

**§ 633.3 Scope.**

This rule applies to a recipient of Federal financial assistance undertaking a major capital project using funds made available under:

- (a) Sections 3, 9, or 18 of the Federal Mass Transit Act of 1964, as amended;
- (b) 23 U.S.C. 103(e)(4); or
- (c) Section 14(b) of the National Capital Transportation Amendments of 1979 (93 Stat. 1320, Pub. L. 96-184).

**§ 633.5 Definitions.**

As used in this part:

*Administrator* means the Administrator of the Federal Transit Administration or the Administrator's designee.

*Days* means calendar days.

*Fixed guideway* means any public transportation facility which utilizes and occupies a separate right-of-way or rails. This includes, but is not limited to, rapid rail, light rail, commuter rail, automated guideway transit, people movers, and exclusive facilities for buses and other high occupancy vehicles.

*Full funding agreement* means a written agreement between FTA and a recipient that establishes a financial ceiling with respect to the Government's participation in a project; sets forth the scope of a project; and sets forth the mutual understanding, terms, and conditions relating to the construction and management of a project.

*Major capital project* means a project that:

- (1) Involves the construction of a new fixed guideway or extension of an existing fixed guideway;
- (2) Involves the rehabilitation or modernization of an existing fixed guideway with a total project cost in excess of \$100 million; or
- (3) The Administrator determines is a major capital project because the project management oversight program will benefit specifically the agency or the recipient. Typically, this means a project that:

(i) Generally is expected to have a total project cost in excess of \$100 million or more to construct;

(ii) Is not exclusively for the routine acquisition, maintenance, or rehabilitation of vehicles or other rolling stock;

(iii) Involves new technology;

(iv) Is of a unique nature for the recipient; or

(v) Involves a recipient whose past experience indicates to the agency the appropriateness of the extension of this program.

*Project management oversight* means the monitoring of a major capital project's progress to determine whether a project is on time, within budget, in conformance with design criteria, constructed to approved plans and specifications and is efficiently and effectively implemented.

*Project management plan* means a written document prepared by a recipient that explicitly defines all tasks necessary to implement a major capital project.

*Recipient* means a direct recipient of Federal financial assistance from FTA.

*FTA Act* means the Federal Mass Transit Act of 1964, as amended.

*FTA* means the Federal Transit Administration.

## Subpart B—Project Management Oversight Services

**§ 633.11 Covered projects.**

The Administrator may contract for project management oversight services when the following two conditions apply:

(a) The recipient is using funds made available under section 3, 9, or 18 of the Federal Mass Transit Act of 1964, as amended; 23 U.S.C. 103(e)(4); or section 14(b) of the National Capital Transportation Amendments of 1979; and

(b) The project is a "major capital project".

**§ 633.13 Initiation of PMO services.**

PMO services will be initiated as soon as it is practicable, once the agency determines this part applies. In most cases, this means that PMO will begin during the preliminary engineering phase of the project. However, consistent with other provisions in this part, the Administrator may determine that a project is a "major capital project" at any point during its implementation. Should this occur, PMO will begin as soon as practicable after this agency determination.