

New Starts/Small Starts/Core Capacity Approval Process

The following is intended to compare the project eligibility and approval process under current law with the changes made in H.R. 4348, Moving Ahead for Progress in the 21st Century (MAP-21).

Key Definitions

- **New Fixed Guideway Capital Project** - new fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or, a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing transit system.
- **Core Capacity Improvement Project** - a substantial corridor-based capital investment in an existing fixed guideway system that increase capacity 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.
- **Small Starts Project** - means a new fixed guideway capital project or corridor-based bus rapid transit project for which Federal assistance provided under section 5309 is less than \$75 million and the total estimated net capital cost is less than \$250 million.

Bus Rapid Transit

MAP-21 establishes three separate definitions for Bus Rapid Transit. I have included those definitions below. The distinction is the source of Federal monies being used for the project. The first definition applies across the entire transit program and applies to all programs except for section 5309 Fixed Guideway projects. Moreover, MAP-21 establishes separate definitions for Small Start projects and New Start projects.

Current Law Section 5309(e)(10)	Title 49, Section 5302(a)(2) Bus Rapid Transit System	Small Starts Corridor-based Bus Rapid Transit Project - Section 5309(a)(3)	New Starts Fixed Guideway Bus Rapid Transit Project - Section 5309(a)(4)
<ul style="list-style-type: none"> • Corridor-based bus capital project, if -- 	<ul style="list-style-type: none"> • A bus rapid transit system-- <ul style="list-style-type: none"> ○ Majority of each line 	<ul style="list-style-type: none"> • A small start project utilizing buses in which the project 	<ul style="list-style-type: none"> • Bus capital project - - <ul style="list-style-type: none"> ○ Majority of the project operates

<ul style="list-style-type: none"> ○ A substantial portion of the project operates in a separate right-of-way dedicated for transit use during peak hour operations; or ○ Project represents a substantial investment in a defined corridor as demonstrated by features such as <ul style="list-style-type: none"> ▪ Park-and-ride lots, ▪ Transit stations, ▪ Bus arrival and departure signage, ▪ Intelligent transportation system technology, ▪ Traffic signal priority, ▪ Off-board fare collection, ▪ Advanced bus technology, and ▪ Other features that support the long-term corridor investment. 	<p>operates in a separated right-of-way dedicated for public transportation use during peak periods; and</p> <ul style="list-style-type: none"> ○ That includes features that emulate the services provided by a rail fixed guideway public transportation systems, including-- <ul style="list-style-type: none"> ▪ Defined stations; ▪ Traffic signal priority; ▪ Short headway bidirectional services for a substantial part of weekdays and weekend days; and, ▪ Any other features that the Secretary may determine are necessary to produce a high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems. 	<p>represents a substantial investment in a defined corridor as demonstrated by features that emulate rail fixed guideway services, including:</p> <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 would support long-term corridor investment, but the majority of which does not operate in a separated right-of-way dedicated to public transportation use during peak periods. 	<p>in a separated right-of-way dedicated for public transportation use during peak periods;</p> <ul style="list-style-type: none"> ○ Represents a substantial investment in a single route in a defined corridor or subarea; and ○ Includes features that emulate the services provided by a rail 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 weekday and weekend days; and ▪ Any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems
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Eligible Activities for Funding

Current Law	New Starts/Small Starts	Core Capacity
<ul style="list-style-type: none"> • Acquisition of real property • Initial acquisition of rolling stock for the systems 	<ul style="list-style-type: none"> • Acquisition or real property • Initial acquisition of rolling stock • Acquisition or rights-of-way, and relocation 	<ul style="list-style-type: none"> • Acquisition of real property • Acquisition of rights-of-way • Double-tracking

<ul style="list-style-type: none"> • Acquisition of rights-of-way, and relocation • Fixed guideway corridor development for projects in the advanced stages of alternatives analysis or preliminary engineering • Development of corridors to support new fixed guideway including protecting rights-of-way through acquisition, construction of park-and-ride lots, and other nonvehicular capital improvements that would result in increased public transportation usage. 	<ul style="list-style-type: none"> • Fixed guideway corridor development for projects in the advanced stages of project development or engineering 	<ul style="list-style-type: none"> • Signalization improvements • Electrification • Expanding system platforms • Acquisition of rolling stock associated with corridor improvements increasing capacity • Construction of infill stations • Such other capacity improvement projects as Secretary determines appropriate to increase capacity of an existing fixed guideway corridor by at least 10 percent. • Projects do not include elements to improve general station facilities or parking, of acquisition of rolling stock alone.
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Project Approval Process

	Current Law	New Starts	Small Starts	Core Capacity
Alternatives Analysis (AA)	<ul style="list-style-type: none"> • Assess wide range of public transportation alternatives 	<ul style="list-style-type: none"> • No longer required 	<ul style="list-style-type: none"> • No longer required 	
Preliminary Engineering (PE)/Project Development (PD)	<ul style="list-style-type: none"> • Sufficient information to enable Secretary to make the findings of project justification and local financial commitment • Selection of the Locally Preferred Alternative (LPA) • Adoption of the LPA into the Long-Range Transportation Plan (LRTP) 	<ul style="list-style-type: none"> • Applicant <ul style="list-style-type: none"> ◦ Submit letter to Secretary describing the project and requesting entry into project development (PD) ◦ Initiate activities to carried out under the National Environmental Policy Act (NEPA) • Secretary <ul style="list-style-type: none"> ◦ Responds within 45 days whether information is sufficient to enter PD and, when necessary, with a detailed description of any information deemed insufficient ◦ Notice to House/Senate 	<ul style="list-style-type: none"> • Applicant <ul style="list-style-type: none"> ◦ Submit letter to Secretary describing the project and requesting entry into project development (PD) ◦ Initiate activities to carried out under the National Environmental Policy Act (NEPA) • Secretary <ul style="list-style-type: none"> ◦ Responds within 45 days whether information is sufficient to enter PD and, when necessary, with a detailed description of any information deemed insufficient ◦ Notice to House/Senate 	<ul style="list-style-type: none"> • Applicant <ul style="list-style-type: none"> ◦ Submit letter to Secretary describing the project and requesting entry into project development (PD) ◦ Initiate activities to carried out under the National Environmental Policy Act (NEPA) • Secretary <ul style="list-style-type: none"> ◦ Responds within 45 days whether information is sufficient to enter PD and, when necessary, with a detailed description of any information deemed insufficient ◦ Notice to House/Senate

		<p>authorizing Committees</p> <ul style="list-style-type: none"> • Concurrent with NEPA, each applicant shall develop sufficient information to enable Secretary to make findings of <ul style="list-style-type: none"> ○ project justification, ○ policies and land use patterns that promote public transportation, and ○ local financial commitment • Not later than two years after entry into PD, applicant completes activities to obtain a project rating. Secretary may extend time if applicant submits a reasonable plan and a time period for completion 	<p>authorizing Committees</p> <ul style="list-style-type: none"> • Concurrent with NEPA, each applicant shall develop sufficient information to enable Secretary to make findings of <ul style="list-style-type: none"> ○ project justification, ○ policies and land use patterns that promote public transportation, and ○ local financial commitment • Not later than two years after entry into PD, applicant completes activities to obtain a project rating. Secretary may extend time if applicant submits a reasonable plan and a time period for completion 	<p>authorizing Committees</p> <ul style="list-style-type: none"> • Concurrent with NEPA, each applicant shall develop sufficient information to enable Secretary to make findings of <ul style="list-style-type: none"> ○ project justification, and ○ local financial commitment • Not later than two years after entry into PD, applicant completes activities to obtain a project rating. Secretary may extend time if applicant submits a reasonable plan and a time period for completion
<p>Project Approval/Advancement Criteria</p>	<ul style="list-style-type: none"> • Secretary may approve a project if the Secretary determines that a project is <ul style="list-style-type: none"> ○ Based on results of AA and PE ○ Justified based on a comprehensive review of <ul style="list-style-type: none"> ▪ Mobility improvements ▪ Environmental benefits ▪ Cost effectiveness ▪ Operating efficiencies ▪ Economic development effects, and public transit supportive land use; and ○ Supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources) to construct, maintain and operate the systems or extension, and maintain and operate entire public transportation system 	<ul style="list-style-type: none"> • Project may advance to Engineering upon completion of NEPA, only if Secretary determines that the project -- <ul style="list-style-type: none"> ○ Selected as the LPA at the completion of NEPA ○ Adopted into the metropolitan transportation plan ○ Justified by a comprehensive review of the project's <ul style="list-style-type: none"> ▪ mobility improvements, ▪ environmental benefits, ▪ congestion relief associated with the project, ▪ economic development effects associated with the project, ▪ policies and land use policies of the project that support public transportation, ▪ cost effectiveness as measured by cost per rider 	<ul style="list-style-type: none"> • Secretary may provide financial assistance for a small start project if the Secretary determines that the project -- <ul style="list-style-type: none"> ○ Been adopted as the LPA into the metropolitan transportation plan ○ Based on the results of an analysis of the benefits of the project; and ○ Is supported by an acceptable degree of local financial commitment ○ Secretary shall analyze, evaluate and consider the following evaluation criteria for the project (as compared to the no action alternative) <ul style="list-style-type: none"> ▪ mobility improvements, ▪ environmental benefits, ▪ congestion relief, ▪ economic development effects associated with the project, ▪ policies and land use policies of the project that support public transportation, 	<ul style="list-style-type: none"> ○ Project may advance into Engineering upon completion of NEPA only if the Secretary determines that the -- <ul style="list-style-type: none"> ○ Selected as the LPA at the completion of NEPA ○ Adopted into the metropolitan transportation plan ○ Is in a corridor that is <ul style="list-style-type: none"> ▪ At or over capacity; or ▪ Projected to be at over capacity within the next five years. ○ Justified by a comprehensive review of the project's <ul style="list-style-type: none"> ▪ mobility improvements, ▪ environmental benefits, ▪ congestion relief associated with the project, ▪ economic effects associated with the project, ▪ policies and land use policies of the project

	<p>without requiring a reduction in existing public transportation services</p> <ul style="list-style-type: none"> • In making the justification determinations above, Secretary shall analyze, evaluate and consider -- <ul style="list-style-type: none"> ○ Results of AA and PE; ○ Reliability of forecasting methods ○ Direct and indirect costs of relevant alternatives ○ Factors such as <ul style="list-style-type: none"> ▪ Congestion relief ▪ Improved mobility ▪ Air pollution ▪ Noise pollution ▪ energy consumption, and ▪ All associated ancillary and mitigation costs necessary to carry out each alternative ○ Reductions in local infrastructure costs and other benefits achieved through compact land use development ○ Cost of urban sprawl ○ Degree to which the project increases the mobility of the public transit dependent populations ○ Population density and current transit ridership ○ Technical capacity to construct the project ○ Adjustments to project to reflect local land, construction and operating costs; and ○ Other factors 	<ul style="list-style-type: none"> ○ Supported by policies and land use patterns that promote public transportation, including plans for future land use and rezoning, and economic development around transit stations; and ○ Supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources) ○ In making the justification determinations, Secretary shall evaluate, analyze and consider -- <ul style="list-style-type: none"> ▪ Reliability of 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 	<ul style="list-style-type: none"> ▪ cost effectiveness as measured by cost per rider ○ Secretary shall require that each proposed local source of capital and operating financing is stable, reliable and available within the proposed project timetable 	<p>that support public transportation,</p> <ul style="list-style-type: none"> ▪ cost effectiveness as measured by cost per rider ○ Supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources) ○ In making the justification determinations, the Secretary shall evaluate, analyze and consider -- <ul style="list-style-type: none"> ▪ Reliability of forecasting methods used to estimate costs and utilization made by the recipient and contractors to the recipient; ▪ Whether the project will increase capacity at least 10 percent in a corridor ▪ Whether the project will improve the connectivity among existing systems, and ▪ Whether the project will improve environmental outcomes.
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<p>Project Advancement and Ratings</p>	<ul style="list-style-type: none"> • Project shall not advance from AA to PE or from PE to final design and construction unless the Secretary determines that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements • In making a determination above, Secretary shall evaluate and rate the project on a 5 - point scale (High, medium-high, medium, medium-low or low) based on the AA, the project justification criteria and the degree of local financial commitment. • In rating projects, the Secretary shall provide, in addition to the overall rating, individual ratings for each of the criteria established by the subsection and give comparable, but not necessarily equal weight to each project justification criteria in calculating the overall project rating. 	<ul style="list-style-type: none"> • A new fixed guideway or core capacity project may not advance from the PD phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that <ul style="list-style-type: none"> ○ The projects meets the requirements under this subsection; ○ There is a reasonable likelihood that the project will continue to meet the requirements under this subsection • In making a determination above, the Secretary shall evaluate and rate a project as a whole on a 5-point scale (high, medium-high, medium, medium-low or low) based on <ul style="list-style-type: none"> ○ In the case of a fixed guideway capital project, the project justification criteria, the policies and land use patterns that support public transportation, and the degree of local financial commitment. • In rating a project, the Secretary shall -- <ul style="list-style-type: none"> ○ Provide, in addition to the overall project ratings, individual ratings for each of the criteria; and, ○ Give comparable, but not necessarily equal, numerical weight to each of the criteria established in calculating the overall project rating. • Secretary shall not require that any single project justification criterion meet or exceed a 	<ul style="list-style-type: none"> • In making a determination above, the Secretary shall evaluate and rate a project as a whole on a 5-point scale (high, medium-high, medium, medium-low or low) based on an evaluation of the benefits as compared to the Federal assistance to be provided and the degree of local financial commitment. In rating project, the Secretary shall -- <ul style="list-style-type: none"> ○ Provide, in addition to the overall project ratings, individual ratings for each of the criteria; and, ○ Give comparable, but not necessarily equal, numerical weight to each of the criteria established in calculating the overall project rating. • In making a grant, the Secretary shall, to the maximum extent feasible, shall provided assistance under a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include the commitment to provide future in future years. 	<ul style="list-style-type: none"> • A new fixed guideway or core capacity project may not advance from the PD phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that <ul style="list-style-type: none"> ○ The projects meets the requirements under this subsection; ○ There is a reasonable likelihood that the project will continue to meet the requirements under this subsection • In making a determination above, the Secretary shall evaluate and rate a project as a whole on a 5-point scale (high, medium-high, medium, medium-low or low) based on <ul style="list-style-type: none"> ○ In the case of core capacity improvement project, the capacity needs of the corridor, the project justification criteria, and degree of local financial commitment. • In rating a project, the Secretary shall -- <ul style="list-style-type: none"> ○ Provide, in addition to the overall project ratings, individual ratings for each of the criteria; and, ○ Give comparable, but not necessarily equal, numerical weight to each of the criteria established in calculating the overall project rating. • Secretary shall not require that any single project justification criterion meet or exceed a "medium" rating in order to advance from one phase to

		"medium" rating in order to advance from one phase to another.		another.
Warrants	<ul style="list-style-type: none"> Applied to Very Small Projects 	<ul style="list-style-type: none"> In making the determination regarding advancement into Engineering, Secretary shall, to the maximum extent practicable, develop and use special warrants for making a project justification determination, if <ul style="list-style-type: none"> The share of the project to provided under this section does not exceed -- <ul style="list-style-type: none"> \$100,000,000; or 50 percent of the project; The applicant requests the use of warrants; Applicant certifies that the existing public transportation system is in a state of good repair; and Applicants meets any other requirements that the Secretary considers appropriate. 		<ul style="list-style-type: none"> In making the determination regarding advancement into Engineering, Secretary shall, to the maximum extent practicable, develop and use special warrants for making a project justification determination, if <ul style="list-style-type: none"> The share of the project to provided under this section does not exceed -- <ul style="list-style-type: none"> \$100,000,000; or 50 percent of the project; The applicant requests the use of warrants; Applicant certifies that the existing public transportation system is in a state of good repair; and Applicants meets any other requirements that the Secretary considers appropriate.
Capitol Hill Review	<ul style="list-style-type: none"> 60 days prior to issuing a letter of intent, full funding grant agreement and project construction grant agreement Notify House and Senate authorizing and appropriations committees 	<ul style="list-style-type: none"> 30 days prior to issuing a letter of intent, entering into a full funding grant agreement or an early systems work agreement Notify House and Senate authorizing and appropriations committees 	<ul style="list-style-type: none"> 10 days prior to grant award or entering into a grant agreement for a project Notify House and Senate authorizing and appropriations committees 	<ul style="list-style-type: none"> 30 days prior to issuing a letter of intent, entering into a full funding grant agreement or early systems work agreement Notify House and Senate authorizing and appropriations committees