

**MAP-21**  
**DIVISION B—PUBLIC TRANSPORTATION**

<b>Section</b>	<b>Program/Topic</b>	<b>Funding</b>	<b>Major Changes from SAFETEA-LU</b>	<b>Implications for Minnesota</b>
20001	Short title	N/A	Title of this section is now Federal Public Transportation Act of 2012.	None
20002	Repeals	N/A	Certain sections of U.S. Code, TEA-21, and SAFETEA-LU were repealed.	Implications are described in the sections below.
20003	<i>Section 5301:</i> Policies and purposes	N/A	Significantly shortened the text and removed a section about Findings	No direct implications. Direct implications come from other sections of the law.
20004	<i>Section 5302:</i> Definitions	N/A	The term "transit enhancement" was changed to "associated transit improvement" and limited in scope to include the improvement, restoration and operation of historic public transportation buildings only when those buildings are used for public transportation service. Public art was eliminated as a category under this provision.  Crime prevention and security was eliminated as a category under the definition of a "capital project."	This means that some items eligible for funding in the past may no longer be eligible.
20005	<i>Section 5303:</i> Metropolitan transportation planning	2013 - \$1,463,556	Requires all MPOs to include transit agency officials in their governing structures. Requires states, transit agencies, and MPOs to establish performance targets; establishes a national performance measurement system. Requires MPOs to include non-motorized transportation in transportation plans. Requires MPOs to develop transportation plans that achieve performance targets and measures.  Establishes a Transit Oriented Development (TOD) Pilot Project.	Requires adoption of performance measures for planning.
20006	<i>Section 5304:</i> Statewide and nonmetropolitan transportation planning	Apportionment prior to rescission: 2010 - \$262,817 2011 - \$262,386 2012 - \$260,577 2013 - \$287,588	Requires states, transit agencies and MPOs to establish performance targets. Establishes a national performance measurement system. Requires statewide transportation plans to include a description of established performance targets. Requires report on performance target achievement and linking investment priorities to those performance targets in the STIP. Allows states to designate regional transportation planning organizations to carry out the transportation planning process.	Requires adoption of performance measures for planning.

20007	<i>Section 5307:</i> Urbanized area formula grants	Sect 5307 apportionments now include funds previously allocated to JARC (Sect 5316) and Bus & Bus Facilities (Sect 5339) programs  Duluth: \$2,350,640 Fargo: \$663,944 Grand Forks: \$124,341 La Crosse: \$74,963 Mankato: \$877,898 Rochester: \$2,208,375 St Cloud: \$2,544,356	Allows operating costs, up to certain limits, for grantees in areas with populations greater than 200,000, and which operate a maximum of 100 buses in fixed-route service during peak hours (rail fixed guideway excluded).  Eliminates transit enhancements and replaces them with the more narrowly defined “associated transportation improvements.” Recipients must expend at least 1% of their 5307 apportionment on these improvements.  Allows funding provided by other government agencies or departments that are eligible to be expended on transportation to be used as local match.  Allows certain expenditures by vanpool operators to be used as local match.  JARC activities are now eligible under 5307 funding.	The amount of Twin Cities apportionment stays virtually flat: \$54,181,240 in 2012 and \$54,557,254 estimated by FTA in 2013.  Total amount of formula funding (5307, 5337 and 5339) available to the Minneapolis/St. Paul UZA is approximately the same as previous years: 2012: \$69,014,069 2013: \$70,197,003 (FTA estimated) 2014: \$69,902,750 (APTA estimated)  Increase in funding in 2013 and decrease in 2014 is due to a one-year cap on the amount of reduction in 2013 between the former 5309 Fixed Guideway Modernization funding and the new 5339 State of Good Repair funding.
20008	<i>Section 5309:</i> Fixed guideway capital investment grants	Earmarks and discretionary funding are no longer included in 5309.  5309 Fixed guideway modernization is now covered by 5337 State of Good Repair formula funding.  5309 now contains funding for three programs: New Starts, Small Starts and Core Capacity Improvement Projects	Adds a new funding category for Core Capacity Improvement Projects, defined as a substantial capital investment in an existing fixed- guideway system that increases the capacity of a corridor by not less than 10 percent. <ul style="list-style-type: none"> <li>Corridor must be at or over capacity or projected to be at or over capacity within next 5 years.</li> </ul> Modifies the definition of BRT as follows: <ul style="list-style-type: none"> <li>BRT New Starts projects operate in a separated right-of-way dedicated for public transportation use during peak periods and include features that emulate rail services;</li> <li>BRT Small Starts projects do not specify operation in a dedicated right-of-way and are defined as a corridor based project with features that emulate rail service.</li> </ul> Streamlines application steps to enter New Starts process. <ul style="list-style-type: none"> <li>Project sponsor submits a letter to FTA describing the project and requesting entry into Project Development. Concurrently, the project sponsor initiates activities required under the National Environmental Policy Act (NEPA)</li> <li>FTA is required to respond in 45 days.</li> </ul>	The revisions are not accompanied by increased funding for the New Starts program. There may be opportunities for Small Starts BRT projects but this would most likely be with funding provided after FY 2014.  The new project justification ratings may change the competitiveness of future project submittals by the region.  The Program of Interrelated projects provisions could allow for simultaneous development of two or more projects.

			<p>Streamlines application steps to enter New Starts process.</p> <ul style="list-style-type: none"> <li>• Project sponsor shall develop sufficient information to enable FTA to make findings of project justification.</li> <li>• Within two years of FTA approval to enter Project Development, all activities needed to obtain a project rating must be complete.</li> <li>• Project sponsor subsequently applies to enter Engineering phase.</li> </ul> <p>Alters cost-effectiveness criterion for project approval or advancement. Six statutory criteria:</p> <ul style="list-style-type: none"> <li>• Mobility improvements;</li> <li>• Environmental benefits;</li> <li>• Congestion relief ;</li> <li>• Economic development effects;</li> <li>• Land use policies that support public transportation and</li> <li>• Cost effectiveness measured by cost per rider</li> </ul> <p>Defines a Program of Interrelated Projects (PoP) as simultaneous development of:</p> <ul style="list-style-type: none"> <li>• Two or more Fixed Guideway Capital Projects;</li> <li>• Two or more Core Capacity Improvement Projects or</li> <li>• One or more Fixed Guideway Capital Projects and one or more Core Capacity Improvement Projects.</li> </ul> <p>Other Provisions:</p> <ul style="list-style-type: none"> <li>• Expands use of warrants to speed up approval process.</li> <li>• Retains parameters of Full Funding Grant Agreement.</li> <li>• Shortens the Congressional review period; Establishes new pilot program for expedited project delivery.</li> </ul>	
20009	<i>Sect 5310: Mobility of seniors and individuals with disabilities</i>	<p>Minneapolis/St Paul: \$1,757,164  Other urban &gt;50,000: \$593,496  Rural &lt;50,000: \$670,794</p> <p>Apportionments will include funds that previously went to the New Freedom program (Sect 5317).</p>	<p>Section 5317 (New Freedom) projects are now eligible under Section 5310.</p> <p>Urban areas are eligible direct recipients of Section 5310 funding.</p>	Urban areas may take on a role in deciding where Section 5310 funds are used.

20010	<i>Section 5311:</i> Formula grants for rural areas	Minnesota: \$14,976,196  Tribal funding is a portion of \$25 million nationally.  Section 5311 apportionment will include funds that previously would have been apportioned to the JARC program (Sect 5316).	Allows Section 5311 funds to be used for planning purposes in addition to Section 5305 funding allocations.  Tribal transit funding will now be apportioned to the states, reserving only a small portion for nationwide competitive applications.  Changes how apportionments are calculated, including, in addition to population, land mass, vehicle revenue miles, and low income individuals.	Provides greater latitude in size and scope of planning studies.  Tribes may choose the state to administer their funding (1 does this currently; 2 are in waiting) or may go directly to the Feds. In either case, MnDOT is obligated to provide technical assistance.  Once guidance has been developed, MnDOT will work with Met Council to determine the amount of funding eligible for non-UZA/rural service inside 7-county Metro area. Will check on implications for Northstar commuter rail.  Allowance of funds for planning has no impact unless MnDOT chooses to use this source.
20011	<i>Section 5312:</i> Research, development, demonstration, and deployment projects	2013: \$70 M	Previous Section 5312 (Research, development, demonstration, and deployment projects) and Section 5314 (National research programs) are now consolidated into one program under Section 5312. MAP-21 authorizes \$70 million annually for FY 2013 and FY 2014 subject to appropriations by Congress. Funding supports public transportation research; innovation and development; and demonstration, deployment, and evaluation. Projects under this last category require a project evaluation within two years of award. MAP-21 creates a new low or no emissions vehicle deployment program. FTA is required to submit an annual report to Congress that includes a description of projects funded, an evaluation of each project described, and a proposed allocation of assistance for the next fiscal year. MAP-21 requires a local match of not less than 20 percent for Section 5312 projects.	Other than limiting the categories of research that could be proposed under this program, nearly all the impacts are to FTA, not to state or local entities.

20012	<i>Sect 5314: Technical assistance and standards development</i>	No additional funding to support these efforts.	Encourages the development of voluntary and consensus standards and best practices in Safety, Fare collections, ITS, Accessibility, Procurement, Security, Asset management (SOGR), Operations, Maintenance, Vehicle propulsion, Communications, Vehicle electronics.  Allows (or perhaps encourages) states to competitively bid to national non-profit organizations (think Battelle type organizations) to provide technical assistance in complying with ADA, human services coordination requirements, transportation needs of elderly and disabled, coordinate with MPOs to do TOD, address equity in planning relative to low-income and minority populations, and any other things deemed appropriate for the advancement of public transportation.	This would represent a significant amount of new work.
20013	<i>Sect 5315: Private sector participation</i>		All new section addressing public-private partnerships.  FTA does not intend to have the rulemaking completed until 10/01/13.  One year after enactment, or 10/01/13, a report to Congress is required to outline the benefits of contracting out public transit.	It is unclear whether this applies to ALL PUBLIC TRANSPORTATION or only to FIXED GUIDEWAY NEW STARTS. If it applies to all public transportation it requires more technical assistance from MnDOT.
20014	<i>Section 5318: Bus testing facilities</i>		Establishes performance standards and "Pass/Fail" requirements for new model buses. Includes safety performance standards.	
20015	<i>Section 5322: Human resources and training</i>	N/A	A fellowship program was replaced by an innovative public transportation workforce development program. The operator of the National Transit Institute could be any 4-year degree granting institution of higher learning rather than being assigned to Rutgers University.	No direct implications.
20016	<i>Section 5323: General provisions</i>	N/A	Makes minor changes regarding Buy America and real estate acquisition for corridor preservation.	Minimal implications.
20017	<i>Section 5324: Public Transportation Emergency Relief Program</i>		All new section providing assistance when public transit is used as part of emergency relief efforts.	This has no effect on MnDOT unless there is a need to implement relief operations.  <i>Awaiting review by MnDOT's Emergency Management Team</i>

20018	Section 5325: Contract requirements	N/A	Provides a new 7 year maximum contract term for rail rolling stock procurement--it was previously 5 years for all vehicles (buses or rail).  A new provision requires that contractors who receive federal funds for capital projects must give hiring preference, to the extent possible, to veterans.	Minimal implications.
20019	Section 5326: Transit asset management	N/A	All new section establishing requirements for transit asset management by FTA's grantees as well as new reporting requirements to promote accountability. The goal of improved transit asset management is to implement a strategic approach for assessing needs and prioritizing investments for bringing the nations public transit systems into a state of good repair. <ul style="list-style-type: none"> <li>• WHO: This section establishes requirements across all FTA grant programs, both Urban and Rural.</li> <li>• WHAT: FTA will establish a national transit asset management system which will define "state of good repair", set standards for measuring the condition of capital assets (equipment/rolling stock/infrastructure/facilities) and establish performance measures under which all FTA grantees will be required to set targets.</li> <li>• PLANS: All FTA grantees and their subrecipients will be required to develop Transit Asset Management Plans (TSMP's) that include capital asset inventories, condition assessments and investment prioritizations.</li> <li>• REPORTING: Each designated recipient of FTA formula funding will be required to report on the condition of their system; any changes in condition since the report; targets set under performance measures; and the progress towards meeting those targets.</li> <li>• PERFORMANCE TARGETS: Each recipient will be required to establish performance targets in relation to FTA's state of good repair definition; MPO's and states are required to coordinate their performance targets with the targets for state of good repair set by grant recipients.</li> </ul>	
20020	Section 5327: Project management oversight		Deletion of specific funding percentages for the various programs. These are moved elsewhere in the bill.	None. This simply informs us that we have a State Management Plan.
20021	Section 5329: Public transportation safety		ALL NEW! This section represents a huge amount of work for MnDOT. There will likely be guidance published, which may mean that the final requirements may not be available until shortly before MAP-21 expires. <ul style="list-style-type: none"> <li>• Applies to all public transit recipients (it was voluntary before this)</li> <li>• There will be a national plan with performance standards that will apply to all and it will include a certification program</li> <li>• An interim safety plan congruent with 49CFR Part 689 shall be in effect immediately. (Only affects fixed guideway systems?)</li> <li>• State must establish a comprehensive safety plan <ul style="list-style-type: none"> <li>○ Board approved</li> <li>○ Identify risks throughout all elements of the public transit system</li> <li>○ Annual review</li> <li>○ Performance targets</li> <li>○ Safety officer (presumably this refers to the Sec. 5307 direct recipients)</li> <li>○ Comprehensive training program for all operations personnel;</li> </ul> </li> <li>• State oversight system (may apply only to fixed guideway)</li> <li>• Requires a bus safety study of programs where buses spend more than 50% of their time on highway routes, e.g., roads with</li> </ul>	

			<p>speed limits greater than 45 mph.</p> <p>To do a good job with this, the Office of Transit will want to involve MnDOT's Emergency Preparedness staff as well as District Representatives.</p> <p>Also authorizes FTA to participate in the review process of which only DOT and FRA were previously a part.</p>	
20022	<i>Section 5331: Alcohol and controlled substances testing</i>		Adds a provision that gives FTA the ability to bar an entity from receiving federal transit assistance if that entity is not in compliance with FTA's drug and alcohol regulations.	
20023	<i>Section 5332: Nondiscrimination</i>	N/A	A section was added giving the US Comptroller General responsibility to evaluate the effectiveness of recipients of FTA funds in complying with Section 5332 by reviewing discrimination complaints and reporting on the results and recommendations from their evaluation.	No direct impact is listed, however, there may be a requirement to produce data for the US Comptroller General's review.
20024	<i>Section 5334: Administrative provisions.</i>	N/A	Minimal changes	None
20025	<i>Section 5335: National transit database</i>		Establishes requirement to report asset condition and accurate and reliable safety incident data.	
20026	<i>Section 5336: Apportionment of appropriations for formula grants</i>		Changes were made to the Section 5307 apportionment formulas reflecting the consolidation of programs.	Section 5307 transit providers will receive more funds reflecting the consolidation of programs.
20027	<i>Section 5337: State of good repair grants</i>	<p>Authorization:  2012 - N/A  2013 - \$11,298,794*  2014 - \$11,455,346**</p> <p>*FTA estimate  **APTA estimate</p>	<p>New funding replacing Fixed Guideway Modernization. Two categories of funding:</p> <ul style="list-style-type: none"> <li>• High Intensity Fixed Guideway formula for rail and BRT on exclusive guideways (rail or Bus Only lanes)</li> <li>• High Intensity Motorbus formula for buses that run in HOV lanes or on shoulders</li> </ul>	<p>Estimated funding will be approximately 50/50 split between Fixed Guideway and Motorbus. There is a slight decrease from prior Fixed Guideway Modernization but decrease is recovered in section 5339 Bus and bus facilities.</p> <p>Estimated 2013 apportionment includes a one-year cap on the amount of reduction in 2013 between the former 5309 Fixed Guideway Modernization funding and the new 5339 State of Good Repair funding.</p>

20028	Section 5338: Authorizations		<p>National authorizations in millions of dollars. Appropriations are not set yet.</p> <table border="1"> <thead> <tr> <th>Sect</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr><td>5305</td><td>\$127</td><td>\$129</td></tr> <tr><td>20005(b)</td><td>\$10</td><td>\$10</td></tr> <tr><td>5307</td><td>\$4,398</td><td>\$4,459</td></tr> <tr><td>5309</td><td>\$1,907</td><td>\$1,907</td></tr> <tr><td>5310</td><td>\$255</td><td>\$258</td></tr> <tr><td>5311</td><td>\$600</td><td>\$608</td></tr> <tr><td>5312</td><td>\$70</td><td>\$70</td></tr> <tr><td>5313</td><td>\$7</td><td>\$7</td></tr> <tr><td>5314</td><td>\$7</td><td>\$7</td></tr> <tr><td>5318</td><td>\$3</td><td>\$3</td></tr> <tr><td>5322(a,b,c,e)</td><td>\$5</td><td>\$5</td></tr> <tr><td>5322(d)</td><td>\$5</td><td>\$5</td></tr> <tr><td>5326**</td><td>\$1</td><td>\$1</td></tr> <tr><td>5329*</td><td>\$5</td><td>\$5</td></tr> <tr><td>5334</td><td>\$104</td><td>\$104</td></tr> <tr><td>5335</td><td>\$4</td><td>\$4</td></tr> <tr><td>5337</td><td>\$2,136</td><td>\$2,166</td></tr> <tr><td>5339</td><td>\$422</td><td>\$428</td></tr> <tr><td>5340</td><td>\$519</td><td>\$526</td></tr> </tbody> </table> <p>* of the amount in Section 5334 ** of the amount in Section 5329</p>	Sect	2013	2014	5305	\$127	\$129	20005(b)	\$10	\$10	5307	\$4,398	\$4,459	5309	\$1,907	\$1,907	5310	\$255	\$258	5311	\$600	\$608	5312	\$70	\$70	5313	\$7	\$7	5314	\$7	\$7	5318	\$3	\$3	5322(a,b,c,e)	\$5	\$5	5322(d)	\$5	\$5	5326**	\$1	\$1	5329*	\$5	\$5	5334	\$104	\$104	5335	\$4	\$4	5337	\$2,136	\$2,166	5339	\$422	\$428	5340	\$519	\$526	Estimated state apportionments are listed above for individual programs.
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20029	Section 5339: Bus and bus facilities formula grants	<p>2012: N/A 2013: \$4,340,955* 2014: \$4,159,758** *FTA estimate **APTA estimate</p> <p>Minneapolis/St Paul: \$4,340,955 Duluth: \$173,335 Fargo: \$309,892 Grand Forks: \$107,584 La Crosse: \$155,737 Mankato: \$93,531 Rochester: \$172,593</p>	<p>Replaces former discretionary Bus &amp; Bus Livability grant opportunities with formula funding. Funds under the new formula program are distributed to urban transit providers via NTD data.</p> <p>The old Section 5339 about Alternatives Analysis was repealed. The Bus and Bus Facilities program was removed from Section 5309 and placed into its own program as Section 5339. All funds under this program are distributed to urban transit providers and the states/territories.</p>	<p>There is no discretionary Bus and Bus Facilities program available anymore. All funds under this new formula program are distributed to urban transit providers. Rural transit providers cannot compete for Bus and Bus Facilities funds.</p> <p>Formula funding means guaranteed Bus &amp; Bus Facilities funding for urban areas. Unless awarded a competitive grant, previous Bus &amp; Bus Facilities project funding came out of 5307 formula funds or, sometimes for buses that travel on shoulders, from 5309 fixed guideway formula funds.</p> <ul style="list-style-type: none"> <li>Amount available, when combined with the new 5337 SGR funding, is slightly higher than previous 5309 Fixed</li> </ul>																																																												

		St Cloud: \$180,465 State Lump Sum: \$1,250,000		Guideway funding.
20030	Technical and conforming amendments		These are minor changes to clean up the language.	No direct impact
MAP-21 eliminates Job Access/Reverse Commute (Title 49, sec. 5316) as a separate program and moves it into the Urbanized Area Formula grants program in Title 49, sec. 5307 (Section 20007 of MAP-21) and the formula grants program for Rural Areas in Title 49, sec. 5311 (Section 20010 of MAP-21)				
MAP-21 eliminates the New Freedom program (Title 49, sec. 5317) and makes these provisions part of the program for Mobility of Seniors and Individuals with Disabilities in Title 49, sec. 5310 (section 20009 of MAP-21).				