§ 5337. Apportionment based on fixed guideway factors

(a) Distribution.— The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 2005 through 2012 as follows:

(1) The first $497,700,000 shall be apportioned in the following urbanized areas as follows:
   (A) Baltimore, $8,372,000.
   (B) Boston, $38,948,000.
   (C) Chicago/Northwestern Indiana, $78,169,000.
   (D) Cleveland, $9,509,500.
   (E) New Orleans, $1,730,588.
   (F) New York, $176,034,461.
   (G) Northeastern New Jersey, $50,604,653.
   (H) Philadelphia/Southern New Jersey, $58,924,764.
   (I) Pittsburgh, $13,662,463.
   (J) San Francisco, $33,989,571.
   (K) Southwestern Connecticut, $27,755,000.

(2) The next $70,000,000 shall be apportioned as follows:
   (A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336 (b)(2)(A).
   (B) 50 percent in other urbanized areas eligible for assistance under section 5336 (b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336 (b)(2)(A) and subsection (e)(1) of this section.

(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:
   (A) Pittsburgh, 61.76 percent.
   (B) Cleveland, 10.73 percent.
   (C) New Orleans, 5.79 percent.
   (D) 21.72 percent in urbanized areas to which paragraph (2)(B) applies, as provided in section 5336 (b)(2)(A) and subsection (e)(1) of this section.

(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336 (b)(2)(A) and subsection (e)(1) of this section.

(5) The next $70,000,000 shall be apportioned as follows:
   (A) 65 percent in the urbanized areas listed in paragraph (1), as provided in section 5336 (b)(2)(A) and subsection (e)(2) of this section.
   (B) 35 percent to other urbanized areas eligible for assistance under section 5336 (b)(2)(A) if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336 (b)(2)(A), as provided in section 5336 (b)(2)(A) and subsection (e)(2) of this section.

(6) The next $50,000,000 shall be apportioned as follows:
   (A) 60 percent in the urbanized areas listed in paragraph (1), as provided in section 5336 (b)(2)(A) and subsection (e)(2) of this section.
(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336 (b)(2)(A) and subsection (e)(2) of this section.

(7) Remaining amounts shall be apportioned as follows:
   (A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336 (b)(2)(A) and subsection (e)(2) of this section.
   (B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336 (b)(2)(A) and subsection (e)(2) of this section.

(b) Total Amounts Not Available.— In a fiscal year in which the total amounts authorized under subsection (a)(1) and (2) of this section are not available, the Secretary shall reduce on a proportionate basis the apportionments of all urbanized areas eligible under subsection (a)(1) or (2) to adjust for the amount not available.

c) New Jersey Transit Corporation.— Rail modernization amounts allocated to the New Jersey Transit Corporation under this section may be spent in any urbanized area in which the New Jersey Transit Corporation operates rail transportation, regardless of which urbanized area generates the financing.

d) Availability of Amounts.— An amount apportioned under this section—
   (1) remains available for 3 years after the fiscal year in which the amount is apportioned; and
   (2) that is unobligated at the end of the 3-year period shall be reapportioned for the next fiscal year among urbanized areas eligible under subsection (a)(1)–(3) of this section using the apportionment formula of this section.

e) Route Segments To Be Included in Apportionment Formulas.—
   (1) 1997 standard.— Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.
   (2) Other standards.— Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available.

(f) Adjustment.— For purposes of this section, an urbanized area with a population of 55,997, according to the most recent decennial census, shall be treated as an urbanized area eligible for assistance under section 5336 (b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997. For the purposes of subsection (e)(1), the number of fixed guideway revenue vehicle miles of service and number of fixed guideway route miles for that urbanized area as of the date of enactment of the Federal Public Transportation Act of 2005 shall be considered to have been used to determine apportionments for fiscal year 1997.

g) Special Rule for October 1, 2011, Through March 31, 2012.— The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning on October 1, 2011, and ending on March 31, 2012, in accordance with subsection (a), except that the Secretary shall apportion 50 percent of each dollar amount specified in subsection (a).
Historical and Revision Notes

Pub. L. 103–272

<table>
<thead>
<tr>
<th>Revised Section</th>
<th>Source (U.S. Code)</th>
<th>Source (Statutes at Large)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5337(b)</td>
<td>49 App.:1602(h)(5).</td>
<td></td>
</tr>
<tr>
<td>5337(c)</td>
<td>49 App.:1602(h)(6).</td>
<td></td>
</tr>
</tbody>
</table>

In subsection (a), the words “for expenditure” are omitted for consistency in this chapter. Before clause (1), the reference to fiscal year 1992 is omitted as obsolete.

In subsection (c), the words “Notwithstanding any other provision of law” are omitted as surplus. The word “paragraph” in the source provision is translated as it were “subsection” to reflect the apparent intent of Congress.

In subsection (d)(1), the words “for obligation”, “a period of”, and “the close of” are omitted as surplus.

Pub. L. 103–429

This amends 49:5337(a)(4) to correct an erroneous cross-reference.

References in Text


Amendments


Pub. L. 112–5, § 305(2), struck out subsec. (g). Text read as follows: “The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning October 1, 2010, and ending March 4, 2011, in accordance with subsection (a), except that the Secretary shall apportion 155/365ths of each dollar amount specified in subsection (a).”


Subsec. (g). Pub. L. 111–322 amended subsec. (g) generally. Prior to amendment, text read as follows: “The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning October 1, 2010, and ending December 31, 2010, in accordance with subsection (a), except that the Secretary shall apportion 25 percent of each dollar amount specified in subsection (a).”

Pub. L. 111–147, § 435(2), added subsec. (g).


Subsec. (e). Pub. L. 105–178, § 3028(b), added subsec. (e) relating to route segments to be included in apportionment formulas.

Subsec. (e)(1). Pub. L. 105–178, § 3029(b)(12), which directed substitution of “subsections (b) and (h)(4) of section 5338” for “section 5338 (f)”, could not be executed because “section 5338 (f)” does not appear in text.


Effective Date of 1998 Amendment


Effective Date of 1994 Amendment


Special Rule for Partial Fiscal Year Funding

Pub. L. 108–310, § 8(b), Sept. 30, 2004, 118 Stat. 1154, provided that: “The Secretary of Transportation shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under section 5337 of title 49, United States Code, on a pro rata basis to reflect the partial fiscal year 2005 funding made available by sections 3338(b)(2)(A)(vii) and 3338(b)(2)(B)(vii) of such title.”