

Overview of New Starts and Related Provisions in MAP-21

Program	House - HR 7, American Energy and Infrastructure Jobs Act - as reported by House Transportation and Infrastructure Committee	Senate - S. 1813, Moving Ahead for Progress in the 21 st Century (MAP-21) - as passed by Senate	Conference
Alternative Analysis	<ul style="list-style-type: none"> • Eliminated 	<ul style="list-style-type: none"> • Eliminated 	<ul style="list-style-type: none"> • Eliminated
New Starts	<ul style="list-style-type: none"> • Bus Rapid Transit is eligible but a majority of project corridor must be in right of way dedicated to transit use during peak hour • Project Advancement <ul style="list-style-type: none"> ○ Adopted as Locally Preferred Alternative (LPA) ○ Evaluation of Project Benefits (see below) and rated medium or higher ○ Authorized ○ Supported by an acceptable degree of financial commitment ○ Secretary may make a grant if satisfied above • Project Evaluation <ul style="list-style-type: none"> ○ Cost effectiveness of the project. ○ Mobility and accessibility benefits of the project, including direct intermodal connectivity ○ Degree of congestion relief 	<ul style="list-style-type: none"> • Bus Rapid Transit Project means a single route bus capital project <ul style="list-style-type: none"> ○ if <ul style="list-style-type: none"> • a majority of the project operates in a separate right-of-way dedicated for public transit use during peak periods; or • a substantial portion of the project operates in a separated right-of-way that is semi-dedicated for public transportation use during peak periods and includes other physical elements that reduce public transportation vehicle travel time and increase system reliability; ○ that represents a substantial investment in a single route in a defined corridor or subarea; and ○ that includes features that emulate the services provided by rail fixed guideway public transit systems, including – <ul style="list-style-type: none"> • defined stations • traffic signal priority for public transportation vehicles; • short headway bidirectional services for a substantial part of 	<ul style="list-style-type: none"> • Corridor-Based Bus Project - means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by a fixed guideway public transportation systems, including defined stations; traffic system priority for public transportation vehicles; short headway bidirectional services for a substantial part of weekdays and weekend days; and any other features the Secretary may determine support a long-term corridor investment, but the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods. • Fixed Guideway Bus Rapid Transit Project - means a bus capital project - <ul style="list-style-type: none"> ○ in which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods; ○ represents a substantial investment in a single route in a defined corridor or subarea; and

	<ul style="list-style-type: none"> ○ anticipated ○ Reductions in energy consumption and air pollution associated with the project ○ The economic development effects ○ Use of cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private strategies 	<ul style="list-style-type: none"> • weekdays and weekend days; and, <ul style="list-style-type: none"> • other features necessary to produce project that emulates services provided by rail fixed guideway systems • Project advancement <ul style="list-style-type: none"> ○ Project Development (PD) – submit letter to FTA requesting entry and initiate NEPA ○ FTA has 45 days to respond ○ Complete NEPA ○ Generate information so that FTA can make a determination of project justification ○ Two years to complete PD unless request extension • Engineering <ul style="list-style-type: none"> • Complete NEPA, adopt LPA, adopt project in transportation plan, satisfy justification criteria, acceptable degree of financial commitment • Project Evaluation <ul style="list-style-type: none"> ○ Justified based on a comprehensive review of the project's mobility improvements, environmental benefits, and cost-effectiveness, as measured by cost per rider ○ Supported by policies and land patterns that promote public transportation, including plans for future land use and rezoning, and economic development around public transportation stations ○ Supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources) 	<ul style="list-style-type: none"> ○ that includes features that emulate the services provided by a rail fixed guideway public transportation system including - <ul style="list-style-type: none"> • defined stations; • traffic signal priority for public transportation vehicles • short headway bidirectional services for a substantial part of weekday and weekend days; and, • any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate rail fixed guideway public transportation systems • Entrance into Project Development Phase - shall enter into the project development phase when - <ul style="list-style-type: none"> ○ Applicant submits a letter to Secretary describing the project and requesting entry; and initiates activities under the National Environmental Policy Act ○ Secretary responds in writing within 45 days whether information provided is sufficient to enter into Project Development phase, including, when necessary, a detailed description of any information deemed insufficient; and provides concurrent notice to Senate Banking and House Transportation and Infrastructure Committees of whether the new fixed guideway capital project is entering into the project development
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			<p style="text-align: center;">phase</p> <ul style="list-style-type: none"> • Activities During Project Development - concurrent with NEPA, each applicant shall develop sufficient information for the Secretary to make findings of project justification, policies and land use patterns that promote public transportation, and local financial commitment under this subsection. • Completion of Project Development - project applicant completes activities required to obtain a project rating and submit completed documentation to the Secretary. An extension of time may be granted if applicant submits a reasonable plan for completing the activities and an estimated time within which the applicant will complete such activities. • Engineering Phase - project may advance to the engineering phase upon completion of NEPA only if the Secretary determines that the project - <ul style="list-style-type: none"> • Is selected as the LPA at the completion of NEPA • Is adopted into the metropolitan transportation plan • Is justified by a comprehensive review of the project's mobility improvements, environmental improvements, congestion relief associated with the project, policies and land use patterns of the project that support public transportation, and cost effectiveness as measured by cost per new rider • Is supported by policies and land use patterns that promote public transportation, including plans for
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			<p>future land use and rezoning, and economic development around public transportation stations; and</p> <ul style="list-style-type: none"> • Is supported by an acceptable degree of local financial commitment • In making a determination that a project is justified, the Secretary shall evaluate, analyze and consider the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and contractors to the recipient; and population density and current public transportation ridership in the transportation corridor
Small Starts	<ul style="list-style-type: none"> • Small Starts Project - means a new fixed guideway project or corridor-based bus rapid transit projects for which the Federal assistance provided is less than \$75 million and the total estimated net capital cost is less than \$250 million 	<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • Small Starts Project - means a new fixed guideway project or corridor-based bus rapid transit projects for which the Federal assistance provided is less than \$75 million and the total estimated net capital cost is less than \$250 million • Entrance into Project Development Phase - shall enter into the project development phase when - <ul style="list-style-type: none"> ○ Applicant submits a letter to Secretary describing the project and requesting entry; and initiates activities under the National Environmental Policy Act ○ Secretary responds in writing within 45 days whether information provided is sufficient to enter into Project Development phase, including, when necessary, a detailed description of any information deemed insufficient; and provides concurrent notice to Senate Banking and House Transportation and Infrastructure

			<p>Committees of whether the new fixed guideway capital project is entering into the project development phase</p> <ul style="list-style-type: none"> • Activities During Project Development - concurrent with NEPA, each applicant shall develop sufficient information for the Secretary to make findings of project justification, policies and land use patterns that promote public transportation, and local financial commitment under this subsection. • Selection Criteria - Secretary may provide Federal assistance if the Secretary determines that the project has been adopted as the LPA at the completion of NEPA, is based on the results of an analysis of benefits and is supported by an acceptable degree of local financial commitment • Evaluation of Benefits - Secretary shall analyze, evaluate and consider the following evaluation criteria (as compared to the no action alternative): mobility improvements, environmental improvements, congestion relief associated with the project, policies and land use patterns of the project that support public transportation, and cost effectiveness as measured by cost per new rider
Warrants	<ul style="list-style-type: none"> • Warrants <ul style="list-style-type: none"> ○ Maximum extent practicable, develop and utilize to advance projects and provide Federal assistance ○ May be used to advance 	<ul style="list-style-type: none"> • Warrants <ul style="list-style-type: none"> ○ Develop and use to maximum extent practicable for making a project justification determination if cost share does not exceed— <ul style="list-style-type: none"> ▪ \$100,000,000; or ▪ 50 percent of the total cost of the 	<ul style="list-style-type: none"> • Warrants <ul style="list-style-type: none"> ○ To maximum extent practicable, develop and use to maximum extent practicable for making a project justification determination if cost share does not exceed— <ul style="list-style-type: none"> ▪ \$100,000,000; or

	<p>new fixed guideway projects under this section without requiring evaluations and ratings</p> <ul style="list-style-type: none"> • Such warrants shall be <ul style="list-style-type: none"> ▪ Based on current transit ridership, corridor characteristics, and service on existing alignments; ▪ Designed to assess distinct categories of projects, such as proposed new service enhancements on existing alignments, new line haul service, and new urban circulator service; and <p>Based on the benefits for proposed eligible projects</p>	<p>project;</p> <ul style="list-style-type: none"> ○ Applicant requests the use of the warrants; ○ Applicant certifies that existing public transportation system is a state of good repair; and ○ Applicants meets any other requirements the FTA deems appropriate <ul style="list-style-type: none"> • Secretary shall use an expedited technical capacity review process for applicants that have recently and successively completed at least 1 new bus rapid transit project, new fixed guideway capital project , or core capacity project, if <ul style="list-style-type: none"> ○ Applicant achieved budget, cost, and ridership outcomes for the project consistent with or better than projections; and ○ Applicant demonstrates it continues to have the staff expertise and other resources necessary to implement a new project 	<ul style="list-style-type: none"> ▪ 50 percent of the total cost of the project; ○ Applicant requests the use of the warrants; ○ Applicant certifies that existing public transportation system is a state of good repair; and ○ Applicants meets any other requirements the FTA deems appropriate <ul style="list-style-type: none"> • Secretary shall use an expedited technical capacity review process for applicants that have recently and successively completed at least 1 new bus rapid transit project, new fixed guideway capital project , or core capacity project, if <ul style="list-style-type: none"> ○ Applicant achieved budget, cost, and ridership outcomes for the project consistent with or better than projections; and ○ Applicant demonstrates it continues to have the staff expertise and other resources necessary to implement a new project
<p>Program of Interrelated Projects</p>		<ul style="list-style-type: none"> • Means the simultaneous development of <ul style="list-style-type: none"> ○ 2 or more new fixed guideway capital projects or core capacity improvement projects; or ○ 1 or more new fixed guideway capital projects and 1 or more core capacity improvements projects. • A federally funded project in a program of interrelated projects shall advance through the project development process • A federally funded project in a program of interrelated projects may advance into the engineering phase upon completion of 	<ul style="list-style-type: none"> • Federal funded project in a program of interrelated projects shall advance in the same manner and under the same criteria as a new start or core capacity project for purposes of project development. • Engineering Phase - project may advance to the engineering phase upon completion of NEPA only if the Secretary determines that the project - <ul style="list-style-type: none"> • Is selected as the LPA at the completion of NEPA • Is adopted into the metropolitan transportation plan

		<p>NEPA only if</p> <ul style="list-style-type: none"> ○ project is selected as the LPA at the completion of NEPA ○ project is adopted into the metropolitan transportation plan ○ program of interrelated projects have a logical connectivity to one another ○ program of interrelated projects, when evaluated as a whole, meet the requirements for entry into the Engineering phase ○ program of interrelated projects is supported by a program implementation plan demonstrating the construction will begin on each of the projects in the program of interrelated projects within a reasonable time frame; and ○ The program of interrelated projects is supported by an acceptable degree of financial commitment. <ul style="list-style-type: none"> ● If an applicant does not carry out the program of interrelated projects within a reasonable time, for reasons within the control of the applicant, the applicant shall repay all Federal funds provided for the program, and any reasonable interest and penalty charges the Secretary may establish ● Any funds received by the Government from the repayment of monies, other than the interest and penalty charges, shall be credited to the appropriate account from which the funds were originally derived 	<ul style="list-style-type: none"> ● The program of interrelated projects has a logical connectivity to one another; ● The program when evaluated as a whole meets the requirements for project justification for new starts or core capacity, as applicable ● The program of interrelated projects is supported by a project implementation plan demonstrating that construction will begin within a reasonable time frame; and ● Is supported by an acceptable degree of local financial commitment <ul style="list-style-type: none"> ● If an applicant does not carry out the program of interrelated projects within a reasonable time, for reasons within the control of the applicant, the applicant shall repay all Federal funds provided for the program, and any reasonable interest and penalty charges the Secretary may establish ● Any funds received by the Government from the repayment of monies, other than the interest and penalty charges, shall be credited to the appropriate account from which the funds were originally derived ● Any non-Federal funds committed to a project in a program of interrelated projects may be used to meet a non-Governmental share requirement for any other project in a program of interrelated project, if the Government share of the cost of each project within the program of interrelated projects does not exceed 8 percent ● In making grants under this section, the Secretary may give priority to programs
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			<p>of interrelated projects for which the non-Governmental share of the cost of the projects included in the program exceeds the non-Governmental share required.</p> <ul style="list-style-type: none"> • Including a project not financed by the Government in a program of interrelated projects does not impose Government requirements that would not otherwise apply to the project.
Government Share of Net Capital Project Cost		<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • The Secretary may adjust the final net capital project cost of a new fixed guideway project or core capacity project to include the cost of eligible activities not included in the originally defined project if the Secretary determines that the originally defined project has been completed a cost significantly below the original estimate.
Bus Rapid Transit System (Definitions sections and applies to all programs)		<ul style="list-style-type: none"> • Majority of each line operates in a separate right-of-way dedicated for public transit use during peak periods; and • Includes features that emulate the services provided by rail fixed guideway public transit systems, including – <ul style="list-style-type: none"> ○ defined stations ○ traffic signal priority for public transportation vehicles; ○ short headway bidirectional services for a substantial part of weekdays and weekend days; and, ○ other features necessary to produce project that emulates services provided by rail fixed guideway systems 	<ul style="list-style-type: none"> • Majority of each line operates in a separated right-of-way dedicated for public transit use during peak periods; and, • Includes features that emulate the services provided by fixed guideway public transportation systems, including - <ul style="list-style-type: none"> ○ Defined stations; ○ Traffic signal priority for public transportation vehicles; ○ Short headway bidirectional services for a substantial part of weekdays and weekend days, and; ○ Any other features Secretary may determine are necessary to produce high quality public transportation that emulates rail fixed guideway public transportation systems

<p>Core Capacity</p>	<ul style="list-style-type: none"> • No provision 	<ul style="list-style-type: none"> • Core Capacity Improvement Project is a substantial corridor-based capital investment in an existing fixed guideway system that adds capacity and functionality. • Project advancement <ul style="list-style-type: none"> ○ Project Development (PD) – submit letter to FTA requesting entry and initiate NEPA ○ FTA has 45 days to respond ○ Complete NEPA ○ Generate information so that FTA can make a determination of project justification ○ Two years to complete PD unless request extension • Engineering <ul style="list-style-type: none"> • Complete NEPA, adopt LPA, adopt project in transportation plan, satisfy justification criteria, supported by an acceptable degree of financial commitment 	<ul style="list-style-type: none"> • Substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent. The term does not include project elements designed to maintain a state of good repair of the existing fixed guideway system • Entrance into Project Development Phase - shall enter into the project development phase when - <ul style="list-style-type: none"> ○ Applicant submits a letter to Secretary describing the project and requesting entry; and initiates activities under the National Environmental Policy Act ○ Secretary responds in writing within 45 days whether information provided is sufficient to enter into Project Development phase, including, when necessary, a detailed description of any information deemed insufficient; and provides concurrent notice to Senate Banking and House Transportation and Infrastructure Committees of whether the new fixed guideway capital project is entering into the project development phase • Activities During Project Development - concurrent with NEPA, each applicant shall develop sufficient information for the Secretary to make findings of project justification and local financial commitment under this subsection. • Completion of Project Development - not later than two years after the date on
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			<p>which a project enters into project development, the applicant shall complete the activities required to obtain a project rating. An extension of time may be granted if applicant submits a reasonable plan for completing the activities and an estimated time within which the applicant will complete such activities.</p> <ul style="list-style-type: none"> • Engineering Phase - project may advance to the engineering phase upon completion of NEPA only if the Secretary determines that the project - <ul style="list-style-type: none"> • Is selected as the LPA at the completion of NEPA • Is adopted into the metropolitan transportation plan • Is in a corridor that is at or over capacity; or projected to be at or over capacity within five years; • justified by a comprehensive review of the project's mobility improvements, environmental improvements, congestion relief associated with the project, policies and land use patterns of the project that support public transportation, and cost effectiveness as measured by cost per new rider; and • Is supported by an acceptable degree of local financial commitment • In making a determination that a project is justified, the Secretary shall evaluate, analyze and consider the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and contractors to the recipient; and population density and current public transportation ridership in the
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			transportation corridor
Pilot Program for Transit-Oriented Development Planning	•	•	<ul style="list-style-type: none"> • Eligible project means a new fixed guideway capital project or a core capacity project • Secretary may make grants to a State or local governmental authority to assist in financing comprehensive planning associated with an eligible transit project that seeks to - <ul style="list-style-type: none"> ○ Enhance economic development, ridership, and other goals during PD and engineering; ○ Facilitate multimodal connectivity and accessibility; ○ Increase access to transit hubs; ○ Enable mixed-use development; ○ Identify infrastructure needs associated with the eligible project; and ○ Include private sector participation. • Submit an applications that contains, at a minimum - <ul style="list-style-type: none"> ○ Identification of an eligible project; ○ Schedule and process for development of a comprehensive plan; ○ Description for how the project and comprehensive plan advance the metropolitan transportation plan of the MPO; and ○ Identification of <ul style="list-style-type: none"> ▪ Partners; ▪ Availability of funding; and ▪ Potential State, local or other impediments in the implementation of the comprehensive plan.
Transit Asset	• No comparable program	• Establishes a program to monitor and manage public transportation assets	• Establishes a program to monitor and manage public transportation capital

<p>Management</p>		<ul style="list-style-type: none"> • Grant 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 prior report 	<p>assets, including rolling stock, infrastructure, and facilities for the use in public transportation owned or leased by a recipient or subrecipient</p> <ul style="list-style-type: none"> • Secretary shall establish and implement a national transit asset management system which shall include <ul style="list-style-type: none"> ○ a definition of state of good repair that includes objective standards for measuring the condition of capital assets, including equipment, rolling stock, infrastructure and facilities; ○ a requirement that recipients and subrecipients develop a transit asset management plan; ○ a requirement that each designated grant recipient report on the condition of their system and provide a description of any change in condition since the last report; ○ an analytical process or decision support tool for use by public transportation systems that allows for the estimation or capital investment needs of such systems over time; and assist with asset investment prioritization ○ 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 prior report • Secretary shall publish a rule developing performance measures based on the state of good repair standards and thereafter grantees would be required to establish
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			<p>performance targets</p> <ul style="list-style-type: none"> Each grant recipient and subrecipient is required to submit an annual report regarding progress towards meeting the targets
Private Sector Participation	<ul style="list-style-type: none"> Secretary directed to take actions to promote better coordination between public and private sector providers by providing technical assistance to grant recipients on practices and methods to best utilize private providers Upon request of a new start project sponsor, Secretary is directed to provide technical assistance on alternative project delivery methods, including best practices for public-private partnerships (PPP), development of model PPP contracts, and performing financial assessments to calculate the public and private benefits Secretary is to identify provisions that impede greater use of PPPs, and to procedures and approaches similar to FHWA SEP-15 initiative Secretary is required to issue rulemaking implementing these procedures and approaches and report to Congress within 4 years of enactment on the status of the procedures and approaches Comptroller General is to submit a comprehensive report to Congress within 1 year of enactment on contracting out 		<ul style="list-style-type: none"> Secretary directed to take actions to promote better coordination between public and private sector providers by providing technical assistance to grant recipients on practices and methods to best utilize private provider; and educate recipients of Federal transit grant assistance on laws and regulations that impact private providers of public transportation Upon request by a project sponsor of a new fixed guideway projects, the Secretary shall - <ul style="list-style-type: none"> Identify best practices for public-private partnerships models in the U.S. and other countries Develop standard public-private partnership transaction models; and Perform financial assessments that include the calculation of public and private benefits of a proposed public-private partnership transaction Secretary is to identify provisions that impede greater use of PPPs, and to procedures and approaches similar to FHWA SEP-15 initiative Secretary shall develop guidance to promote greater transparency and public access to public-private partnership agreements including - <ul style="list-style-type: none"> Any conflict of interest involving any party involved in the public-

	<p>public transportation operations and administrative functions on cost, availability and level of service, efficiency and quality of service</p> <ul style="list-style-type: none"> Secretary is required to publish guidance within 1 year of enactment that describes for Federal transit recipients the best way to document compliance with the requirements regarding private enterprise participation 		<ul style="list-style-type: none"> private partnership; <ul style="list-style-type: none"> Tax and financing aspects related to public-private partnerships; Changes in the workforce and wages, benefits, or rules as a result of the public-private partnership; Estimates of the revenue or savings the public-private partnership will produce for the private entity and public entity; Any impacts on other developments and transportation modes as a result of non-compete clauses contained in public-private partnerships agreements; and Any other issues the Secretary believes will increase transparency of public-private partnerships. In developing and implementing guidance, the Secretary shall encourage project sponsors to conduct assessments to determine whether use of public-private partnership represents a better public and financial benefit than a similar transaction using public funding or public project delivery. Secretary shall issue rulemaking within one year of enactment to carry out the procedures and approaches developed above. Comptroller General is to submit a comprehensive report to Congress within 1 year of enactment on contracting out public transportation operations and administrative functions considering a range of issues
Pilot Program for Expedited Project	<ul style="list-style-type: none"> 		<ul style="list-style-type: none"> A new fixed guideway project or core capacity project that has not yet entered

<p>Delivery</p>			<p>into a FFGA is eligible</p> <ul style="list-style-type: none"> • Secretary shall establish a pilot program to demonstrate whether innovative project development and delivery methods or innovative finance arrangements can expedite project delivery for certain meritorious projects • Secretary shall select three eligible projects to participate of which at least one shall be an eligible requesting more than \$100 million and at least one shall be an eligible project seeking less than \$100 million. • Government share is limited to 50 percent of the total project cost. • A recipient that desire to participate shall submit a an applications that contains, at a minimum, the identification of the project, a schedule and finance plan, an analysis of the efficiencies of the proposed project development and delivery methods or innovative financing arrangements; and a certification that the existing system is in a state of good repair • Project must have completed NEPA and have the legal, technical and financial capacity to carry out the project.
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