

**§ 266.25 Waivers and modifications.**

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this part not required by law or make any additional requirements the Administrator deems necessary. Procedures for submission and consideration of petitions for waiver or modification are governed by 49 CFR part 211.

**PART 268—MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM**

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**Subpart A—Overview**

**§ 268.1 Definitions.**

As used in this part—

*CMAQ* means Congestion Mitigation and Air Quality Improvement Program (23 U.S.C. 149).

*Environmental assessment* (“EA”) means the environmental assessment in support of the project description and containing the information listed in § 268.11(b)(6)(i).

*Environmental impact statement* (“EIS”) means the environmental impact statement which is required pursuant to §§ 268.3.

*Eligible project costs* means the costs of preconstruction planning activities and the capital cost of the fixed guideway infrastructure of a Maglev project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but eligible project costs do not include the cost of stations, vehicles, and equipment.

*Federal Maglev funds* means such funds as are provided under the authority of 23 U.S.C. 322 to pay for Eligible Project Costs.

*Full project costs* means the total capital costs of a Maglev project, including Eligible Project Costs and the costs of stations, vehicles, and equipment.

*Phase* means one of the five different phases of the Maglev Deployment Program; these phases are described in § 268.3.

*Maglev* means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

*Maglev Deployment Program* means the program authorized by 23 U.S.C. 322.

*Partnership potential* means the usage of the term in the commercial feasibility study of high-speed ground transportation (*High Speed Ground Transportation for America*) mandated under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1978). Under that usage any corridor exhibiting Partnership Potential must at least meet the following two conditions:

(1) Private enterprise must be able to run on the corridor—once built and paid for—as a completely self-sustaining entity; and

(2) The total benefits of a Maglev corridor must equal or exceed its total costs.

*STP* means the Surface Transportation Program (23 U.S.C. 133).