VEHICLE
8 COMPONENTS.—

9 “(A) IN GENERAL.—The Secretary shall
10 designate not more than 2 facilities to conduct
11 testing, evaluation, and analysis of low or no
12 emission vehicle components intended for use in
13 low or no emission vehicles.

14 “(B) OPERATION AND MAINTENANCE.—

15 “(i) IN GENERAL.—The Secretary
16 shall enter into a contract or cooperative
17 agreement with, or make a grant to, not
18 more than 2 institutions of higher edu-
19 cation to each operate and maintain a fa-
20 cility designated under subparagraph (A).

21 “(ii) REQUIREMENTS.—An institution
22 of higher education described in clause (i)
23 shall have—

1 “(I) previous experience with
2 transportation-related advanced com-
3 ponent and vehicle evaluation;

4 “(II) laboratories capable of test-
5 ing and evaluation;

6 “(III) direct access to or a part-
7 nership with a testing facility capable
8 of emulating real-world circumstances
9 in order to test low or no emission ve-
10 hicle components installed on the in-
11 tended vehicle;

12 “(IV) extensive knowledge of
13 public-private partnerships in the
14 transportation sector, with emphasis
15 on development and evaluation of ma-
16 terials, products, and components;

17 “(V) the ability to reduce costs to
18 partners by leveraging existing pro-
19 grams to provide complementary re-
20 search, development, testing, and eval-
21 uation; and

22 “(VI) the means to conduct per-
23 formance assessments on low or no
24 emission vehicle components based on
25 industry standards.

1 “(C) FEES.—A covered institution of high-
2 er education shall establish and collect fees,
3 which shall be approved by the Secretary, for
4 the assessment of low or no emission compo-
5 nents at the applicable facility designated under
6 subparagraph (A).

7 “(D) AVAILABILITY OF AMOUNTS TO PAY
8 FOR ASSESSMENT.—The Secretary shall enter
9 into a contract or cooperative agreement with,
10 or make a grant to, each covered institution of
11 higher education under which—

12 “(i) the Secretary shall pay 50 per-
13 cent of the cost of assessing a low or no
14 emission vehicle component at the applica-
15 ble facility designated under subparagraph
16 (A) from amounts made available to carry
17 out this section; and

18 “(ii) the remaining 50 percent of such
19 cost shall be paid from amounts recovered
20 through the fees established and collected
21 pursuant to subparagraph (C).

22 “(E) VOLUNTARY TESTING.—A manufac-
23 turer of a low or no emission vehicle component
24 is not required to assess the low or no emission

1 vehicle component at a facility designated under
2 subparagraph (A).

3 “(F) COMPLIANCE WITH SECTION 5318.—
4 Notwithstanding whether a low or no emission
5 vehicle component is assessed at a facility des-
6 ignated under subparagraph (A), each new bus
7 model shall comply with the requirements under
8 section 5318.

9 “(G) SEPARATE FACILITY.—Each facility
10 designated under subparagraph (A) shall be
11 separate and distinct from the facility operated
12 and maintained under section 5318.

13 “(3) LOW OR NO EMISSION VEHICLE COMPO-
14 NENT PERFORMANCE REPORTS.—Not later than 2
15 years after the date of enactment of the Federal
16 Public Transportation Act of 2015, and annually
17 thereafter, the Secretary shall issue a report on low
18 or no emission vehicle component assessments con-
19 ducted at each facility designated under paragraph
20 (2)(A), which shall include information related to
21 the maintainability, reliability, performance, struc-
22 tural integrity, efficiency, and noise of those low or
23 no emission vehicle components.

24 “(4) PUBLIC AVAILABILITY OF ASSESS-
25 MENTS.—Each assessment conducted at a facility

1 designated under paragraph (2)(A) shall be made
2 publically available, including to affected industries.

3 “(5) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to require—

5 “(A) a low or no emission vehicle compo-
6 nent to be tested at a facility designated under
7 paragraph (2)(A); or

8 “(B) the development or disclosure of a
9 privately funded component assessment.”;

10 (6) in subsection (f), as so redesignated—

11 (A) in paragraph (2), by striking “and” at
12 the end;

13 (B) by redesignating paragraph (3) as
14 paragraph (4);

15 (C) by inserting after paragraph (2) the
16 following:

17 “(3) a list of any projects that returned nega-
18 tive results in the preceding fiscal year and an anal-
19 ysis of such results; and”;

20 (D) in paragraph (4), as so redesignated,
21 by inserting before the period at the end the
22 following: “based on projects in the pipeline,
23 ongoing projects, and anticipated research ef-
24 forts necessary to advance certain projects to a
25 subsequent research phase”; and

1 (7) by adding at the end the following:

2 “(h) COOPERATIVE RESEARCH PROGRAM.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish—

5 “(A) a public transportation cooperative
6 research program under this subsection; and

7 “(B) an independent governing board for
8 the program, which shall recommend public
9 transportation research, development, and tech-
10 nology transfer activities the Secretary con-
11 siders appropriate.

12 “(2) FEDERAL ASSISTANCE.—The Secretary
13 may make grants to, and cooperative agreements
14 with, the National Academy of Sciences to carry out
15 activities under this subsection that the Secretary
16 determines appropriate.

17 “(3) GOVERNMENT SHARE.—If there would be
18 a clear and direct financial benefit to an entity
19 under a grant or contract financed under this sec-
20 tion, the Secretary shall establish a Government
21 share consistent with that benefit.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) TITLE 49.—Chapter 53 of title 49, United
24 States Code, is amended by striking section 5313.

1 (2) TABLE OF SECTIONS AMENDMENT.—The
2 table of sections for chapter 53 of title 49, United
3 States Code, is amended by striking the items relat-
4 ing to sections 5312 and 5313 and inserting the fol-
5 lowing:

 “5312. Research, development, demonstration, and deployment program.
 “[5313. Repealed.]”.

6 **SEC. 21010. PRIVATE SECTOR PARTICIPATION.**

7 (a) IN GENERAL.—Section 5315 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion shall be construed to alter—

12 “(1) the eligibilities, requirements, or priority
13 for assistance provided under this chapter; or

14 “(2) the requirements of section 5306(a).”.

15 (b) MAP-21 TECHNICAL CORRECTION.—Section
16 20013(d) of the Moving Ahead for Progress in the 21st
17 Century Act (Public Law 112–141; 126 Stat. 694) is
18 amended by striking “5307(c)” and inserting “5307(b)”.

19 **SEC. 21011. INNOVATIVE PROCUREMENT.**

20 (a) IN GENERAL.—Chapter 53 of title 49, United
21 States Code, is amended by inserting after section 5315
22 the following:

1 **“§ 5316. Innovative procurement**

2 “(a) DEFINITION.—In this section, the term ‘grantee’
3 means a recipient or subrecipient of assistance under this
4 chapter.

5 “(b) COOPERATIVE PROCUREMENT.—

6 “(1) DEFINITIONS; GENERAL RULES.—

7 “(A) DEFINITIONS.—In this subsection—

8 “(i) the term ‘cooperative procure-
9 ment contract’ means a contract—

10 “(I) entered into between a State
11 government or eligible nonprofit and 1
12 or more vendors; and

13 “(II) under which the vendors
14 agree to provide an option to purchase
15 rolling stock and related equipment to
16 multiple participants;

17 “(ii) the term ‘eligible nonprofit enti-
18 ty’ means—

19 “(I) a nonprofit entity that is not
20 a grantee; or

21 “(II) a consortium of entities de-
22 scribed in subclause (I);

23 “(iii) the terms ‘lead nonprofit entity’
24 and ‘lead procurement agency’ mean an el-
25 igible nonprofit entity or a State govern-
26 ment, respectively, that acts in an adminis-

1 trative capacity on behalf of each partici-
2 pant in a cooperative procurement con-
3 tract;

4 “(iv) the term ‘participant’ means a
5 grantee that participates in a cooperative
6 procurement contract; and

7 “(v) the term ‘participate’ means to
8 purchase rolling stock and related equip-
9 ment under a cooperative procurement con-
10 tract using assistance provided under this
11 chapter.

12 “(B) GENERAL RULES.—

13 “(i) PROCUREMENT NOT LIMITED TO
14 INTRASTATE PARTICIPANTS.—A grantee
15 may participate in a cooperative procure-
16 ment contract without regard to whether
17 the grantee is located in the same State as
18 the parties to the contract.

19 “(ii) VOLUNTARY PARTICIPATION.—
20 Participation by grantees in a cooperative
21 procurement contract shall be voluntary.

22 “(iii) CONTRACT TERMS.—The lead
23 procurement agency or lead nonprofit enti-
24 ty for a cooperative procurement contract
25 shall develop the terms of the contract.

1 “(iv) DURATION.—A cooperative pro-
2 curement contract—

3 “(I) subject to subclauses (II)
4 and (III), may be for an initial term
5 of not more than 2 years;

6 “(II) may include not more than
7 3 optional extensions for terms of not
8 more than 1 year each; and

9 “(III) may be in effect for a total
10 period of not more than 5 years, in-
11 cluding each extension authorized
12 under subclause (II).

13 “(v) ADMINISTRATIVE EXPENSES.—A
14 lead procurement agency or lead nonprofit
15 entity, as applicable, that enters into a co-
16 operative procurement contract—

17 “(I) may charge the participants
18 in the contract for the cost of admin-
19 istering, planning, and providing tech-
20 nical assistance for the contract in an
21 amount that is not more than 1 per-
22 cent of the total value of the contract;
23 and

24 “(II) with respect to the cost de-
25 scribed in subclause (I), may incor-

1 porate the cost into the price of the
2 contract or directly charge the partici-
3 pants for the cost, but not both.

4 “(2) STATE COOPERATIVE PROCUREMENT
5 SCHEDULES.—

6 “(A) AUTHORITY.—A State government
7 may enter into a cooperative procurement con-
8 tract with 1 or more vendors if—

9 “(i) the vendors agree to provide an
10 option to purchase rolling stock and re-
11 lated equipment to the State government
12 and any other participant; and

13 “(ii) the State government acts
14 throughout the term of the contract as the
15 lead procurement agency.

16 “(B) APPLICABILITY OF POLICIES AND
17 PROCEDURES.—In procuring rolling stock and
18 related equipment under a cooperative procure-
19 ment contract under this subsection, a State
20 government shall comply with the policies and
21 procedures that apply to procurement by the
22 State government when using non-Federal
23 funds, to the extent that the policies and proce-
24 dures are in conformance with applicable Fed-
25 eral law.

1 “(3) PILOT PROGRAM FOR NONPROFIT COOPER-
2 ATIVE PROCUREMENTS.—

3 “(A) ESTABLISHMENT.—The Secretary
4 shall establish and carry out a pilot program to
5 demonstrate the effectiveness of cooperative
6 procurement contracts administered by non-
7 profit entities.

8 “(B) DESIGNATION.—In carrying out the
9 program under this paragraph, the Secretary
10 shall designate not less than 1 eligible nonprofit
11 entity to enter into a cooperative procurement
12 contract under which the nonprofit entity acts
13 throughout the term of the contract as the lead
14 nonprofit entity.

15 “(C) NUMBER OF ENTITIES.—The Sec-
16 retary may designate not more than 3 geo-
17 graphically diverse eligible nonprofit entities
18 under subparagraph (B).

19 “(D) NOTICE OF INTENT TO PARTICI-
20 PATE.—At a time determined appropriate by
21 the lead nonprofit entity, each participant in a
22 cooperative procurement contract under this
23 paragraph shall submit to the lead nonprofit
24 entity a nonbinding notice of intent to partici-
25 pate.

1 “(c) LEASING ARRANGEMENTS.—

2 “(1) CAPITAL LEASE DEFINED.—

3 “(A) IN GENERAL.—In this subsection, the
4 term ‘capital lease’ means any agreement under
5 which a grantee acquires the right to use rolling
6 stock or related equipment for a specified pe-
7 riod of time, in exchange for a periodic pay-
8 ment.

9 “(B) MAINTENANCE.—A capital lease may
10 require that the lessor provide maintenance of
11 the rolling stock or related equipment covered
12 by the lease.

13 “(2) PROGRAM TO SUPPORT INNOVATIVE LEAS-
14 ING ARRANGEMENTS.—

15 “(A) AUTHORITY.—A grantee may use as-
16 sistance provided under this chapter to enter
17 into a capital lease if—

18 “(i) the rolling stock or related equip-
19 ment covered under the lease is eligible for
20 capital assistance under this chapter; and

21 “(ii) there is or will be no Federal in-
22 terest in the rolling stock or related equip-
23 ment covered under the lease as of the
24 date on which the lease takes effect.

1 “(B) GRANTEE REQUIREMENTS.—A grant-
2 ee that enters into a capital lease shall—

3 “(i) maintain an inventory of the roll-
4 ing stock or related equipment acquired
5 under the lease; and

6 “(ii) maintain on the accounting
7 records of the grantee the liability of the
8 grantee under the lease.

9 “(C) ELIGIBLE LEASE COSTS.—The costs
10 for which a grantee may use assistance under
11 this chapter, with respect to a capital lease, in-
12 clude—

13 “(i) the cost of the rolling stock or re-
14 lated equipment;

15 “(ii) associated financing costs, in-
16 cluding interest, legal fees, and financial
17 advisor fees;

18 “(iii) ancillary costs such as delivery
19 and installation charges; and

20 “(iv) maintenance costs.

21 “(D) TERMS.—A grantee shall negotiate
22 the terms of any lease agreement that the
23 grantee enters into.

24 “(E) APPLICABILITY OF PROCUREMENT
25 REQUIREMENTS.—

1 “(i) LEASE REQUIREMENTS.—Part
2 639 of title 49, Code of Federal Regula-
3 tions, or any successor regulation, and im-
4 plementing guidance applicable to leasing
5 shall not apply to a capital lease.

6 “(ii) BUY AMERICA.—The require-
7 ments under section 5323(j) shall apply to
8 a capital lease.

9 “(3) INCENTIVE PROGRAM FOR CAPITAL LEAS-
10 ING OF ROLLING STOCK.—

11 “(A) AUTHORITY.—The Secretary shall
12 carry out an incentive program for capital leas-
13 ing of rolling stock (referred to in this para-
14 graph as the ‘program’).

15 “(B) SELECTION OF PARTICIPANTS.—

16 “(i) IN GENERAL.—The Secretary
17 shall select not less than 6 grantees to par-
18 ticipate in the program, which shall be—

19 “(I) geographically diverse; and

20 “(II) evenly distributed among
21 grantees in accordance with clause
22 (ii).

23 “(ii) POPULATION SIZE.—In selecting
24 an even distribution of grantees under

1 clause (i)(II), the Secretary shall select not
2 less than—

3 “(I) 2 grantees that serve rural
4 areas;

5 “(II) 2 grantees that serve ur-
6 banized areas with a population of
7 fewer than 200,000 individuals, as de-
8 termined by the Bureau of the Cen-
9 sus; and

10 “(III) 2 grantees that serve ur-
11 banized areas with a population of
12 200,000 or more individuals, as deter-
13 mined by the Bureau of the Census.

14 “(iii) WAIVER.—The Secretary may
15 waive a requirement under clause (ii) if an
16 insufficient number of eligible grantees of
17 a particular population size apply to par-
18 ticipate in the program.

19 “(C) PARTICIPANT REQUIREMENTS.—

20 “(i) IN GENERAL.—A grantee that
21 participates in the program shall—

22 “(I) enter into a capital lease for
23 a period of not less than 5 years; and

1 “(II) replace not less than 1/4 of
2 the grantee’s fleet through the capital
3 lease.

4 “(ii) VEHICLE REQUIREMENTS.—The
5 vehicles replaced under clause (i)(II), with
6 respect to the fleet as constituted on the
7 day before the date on which the capital
8 lease is entered into, shall—

9 “(I) be the oldest vehicles in the
10 fleet; or

11 “(II) produce the highest quan-
12 tity of direct greenhouse gas emissions
13 relative to the other vehicles in the
14 fleet, as determined by the Adminis-
15 trator of the Environmental Protec-
16 tion Agency.

17 “(iii) WAIVER OF FEDERAL INTEREST
18 REQUIREMENTS.—If a grantee partici-
19 pating in the program seeks to replace ve-
20 hicles that have a remaining Federal inter-
21 est, the Secretary shall—

22 “(I) evaluate the economic and
23 environmental benefits of waiving the
24 Federal interest, as demonstrated by
25 the grantee;

1 “(II) if the grantee demonstrates
2 a net economic or environmental ben-
3 efit, grant an early disposition of the
4 vehicles; and

5 “(III) publish each evaluation
6 and final determination of the Sec-
7 retary under this clause in a con-
8 spicuous location on the website of the
9 Federal Transit Administration.

10 “(D) PARTICIPANT BENEFIT.—During the
11 period during which a capital lease described in
12 subparagraph (C)(i)(I), entered into by a grant-
13 ee participating in the program, is in effect, the
14 limit on the Government share of operating ex-
15 penses under subsection (d)(2) of section 5307,
16 subsection (d)(2) of section 5310, or subsection
17 (g)(2) of section 5311 shall not apply with re-
18 spect to any grant awarded to the grantee
19 under the applicable section.

20 “(E) REPORTING REQUIREMENT.—Not
21 later than 3 years after the date on which a
22 grantee enters into a capital lease under the
23 program, the grantee shall submit to the Sec-
24 retary a report that contains—

1 “(i) an evaluation of the overall costs
2 and benefits of leasing rolling stock;

3 “(ii) a cost comparison of leasing
4 versus buying rolling stock;

5 “(iii) a comparison of the expected
6 short-term and long-term maintenance
7 costs of leasing versus buying rolling stock;
8 and

9 “(iv) a projected budget showing the
10 changes in overall operating and capital ex-
11 penses due to the capital lease that the
12 grantee entered into under the program.

13 “(4) INCENTIVE PROGRAM FOR CAPITAL LEAS-
14 ING OF CERTAIN ZERO EMISSION VEHICLE COMPO-
15 NENTS.—

16 “(A) DEFINITIONS.—In this paragraph—

17 “(i) the term ‘removable power
18 source’—

19 “(I) means a power source that
20 is separately installed in, and remov-
21 able from, a zero emission vehicle; and

22 “(II) may include a battery, a
23 fuel cell, an ultra-capacitor, or other
24 advanced power source used in a zero
25 emission vehicle; and

1 “(ii) the term ‘zero emission vehicle’
2 has the meaning given the term in section
3 5339(e).

4 “(B) LEASED POWER SOURCES.—Notwith-
5 standing any other provision of law, for pur-
6 poses of this subsection, the cost of a removable
7 power source that is necessary for the operation
8 of a zero emission vehicle shall not be treated
9 as part of the cost of the vehicle if the remov-
10 able power source is acquired using a capital
11 lease.

12 “(C) ELIGIBLE CAPITAL LEASE.—A grant-
13 ee may acquire a removable power source by
14 itself through a capital lease.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) TABLE OF SECTIONS.—The table of sections
17 for chapter 53 of title 49, United States Code, is
18 amended by inserting after the item relating to sec-
19 tion 5315 the following:

“5316. Innovative procurement.”.

20 (2) CONFORMING AMENDMENT.—Section
21 5325(e)(2) of title 49, United States Code, is
22 amended by inserting after “this subsection” the fol-
23 lowing: “, section 5316,”.

1 **SEC. 21012. HUMAN RESOURCES AND TRAINING.**

2 Section 5322 of title 49, United States Code, is
3 amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1), in the paragraph
6 heading, by striking “PROGRAM ESTABLISHED”
7 and inserting “IN GENERAL”;

8 (B) by redesignating paragraph (2) as
9 paragraph (3);

10 (C) by inserting after paragraph (1) the
11 following:

12 “(2) PROGRAMS.—A program eligible for assist-
13 ance under subsection (a) shall—

14 “(A) provide skills training, on-the-job
15 training, and work-based learning;

16 “(B) offer career pathways that support
17 the movement from initial or short-term em-
18 ployment opportunities to sustainable careers;

19 “(C) address current or projected work-
20 force shortages;

21 “(D) replicate successful workforce devel-
22 opment models; or

23 “(E) respond to such other workforce
24 needs as the Secretary determines appro-
25 priate.”;

26 (D) in paragraph (3), as so redesignated—

1 (i) in subparagraph (G), by striking
2 “and” at the end;

3 (ii) in subparagraph (H), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(I) give priority to minorities,
9 women, individuals with disabilities,
10 veterans, low-income populations, and
11 other underserved populations.”; and

12 (E) by adding at the end the following:

13 “(4) COORDINATION.—A recipient of assistance
14 under this subsection shall—

15 “(A) identify the workforce needs and com-
16 mensurate training needs at the local level in
17 coordination with entities such as local employ-
18 ers, local public transportation operators, labor
19 union organizations, workforce development
20 boards, State workforce agencies, State appren-
21 ticeship agencies (where applicable), university
22 transportation centers, community colleges, and
23 community-based organizations representing
24 minorities, women, disabled individuals, vet-
25 erans, and low-income populations; and

1 “(E) to the extent practical, evidence that
2 the program did not preclude workers who are
3 participating in skills training, on-the-job train-
4 ing, and work-based learning from being re-
5 ferred to, or hired on, projects funded under
6 this chapter without regard to the length of
7 time of their participation in the program.”;
8 and

9 (2) in subsection (d), by striking paragraph (4)
10 and inserting the following:

11 “(4) USE FOR TECHNICAL ASSISTANCE.—The
12 Secretary may use not more than 1 percent of the
13 amounts made available to carry out this section to
14 provide technical assistance for activities and pro-
15 grams developed, conducted, and overseen under this
16 subsection.

17 “(5) AVAILABILITY OF AMOUNTS.—

18 “(A) IN GENERAL.—Not more than 0.5
19 percent of the amounts made available to a re-
20 cipient under sections 5307, 5337, and 5339 is
21 available for expenditure by the recipient, with
22 the approval of the Secretary, to pay not more
23 than 80 percent of the cost of eligible activities
24 under this subsection.

1 “(B) EXISTING PROGRAMS.—A recipient
2 may use amounts made available under para-
3 graph (A) to carry out existing local education
4 and training programs for public transportation
5 employees supported by the Secretary, the De-
6 partment of Labor, or the Department of Edu-
7 cation.”.

8 **SEC. 21013. GENERAL PROVISIONS.**

9 Section 5323 of title 49, United States Code, is
10 amended—

11 (1) in subsection (j)—

12 (A) in paragraph (2), by striking subpara-
13 graph (C) and inserting the following:

14 “(C) when procuring rolling stock (includ-
15 ing train control, communication, and traction
16 power equipment, and rolling stock prototypes)
17 under this chapter—

18 “(i) the cost of components and sub-
19 components produced in the United
20 States—

21 “(I) for fiscal years 2016 and
22 2017, is more than 60 percent of the
23 cost of all components of the rolling
24 stock;

1 “(II) for fiscal years 2018 and
2 2019, is more than 65 percent of the
3 cost of all components of the rolling
4 stock; and

5 “(III) for fiscal year 2020 and
6 each fiscal year thereafter, is more
7 than 70 percent of the cost of all com-
8 ponents of the rolling stock; and

9 “(ii) final assembly of the rolling
10 stock has occurred in the United States;
11 or”;

12 (B) by redesignating paragraphs (5)
13 through (9) as paragraphs (7) through (11), re-
14 spectively;

15 (C) by inserting after paragraph (4) the
16 following:

17 “(5) ROLLING STOCK FRAMES OR CAR
18 SHELLS.—In carrying out paragraph (2)(C) in the
19 case of a rolling stock procurement receiving assist-
20 ance under this chapter in which the average cost of
21 a rolling stock vehicle in the procurement is more
22 than \$300,000, if rolling stock frames or car shells
23 are not produced in the United States, the Secretary
24 shall include in the calculation of the domestic con-

1 tent of the rolling stock the cost of steel or iron used
2 in the rolling stock frames or car shells if—

3 “(A) all manufacturing processes for the
4 steel or iron occur in the United States; and

5 “(B) the amount of steel or iron used in
6 the rolling stock frames or car shells is signifi-
7 cant.

8 “(6) CERTIFICATION OF DOMESTIC SUPPLY
9 AND DISCLOSURE.—

10 “(A) CERTIFICATION OF DOMESTIC SUP-
11 PLY.—If the Secretary denies an application for
12 a waiver under paragraph (2), the Secretary
13 shall provide to the applicant a written certifi-
14 cation that—

15 “(i) the steel, iron, or manufactured
16 goods, as applicable, (referred to in this
17 subparagraph as the ‘item’) is produced in
18 the United States in a sufficient and rea-
19 sonably available amount;

20 “(ii) the item produced in the United
21 States is of a satisfactory quality; and

22 “(iii) includes a list of known manu-
23 facturers in the United States from which
24 the item can be obtained.

1 “(B) DISCLOSURE.—The Secretary shall
2 disclose the waiver denial and the written cer-
3 tification to the public in an easily identifiable
4 location on the website of the Department of
5 Transportation.”;

6 (D) in paragraph (8), as so redesignated,
7 by striking “Federal Public Transportation Act
8 of 2012” and inserting “Federal Public Trans-
9 portation Act of 2015”; and

10 (E) by inserting after paragraph (11), as
11 so redesignated, the following:

12 “(12) PRODUCTION IN UNITED STATES.—For
13 purposes of this subsection, steel and iron may be
14 considered produced in the United States if all the
15 manufacturing processes, except metallurgical proc-
16 esses involving refinement of steel additives, took
17 place in the United States.

18 “(13) DEFINITION OF SMALL PURCHASE.—For
19 purposes of determining whether a purchase quali-
20 fies for a general public interest waiver under para-
21 graph (2)(A) of this subsection, including under any
22 regulation promulgated under that paragraph, the
23 term ‘small purchase’ means a purchase of not more
24 than \$150,000.”;

1 (2) in subsection (q)(1), by striking the second
2 sentence; and

3 (3) by adding at the end the following:

4 “(s) VALUE CAPTURE REVENUE ELIGIBLE FOR
5 LOCAL SHARE.—Notwithstanding any other provision of
6 law, a recipient of assistance under this chapter may use
7 the revenue generated from value capture financing mech-
8 anisms as local matching funds for capital projects and
9 operating costs eligible under this chapter.

10 “(t) VALUE ENGINEERING.—Nothing in this chapter
11 shall be construed to authorize the Secretary to mandate
12 the use of value engineering in projects funded under this
13 chapter.”.

14 **SEC. 21014. PROJECT MANAGEMENT OVERSIGHT.**

15 Section 5327 of title 49, United States Code, is
16 amended—

17 (1) in subsection (c), by striking “section
18 5338(i)” and inserting “section 5338(h)”; and

19 (2) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) by striking “section 5338(i)” and
22 inserting “section 5338(h)”; and

23 (ii) by striking “and” at the end; and

24 (B) by striking paragraph (2) and insert-
25 ing the following:

1 “(2) a requirement that oversight—

2 “(A) begin during the project development
3 phase of a project, unless the Secretary finds it
4 more appropriate to begin the oversight during
5 another phase of the project, to maximize the
6 transportation benefits and cost savings associ-
7 ated with project management oversight; and

8 “(B) be limited to quarterly reviews of
9 compliance by the recipient with the project
10 management plan approved under subsection
11 (b) unless the Secretary finds that the recipient
12 requires more frequent oversight because the
13 recipient has, for 2 consecutive quarterly re-
14 views, failed to meet the requirements of such
15 plan and the project is at risk of going over
16 budget or becoming behind schedule; and

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

21 **SEC. 21015. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

22 (a) IN GENERAL.—Section 5329 of title 49, United
23 States Code, is amended—

24 (1) in subsection (b)(2)—

1 (A) in subparagraph (C), by striking
2 “and” at the end;

3 (B) by redesignating subparagraph (D) as
4 subparagraph (E); and

5 (C) by inserting after subparagraph (C)
6 the following:

7 “(D) minimum safety standards to ensure
8 the safe operation of public transportation sys-
9 tems that—

10 “(i) are not related to performance
11 standards for public transportation vehicles
12 developed under subparagraph (C); and

13 “(ii) to the extent practicable, take
14 into consideration—

15 “(I) relevant recommendations of
16 the National Transportation Safety
17 Board;

18 “(II) best practices standards de-
19 veloped by the public transportation
20 industry;

21 “(III) any minimum safety
22 standards or performance criteria
23 being implemented across the public
24 transportation industry; and

1 “(IV) any additional information
2 that the Secretary determines nec-
3 essary and appropriate; and”;

4 (2) in subsection (f)(2), by inserting after “pub-
5 lic transportation system of a recipient” the fol-
6 lowing: “or the public transportation industry gen-
7 erally”;

8 (3) in subsection (g)(1), in the matter pre-
9 ceding subparagraph (A), by striking “an eligible
10 State, as defined in subsection (e),” and inserting “a
11 recipient”; and

12 (4) by adding at the end the following:

13 “(1) FOIA EXEMPTION.—

14 “(1) DEFINITION.—In this subsection, the term
15 ‘covered record’—

16 “(A) means any record that the Secretary
17 obtains under a provision of, or regulation or
18 order under, this section that relates to the es-
19 tablishment, implementation, or modification of
20 a public transportation agency safety plan; and

21 “(B) includes a public transportation agen-
22 cy’s analysis of its safety risks and its state-
23 ment of the mitigation measures with which it
24 will address those risks.

1 “(2) EXEMPTION.—Except as necessary for the
2 Secretary or another Federal agency to enforce or
3 carry out any provision of Federal law, any part of
4 any covered record is exempt from the requirements
5 of section 552 of title 5 if the covered record is—

6 “(A) supplied to the Secretary pursuant to
7 the review or audit of a public transportation
8 agency safety plan; or

9 “(B) made available for inspection and
10 copying by an officer, employee, or agent of the
11 Secretary pursuant to a public transportation
12 agency safety plan.

13 “(3) EXCEPTION.—Notwithstanding paragraph
14 (2), the Secretary may disclose any part of a covered
15 record comprised of facts otherwise available to the
16 public if, in the Secretary’s sole discretion, the Sec-
17 retary determines that disclosure would be consistent
18 with the confidentiality needed for a public transpor-
19 tation agency safety plan.

20 “(4) DISCRETIONARY PROHIBITION OF DISCLO-
21 SURE.—The Secretary may prohibit the public dis-
22 closure of risk analyses or risk mitigation analyses
23 that the Secretary has obtained under other provi-
24 sions of, or regulations or orders under, this chapter
25 if the Secretary determines that the prohibition of

1 public disclosure is necessary to promote public
2 transportation safety.”.

3 (b) REVIEW OF PUBLIC TRANSPORTATION SAFETY
4 STANDARDS.—

5 (1) REVIEW REQUIRED.—

6 (A) IN GENERAL.—Not later than 90 days
7 after the date of enactment of this Act, the Sec-
8 retary shall commence a review of the safety
9 standards and protocols used in rail fixed
10 guideway public transportation systems in the
11 United States that examines the efficacy of ex-
12 isting standards and protocols.

13 (B) CONTENTS OF REVIEW.—In con-
14 ducting the review under this paragraph, the
15 Secretary shall review—

16 (i) minimum safety performance
17 standards developed by the public trans-
18 portation industry;

19 (ii) safety performance standards,
20 practices, or protocols in use by rail fixed
21 guideway public transportation systems, in-
22 cluding—

23 (I) written emergency plans and
24 procedures for passenger evacuations;

1 (II) training programs to ensure
2 public transportation personnel com-
3 pliance and readiness in emergency
4 situations;

5 (III) coordination plans with
6 local emergency responders having ju-
7 risdiction over a rail fixed guideway
8 public transportation system, includ-
9 ing—

10 (aa) emergency prepared-
11 ness training, drills, and famil-
12 iarization programs for those
13 first responders; and

14 (bb) the scheduling of reg-
15 ular field exercises to ensure ap-
16 propriate response and effective
17 radio and public safety commu-
18 nications;

19 (IV) maintenance, testing, and
20 inspection programs to ensure the
21 proper functioning of—

22 (aa) tunnel, station, and ve-
23 hicle ventilation systems;

24 (bb) signal and train control
25 systems, track, mechanical sys-

1 tems, and other infrastructure;

2 and

3 (cc) other systems as nec-

4 essary;

5 (V) certification requirements for

6 train and bus operators and control

7 center employees;

8 (VI) consensus-based standards,

9 practices, or protocols available to the

10 public transportation industry; and

11 (VII) any other standards, prac-

12 tices, or protocols the Secretary deter-

13 mines appropriate; and

14 (iii) vehicle safety standards, prac-

15 tices, or protocols in use by public trans-

16 portation systems, concerning—

17 (I) bus design and the

18 workstation of bus operators, as it re-

19 lates to—

20 (aa) the reduction of blind-

21 spots that contribute to accidents

22 involving pedestrians; and

23 (bb) protecting bus opera-

24 tors from the risk of assault; and

1 (II) scheduling fixed route bus
2 service with adequate time and access
3 for operators to use restroom facili-
4 ties.

5 (2) EVALUATION.—After conducting the review
6 under paragraph (1), the Secretary shall, in con-
7 sultation with representatives of the public transpor-
8 tation industry, evaluate the need to establish Fed-
9 eral minimum public transportation safety stand-
10 ards, including—

11 (A) standards governing worker safety;

12 (B) standards for the operation of signals,
13 track, on-track equipment, mechanical systems,
14 and control systems; and

15 (C) any other areas the Secretary, in con-
16 sultation with the public transportation indus-
17 try, determines require further evaluation.

18 (3) REPORT.—Upon completing the review and
19 evaluation required under paragraphs (1) and (2),
20 respectively, and not later than 1 year after the date
21 of enactment of this Act, the Secretary shall submit
22 to the Committee on Banking, Housing, and Urban
23 Affairs of the Senate and the Committee on Trans-
24 portation and Infrastructure of the of House of Rep-
25 resentatives a report that includes—

1 (A) findings based on the review conducted
2 under paragraph (1);

3 (B) the outcome of the evaluation con-
4 ducted under paragraph (2);

5 (C) a comprehensive set of recommenda-
6 tions to improve the safety of the public trans-
7 portation industry, including recommendations
8 for legislative changes where applicable; and

9 (D) actions that the Secretary will take to
10 address the recommendations provided under
11 subparagraph (C), including, if necessary, the
12 establishment of Federal minimum public trans-
13 portation safety standards.

14 **SEC. 21016. STATE OF GOOD REPAIR GRANTS.**

15 Section 5337 of title 49, United States Code, is
16 amended—

17 (1) in subsection (c)—

18 (A) in paragraph (1), by striking “section
19 5338(a)(2)(I)” and inserting “section
20 5338(a)(2)(L)”; and

21 (B) in paragraph (2)(B), by inserting “the
22 provisions of” before “section 5336(b)(1)”;
23

(2) in subsection (d)—

1 (A) in paragraph (2), by striking “section
2 5338(a)(2)(I)” and inserting “section
3 5338(a)(2)(L)”;

4 (B) by adding at the end the following:

5 “(5) USE OF FUNDS.—Amounts apportioned
6 under this subsection may be used for any project
7 that is an eligible project under subsection (b)(1).”;
8 and

9 (3) by adding at the end the following:

10 “(e) GOVERNMENT SHARE OF COSTS.—

11 “(1) CAPITAL PROJECTS.—A grant for a capital
12 project under this section shall be for 80 percent of
13 the net project cost of the project. The recipient may
14 provide additional local matching amounts.

15 “(2) REMAINING COSTS.—The remainder of the
16 net project costs shall be provided from an undis-
17 tributed cash surplus, a replacement or depreciation
18 cash fund or reserve, or new capital.”.

19 **SEC. 21017. AUTHORIZATIONS.**

20 Section 5338 of title 49, United States Code, as
21 amended by division G, is amended to read as follows:

22 **“§ 5338. Authorizations**

23 “(a) GRANTS.—

24 “(1) IN GENERAL.—There shall be available
25 from the Mass Transit Account of the Highway

1 Trust Fund to carry out sections 5305, 5307, 5310,
2 5311, 5312, 5314, 5318, 5322(b), 5322(d), 5335,
3 5337, 5339, and 5340, section 20005(b) of the Fed-
4 eral Public Transportation Act of 2012, and section
5 21007(b) of the Federal Public Transportation Act
6 of 2015—

7 “(A) \$9,346,415,125 for fiscal year 2016;

8 “(B) \$9,551,368,589 for fiscal year 2017;

9 “(C) \$9,767,251,724 for fiscal year 2018;

10 “(D) \$10,001,051,238 for fiscal year
11 2019;

12 “(E) \$10,251,763,806 for fiscal year 2020;

13 and

14 “(F) \$10,509,442,553 for fiscal year 2021.

15 “(2) ALLOCATION OF FUNDS.—Of the amounts
16 made available under paragraph (1)—

17 “(A) \$132,020,000 for fiscal year 2016,

18 \$134,934,342 for fiscal year 2017,

19 \$138,004,098 for fiscal year 2018,

20 \$141,328,616 for fiscal year 2019,

21 \$144,893,631 for fiscal year 2020, and

22 \$148,557,701 for fiscal year 2021 shall be

23 available to carry out section 5305;

24 “(B) \$10,000,000 for each of fiscal years

25 2016 through 2021 shall be available to carry

1 out section 20005(b) of the Federal Public
2 Transportation Act of 2012;

3 “(C) \$4,648,142,625 for fiscal year 2016,
4 \$4,750,750,373 for fiscal year 2017,
5 \$4,858,829,944 for fiscal year 2018,
6 \$4,975,879,158 for fiscal year 2019,
7 \$5,101,395,710 for fiscal year 2020, and
8 \$5,230,399,804 for fiscal year 2021 shall be al-
9 located in accordance with section 5336 to pro-
10 vide financial assistance for urbanized areas
11 under section 5307;

12 “(D) \$269,277,750 for fiscal year 2016,
13 \$275,222,056 for fiscal year 2017,
14 \$281,483,358 for fiscal year 2018,
15 \$288,264,292 for fiscal year 2019,
16 \$295,535,759 for fiscal year 2020, and
17 \$303,009,267 for fiscal year 2021 shall be
18 available to provide financial assistance for
19 services for the enhanced mobility of seniors
20 and individuals with disabilities under section
21 5310;

22 “(E) \$2,000,000 for each of fiscal years
23 2016 through 2021 shall be available for the
24 pilot program for innovative coordinated access

1 and mobility under section 21007(b) of the
2 Federal Public Transportation Act of 2015;

3 “(F) \$633,631,500 for fiscal year 2016,
4 \$647,618,915 for fiscal year 2017,
5 \$662,352,246 for fiscal year 2018,
6 \$678,308,311 for fiscal year 2019,
7 \$695,418,638 for fiscal year 2020, and
8 \$713,004,385 for fiscal year 2021 shall be
9 available to provide financial assistance for
10 rural areas under section 5311, of which not
11 less than—

12 “(i) \$35,000,000 for each of fiscal
13 years 2016 through 2021 shall be available
14 to carry out section 5311(c)(1); and

15 “(ii) \$20,000,000 for each of fiscal
16 years 2016 through 2021 shall be available
17 to carry out section 5311(c)(2);

18 “(G) \$30,000,000 for each of fiscal years
19 2016 through 2021 shall be available to carry
20 out section 5312, of which—

21 “(i) \$5,000,000 for each of fiscal
22 years 2016 through 2021 shall be available
23 to carry out section 5312(e); and

1 “(ii) \$5,000,000 for each of fiscal
2 years 2016 through 2021 shall be available
3 to carry out section 5312(h);

4 “(H) \$4,000,000 for each of fiscal years
5 2016 through 2021 shall be available to carry
6 out section 5314;

7 “(I) \$3,000,000 for each of fiscal years
8 2016 through 2021 shall be available for bus
9 testing under section 5318;

10 “(J) \$5,000,000 for each of fiscal years
11 2016 through 2021 shall be available for the
12 national transit institute under section 5322(d);

13 “(K) \$4,000,000 for each of fiscal years
14 2016 through 2021 shall be available to carry
15 out section 5335;

16 “(L) \$2,328,342,500 for fiscal year 2016,
17 \$2,379,740,661 for fiscal year 2017,
18 \$2,433,879,761 for fiscal year 2018,
19 \$2,492,511,924 for fiscal year 2019,
20 \$2,555,385,537 for fiscal year 2020, and
21 \$2,620,006,127 for fiscal year 2021 shall be
22 available to carry out section 5337;

23 “(M) \$534,750,000 for fiscal year 2016,
24 \$550,748,856 for fiscal year 2017,
25 \$567,600,893 for fiscal year 2018,

1 \$585,851,498 for fiscal year 2019,
2 \$605,422,352 for fiscal year 2020, and
3 \$625,536,993 for fiscal year 2021 shall be
4 available for the bus and bus facilities program
5 under section 5339(a);

6 “(N) \$190,000,000 for each of fiscal years
7 2016 through 2021 shall be available for bus
8 and bus facilities competitive grants under sec-
9 tion 5339(b) and no or low emission grants
10 under section 5339(c), of which \$55,000,000
11 for each of fiscal years 2016 through 2021 shall
12 be available to carry out section 5339(c);

13 “(O) \$548,250,750 for fiscal year 2016,
14 \$560,353,385 for fiscal year 2017,
15 \$573,101,425 for fiscal year 2018,
16 \$586,907,438 for fiscal year 2019,
17 \$601,712,178 for fiscal year 2020, and
18 \$616,928,276 for fiscal year 2021 shall be allo-
19 cated in accordance with section 5340 to pro-
20 vide financial assistance for urbanized areas
21 under section 5307 and rural areas under sec-
22 tion 5311; and

23 “(P) \$4,000,000 for each of fiscal years
24 2016 through 2021 shall be available to carry
25 out section 5322(b).

1 “(b) RESEARCH, DEVELOPMENT, DEMONSTRATION,
2 AND DEPLOYMENT PROGRAM.—There are authorized to
3 be appropriated to carry out section 5312, other than sub-
4 sections (e) and (h) of that section, \$20,000,000 for each
5 of fiscal years 2016 through 2021.

6 “(c) TECHNICAL ASSISTANCE AND STANDARDS DE-
7 VELOPMENT.—There are authorized to be appropriated to
8 carry out section 5314, \$7,000,000 for each of fiscal years
9 2016 through 2021.

10 “(d) HUMAN RESOURCES AND TRAINING.—There
11 are authorized to be appropriated to carry out subsections
12 (a), (b), (c), and (e) of section 5322, \$5,000,000 for each
13 of fiscal years 2016 through 2021.

14 “(e) EMERGENCY RELIEF PROGRAM.—There are au-
15 thorized to be appropriated such sums as are necessary
16 to carry out section 5324.

17 “(f) CAPITAL INVESTMENT GRANTS.—There are au-
18 thorized to be appropriated to carry out section 5309 of
19 this title and section 21006(b) of the Federal Public
20 Transportation Act of 2015, \$2,301,785,760 for fiscal
21 year 2016, \$2,352,597,681 for fiscal year 2017,
22 \$2,406,119,278 for fiscal year 2018, \$2,464,082,691 for
23 fiscal year 2019, \$2,526,239,177 for fiscal year 2020, and
24 \$2,590,122,713 for fiscal year 2021, of which
25 \$276,214,291 for fiscal year 2016, \$282,311,722 for fis-

1 cal year 2017, \$288,734,313 for fiscal year 2018,
2 \$295,689,923 for fiscal year 2019, \$303,148,701 for fis-
3 cal year 2020, and \$310,814,726 for fiscal year 2021 shall
4 be available to carry out section 21006(b) of the Federal
5 Public Transportation Act of 2015.

6 “(g) ADMINISTRATION.—

7 “(1) IN GENERAL.—There are authorized to be
8 appropriated to carry out section 5334,
9 \$115,016,543 for fiscal year 2016, \$117,555,533 for
10 fiscal year 2017, \$120,229,921 for fiscal year 2018,
11 \$123,126,260 for fiscal year 2019, \$126,232,120 for
12 fiscal year 2020, and \$129,424,278 for fiscal year
13 2021.

14 “(2) SECTION 5329.—Of the amounts author-
15 ized to be appropriated under paragraph (1), not
16 less than \$8,000,000 for each of fiscal years 2016
17 through 2021 shall be available to carry out section
18 5329.

19 “(3) SECTION 5326.—Of the amounts made
20 available under paragraph (2), not less than
21 \$2,000,000 for each of fiscal years 2016 through
22 2021 shall be available to carry out section 5326.

23 “(h) OVERSIGHT.—

24 “(1) IN GENERAL.—Of the amounts made
25 available to carry out this chapter for a fiscal year,

1 the Secretary may use not more than the following
2 amounts for the activities described in paragraph
3 (2):

4 “(A) 0.5 percent of amounts made avail-
5 able to carry out section 5305.

6 “(B) 0.75 percent of amounts made avail-
7 able to carry out section 5307.

8 “(C) 1 percent of amounts made available
9 to carry out section 5309.

10 “(D) 1 percent of amounts made available
11 to carry out section 601 of the Passenger Rail
12 Investment and Improvement Act of 2008
13 (Public Law 110-432; 126 Stat. 4968).

14 “(E) 0.5 percent of amounts made avail-
15 able to carry out section 5310.

16 “(F) 0.5 percent of amounts made avail-
17 able to carry out section 5311.

18 “(G) 1 percent of amounts made available
19 to carry out section 5337, of which not less
20 than 0.25 percent shall be available to carry out
21 section 5329.

22 “(H) 0.75 percent of amounts made avail-
23 able to carry out section 5339.

24 “(2) ACTIVITIES.—The activities described in
25 this paragraph are as follows:

1 “(A) Activities to oversee the construction
2 of a major capital project.

3 “(B) Activities to review and audit the
4 safety and security, procurement, management,
5 and financial compliance of a recipient or sub-
6 recipient of funds under this chapter.

7 “(C) Activities to provide technical assist-
8 ance generally, and to provide technical assist-
9 ance to correct deficiencies identified in compli-
10 ance reviews and audits carried out under this
11 section.

12 “(3) GOVERNMENT SHARE OF COSTS.—The
13 Government shall pay the entire cost of carrying out
14 a contract under this subsection.

15 “(4) AVAILABILITY OF CERTAIN FUNDS.—
16 Funds made available under paragraph (1)(C) shall
17 be made available to the Secretary before allocating
18 the funds appropriated to carry out any project
19 under a full funding grant agreement.

20 “(i) GRANTS AS CONTRACTUAL OBLIGATIONS.—

21 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
22 FUND.—A grant or contract that is approved by the
23 Secretary and financed with amounts made available
24 from the Mass Transit Account of the Highway
25 Trust Fund pursuant to this section is a contractual

1 obligation of the Government to pay the Government
2 share of the cost of the project.

3 “(2) GRANTS FINANCED FROM GENERAL
4 FUND.—A grant or contract that is approved by the
5 Secretary and financed with amounts appropriated
6 in advance from the General Fund of the Treasury
7 pursuant to this section is a contractual obligation
8 of the Government to pay the Government share of
9 the cost of the project only to the extent that
10 amounts are appropriated for such purpose by an
11 Act of Congress.

12 “(j) AVAILABILITY OF AMOUNTS.—Amounts made
13 available by or appropriated under this section shall re-
14 main available until expended.”.

15 **SEC. 21018. GRANTS FOR BUS AND BUS FACILITIES.**

16 (a) IN GENERAL.—Chapter 53 of title 49, United
17 States Code, as amended by division G, is amended by
18 striking section 5339 and inserting the following:

19 **“§ 5339. Grants for bus and bus facilities**

20 “(a) FORMULA GRANTS.—

21 “(1) DEFINITIONS.—In this subsection—

22 “(A) the term ‘low or no emission vehicle’
23 has the meaning given that term in subsection
24 (c)(1);

1 “(B) the term ‘State’ means a State of the
2 United States; and

3 “(C) the term ‘territory’ means the Dis-
4 trict of Columbia, Puerto Rico, the Northern
5 Mariana Islands, Guam, American Samoa, and
6 the United States Virgin Islands.

7 “(2) GENERAL AUTHORITY.—The Secretary
8 may make grants under this subsection to assist eli-
9 gible recipients described in paragraph (4)(A) in fi-
10 nancing capital projects—

11 “(A) to replace, rehabilitate, and purchase
12 buses and related equipment, including techno-
13 logical changes or innovations to modify low or
14 no emissions vehicles or facilities; and

15 “(B) to construct bus-related facilities.

16 “(3) GRANT REQUIREMENTS.—The require-
17 ments of—

18 “(A) section 5307 shall apply to recipients
19 of grants made in urbanized areas under this
20 subsection; and

21 “(B) section 5311 shall apply to recipients
22 of grants made in rural areas under this sub-
23 section.

24 “(4) ELIGIBLE RECIPIENTS AND SUBRECIPI-
25 ENTS.—

1 “(A) RECIPIENTS.—Eligible recipients
2 under this subsection are—

3 “(i) designated recipients that allocate
4 funds to fixed route bus operators; or

5 “(ii) State or local governmental enti-
6 ties that operate fixed route bus service.

7 “(B) SUBRECIPIENTS.—A recipient that
8 receives a grant under this subsection may allo-
9 cate amounts of the grant to subrecipients that
10 are public agencies or private nonprofit organi-
11 zations engaged in public transportation.

12 “(5) DISTRIBUTION OF GRANT FUNDS.—Funds
13 allocated under section 5338(a)(2)(M) shall be dis-
14 tributed as follows:

15 “(A) NATIONAL DISTRIBUTION.—
16 \$102,500,000 for each of fiscal years 2016
17 through 2021 shall be allocated to all States
18 and territories, with each State receiving
19 \$2,000,000 for each such fiscal year and each
20 territory receiving \$500,000 for each such fiscal
21 year.

22 “(B) DISTRIBUTION USING POPULATION
23 AND SERVICE FACTORS.—The remainder of the
24 funds not otherwise distributed under subpara-
25 graph (A) shall be allocated pursuant to the

1 formula set forth in section 5336 other than
2 subsection (b).

3 “(6) TRANSFERS OF APPORTIONMENTS.—

4 “(A) TRANSFER FLEXIBILITY FOR NA-
5 TIONAL DISTRIBUTION FUNDS.—The Governor
6 of a State may transfer any part of the State’s
7 apportionment under paragraph (5)(A) to sup-
8 plement amounts apportioned to the State
9 under section 5311(c) of this title or amounts
10 apportioned to urbanized areas under sub-
11 sections (a) and (c) of section 5336 of this title.

12 “(B) TRANSFER FLEXIBILITY FOR POPU-
13 LATION AND SERVICE FACTORS FUNDS.—The
14 Governor of a State may expend in an urban-
15 ized area with a population of less than
16 200,000 any amounts apportioned under para-
17 graph (5)(B) that are not allocated to des-
18 igned recipients in urbanized areas with a
19 population of 200,000 or more.

20 “(7) GOVERNMENT SHARE OF COSTS.—

21 “(A) CAPITAL PROJECTS.—A grant for a
22 capital project under this subsection shall be for
23 80 percent of the net capital costs of the
24 project. A recipient of a grant under this sub-

1 section may provide additional local matching
2 amounts.

3 “(B) REMAINING COSTS.—The remainder
4 of the net project cost shall be provided—

5 “(i) in cash from non-Government
6 sources other than revenues from providing
7 public transportation services;

8 “(ii) from revenues derived from the
9 sale of advertising and concessions;

10 “(iii) from an undistributed cash sur-
11 plus, a replacement or depreciation cash
12 fund or reserve, or new capital;

13 “(iv) from amounts received under a
14 service agreement with a State or local so-
15 cial service agency or private social service
16 organization; or

17 “(v) from revenues generated from
18 value capture financing mechanisms.

19 “(8) PERIOD OF AVAILABILITY TO RECIPI-
20 ENTS.—Amounts made available under this sub-
21 section may be obligated by a recipient for 3 fiscal
22 years after the fiscal year in which the amount is
23 apportioned. Not later than 30 days after the end of
24 the 3-fiscal-year period described in the preceding
25 sentence, any amount that is not obligated on the

1 last day of that period shall be added to the amount
2 that may be apportioned under this subsection in the
3 next fiscal year.

4 “(b) BUS AND BUS FACILITIES COMPETITIVE
5 GRANTS.—

6 “(1) IN GENERAL.—The Secretary may make
7 grants under this subsection to designated recipients
8 to assist in the financing of bus and bus facilities
9 capital projects, including—

10 “(A) replacing, rehabilitating, purchasing,
11 or leasing buses or related equipment; and

12 “(B) rehabilitating, purchasing, con-
13 structing, or leasing bus-related facilities.

14 “(2) GRANT CONSIDERATIONS.—In making
15 grants under this subsection, the Secretary shall
16 consider the age and condition of buses, bus fleets,
17 related equipment, and bus-related facilities.

18 “(3) STATEWIDE APPLICATIONS.—A State may
19 submit a statewide application on behalf of a public
20 agency or private nonprofit organization engaged in
21 public transportation in rural areas or other areas
22 for which the State allocates funds. The submission
23 of a statewide application shall not preclude the sub-
24 mission and consideration of any application under

1 this subsection from other eligible recipients in an
2 urbanized area in a State.

3 “(4) REQUIREMENTS FOR THE SECRETARY.—

4 The Secretary shall—

5 “(A) disclose all metrics and evaluation
6 procedures to be used in considering grant ap-
7 plications under this subsection upon issuance
8 of the notice of funding availability in the Fed-
9 eral Register; and

10 “(B) publish a summary of final scores for
11 selected projects, metrics, and other evaluations
12 used in awarding grants under this subsection
13 in the Federal Register.

14 “(5) RURAL PROJECTS.—Not less 10 percent of
15 the amounts made available under this subsection in
16 a fiscal year shall be distributed to projects in rural
17 areas.

18 “(6) GRANT REQUIREMENTS.—

19 “(A) IN GENERAL.—A grant under this
20 subsection shall be subject to the requirements
21 of—

22 “(i) section 5307 for recipients of
23 grants made in urbanized areas; and

24 “(ii) section 5311 for recipients of
25 grants made in rural areas.

1 “(B) GOVERNMENT SHARE OF COSTS.—

2 The Government share of the cost of an eligible
3 project carried out under this subsection shall
4 not exceed 80 percent.

5 “(7) AVAILABILITY OF FUNDS.—Any amounts
6 made available to carry out this subsection—

7 “(A) shall remain available for 2 fiscal
8 years after the fiscal year for which the amount
9 is made available; and

10 “(B) that remain unobligated at the end of
11 the period described in subparagraph (A) shall
12 be added to the amount made available to an el-
13 igible project in the following fiscal year.

14 “(8) LIMITATION.—Of the amounts made avail-
15 able under this subsection, not more than 15 percent
16 may be awarded to a single grantee.

17 “(c) LOW OR NO EMISSION GRANTS.—

18 “(1) DEFINITIONS.—In this subsection—

19 “(A) the term ‘direct carbon emissions’
20 means the quantity of direct greenhouse gas
21 emissions from a vehicle, as determined by the
22 Administrator of the Environmental Protection
23 Agency;

1 “(B) the term ‘eligible project’ means a
2 project or program of projects in an eligible
3 area for—

4 “(i) acquiring low or no emission vehi-
5 cles;

6 “(ii) leasing low or no emission vehi-
7 cles;

8 “(iii) acquiring low or no emission ve-
9 hicles with a leased power source;

10 “(iv) constructing facilities and re-
11 lated equipment for low or no emission ve-
12 hicles;

13 “(v) leasing facilities and related
14 equipment for low or no emission vehicles;

15 “(vi) constructing new public trans-
16 portation facilities to accommodate low or
17 no emission vehicles; or

18 “(vii) rehabilitating or improving ex-
19 isting public transportation facilities to ac-
20 commodate low or no emission vehicles;

21 “(C) the term ‘leased power source’ means
22 a removable power source, as defined in para-
23 graph (4)(A) of section 5316(c), that is made
24 available through a capital lease under that sec-
25 tion;

1 “(D) the term ‘low or no emission bus’
2 means a bus that is a low or no emission vehi-
3 cle;

4 “(E) the term ‘low or no emission vehicle’
5 means—

6 “(i) a passenger vehicle used to pro-
7 vide public transportation that the Sec-
8 retary determines sufficiently reduces en-
9 ergy consumption or harmful emissions, in-
10 cluding direct carbon emissions, when com-
11 pared to a comparable standard vehicle; or

12 “(ii) a zero emission vehicle used to
13 provide public transportation;

14 “(F) the term ‘recipient’ means a des-
15 ignated recipient, a local governmental author-
16 ity, or a State that receives a grant under this
17 subsection for an eligible project; and

18 “(G) the term ‘zero emission vehicle’
19 means a low or no emission vehicle that pro-
20 duces no carbon or particulate matter.

21 “(2) GENERAL AUTHORITY.—The Secretary
22 may make grants to recipients to finance eligible
23 projects under this subsection.

24 “(3) GRANT REQUIREMENTS.—

1 “(A) IN GENERAL.—A grant under this
2 subsection shall be subject to the requirements
3 of section 5307.

4 “(B) GOVERNMENT SHARE OF COSTS FOR
5 CERTAIN PROJECTS.—Section 5323(i) applies to
6 eligible projects carried out under this sub-
7 section, unless the recipient requests a lower
8 grant percentage.

9 “(C) COMBINATION OF FUNDING
10 SOURCES.—

11 “(i) COMBINATION PERMITTED.—An
12 eligible project carried out under this sub-
13 section may receive funding under section
14 5307 or any other provision of law.

15 “(ii) GOVERNMENT SHARE.—Nothing
16 in this subparagraph shall be construed to
17 alter the Government share required under
18 paragraph (7), section 5307, or any other
19 provision of law.

20 “(4) COMPETITIVE PROCESS.—The Secretary
21 shall—

22 “(A) not later than 30 days after the date
23 on which amounts are made available for obli-
24 gation under this subsection for a full fiscal

1 year, solicit grant applications for eligible
2 projects on a competitive basis; and

3 “(B) award a grant under this subsection
4 based on the solicitation under subparagraph
5 (A) not later than the earlier of—

6 “(i) 75 days after the date on which
7 the solicitation expires; or

8 “(ii) the end of the fiscal year in
9 which the Secretary solicited the grant ap-
10 plications.

11 “(5) CONSIDERATION.—In awarding grants
12 under this subsection, the Secretary shall only con-
13 sider eligible projects relating to the acquisition or
14 leasing of low or no emission buses that—

15 “(A) make greater reductions in energy
16 consumption and harmful emissions, including
17 direct carbon emissions, than comparable stand-
18 ard buses or other low or no emission buses;
19 and

20 “(B) are part of a long-term integrated
21 fleet management plan for the recipient.

22 “(6) AVAILABILITY OF FUNDS.—Any amounts
23 made available to carry out this subsection—

1 “(A) shall remain available to an eligible
2 project for 2 fiscal years after the fiscal year
3 for which the amount is made available; and

4 “(B) that remain unobligated at the end of
5 the period described in subparagraph (A) shall
6 be added to the amount made available to an el-
7 igible project in the following fiscal year.

8 “(7) GOVERNMENT SHARE OF COSTS.—

9 “(A) IN GENERAL.—The Federal share of
10 the cost of an eligible project carried out under
11 this subsection shall not exceed 80 percent.

12 “(B) NON-FEDERAL SHARE.—The non-
13 Federal share of the cost of an eligible project
14 carried out under this subsection may be de-
15 rived from in-kind contributions.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections for chapter 53 of title 49, United
18 States Code, is amended by striking the item relating to
19 section 5339 and inserting the following:

“5339. Grants for bus and bus facilities.”.

20 **SEC. 21019. SALARY OF FEDERAL TRANSIT ADMINIS-**
21 **TRATOR.**

22 (a) IN GENERAL.—Section 5313 of title 5, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

25 “Federal Transit Administrator.”.

1 (b) CONFORMING AMENDMENT.—Section 5314 of
2 title 5, United States Code, is amended by striking “Fed-
3 eral Transit Administrator.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the first day of the first
6 pay period beginning on or after the first day of the first
7 fiscal year beginning after the date of enactment of this
8 Act.

9 **SEC. 21020. TECHNICAL AND CONFORMING AMENDMENTS.**

10 (a) CHAPTER 53 OF TITLE 49, UNITED STATES
11 CODE.—

12 (1) IN GENERAL.—Chapter 53 of title 49,
13 United States Code, is amended—

14 (A) by striking section 5319;

15 (B) in section 5325—

16 (i) in subsection (e)(2), by striking
17 “at least two”; and

18 (ii) in subsection (h), by striking
19 “Federal Public Transportation Act of
20 2012” and inserting “Federal Public
21 Transportation Act of 2015”;

22 (C) in section 5336—

23 (i) in subsection (a), by striking “sub-
24 section (h)(4)” and inserting “subsection
25 (h)(5)”; and

1 (ii) in subsection (h), as amended by
2 division G—

3 (I) by striking paragraph (1) and
4 inserting the following:

5 “(1) \$30,000,000 for each fiscal year shall be
6 set aside to carry out section 5307(h);” and

7 (II) in paragraph (3), by striking
8 “1.5 percent” and inserting “2 per-
9 cent”; and

10 (D) in section 5340(b), by striking “sec-
11 tion 5338(b)(2)(M)” and inserting “section
12 5338(a)(2)(O)”.

13 (2) TABLE OF SECTIONS.—The table of sections
14 for chapter 53 of title 49, United States Code, is
15 amended by striking the item relating to section
16 5319 and inserting the following:

“[5319. Repealed.]”.

17 (b) CHAPTER 105 OF TITLE 49, UNITED STATES
18 CODE.—Section 10501(c) of title 49, United States Code,
19 is amended—

20 (1) in paragraph (1)—

21 (A) in subparagraph (A)(i), by striking
22 “section 5302(a)” and inserting “section
23 5302”; and

24 (B) in subparagraph (B)—

- 1 (i) by striking “mass transportation”
2 and inserting “public transportation”; and
3 (ii) by striking “section 5302(a)” and
4 inserting “section 5302”; and
5 (2) in paragraph (2)(A), by striking “mass
6 transportation” and inserting “public transpor-
7 tation”.