

## § 79.9

### § 79.9 Design.

The Department is authorized to adopt and revise the existing designs for the award, rosette, and ribbon provided for by statute.

## PART 80—CREDIT ASSISTANCE FOR SURFACE TRANSPORTATION PROJECTS

- Sec.
- 80.1 Purpose.
- 80.3 Definitions.
- 80.5 Limitations on assistance.
- 80.7 Application process.
- 80.9 Federal requirements.
- 80.11 Investment-grade ratings.
- 80.13 Threshold criteria.
- 80.15 Selection criteria.
- 80.17 Fees.
- 80.19 Reporting requirements.
- 80.21 Use of administrative offset.

AUTHORITY: Secs. 1501 *et seq.*, Pub. L. 105-178, 112 Stat. 107, 241, as amended; 23 U.S.C. 181-189 and 315; 49 CFR 1.48, 1.49, and 1.51.

SOURCE: 64 FR 29750, June 2, 1999, unless otherwise noted.

### § 80.1 Purpose.

This part implements a Federal credit assistance program for surface transportation projects.

### § 80.3 Definitions.

The following definitions apply to this part:

*Administrative offset* means the right of the government to apply moneys held by the government and otherwise owed to a debtor for the extinguishment of claims due the government from the debtor.

*Conditional term sheet* means a contractual agreement between the U.S. Department of Transportation (DOT) and the project sponsor (and the lender, if applicable) by which the DOT reserves TIFIA funding for a specific project and commits to providing Federal credit assistance to that project at a future point in time upon satisfaction of specified conditions and subject to the future availability of obligation authority. The DOT will not legally obligate budget authority until those conditions are met. Upon satisfaction of those conditions, the conditional term sheet can be amended and/or restated to trigger an obligation of funds.

## 49 CFR Subtitle A (10-1-07 Edition)

*Credit agreement* means a contractual agreement between the DOT and the project sponsor (and the lender, if applicable) that formalizes the terms and conditions established in the term sheet (or conditional term sheet) and authorizes the execution of a secured loan, loan guarantee, or line of credit.

*Eligible project costs* mean amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of:

(1) Development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other pre-construction activities;

(2) Construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

(3) Capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

*Federal credit instrument* means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

*Investment-grade rating* means a rating category of BBB minus, Baa3, or higher assigned by a rating agency to project obligations offered into the capital markets.

*Lender* means any non-Federal qualified institutional buyer (as defined in 17 CFR 230.144A(a)), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*), including:

(1) A qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986, 26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(2) A governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986, 26 U.S.C. 414(d)) that is a qualified institutional buyer.