

kinds of policies in place, and the commitment to these policies. The following factors will form the basis for this evaluation:

- (1) Existing land use;
 - (2) Impact of proposed new starts project on land use;
 - (3) Growth-management policies;
 - (4) Transit-supportive corridor policies;
 - (5) Supportive zoning regulations near transit stations;
 - (6) Tools to implement land use policies;
 - (7) The performance of land use policies; and
 - (8) Existing and planned pedestrian facilities, including access for persons with disabilities.
- (f) Other factors. Other factors that will be considered when evaluating projects for funding commitments include, but are not limited to:
- (1) Multimodal emphasis of the locally preferred investment strategy, including the proposed new start as one element;
 - (2) Environmental justice considerations and equity issues;
 - (3) Opportunities for increased access to employment for low income persons, and Welfare-to-Work initiatives;
 - (4) Livable Communities initiatives and local economic activities;
 - (5) Consideration of alternative land use development scenarios in local evaluation and decision making for the locally preferred transit investment decision;
 - (6) Consideration of innovative financing, procurement, and construction techniques, including design-build turnkey applications; and
 - (7) Additional factors relevant to local and national priorities and to the success of the project, such as Empowerment Zones, Brownfields, and FTA's Bus Rapid Transit Demonstration Program.

LOCAL FINANCIAL COMMITMENT

FTA will use the following measures to evaluate the local financial commitment to a proposed project:

- (a) The proposed share of project capital costs to be met using funds from sources other than the 49 U.S.C. 5309 new starts program, including both the local match required by Federal law and any additional capital funding ("overmatch"). Consideration will be given to:
 - (i) The use of innovative financing techniques, as described in the May 9, 1995, FEDERAL REGISTER notice on *FTA's Innovative Financing Initiative* (60 FR 24682);
 - (ii) The use of "flexible funds" as provided under the CMAQ and STP programs;
 - (iii) The degree to which alternatives analysis and preliminary engineering activities were carried out without funding from the § 5309 new starts program; and
 - (iv) The actual percentage of the cost of recently-completed or simultaneously under-

taken fixed guideway systems and extensions that are related to the proposed project under review, from sources other than the section 5309 new starts program (FTA's intent is to recognize that a region's local financial commitment to fixed guideway systems and extensions may not be limited to a single project).

(b) The stability and reliability of the proposed capital financing plan, according to:

(i) The stability, reliability, and level of commitment of each proposed source of local match, including inter-governmental grants, tax sources, and debt obligations, with an emphasis on availability within the project development timetable;

(ii) Whether adequate provisions have been made to cover unanticipated cost overruns and funding shortfalls; and

(iii) Whether adequate provisions have been made to fund the capital needs of the entire transit system as planned, including key station plans as required under 49 CFR 37.47 and 37.51, over a 20-year planning horizon period.

(c) The stability and reliability of the proposed operating financing plan to fund operation of the entire transit system as planned over a 20-year planning horizon.

PART 613—PLANNING ASSISTANCE AND STANDARDS

Subpart A—Metropolitan Transportation Planning and Programming

Sec.

613.100 Metropolitan transportation planning and programming.

Subpart B—Statewide Transportation Planning and Programming

613.200 Statewide transportation planning and programming.

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

613.300 Coordination of Federal and federally assisted programs and projects.

AUTHORITY: 23 U.S.C. 134, 135, and 217(g); 42 U.S.C. 3334, 4233, 4332, 7410 et seq; 49 U.S.C. 5303–5306, 5323(k); and 49 CFR 1.48(b), 1.51(f) and 21.7(a).

Subpart A—Metropolitan Transportation Planning and Programming

§ 613.100 Metropolitan transportation planning and programming.

The regulations in 23 CFR 450, subpart C, shall be followed in complying

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with the requirements of this subpart. The definitions in 23 CFR 450, subpart A, shall apply.

[72 FR 7285, Feb. 14, 2007]

Subpart B—Statewide Transportation Planning and Programming

§ 613.200 Statewide transportation planning and programming.

The regulations in 23 CFR 450, subpart B, shall be followed in complying with the requirements of this subpart. The definitions in 23 CFR 450, subpart A, shall apply.

[72 FR 7285, Feb. 14, 2007]

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

§ 613.300 Coordination of Federal and federally assisted programs and projects.

The coordination of Federal and federally assisted programs and projects implementing OMB revised Circular No. A-95, which are set forth in 23 CFR part 420, subpart C, are incorporated into this subpart.

[41 FR 33443, Aug. 9, 1976]

PART 614—TRANSPORTATION INFRASTRUCTURE MANAGEMENT

AUTHORITY: 23 U.S.C. 303; 49 U.S.C. 5303-5305; and 49 CFR 1.48 and 1.51.

SOURCE: 61 FR 67175, Dec. 19, 1996, unless otherwise noted.

§ 614.101 Cross-reference to management systems.

The regulations in 23 CFR Part 500, subparts A and B shall be followed in complying with the requirements of this part. Part 500, subparts A and B implement 23 U.S.C. 303 for State development, establishment, and implementation of systems for managing traffic congestion (CMS), public transportation facilities and equipment (PTMS), intermodal transportation facilities and systems (IMS), and traffic monitoring for highways and public

transportation facilities and equipment.

PART 622—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Subpart A—Environmental Procedures

Sec.

622.101 Cross-reference to procedures.

Subpart B [Reserved]

Subpart C—Requirements for Energy Assessments

622.301 Buildings.

Subpart A—Environmental Procedures

AUTHORITY: 42 U.S.C. 4321 *et seq.*; 49 U.S.C. 303(c), 5301(e), 5323, and 5324; 40 CFR 1.51.

§ 622.101 Cross-reference to procedures.

The procedures for complying with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and related statutes, regulations, and orders are set forth in part 771 of title 23 of the Code of Federal Regulations.

[52 FR 32660, Aug. 28, 1987]

Subpart B [Reserved]

Subpart C—Requirements for Energy Assessments

AUTHORITY: Sec. 403(b), Pub. L. 95-620; E.O. 12185.

§ 622.301 Buildings.

(a) FTA assistance for the construction, reconstruction, or modification of buildings for which applications are submitted to FTA after October 1, 1980, will be approved only after the completion of an energy assessment. An energy assessment shall consist of an analysis of the total energy requirements of a building, within the scope of the proposed construction activity and at a level of detail appropriate to that scope, which considers:

(1) Overall design of the facility or modification, and alternative designs;