

## Federal Public Transportation Act of 2012

### Bill Highlights

- Reauthorizes federal public transportation programs at current funding levels for two fiscal years.
- Improves the safety of public transportation systems by improving the effectiveness of federal and state oversight and requiring public transportation safety plans at transit agencies.
- Establishes a system to monitor and manage public transportation assets to improve safety and increase reliability and performance.
- Eliminates earmarks from federal transit programs.
- Streamlines the New Starts process for transit construction to accelerate project delivery by eliminating duplicative steps and speed federal decision-making.
- Establishes a State of Good Repair program to assist public transportation systems in addressing the backlog of maintenance needs.

### Sec. 3005, 49 USC 5303/5304, Metropolitan and State Transportation Planning

- Improves metropolitan and statewide planning processes to incorporate a more comprehensive performance-based approach, drawing on the planning provisions developed in the “Moving Ahead for Progress in the 21st Century Act” as reported by the Committee on Environment and Public Works. The use of performance targets will assist metropolitan areas and states in targeting limited resources to improve the condition and performance of transportation assets, including public transportation assets.
- Existing metropolitan planning organizations (MPOs) will be required to meet minimum requirements established by the Secretary of Transportation. All existing MPOs will have the opportunity to review their planning process in order to meet the new minimum requirements.
- Creates a pilot program for transit-oriented development planning to advance planning efforts that support transit-oriented development around fixed guideway capital investment and core capacity projects (New Starts projects). Improved development around public transportation projects enhances economic development, increases transit ridership, and promotes multi-modal connectivity and accessibility. Grants for planning will help communities develop strategies to facilitate transit-oriented development.

### Sec. 3007, 49 USC 5306, Public Transportation Emergency Relief Program

- Establishes a program to assist States and public transportation systems pay for unusually heavy expenses resulting from a disaster.

Secs. 3008 and 3027, 49 USC 5307 and 5336, Urbanized Area Formula Grants

- Maintains the basic structure for urbanized area grants under Section 5307. The program continues to be the largest program for federal investment in public transportation. The “Job Access and Reverse Commute” program (JARC) has been moved to Section 5307.
- Maintains the existing criteria for use of 5307 funds for capital projects (operating expenses continue to be ineligible) in urban areas with a population greater than 200,000. In addition, the bill maintains language allowing rural areas to use up to 100 percent of their 5307 funding for operating expenses. A modified “100 bus rule” has been included, allowing systems with 75-100 buses operating in peak service to use up to 25% of their 5307 funding for operating expenses and those operating 75 or fewer buses to use up to 50% for operating expenses.
- Includes a provision establishing a program to allow public transportation providers temporary flexibility during periods of high unemployment to use a limited portion of their 5307 funds for up to two years, provided they meet the established criteria, for operating expenses.

Sec. 3009, 49 USC 5308, Clean Fuel Grant Program

- Establishes the Clean Fuel Grant Program as a competitive program to support the use of clean fuel vehicles in public transportation. Grants will be available for the acquisition of clean fuel vehicles and related equipment, the construction of facilities for clean fuel vehicles, and the rehabilitation of existing facilities to accommodate the use of clean fuel vehicles.
- Grants can be made to all modes of public transportation, but not less than 65 percent of available funds in each fiscal year must fund eligible bus-related projects, and not less than 10 percent of available funds in each fiscal year must fund eligible bus-related facility and infrastructure projects.

Sec. 3010, 49 USC 5309, Fixed Guideway Capital Investment Grants (New Starts)

- Reforms and streamlines the “Fixed Guideway Capital Investment Grant” program (previously the “Major Capital Investment Grant” or “New Starts” program). Based on extensive feedback from project sponsors and other stakeholders, the bill streamlines the New Starts process to accelerate project delivery by eliminating duplicative steps in project development and instituting a modified program structure that will allow the Federal Transit Administration to review proposals quickly, without sacrificing effective project oversight.
- Duplicative steps in the existing process are eliminated under the bill, and the number of federal approvals required to advance a project is decreased. \*See Attached Flow Chart.
- Projects under \$100 million can utilize an expedited review process if they meet standards of similar highly qualified projects. The bill also creates a category of demonstration projects for

sponsors that propose a significant amount of local and/or private funding and reduce the federal commitment required for the projects.

- Establishes a new category for capital investment projects by authorizing core capacity projects, which will undergo the same process as other true “new starts” projects but provide an opportunity for existing systems to make necessary but significant investments that are currently not eligible for funding.
- Modifies the definition of Bus Rapid Transit project eligible under this Section to ensure that such projects actually mimic the characteristics of fixed guideway systems.

#### Sec. 3011, 49 USC 5310, Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities

- Consolidates the existing “Elderly and Disabled” (Sec. 5310) and “New Freedom” (Sec. 5317) programs into a single program that increases the level of resources available beyond the level of funding available under existing programs.
- The consolidated program will continue to ensure support for non-profit providers of transportation, and it will continue to make available funds to public transportation services that exceed the requirements of the Americans with Disabilities Act, as previously provided under the “New Freedom” program.
- Maintains the requirement for communities to develop a coordinated public transportation-human services transportation plan to improve the delivery of service.

#### Sec. 3012, 49 USC 5311, Formula Grants for Other Than Urbanized Areas (Rural Formula)

- Maintains the existing structure providing funding to states for public transportation in rural areas. The 5311 formula is expanded to include the rural component of the current “Job Access and Reverse Commute” program that is being eliminated, and the level of public transportation service that is provided within a state’s rural areas will be considered in the distribution of new funds.
- Funding for the “Public Transportation on Indian Reservations” program is increased to \$30 million. The Secretary will distribute \$10 million competitively each fiscal year, and \$20 million will be available to Indian Tribes as formula grants to continue and expand public transportation services.
- Establishes a new “Appalachian Development Public Transportation Program” to distribute \$20 million to states within the Appalachian region with a goal of providing greater public transportation opportunities to residents in these challenged areas.

Sec. 3013, 49 USC 5312, Research, Development, Demonstration, and Deployment Projects

- Modifies the existing research program by eliminating earmarks and reforming the program to provide research focused on public transportation with a goal of providing meaningful results.
- Creates a clearly delineated pipeline with criteria for continued progress with a goal of taking an idea from the research phase through to demonstration and deployment in the field.
- For the first time, the program specifically provides funding for demonstration and deployment of products and services that may benefit public transportation; a major impediment to putting new technology to use in the field often cited by public transportation providers.

Sec. 3014, 49 USC 5314, Technical Assistance and Standards Development

- Provides grants for activities that help public transportation systems more effectively and efficiently provide public transportation service and helps grant recipients administer funds received under this chapter;
- Authorizes the Federal Transit Administration to continue making grants for the development of voluntary standards by the public transportation related to procurement, safety and other subjects and authorizes the Secretary to fund technical assistance centers to assist grant recipients following a competitive process.

Sec. 3015, 49 USC 5318, Bus Testing Facilities

- Instructs the Secretary to certify no more than 4 comprehensive facilities for testing new bus models for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.
- Includes a new requirement that vehicles tested at these facilities meet the requirements (receive a passing grade) established by the Secretary in order for a recipient to spend federal dollars to procure the vehicle.

Sec. 3016, 49 USC 5322, Public Transportation Workforce Development and Human Resource Programs

- Authorizes the Secretary to make grants, or enter into contracts for, activities that address human resource and workforce needs as they apply to public transportation activities.
- Requires public transportation agencies to spend a portion of their 5307 formula funding on workforce development activities, unless the Secretary determines that a transit agency has an adequate workforce development program or has partnered with a local educational institution to sufficiently addresses workforce development and human resource needs.

- Creates the Innovative Public Transportation Workforce Development Program, a competitive grant program to promote and assist the development of innovative workforce development and human resource activities within the public transportation industry.

#### Sec. 3019, 49 USC 5326, Transit Asset Management

- Establishes a system to monitor and manage public transportation assets to improve safety and increase reliability and performance. Recipients are required to establish and use an asset management system to develop capital asset inventories and condition assessments, and report on the condition of their system as a whole, including a description of the change in overall condition since the last report.
- The Secretary of Transportation is required to define the term ‘state of good repair,’ including objective standards for measuring the condition of capital assets.

#### Sec. 3021, 49 USC 5329, Public Transportation Safety Program

- Establishes a National Public Transportation Safety Plan to improve the safety of all public transportation systems that receive Federal funding. The Secretary will develop minimum performance standards for vehicles used in public transportation and establish a training program for Federal and State employees who conduct safety audits and examinations of public transportation systems.
- Requires public transportation agencies to establish comprehensive safety plans, thus encouraging a “culture of safety” in which each employee completes a safety training program that includes continuing safety education and training. Public transportation agency safety plans will be approved by the agency’s board of directors, and reviewed and updated annually.
- Improves the effectiveness of State Safety Oversight Agencies and increases federal funding for safety. States will submit proposals for state safety oversight programs for rail fixed guideway public transportation systems to the Secretary, and upon approval, receive funding at an 80 percent Federal share. The Act builds on the existence of State safety oversight agencies and requires them to be independent legal entities that have the authority, staff training and expertise to enforce Federal safety law.
- Provides new enforcement over public transportation safety to the Secretary of Transportation. In the event a public transportation agency is in violation of Federal safety law, the Secretary will have the authority to require more frequent oversight; impose more frequent reporting requirements; impose conditions on grants; withhold grant funds; and impose civil penalties. Public transportation agencies will be given the opportunity to address violations before these penalties are imposed, and Congress must be notified prior to the Secretary withholding grant funds or imposing civil penalties.

Sec 3027, 49 USC 5337, State of Good Repair Grant Program

- Modernizes, and renames, the old “Rail Modernization” program by establishing a program structure and defining eligible expenses under the program with a goal of moving all systems towards a state of good repair and enabling systems to maintain a state of good repair.
- The program has two major components: a rail fixed guideway state of good repair formula program and a high intensity bus state of good repair formula program. In addition, the bill establishes a discretionary grant program for rail fixed guideway systems.
- Funding tiers and earmarks in the old rail modernization program have been eliminated and replaced with a new structure that focuses on the age of the system, revenue vehicle miles and directional route miles. Additionally, the new proposal no longer recognizes highway high occupancy vehicle lanes as eligible directional route miles if they are not reserved for the sole use of public transportation vehicles.
- The new high intensity bus state of good repair formula program focuses on systems that have a large number of bus rapid transit, express bus or other high intensity bus routes that may not qualify as a fixed guideway.

Sec. 3029, 49 USC 5338, Authorizations

- See Attached table for funding amounts

Sec. 3030, 49 USC 5340, Apportionments based on growing States and high density States formula factors

- Maintains the existing formula for providing funding to growing states and high density states

	FPTA -- TF	FPTA -- GF
<b>Administration</b>		\$ 108,350,000
<i>Section 5329 -- Safety [non-add]</i>		[\$10,000,000]
<i>Section 5326 -- Asset Management Program [non-add]</i>		[\$1,000,000]
<b>Section 5305 Planning Programs</b>	\$ 144,850,000	
<i>Section 5303 Metropolitan Transportation Planning Program [non-add]</i>	[\$103,275,920]	
<i>Transit Oriented Development Pilot - Planning [non-add]</i>	[\$20,000,000]	
<i>Section 5304 Statewide Transportation Planr.</i>	[\$21,574,080]	
<b>Section 5306 Emergency Relief</b>		
<b>Section 5307 Urbanized Area Formula Program</b>	\$ 4,756,161,500	
<i>Job Access and Reverse Commute [non-add]</i>	[\$144,760,000]	
<i>Ferry takedown (of which \$10M is for geographically constrained areas) [non-add]</i>	[\$35,000,000]	
<i>Takedown -- STIC (1% of the total apportionment) [non-add]</i>	[\$45,763,915]	
<b>Section 5308 Clean Fuels Program</b>	\$ 65,150,000	
<i>Setaside for activities under 5312 [non-add]</i>	[\$8,500,000]	
<b>Section 5309 Capital Investment Grants</b>		\$ 1,955,000,000
<b>Section 5310 Elderly and Disabled</b>	\$ 248,600,000	
<b>Section 5311 Nonurbanized Area Formula Program</b>	\$ 591,190,000	
<i>Takedown -- Transit Asset Management [non-add]</i>		
<i>Takedown -- Rural Transit Assistance Program (RTAP) [non-add]</i>	[\$10,860,276]	
<i>Takedown -- Public Transportation on Indian Reservations [non-add]</i>	[\$30,000,000]	
<i>Takedown -- Appalachian Development Public Transportation Pogram[non-add]</i>	[\$20,000,000]	
<i>Job Access and Reverse Commute [non-add]</i>	[\$46,190,000]	
<b>Section 5312 Research, Development, Demonstration, and Deployment Projects</b>	\$ 34,000,000	
<b>Section 5313 Transit Cooperative Research Program (TCRP)</b>	\$ 6,500,000	
<b>Section 5314 Technical Assistance and Standards Development</b>	\$ 4,500,000	
<b>Section 5315 National Transit Institute</b>	\$ 5,000,000	
<b>Section 5320 Paul S. Sarbanes Transit in Parks Program</b>		\$ 26,900,000
<b>Section 5322 Workforce Development and Human Resource Programs</b>	\$ 2,000,000	
<b>Section 5335 National Transit Database</b>	\$ 3,850,000	
<b>Section 5337 SGR</b>	\$ 1,987,263,500	
<i>Fixed Guideway SGR [non-add]</i>	[\$1,874,763,500]	
Fixed Guideway SGR Discretionary		\$ 7,463,000
<i>Motorbus SGR [non-add]</i>	[\$112,500,000]	
<b>Section 5340 Growing States and High Density States Formula</b>	\$ 511,500,000	
	\$ 8,360,565,000	\$ 2,097,713,000