

INDEX

[Page numbers in *italic* refer to figures.]

A

- Accident investigation
 - rail operations, 7-10 to 7-11
 - substance use testing in, 7-24 to 7-25
- Accounting requirements for recipients of federal funds, 4-31
- Acid Deposition Control, 3-16
- Adamson Act (1916), 9-16
- Administrative Procedure Act, 2-12, 3-32, 6-20
- Ad valorem* taxes, 4-34
- Advance payment, 5-13
- Advertising for bids and proposals, 5-13 to 5-15
- Advisory Council on Historic Preservation, 3-42
- Affirmative action programs, 10-11. *See also* Disadvantaged business enterprises
- Age discrimination, 10-3, 10-4 to 10-5, 10-30 to 10-32. *See also* Civil rights law
- Age Discrimination Act (1975), 10-3, 10-30
- Age Discrimination in Employment Act, 9-31 to 9-32, 10-14, 10-30 to 10-32
- Air Carrier Access Act, 10-48
- Air Pollution Control Act (1955), 3-14, 3-16
- Airport Improvement Program, 4-29 to 4-30
- Air quality
 - evolution of federal requirements, 1-4, 1-5, 1-6, 3-14 to 3-16
 - planning considerations, 2-28
 - prevention of significant deterioration, 3-15
 - regions, 3-17
 - standards, 3-15
 - See also* Clean Air Act (1963); Non-attainment areas
- Air Quality Act (1967), 3-14
- Air Quality Implementation Plan, 2-5
- Air transportation
 - America First regulations, 5-37 to 5-38
 - antiterrorism agencies, 1-14
 - applicability of Railway Labor Act, 9-3
 - intermodal planning, 2-19, 4-29 to 4-30
- Air Transportation Safety and System Stabilization Act (2001), 1-14, 7-38
- Alcohol use. *See* Drug and alcohol use
- Allowable costs, 5-26 to 5-27
- Alternative Analysis program, 1-8, 4-4
- Alternative fuels, 3-43 to 3-44, 4-25
- Alternatives analysis, 2-14, 2-15, 4-17
- Alternative Transportation in Parks and Public Lands, 4-4, 9-17
- America Fast Forward program, 4-42
- American Bus Association, 8-5
- American Public Transportation Association, 5-48, 7-5
- American Recovery and Reinvestment Act (2009), 3-27, 4-4 to 4-6, 5-29
- Americans with Disabilities Act (ADA), 1-4, 1-11, 2-6, 4-4, 4-11, 7-26, 7-33 to 7-34, 9-32, 10-6, 10-14, 10-22, 10-32 to 10-33, 10-34 to 10-36, 10-42, 10-44 to 10-59
- Amtrak, 1-15, 3-38 to 3-40, 7-10, 9-4, 9-12, 11-8 to 11-9

Amtrak Reform and Accountability Act (1997), 2-20
 Animal and Plant Inspection Service, 1-14
 Annual Certification and Assurances, 10-5
 Annual New Starts Report, 1-11
 Appraisal, property, 5-40 to 5-41
 Arbitration, 9-11, 9-19 to 9-20, 9-21, 9-24
 Arbitration Act (1888), 9-3
 Architectural services, 5-26
 Army Corps of Engineers, U.S., 3-32
 Assumption of risk defense, 11-17
 Audits of grantees, 4-31
 under Buy America program, 5-35 to 5-37
 drug and alcohol program, 7-27
 Inspector General, 6-24 to 6-25

B

Belleville, New Jersey, 3-10
Best Practices Procurement Manual, 5-3 to 5-4, 6-3, 6-7
 Bicycle transportation, 1-5, 2-18, 4-11
 Bid guarantees, 5-16
 Body-on-van-chassis vehicles, 8-20
 Boiler Inspection Act (1911), 7-3
 Bonds
 contractor, 5-16, 5-20 to 5-22, 7-36
 state or municipal, 4-38 to 4-42
 Brooks Act. *See* Federal Property and Administrative Services Act
 Build/Operate/Transfer, 4-36
 Burden of proof, 11-3
 Bus and Bus Facilities Formula Grants, 1-8, 4-6, 4-8, 4-12, 4-13
 Buses
 accessibility for passengers with disabilities, 10-48 to 10-50, 10-56 to 10-58
 charter services, 8-3 to 8-9, 8-12, 8-13 to 8-21
 corridor-based rapid transit, 4-6, 4-7
 procurement, 5-48 to 5-49
 safety regulations, 7-35 to 7-36
 school bus operations, 1-4, 8-9 to 8-13
 tripper service, 8-11 to 8-12
 Bus shelters, 1-4
 Buy America, 5-10, 6-13, 7-35 to 7-36
 applicability, 5-30 to 5-32
 evolution of legislation and regulation, 5-27 to 5-30
 investigations, 5-32 to 5-34
 post-delivery audit, 5-36 to 5-37
 pre-award audit, 5-35 to 5-36
 waivers, 5-34 to 5-35

C

Calculus of risk, 11-5
 Capital Investment Program, 4-12 to 4-13
 Capital maintenance procurement, 5-12
 Capital projects and expenditures, 1-4, 1-5
 contracting costs, 4-36, 8-14
 definition under SAFETEA-LU, 2-15

- federal support for, 4-12 to 4-13
- intermodal, 4-28
- joint development projects, 4-45 to 4-46
- leasing arrangements, 4-42
- operating expenses versus, 4-7
- role of New Starts program, 2-15
- Carpools and ridesharing, 3-43, 4-25
 - transit employees in, vicarious liability of employers of, 11-10 to 11-11
- Categorical exclusions, 3-9 to 3-10, 3-11 to 3-12
- Causation, in liability determinations, 11-4, 11-6 to 11-7, 11-10 to 11-14, 11-33
- Caveat emptor*, 11-27
- Central Service Cost Allocation Plan, 5-27
- Certificates of Participation, 4-36, 4-38 to 4-39
- Certification reviews, MPO, 2-29
- Charter bus service, 1-4, 8-3 to 8-9, 8-12, 8-13 to 8-21, 10-58
- Civil penalties
 - rail safety violations, 7-11 to 7-12
 - violation of antidiscrimination laws, 10-58 to 10-59
 - violation of commercial driver license regulations, 7-33
- Civil Rights Act (1964), 1-11, 3-46, 10-3, 10-5, 10-33, 10-37
 - Title VI, 3-47, 3-48, 4-32, 10-3, 10-4, 10-5, 10-6, 10-28, 10-37, 10-38 to 10-39, 10-40
 - Title VII, 3-46, 9-31, 10-3, 10-4, 10-20, 10-21 to 10-28, 10-27, 10-28, 10-29, 10-30, 10-35, 10-58
- Civil Rights Act (1991), 10-4, 10-12, 10-14
- Civil Rights Attorney's Fees Act (1976), 10-13
- Civil rights law, 5-45
 - certification of compliance with, 10-5 to 10-6
 - Constitutional protections, 10-12 to 10-19
 - drug testing and, 7-28 to 7-30
 - employment discrimination claims, 10-19 to 10-36
 - environmental justice claims, 3-47 to 3-48
 - federal funding and, 1-10
 - Federal Transit Administration oversight, 1-11 to 1-12
 - immunity, 10-14
 - labor regulation and, 9-31 to 9-32
 - major federal programs, 10-3 to 10-4
 - noncompliance, 10-6
 - property interest and, 10-15 to 10-16
 - protections for passengers, 10-36 to 10-59
 - remedies for violation of, 10-58 to 10-59
 - reverse discrimination claims, 10-27 to 10-28
 - types of discriminatory practices prohibited by, 10-4
 - See also specific legislation*
- Clean Air Act, 1-11, 1-14 to 1-15, 2-23, 3-3, 3-11 to 3-12, 3-14, 3-17 to 3-18, 4-11
 - air quality standards, 3-15
 - amendments, 3-15, 3-16, 3-43
 - case study in compliance, 3-23 to 3-27
 - citizen suits under, 3-23
 - conformity requirements, 3-15, 3-17 to 3-18, 3-20, 3-21 to 3-23
 - economic unfeasibility of compliance with, 3-19
 - grandfathered projects, 3-20
 - MPO responsibilities, 2-4
 - nonattainment areas, 2-8
 - objectives, 3-17

- requirements, 3-14, 3-15, 3-16, 3-17
- Transportation Improvement Program compliance, 2-26
- See also* Non-attainment areas
- Clean Fuels Grants, 1-8, 4-4, 4-25
- Clean Water Act. *See* Federal Water Pollution Control Act
- Coastal Zone Management Act, 3-41
- Collective bargaining rights, 1-15, 5-50 to 5-51, 9-20 to 9-22, 9-23 to 9-24, 9-26 to 9-27
- Collusive bidding, 5-22 to 5-24
- Commerce clause, 1-16 to 1-18, 9-29 to 9-30, 10-13 to 10-14, 10-31 to 10-32
- Commercial driver's license, 7-32 to 7-35
- Commercial motor vehicles
 - defined, 7-31 to 7-32
 - financial responsibility and fitness requirements, 7-36
 - operator regulations, 7-32 to 7-34
 - state regulations, 7-34 to 7-35
- Common carrier
 - defined, 11-3
 - duty of care, 11-3 to 11-4, 11-5
- Common Grant Rule, 5-7
- Common law
 - negligence and liability in, 11-3, 11-23
 - product liability and, 11-27
 - sovereign immunity, 11-19
- Commuter rail service, 7-4 to 7-6, 9-3 to 9-4
 - accessibility for passengers with disabilities, 10-48 to 10-50
 - employment laws, 9-14 to 9-15
 - labor-management dispute resolution, 9-10
 - liability issues for providers, 11-18
- Comparable replacement dwelling, 5-43 to 5-44
- Comparative fault, 11-17, 11-18
- Compelling government interest, 10-9, 10-10 to 10-11, 10-12
- Competition
 - charter services, 8-3 to 8-9
 - federal funding and, 8-3 to 8-4
 - school bus services, 8-9 to 8-13
- Competitive proposals, 5-11 to 5-12, 5-18
- Comprehensive Alcohol Abuse and Alcoholism Prevention Act (1970), 10-3, 10-32
- Comprehensive Environmental Response, Compensation, and Liability Act, 3-3, 3-34 to 3-40
- Compulsive behaviors, 10-46
- Condemnation, property, 11-23
- Conflict of interest, 5-6
- Congestion management system, 3-21
- Congestion Mitigation and Air Quality (CMAQ) Program, 1-6, 2-5, 3-20 to 3-21, 4-3, 4-6, 4-9
 - eligible projects, 4-25 to 4-26
 - objectives, 4-24
 - project review, 4-24 to 4-25
- Conrail, 3-38 to 3-40, 11-9
- Consolidated Appropriations Act (2010), 8-9
- Constitutional law
 - challenges to race-based preference in procurement, 10-10 to 10-12
 - civil rights protections, 10-12 to 10-19
 - Commerce Clause, 1-6 to 1-18, 9-29 to 9-30, 10-13 to 10-14, 10-31 to 10-32
 - due process analysis, 1-16, 10-14 to 10-16

Eleventh Amendment, 10-14, 10-31, 11-21
 employee drug and alcohol testing and, 7-28 to 7-31
 environmental justice regulations and, 3-48
 Equal Protection Clause, 1-19, 3-46, 3-47, 10-10, 10-16 to 10-17
 Fair Labor Standards Act and, 9-29 to 9-30
 Fifth Amendment, 10-14 to 10-15
 First Amendment, 7-30, 9-6, 10-17 to 10-19, 10-24
 Fourteenth Amendment, 10-14 to 10-15, 10-16, 10-17, 10-31 to 10-32, 10-33, 11-21
 Fourth Amendment issues, 7-28 to 7-30
 on interference in labor organizing, 9-6
 on labor law jurisdiction, 9-21 to 9-22
 National Labor Relations Act decisions, 9-25 to 9-27
 state police power and, 1-16 to 1-18
 Supremacy Clause, 7-30 to 7-31, 9-26 to 9-27
 Tenth Amendment, 9-29 to 9-30
 transit agency governance and, 1-19
 Construction site safety, 7-36 to 7-37
 Consultants, procurement, 5-14 to 5-15
 Consumer expectations test, 11-29 to 11-30
 Contagious Diseases Act (1869), 11-7
 Contracting officers, 5-6
 Contract law, 11-32 to 11-33
 Contract Work Hours and Safety Standards Act, 9-29, 9-31
 Contributory negligence, 11-3, 11-16 to 11-17, 11-34
 Cooperative, comprehensive, and continuing (3-C) planning, 2-3, 2-16 to 2-20
 comprehensiveness goals, 2-18
 cooperation component, 2-17 to 2-18
 definitions, 2-16
 federal requirements for, 1-4
 federal support for, 4-7
 intermodal planning in, 2-18 to 2-20
 MPO requirements, 2-4
 process phases, 2-17
 requirements of, 2-16 to 2-17
 schedule and update requirements, 2-20
 Coordinated Human Services Transportation Plan, 8-15
 Copeland "Anti-Kickback" Act, 6-16, 9-31
 Copyright, 5-54
 Corridor preservation, 4-37
 Corrupt practices, 5-22 to 5-24
 debarment and, 6-15 to 6-16
 Inspectors General review, 6-24 to 6-25
 qui tam actions, 6-22 to 6-24
 Cost analysis, 5-18
 Cost/benefit analysis, 2-14
 Cost-plus contracts, 5-12, 5-24
 Cost reimbursement contracts, 5-11
 Council on Environmental Quality, 3-8, 3-24, 3-44
 Crime prevention, carrier liability for, 7-38
 Cross-border leases, 4-36, 4-42 to 4-43
 Customary practice, 11-5 to 11-6
 Customs Service, 1-14

D

Davis-Bacon Act, 1-4, 6-23, 9-27 to 9-28

Debarment

- agency actions resulting in, 6-13 to 6-14, 6-15
- causes for, 6-15 to 6-18
- certification, 6-21 to 6-22
- consequences of, 6-15
- consideration of mitigating factors in, 6-16 to 6-18
- nonresponsibility and, 6-13
- notice of proposed, 6-15, 6-19
- persons subject to, 6-15
- proceedings, 6-19 to 6-21
- regulations, 6-10 to 6-13
- settlement and voluntary exclusion, 6-18, 6-19 to 6-20

Debt financing, 4-32, 4-38 to 4-42

Dedicated funding sources, 4-33

Demand forecasting, 2-14

Demand response transit service, 8-15

Demonstration Cities and Metropolitan Development Act (1966), 2-3

Demonstration projects, 1-4, 1-10

Department of Agriculture, 1-14

Department of Defense, 4-5

Department of Health, Education, and Welfare, 3-14, 10-42 to 10-43

Department of Health and Human Services, 8-8

Department of Homeland Security, 1-14

Department of Housing and Urban Development, 1-3

Department of Justice, 3-48

Department of Labor, 1-15, 9-17 to 9-19

Department of Transportation, 1-4, 2-19, 2-29, 3-44, 4-27

- environmental justice practices, 3-44, 3-45 to 3-46

- environmental reviews, 3-11 to 3-12

- ethics regulations, 6-3 to 6-4

- intermodal project financing, 4-28 to 4-29

- Office of Inspector General, 6-24 to 6-25

- rail system jurisdiction, 7-8, 7-10 to 7-11

Department of Transportation Act, 3-3, 3-12 to 3-14, 3-41, 3-42

Department of Transportation and Related Agencies Appropriations Act (1988), 8-8

Design-build projects, 4-36

Design defects, product, 11-29 to 11-31

Direct costs, 5-27

Disability, persons with

- civil rights legislation, 10-3, 10-4

- civil rights protections for passengers, 10-42 to 10-59

- civil rights protections for transit employees, 10-32 to 10-36

- defined, 10-45 to 10-47

- due process rights in denial of services for, 10-16

- nondiscrimination obligations of FTA grantees, 10-5 to 10-6

- See also* Americans with Disabilities Act

Disadvantaged business enterprises, 1-11

- aspirational goals, 10-8 to 10-9

- certification of FTA recipients with program for, 10-9 to 10-10

- compelling government interest in, 10-9, 10-10, 10-11, 10-12

- defined, 10-6, 10-7 to 10-8

federal legislation on, 10-4, 10-6 to 10-7
 legal challenges to race-based preference, 10-10 to 10-12
 as quota program, 10-8
 Discretionary awards for contracts, 5-24
 Discrimination. *See* Civil rights law
 Displaced persons, 5-39, 5-42 to 5-45
 Dredge or Fill Program, 3-28 to 3-29, 3-32 to 3-33
 Dress codes, employee, 10-29
 Driver qualifications, 7-31 to 7-35
 Drug Abuse Office and Treatment Act (1972), 10-3, 10-32
 Drug and alcohol use
 Americans with Disabilities Act and, 7-26
 antidiscrimination laws, 10-3, 10-32, 10-33, 10-46
 audit program, 7-27
 certification of drug-free workplace, 7-21 to 7-22
 commercial driver licensing and, 7-33
 confidentiality in investigations of, 7-26 to 7-27
 employee testing, 7-13, 7-18, 7-19 to 7-21, 7-22 to 7-31, 10-32
 medical marijuana, 7-27
 statutes and regulations, 7-18 to 7-21
 Drug-Free Workplace Act (1988), 6-15, 6-16, 7-21 to 7-22
 Due care, 11-4
 Due diligence, 3-38, 3-38 to 3-40
 Due process, 1-16, 10-14 to 10-16
 Duty of care, 11-3 to 11-4, 11-5

E

Earthquake hazards, 7-36 to 7-37
 Easements, railroad right-of-way, 5-52, 5-53
 Elderly and Disabled program, 4-4, 4-7, 4-36, 8-13 to 8-14, 10-55 to 10-56
 Electric railways, 9-3 to 9-4
 Electronic grants making system, 8-18
 Emergency Board, 9-9, 9-10
 Emergency Orders, rail system, 7-11
 Emergency procurement, 5-12, 8-14
 Emergency Railroad Transportation Act (1933), 9-11
 Emergency Relief, 4-6
 Emissions testing and control, 3-15, 3-16, 3-19, 4-5, 4-24
 Emotional injury, 11-14 to 11-15
 Employment, transit sector, 1-3
 claims of free speech violations, 10-17 to 10-19, 10-24
 discrimination claims in, 10-19 to 10-36
 dress codes, 10-29
 due process rights in dismissal, 10-15
 employers' liability for employee injury, 11-18 to 11-19
 federal protections for employees, 1-3 to 1-4
 hostile work environment, 10-25 to 10-26
 retaliation claims, 10-24 to 10-25
 sexual harassment claims, 10-30
 vicarious liability of employers, 11-10 to 11-11
 Enabling legislation, surface transportation, 1-3 to 1-9
 Endangered Species Act (1973), 3-27 to 3-28
 End products, 5-9

- Energy assessments, 5-46
- Energy conservation, 1-4 to 1-5, 2-5 to 2-6, 3-27, 3-43 to 3-44, 4-5
- Energy Policy and Conservation Act, 3-43 to 3-44
- Engineering services, 5-26
- Enhanced Mobility of Seniors and Individuals with Disabilities, 1-9, 4-7, 4-8, 4-10, 4-11 to 4-12
- Enhanced planning reviews, 2-29
- Enterprise liability, 11-10, 11-25
- Environmental assessment, 3-4, 3-8, 3-10, 3-11 to 3-12, 3-44, 3-46 to 3-47, 5-46
- Environmental audit, 3-38
- Environmental impact statements, 2-3, 3-44, 3-45 to 3-47
 - categorical exclusion, 3-11 to 3-12
 - energy assessments, 5-46
 - purpose of, 3-7
 - required preparation, 3-4, 3-8 to 3-9
 - scope of, 3-4 to 3-5, 3-7 to 3-8
 - stages of preparation, 3-9
- Environmental justice, 3-44 to 3-48, 10-5, 10-6, 10-38 to 10-41
- Environmental protection
 - Federal Transit Administration role in, 1-11
 - in federal transit law, 1-4 to 1-5, 2-5 to 2-6
 - mitigation options, 3-8
 - point and nonpoint sources of pollution, 3-30 to 3-31
 - principal laws and regulations, 3-3. *See also specific legislation*
 - in procurement process, 5-24 to 5-26
 - public hearing requirements, 1-4, 2-6
 - transportation planning and, 2-28, 3-14 to 3-15, 3-18 to 3-21
 - See also* Air quality; Environmental impact statements; Environmental justice; Environmental Protection Agency; Water quality
- Environmental Protection Agency
 - authorities and responsibilities, 1-14 to 1-15
 - case study of hazardous waste removal, 3-39 to 3-40
 - Clean Air Act implementation, 3-17, 3-18, 3-24
 - environmental justice considerations, 3-44 to 3-45
 - hazardous and solid waste regulations, 3-33, 3-34, 3-35, 3-36, 3-37 to 3-38
 - procurement guidelines, 5-25 to 5-26
 - water quality enforcement, 3-30, 3-31, 3-32, 3-40
- Environmental Quality Report, 3-8
- Equal Employment Opportunity, 1-11, 10-4 to 10-5
- Equal Employment Opportunity Commission, 10-20 to 10-21, 10-28, 10-35 to 10-36
- Equal Pay Act (1963), 10-4
- Equal protection clause, 1-19, 3-46, 3-47, 10-10, 10-16 to 10-17
- Equity Bonus Program, 1-7
- Erdman Act (1898), 9-3
- Ethical conduct
 - disclosure of conflicts of interest, 6-7
 - false or fraudulent statements or claims, 6-7 to 6-8
 - federal requirements and standards, 6-3 to 6-5
 - lobbying restrictions, 6-8
 - political activity, 6-9
 - in procurement, 5-6 to 5-7
 - in third-party procurement, 6-5 to 6-7
- Executive Orders
 - 11988, 3-41

11990, 3-33
 12549, 6-10 to 6-11, 6-12
 12689, 6-11, 6-12
 12699, 7-36 to 7-37
 12770, 5-55
 12892, 5-45
 12893, 4-14
 12898, 3-44, 10-38 to 10-39, 10-40
 13166, 10-28
 13502, 9-32

F

Facilities design, 10-50 to 10-53, 10-56
 carrier tort liability, 11-3 to 11-4, 11-12
 Fair Housing Act, 5-45
 Fair Labor Standards Act, 9-29 to 9-30
 False Claims Act, 6-22 to 6-24
 Farebox revenue, 4-32, 4-39
 Fare structures, discriminatory, 10-39 to 10-40
 Federal Acquisition Regulations System, 6-4, 6-11 to 6-13
 Federal Acquisition Streamlining Act (1994), 6-12 to 6-13
 Federal-Aid Highway Act (1956), 2-3
 Federal-Aid Highway Act (1966), 2-3
 Federal-Aid Highway Act (1973), 1-4, 8-3, 10-42
 Federal Aviation Act, 4-29
 Federal Aviation Administration, 4-29 to 4-30
 Federal Employers Liability Act, 7-4, 9-15, 11-18 to 11-19
 Federal Energy Regulatory Commission, 3-40
 Federal Highway Act (1973), 4-3
 Federal Highway Administration
 debarment of contractors, 6-15
 environmental justice principles, 3-44
 environmental regulation oversight, 3-7, 3-24
 flexible funding program, 4-24
 intermodal project funding, 4-30 to 4-31
 MPO certification reviews, 2-29
 Transportation Improvement Program review, 2-26
 wetland mitigation regulations, 3-33
 Federal implementation plan, 3-17
 Federal legislation and regulation
 acceptance of federal funds and compliance with, 1-10
 antidiscrimination protections for passengers, 10-36 to 10-59
 Buy America requirements, 5-27 to 5-30
 charter service, 8-3 to 8-49
 environmental, 3-3
 environmental justice, 3-44 to 3-45
 ethical conduct requirements, 6-3 to 6-5
 historical development, 1-3 to 1-9
 on procurement, 5-3
 on property acquisition, 5-38 to 5-40
 rail safety, 7-3 to 7-10
 See also specific federal department or agency; specific legislation
 Federal Motor Carrier Safety Act, 9-30

- Federal Motor Carrier Safety Administration, 7-19, 7-25, 7-31, 7-36
- Federal Motor Vehicle Safety Standards, 5-35, 5-36, 5-37
- Federal Property and Administrative Services Act (Brooks Act), 5-5, 5-26
- Federal Railroad Administration, 4-8, 7-3, 7-4 to 7-8
- Federal Railroad Safety Act (1970), 7-3, 7-4 to 7-5
- Federal Railroad Safety Authorization Act (1994), 7-8
- Federal Rail Safety Act, 9-14
- Federal Tort Claims Act, 11-19
- Federal Transit Act. *See also* Section 13(c) requirements of Federal Transit Act; Urban Mass Transportation Act (1964)
- Federal Transit Administration
 - authorities and responsibilities, 1-10
 - authorizing legislation, 1-9 to 1-10
 - grant programs, 4-7 to 4-8
 - organizational structure, 1-9, 1-10 to 1-13, 1-22
 - procurement procedures, 5-3 to 5-13
 - regional offices, 1-13 to 1-14
- Federal Transit Laws, 1-3
- Federal Water Pollution Control Act, 1-14 to 1-15, 3-3, 3-28, 3-31 to 3-32
- Fees, 4-32
- Financial capacity, 5-46
- Financing of transportation projects
 - accounting and reporting requirements, 4-31
 - alternatives analysis requirements, 2-14, 4-17
 - capital investment, 4-12 to 4-13
 - competition for, 2-31
 - energy assessments and, 3-43
 - environmental considerations in, 3-10, 3-15, 3-17 to 3-18, 3-20
 - ethics standards, 6-3
 - federal capital grants, 1-10
 - federal share of urban mass transportation projects, 1-4
 - federal share under ISTEA, 1-4, 1-5
 - FTA role in, 1-10
 - as grants or cooperative agreements, 6-3
 - with high-risk grantees, 6-9 to 6-10
 - historical development, 1-3 to 1-9
 - incidental nontransit use of federal funds, 4-37
 - innovative strategies, 4-35 to 4-37
 - intellectual property rights and, 5-54
 - intermodal research and planning, 2-20, 4-27 to 4-31
 - ISTEA provisions, 4-3
 - leasing, 4-42 to 4-44
 - local commitment, 4-32 to 4-35
 - MPO certification review and, 2-29
 - New Starts Program, 2-15
 - planning support, 4-8 to 4-9
 - private sector competition and, 8-3 to 8-4
 - public-private development, 2-15 to 2-16
 - public transit, 4-3 to 4-8
 - school bus service, 8-9 to 8-13
 - sequestration effects, 1-9
 - Transportation Improvement Program plans, 2-24, 2-25
- Finding of no significant impact, 3-4, 3-8

Fixed Guideway Capital Investment Grants, 1-9, 4-6, 4-7 to 4-8, 4-12, 4-13
 Fixed Guideway Modernization Program, 4-4
 Fixed guideway systems
 accessibility for passengers with disabilities, 10-48 to 10-50
 modernization program, 4-4
 safety regulation, 7-7 to 7-8, 7-13 to 7-17
 See also Fixed Guideway Capital Investment Grants
 Flex funds, 2-5, 4-6
 Flexibility Funding for Highway and Transit, 4-8, 4-24 to 4-26
 Flood insurance, 5-47 to 5-48
 Floodplains, 3-41
 Fly America, 5-37 to 5-38
 Footnotes to 4-22
 Forecasting, 2-14
 Formula Grants for Other than Urbanized Areas, 4-8
 Free speech issues, 9-6, 10-17 to 10-19, 10-24
 Fuel taxes, 4-3, 4-34
 Full and open competition, 5-7 to 5-8
 Full Funding Grant Agreement, 4-16, 5-5

G

General obligation debt, 4-38
 Geographical bidding, 5-24
 Gissel bargaining order, 9-23
 Grant Anticipation Notes, 4-36, 4-39 to 4-40
 Growth Management Acts, 2-15

H

Hatch Act, 6-3, 6-9
 Hazardous materials and waste, 3-33 to 3-40
 Hazardous Materials Transportation Act, 3-34
 Hazardous Substance Response Trust Fund (Superfund), 3-35 to 3-36
 Hazardous Waste Management Program, 3-28 to 3-29, 3-33 to 3-34
 Hazard Ranking System, 3-35
 Health status, vehicle operator, 7-33 to 7-34
 High-occupancy vehicle lanes, 1-4, 1-5, 4-25
 Highway Act (1962), 2-3
 Highway Act (1973), 2-3
 Highways for LIFE, 1-7
 Highway Trust Fund, 1-4, 1-7, 1-9, 3-15, 4-3, 4-6
 Historic preservation, 3-12 to 3-14, 3-41 to 3-43, 4-28
 Homeland Security Act, 1-14
 Hours of Service Act (1907), 7-3, 9-15
 Housing Act (1961), 1-3, 2-3
 Housing and Community Development Act (1974), 8-3
 Housing and Home Finance Agency, 1-3
 Human Resources and Training program, 1-9, 4-7
 Hurricane Sandy emergency relief funds, 1-9

I

Immigration and Naturalization Service, 1-14
 Immunity. *See* Sovereign immunity
 Incidental charter service, 8-4 to 8-5, 8-12

Incidental nontransit use of federal funds, 4-37
 Indemnification
 suretyship and, 5-21
 tort liability and, 11-8 to 11-9
 Indian reservations, 4-4, 4-8
 Indirect costs, 5-27
 Innovative financing, 4-35 to 4-37
 Inspection, for rolling stock acquisition, 5-48 to 5-49
 Inspector General, Office of, 6-24 to 6-25
 Insurance, passenger carrier, 7-36
 indemnity agreements, 11-9
 Intellectual property, 5-54
 Intelligent Transportation Systems, 4-25
 Interagency Federal Working Group on Environmental Justice, 3-44 to 3-45
 Interest payments, 4-37
 Interlocal cooperation agreements, 1-16
 Intermodalism in transportation planning, 2-18 to 2-20, 4-26 to 4-31
 Intermodal Surface Transportation Efficiency Act (1991) (ISTEA)
 Buy America provisions, 5-28
 comprehensive planning under, 2-18 to 2-19
 environmental protection provisions, 3-21
 flexible funding program, 4-24
 goals for disadvantaged business enterprises, 10-8 to 10-9
 intermodal goals and project funding, 2-19, 2-20, 4-27, 4-30 to 4-31
 joint development provisions, 4-46
 major provisions, 1-4 to 1-5
 MPO empowerment in, 1-18, 2-3, 2-29
 purpose of, 2-5, 4-27
 requirements for MPOs, 1-5, 1-18, 2-3, 2-5 to 2-6
 transit funding, 4-3
 International Fuel Tax Agreement, 7-32
 International planning, 2-28
 International Registration Plan, 7-32
 Interstate Commerce Act, 9-12, 9-13, 10-36, 10-37
 Interstate Commerce Commission, 1-15, 2-19, 5-49, 5-50, 9-12, 9-13 to 9-14, 10-36, 10-37
 Interstate Commerce Commission Termination Act (1995), 1-15, 5-49, 7-32, 9-14
 Interstate Compacts, 1-19
 Interstate Highway System, 2-5
 Invitation for bids, 5-11
 ISTEA. *See* Intermodal Surface Transportation Efficiency Act (1991)

J

Job Access and Reverse Commute program, 1-8, 4-4, 4-10, 4-12, 4-23 to 4-24
 Joint development projects, 4-36, 4-44 to 4-46

L

Labor costs, 1-15
 Labor Management Act (Taft-Hartley Act) (1947), 9-22, 9-24
 Labor regulations, 1-3 to 1-4, 1-10
 employee alcohol and drug testing, 7-13, 7-18, 7-19 to 7-21, 7-22 to 7-31
 federal oversight, 1-15
 under Federal Transit Act, 9-16 to 9-21
 federal vs. state jurisdiction, 9-21 to 9-22

- minimum wage laws, 9-27 to 9-30
 - mitigation of merger and consolidation effects on employees, 9-11 to 9-14
 - railroad employment laws, 9-14 to 9-16
 - rail safety, 7-9 to 7-10
 - state laws, 9-29 to 9-31
 - unfair labor practices, 9-24 to 9-25
 - See also* National Labor Relations Act; Railway Labor Act
 - Labor unions. *See* Unions
 - Land use and growth, 2-15
 - Language proficiency, 10-28
 - Last clear chance doctrine, 11-17
 - Leasing
 - capital, 4-44
 - cross-border, 4-43 to 4-44
 - equipment, 5-8 to 5-9
 - FTA funds for, 4-36, 4-42 to 4-43
 - lease-in/lease-out, 4-44
 - product liability and, 11-32
 - rail line, 5-49 to 5-50
 - sale/leaseback arrangements, 4-44
 - Legal capacity, 5-46
 - Leveraged financing, 4-5, 4-35, 4-37, 4-40
 - Liability. *See* Tort liability
 - Licensing, commercial motor vehicle operator, 7-32 to 7-35
 - Light rail transit, 7-6
 - Like-kind exchange, 4-37
 - List of Violating Facilities, 5-25
 - Livable Communities Initiative, 4-44 to 4-45
 - Lobbying, 6-8
 - Local financial commitments for transportation projects, 4-32 to 4-35, 4-37
 - Local matching funds, 4-8, 4-19
 - Long-range planning
 - environmental considerations, 2-21, 3-21
 - forecast period, 2-21
 - MPO role in, 2-4 to 2-5
 - objectives, 2-21
 - performance-based approach in, 2-16
 - public participation in, 2-23
 - requirements for states and MPOs, 1-4, 1-18, 2-20, 2-21 to 2-23
 - review and update, 2-23
 - state role in, 1-16
 - Long-Range Statewide Transportation Plan, 2-21
 - Los Angeles County, California, 3-47
- M
- Mail and wire fraud, 5-23
 - Maintenance areas, 3-21. *See also* Non-attainment and maintenance areas
 - Major capital project, 4-22
 - Major Investment Study, 4-14
 - Manufactured products, 5-30
 - Marijuana, 7-27
 - Market surveys, 5-15
 - Mass Transit Account, 1-4, 1-9

- Master Agreement, FTA, 5-4, 5-21, 5-24 to 5-25, 5-54, 7-22
 - ethics standards, 6-3, 6-4, 6-5, 6-7, 6-9, 6-11
- Master plan development, 2-13
- McNamara-O'Hara Service Contract Act (1965), 9-29
- Mergers and acquisitions, 9-8, 9-11 to 9-14
- Merit Systems Protection Board, 6-9, 6-24
- Metric Conversion Act, 5-54 to 5-55
- Metric system, 5-54 to 5-55
- Metropolitan and Statewide and Nonmetropolitan Transportation Planning, 1-9
- Metropolitan Planning Organizations (MPOs)
 - authorities and responsibilities, 1-18, 2-4 to 2-5, 2-29, 2-30 to 2-31, 3-20
 - boundaries, 1-18, 2-5, 2-8
 - 3-C approach, 2-16 to 2-20
 - certification reviews, 2-29
 - civil rights law compliance certification, 10-6
 - competition for transportation funding, 2-31
 - designation, 1-18, 2-7 to 2-8
 - environmental considerations, 3-11, 3-21 to 3-22
 - evaluation effectiveness of, 2-31
 - federal funding for, 1-4
 - federal requirements for, 2-7 to 2-8
 - historical development, 2-3 to 2-4, 2-29 to 2-30
 - intermodal planning requirements for, 4-27
 - ISTEA provisions, 1-5, 1-18, 2-3, 2-5, 2-29
 - long-range planning, 1-4, 1-18, 2-20, 2-21 to 2-23
 - participation plans, 2-6, 2-13, 2-20 to 2-21
 - performance-based measures and targets, 2-16
 - pre-existing public agencies, 2-8
 - regional coordination, 2-3 to 2-4, 2-8, 2-30 to 2-31
 - SAFETEA-LU provisions, 2-6 to 2-7
 - staff and administration, 2-31
 - state requirements, 2-9 to 2-11
 - TEA-21 provisions, 1-6, 2-6
 - Transportation Management Areas, 2-11 to 2-12
 - types of plans prepared by, 2-20. *See also specific type*
 - zoning and land use considerations, 2-15
- Metropolitan Planning Program, 4-8 to 4-9
- Metropolitan transportation plans, 1-4, 2-3 to 2-4
- Micropurchase, 5-10
- Minimum needs doctrine, 5-8
- Minimum wage laws, 9-27 to 9-30
- Minority and low-income populations, 3-44 to 3-48. *See also* Disadvantaged business enterprises; Environmental justice
- Motor Carrier Safety Act (1984), 7-31
- Motor Carrier Safety Improvement Act (1999), 7-32
- Motor Vehicle Safety Act (1986), 7-31 to 7-32
- Moving Ahead for Progress in the 21st Century Act (2012) (MAP-21)
 - America Fast Forward program, 4-42
 - Buy America provisions, 5-29 to 5-30
 - environmental review under, 3-11, 3-12
 - funding, 1-9, 3-20, 3-21, 4-6 to 4-7
 - objectives, 2-11
 - performance-based approach in, 1-9, 2-16, 2-21

- planning requirements, 2-7, 2-12, 2-14, 2-21, 2-25
- on preservation of historical or natural areas, 3-14
- programs created or changed by, 1-7 to 1-9, 2-7, 4-10
- rail safety provisions, 7-3 to 7-4, 7-16
- services to elderly and individuals with disabilities, 4-12

Murray Amendment to Consolidated Appropriations Act, 8-9

N

- National Ambient Air Quality Standards, 3-14, 3-15, 3-16, 3-18
- National Capital Transportation Act, 4-20 to 4-21
- National Consistency Plan, 3-35, 3-36
- National corridor project plans, 2-20
- National Driver Register, 7-32
- National Emission Standards for Hazardous Air Pollutants, 3-16
- National Environmental Policy Act (NEPA) (1969), 1-11, 1-14, 2-3, 2-6, 2-11 to 2-12, 2-28, 3-3, 3-4 to 3-12, 3-6, 3-42, 3-44, 4-46, 5-24, 10-40
- National Flood Insurance Program, 5-47 to 5-48
- National Hazardous Response Plan, 3-35
- National Highway System, Bridge, and Interstate Maintenance, 1-6, 1-18, 2-5, 2-17
- National Highway System Designation Act (1995), 4-42
- National Historic Preservation Act, 3-32, 3-41 to 3-43, 4-46
- National Intermodal Transportation System, 2-20, 4-27
- National Labor Relations Act, 1-15, 9-3, 9-23 to 9-27
- National Labor Relations Board, 1-15, 9-23, 9-24, 9-25
- National Mass Transportation Assistance Act (1974), 1-4, 10-42
- National Mediation Board, 1-15, 7-4, 9-3
 - dispute resolution, 9-7 to 9-11
 - union certification rules, 9-4 to 9-7, 9-8
- National origin discrimination, 10-28
- National planning, 2-28
- National Pollutant Discharge Elimination System, 3-28 to 3-32
- National Priorities List, 3-35, 3-36, 3-39
- National Public Transportation Safety Plan, 7-16
- National Railroad Passenger Service Act, 1-15
- National Railroad Passenger Service Corporation, 1-15
- National Register of Historic Places, 3-32, 3-41
- National Response Center, 3-35
- National Trails System Act, 5-52, 5-53
- National Transit Asset Management system, 2-7, 4-6 to 4-7
- National Transit Institute, 4-7
- National Transportation Safety Board, 7-11
- Needs assessment, 2-13 to 2-14
- Negligence
 - contributory, 11-3, 11-16 to 11-17, 11-34
 - in products liability, 11-25 to 11-27
 - strict liability and, 11-23 to 11-24
 - in tort liability, 11-4 to 11-6, 11-11 to 11-12
- NEPA. *See* National Environmental Policy Act (1969)
- New Deal, 2-3
- New Freedom Program, 1-8, 4-4, 4-7, 4-10, 9-17
- Newlands Act (1913), 9-3
- New Orleans Conditions, 9-12
- New Source Performance Standards, 3-16

New Starts, 4-7

- cost overruns, 4-20
- eligible projects, 4-13
- funding, 1-9, 2-7, 4-6, 4-12 to 4-13, 4-32, 4-33
- historical development, 4-13 to 4-14
- innovative financing and, 4-36, 4-37
- MAP-21 provisions, 2-7, 4-6
- periodic updates, 4-21
- project management oversight, 1-11, 4-21 to 4-23
- project management plans, 4-20 to 4-21
- project planning and development process, 2-15, 4-18
- proposal evaluation and rating, 1-11, 4-9, 4-14 to 4-20
- public transportation trends, 4-3
- purpose of, 4-9, 4-13
- rail safety oversight, 7-14
- rating system, 4-4, 4-16
- requirement for local land policy evaluation, 1-6

Noise emissions, rail system, 7-9

Non-attainment and maintenance areas

- boundaries of MPOs and, 1-18, 2-8
- case study, 3-23 to 3-27
- Clean Air Act requirements, 3-16, 3-17 to 3-18, 3-21
- compliance strategies, 3-18 to 3-20
- 3-C planning in, 2-17, 2-18
- designation of MPOs and, 1-18, 2-7 to 2-8
- goals of Congestion Mitigation and Air Quality Program, 4-24
- long-range planning in, 2-23
- restrictions on federal funds used in, 2-11 to 2-12
- in Transportation Improvement Program, 2-26

Non-profit agency waiver to charter regulation, 8-8

Nonurbanized area exception to charter regulations, 8-8

Nonurbanized Area Formula, 4-10 to 4-11, 4-36, 4-37

North American Free Trade Agreement, 5-29

Northeast Rail Service Act (1981), 7-5

Nuisance, 11-22 to 11-23

O

Occupational Safety and Health Act (1970), 7-37, 9-31

Occupational Safety and Health Administration, 7-36

Office of Environmental Justice, 3-44 to 3-45

Office of Management and Budget, 5-26 to 5-27

Omnibus Transportation Employee Testing Act (1991), 7-18, 7-19, 7-22 to 7-27, 7-30 to 7-31, 10-32

Operating assistance

- CMAQ, 4-25

- FTA, 5-5

Operating expenses, 1-4

Operating revenue, 4-32

Orphan Funding, 3-37 to 3-38

Outcome-based project planning and implementation. *See* Performance-based project planning and implementation

Overmatch of funds, 4-19, 4-32

Over-the-Road Bus, 1-8

Over-the-Road Bus Accessibility Rule, 4-11

P

- Paoli Yards case study, 3-38 to 3-40
- Paratransit service, 10-52 to 10-56
- Park and ride lots, 8-18 to 8-19
- Parking facilities, 1-4, 3-43
- Partial payments, 5-13
- Participation plans, 2-6, 4-9
- Passenger Ferry program, 4-7
- Passenger miles, public transportation, 1-3
- Patent danger rule, 11-29
- Paul S. Sarbanes Transit in the Parks program, 1-8
- Pedestrian facilities, 1-5, 2-18
- Performance-based project planning and implementation, 1-9, 2-16, 2-28
- Performance criteria, 5-14
- Petroleum alternatives, 3-43 to 3-44
- Pilot Program for Transit-Oriented Development, 4-7
- Planning
 - environmental considerations, 2-28, 3-11 to 3-12, 3-14 to 3-15, 3-18 to 3-23
 - environmental justice considerations, 10-38 to 10-39, 10-40 to 10-41
 - federal requirements for, 1-4, 1-5, 1-6, 2-3 to 2-4. *See also specific legislation*
 - federal support for, 1-4, 2-3, 2-4, 4-8 to 4-9
 - historical evolution, 2-3
 - historic preservation and, 3-41 to 3-43
 - intermodalism in, 2-18 to 2-20
 - international, 2-28
 - national, 2-28
 - needs assessment, 2-13 to 2-14
 - performance-based, 1-9, 2-16, 2-28
 - process, 2-21
 - public participation in, 1-4, 2-6, 2-12 to 2-13, 2-20 to 2-21
 - scope of activities in, 2-4
 - TEA-21 requirements, 1-6
 - types of plans, 2-20. *See also specific type*
 - zoning and land use considerations in, 2-15
 - See also* Cooperative, comprehensive, and continuing (3-C) planning; Long-range planning; Metropolitan Planning Organizations; New Starts
- PM10 pollutants, 3-14, 3-19, 4-24
- Police power, state, 1-16 to 1-18
- Political activity, 6-9
- Polychlorinated biphenyls, 3-38 to 3-40
- Portal-to-Portal Act, 9-30
- Potentially responsible parties, 3-36, 3-37 to 3-38
- Pre-Award Authority, 4-35
- Pregnancy Discrimination Act, 10-29 to 10-30
- Preliminary engineering, 4-19
- Premium fares, 8-16
- Preservation of natural and historical areas, 3-12 to 3-14
- Prevention of significant deterioration, 3-15
- Preventive maintenance, 1-6
- Price analysis, 5-18
- Privacy
 - drug and alcohol testing and, 7-26 to 7-27, 7-28 to 7-30

federal legislation, 10-3

Private sector

antidiscrimination regulations, 10-56 to 10-58
 prohibition of federally-subsidized competition, 8-3 to 8-4
 public-private joint development projects, 2-15 to 2-16

Procurement

advertising for bids and proposals, 5-13 to 5-15
 allowable costs, 5-26 to 5-27
 application of grant requirements, 5-4 to 5-6
 architectural and engineering services, 5-26
 best practices, 5-3 to 5-4
 bid mistakes, 5-16 to 5-17
 challenges to award, 5-27
 collusive bidding, 5-22 to 5-24
 contract awards, 5-18 to 5-20
 due process claims for denial of contract, 10-16
 employee conduct in award and administration of, 5-6 to 5-7
 environmental requirements, 5-24 to 5-26
 ethical practice in, 6-5 to 6-7
 full and open competition in, 5-7 to 5-8
 grounds for exclusion, 6-13 to 6-14
 high-risk grantees, 6-9 to 6-10
 indemnification and suretyship, 5-20 to 5-22
 innovative approaches, 4-36
 Inspectors General review, 6-24 to 6-25
 leases and, 5-8 to 5-9
 legal challenges to race-based preferences in, 10-10 to 10-12
 legislative and regulatory authority, 5-3
 minimum needs doctrine, 5-8
 versus nonprocurement transactions, 6-3
 payment systems, 5-13
 private cause of action in, 5-19 to 5-20
 procedures, 5-3 to 5-13
 process selection, 5-10 to 5-13
 project management oversight, 4-21 to 4-22
 qualified products and bidders, 5-9 to 5-10
qui tam actions, 6-22 to 6-24
 rolling stock, 5-48 to 5-49
 stages of, 5-6
 submission of bids and proposals, 5-15 to 5-16
 use of brand names in, 5-8, 5-13
 use of consultants in, 5-14 to 5-15
 use of recycled materials, 3-44
 withdrawal of bid, 5-17 to 5-18
 written record, 5-7
See also Buy America; Debarment; Disadvantaged business enterprises; Suspension from government procurement

Procurement System Review, 5-4

Product liability

categories of, 11-29
 causation analysis, 11-33
 conceptual evolution, 11-25 to 11-28
 contributory negligence defense, 11-34

- criteria of, 11-28 to 11-29
- as defective design, 11-29 to 11-31
- government immunity, 11-31 to 11-32
- of lessors, 11-32
- risk for transit operators, 11-24 to 11-25
- warnings, 11-31 to 11-32
- Program Fraud Civil Remedies Act (1986), 6-3, 6-4, 6-7 to 6-8, 6-14, 6-19
- Progress payments, 5-13
- Project labor agreements, 9-32
- Project management oversight, 4-21 to 4-23
- Project management plan, 4-20 to 4-21
- Projects of National and Regional Significance, 4-6
- Property acquisitions
 - appraisal process, 5-40 to 5-41
 - energy assessments, 5-46
 - federal legislation, 5-38 to 5-40
 - flood insurance and, 5-47 to 5-48
 - maintenance and management requirements, 5-46 to 5-47
 - nondiscrimination requirements, 5-45
 - process, 5-41 to 5-42
 - relocation of displaced persons, 5-42 to 5-45
 - transfer or disposal of, 5-55 to 5-57
- Property disposition, 5-55 to 5-57
- Property management, 5-46 to 5-47
- Property rights, civil rights and, 10-15 to 10-16
- Property sharing, 11-8 to 11-9
- Property trespass and nuisance, 11-22 to 11-23
- Proximate causality, 11-11 to 11-16, 11-18 to 11-19
- Public accommodation, 10-47 to 10-48
- Public Health Service Act, 10-3
- Public parks, 3-12 to 3-14
- Public participation in planning process, 1-4, 2-6, 2-12 to 2-13, 2-20 to 2-21, 2-23
- Public-private partnerships, 2-15 to 2-16, 4-32, 4-44 to 4-46
- Public Transportation Agency Safety Plan, 7-16 to 7-17
- Public Transportation Emergency Relief Program, 1-8
- Public Transportation on Indian Reservations, 4-8
- Public Transportation Safety Program, 1-7, 4-8

Q

- Qualified entities, 4-23 to 4-24
- Qualified human services organizations, 8-6, 8-17
- Qui tam* actions, 6-22 to 6-24

R

- Racial discrimination
 - employee claims of, 10-26 to 10-27
 - legal challenges to race-based preference in procurement, 10-10 to 10-12
 - in transportation, 10-36 to 10-41
 - See also* Civil rights law
- Racketeer Influenced and Corrupt Organizations Act, 5-22 to 5-24
- Rail operations
 - accessibility for passengers with disabilities, 10-56 to 10-57
 - accident investigation, 7-10 to 7-11

- civil penalties, 7-11 to 7-12
- conversion of terminals to intermodal use, 4-28 to 4-29
- Emergency Orders, 7-11
- employee and operating standards, 7-9 to 7-10
- employee drug and alcohol testing, 7-13
- employment laws, 9-14 to 9-16
- federal oversight, 1-15, 7-4 to 7-8
- Financial Assistance Program, 5-51
- grade crossings, 7-8 to 7-9
- indemnity agreements, 11-8 to 11-9
- inspections, 7-11
- line abandonment, 5-51 to 5-53
- line sales to noncarriers, 5-50 to 5-51
- mergers and acquisitions, 9-8, 9-11 to 9-14
- operating authority transfers and joint use agreements, 5-49 to 5-50
- safety regulation, 7-3 to 7-17
- state departments of transportation as providers of, 1-16
- trackage rights, 5-49 to 5-50
- track and equipment maintenance, 7-8 to 7-9
- Rail Passenger Service Act (1970), 9-12, 11-8
- Railroad Labor Board, 9-3
- Railroad Rehabilitation and Improvement Financing Program, 4-40
- Railroad Retirement Act, 7-4, 9-14 to 9-15
- Railroad Revitalization and Regulatory Reform Act (1976), 9-12 to 9-13
- Railroad Safety Authorization Act (1994), 7-3
- Rail Safety Enforcement and Review Act (1992), 7-3
- Rail Safety Improvement Act (1988), 7-3
- Rails-to-trails program, 5-52 to 5-53
- Rail Transit Safety Action Plan*, 7-18
- Railway Labor Act (1926), 1-15, 7-4, 9-3
 - administering board, 9-3
 - applicability, 9-3 to 9-4
 - bargaining rules, 9-7, 9-8 to 9-9
 - dispute resolution, 9-7 to 9-11
 - Labor Protective Provisions, 9-11 to 9-14
 - origins of, 9-3
 - purposed, 9-4
 - significance of, 9-3
 - state law and, 9-22
 - union certification under, 9-4 to 9-7
 - union's duty of fair representation under, 9-7
 - whistleblower protections, 9-14
- Rapid transit, 7-4 to 7-5, 7-6 to 7-8
- Reasonable prudence, 11-4 to 11-5
- Record of Decision, 3-36, 3-39, 3-44, 4-19 to 4-20
- Recreational projects, 3-12 to 3-13
 - rails-to-trails program, 5-52 to 5-53
- Recreational Trails, 3-12
- Recycled products, 3-44
- Regional planning, 2-3, 2-3 to 2-4, 2-30 to 2-31
- Regional transportation planning organizations, 2-12
- Rehabilitation Act (1973), 9-32, 10-3, 10-32 to 10-34, 10-42, 10-46, 10-47, 10-48, 10-52, 10-58, 10-59
- Religious discrimination, 10-3, 10-4, 10-28 to 10-29. *See also* Civil rights law

Relocation of displaced persons, 5-42 to 5-45
 Remedial Investigation and Feasibility Study, 3-36
 Request for proposals, 5-11
 Research, Development, Demonstration, and Deployment Projects, 1-9, 2-7
 Research and development

- Federal Transit Administration role in, 1-11
- intellectual property issues, 5-54
- intermodal, 2-20, 4-27
- ISTEA provisions, 1-5
- MAP-21 provisions, 2-7, 4-8
- SAFETEA-LU provisions, 2-21

 Research and Innovative Technology Administration, 4-8
Res ipsa loquitor, 11-8, 11-26
 Resource Conservation and Recovery Act, 3-3, 3-33 to 3-34, 3-39
Respondeat superior, 11-10 to 11-11
 Responsible bidder, 5-18, 6-9 to 6-10, 6-13
 Revenue bonds, 4-38
 Reverse commute, 4-23 to 4-24
 Revolving loans, 4-37, 4-39
 Right-of-way acquisition, 4-37, 5-49 to 5-50

- in federal legislation, 1-4
- to preserve for future use, 5-51 to 5-52

 Right-of-way sharing, 11-8 to 11-9
 Risk/utility analysis, 11-30 to 11-31
 Rolling stock

- accessibility for passengers with disabilities, 10-48 to 10-50, 10-56 to 10-58
- acquisition rules, 5-48 to 5-49
- disposition of, 5-56 to 5-57
- safety regulations, 7-3, 7-8
- See also* Buy America

 Rotation bidding, 5-24
 Rural Area Formula Grants, 1-9, 4-7
 Rural Transit Assistance Program, 4-8, 4-11
 Rural Transportation Accessibility Incentive Program, 4-11

S

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (2005)

- (SAFETEA-LU), 2-19, 4-4
- Buy America provisions, 5-29, 5-32
- capital project financing, 4-12 to 4-13
- environmental review under, 3-11 to 3-12
- major provisions, 1-6 to 1-7, 2-6 to 2-7
- planning support under, 2-14, 2-21, 4-9
- on preservation of historical or natural areas, 3-14
- public participation provisions, 2-13
- public-private joint development under, 2-15 to 2-16
- rural funding program, 4-11
- services to elderly and individuals with disabilities, 4-12
- transit funding, 4-4
- Urban Area Formula program, 4-10

 Safe Drinking Water Act, 3-40
 Safety

- bus regulations, 7-35 to 7-36

- calculus of risk, 11-5
- common carriers' duty of care, 11-3 to 11-4, 11-5
- construction, 7-36 to 7-37
- consumer expectations of product, 11-29 to 11-31
- fixed guideway public systems, 7-13 to 7-17
- foreseeability of risk, 11-11 to 11-12
- FTA initiatives, 7-17 to 7-18
 - as planning element, 2-7
 - rail, 7-3 to 7-17
 - regulatory rights of states to promote, 1-17
 - SAFETEA-LU provisions, 1-7, 2-18
 - security and, 2-7, 2-18, 7-37
 - state and local regulation, 7-39
 - vehicle operator qualifications, 7-31 to 7-35
- See also* Drug and alcohol use; Tort liability
- Safety Appliance Act, 7-3
- Sale/leasebacks, 4-44
- Sales taxes, 4-33
- San Francisco, California, 3-19
- School bus service, 1-4, 8-9 to 8-13
- Sealed bids, 5-10 to 5-11, 5-18
- Search and seizure, 7-28
- Seasonal transit service, 8-15
- Seat belt defense, 11-16 to 11-17
- Section 13(c) requirements of Federal Transit Act, 1-3 to 1-4, 9-3, 9-11, 9-12, 9-16, 9-17 to 9-21, 9-27
- Security, 2-7, 2-18, 7-37 to 7-38
- Seismic safety, 7-36 to 7-37
- Sex-based discrimination, 10-3, 10-4 to 10-5, 10-29 to 10-30. *See also* Civil rights law
- Sexual harassment, 10-30
- Sexual orientation, 10-46
- Shared corridors, 11-8 to 11-9
- Shared rights of way, 11-8 to 11-9
- Ship America, 5-37, 5-38
- Sightseeing services, 8-14
- Signal Inspection Act (1920), 7-3
- Small Business Act (1958), 10-6, 10-8
- Small purchase, 5-10
- Small Starts, 2-15, 4-4, 4-6, 4-7, 4-12
- Snail darter, 3-28
- Social equity concerns, 1-4, 2-5
 - environmental justice, 3-44 to 3-48, 10-5, 10-6
- Sole source procurement, 5-12
- Solid Waste Disposal Program, 3-33, 3-34
- Sovereign immunity, 7-29 to 7-30, 11-19 to 11-21, 11-31 to 11-32
- Special assessment districts, 4-34
- Special events waiver to charter regulations, 8-7 to 8-8, 8-17
- Staggers Rail Act (1980), 5-51
- Standard Bus Procurement Guidelines*, 5-48
- State and local government
 - in 3-C approach to planning, 2-16 to 2-18
 - civil rights claims against, 10-12 to 10-19
 - Clean Air Act requirements for, 3-14, 3-15, 3-16, 3-17 to 3-18
 - commercial motor vehicle regulation, 7-34 to 7-35

- debt financing for transit projects, 4-38 to 4-42
- departments of transportation, 1-15 to 1-16
- employee drug and alcohol testing, 7-30 to 7-31
- ethics ordinances, 6-4
- federal requirements for project planning, 1-4, 1-6
- financial contributions to federally-funded projects, 4-32 to 4-35
- fixed guideway system safety regulation, 7-13 to 7-17
- flexibility in allocation of federal funds, 1-5, 2-5, 2-6
- historical evolution of federal transit law, 1-4, 1-6
- labor law jurisdiction, 9-21 to 9-22, 9-26 to 9-27, 9-28, 9-29 to 9-31
- long-range planning requirements for, 2-21 to 2-23
- MPO relationship with, 2-30 to 2-31
- police powers, 1-16 to 1-18
- regional transportation planning organizations, 2-12
- requirements for MPOs, 2-9 to 2-11
- safety regulation, 7-39
- sovereign immunity, 11-20 to 11-21
- transfer of federal assets to, 5-55 to 5-56
- transit agency organizations, 1-18 to 1-21
- State historic preservation officers, 3-42 to 3-43
- State Implementation Plan, 2-18, 2-21, 2-23
 - Clean Air Act requirements, 3-17, 3-18 to 3-19
- State Infrastructure Banks, 4-42
- Statement of work, 5-15
- State of Good Repair Grants, 1-7
- State Planning and Research Program, 4-8 to 4-9
- State Rail Safety Oversight, 7-39
- State Safety Oversight Agency, 7-14, 7-15 to 7-16, 7-17
- Statewide Transportation Improvement Program, 1-16, 2-13, 2-16, 2-26, 2-27, 2-27 to 2-28
- Strict liability, 11-23 to 11-24
- Substance abuse. *See* Drug and alcohol use
- Substance abuse professional, 7-23, 7-25
- Superfund. *See* Hazardous Substance Response Trust Fund
- Superfund Amendments and Reauthorization Act, 3-35 to 3-36
- Super turnkey projects, 4-36
- Surety bonds, 5-20 to 5-22, 7-36
- Surface Transportation Advancement Act (1982), 10-43
- Surface Transportation and Uniform Relocation Assistance Act (1987), 4-14, 4-21, 4-39, 4-42 to 4-43, 5-28, 5-35, 10-6
- Surface Transportation Assistance Act (1978), 1-4, 5-28, 10-6
- Surface Transportation Assistance Act (1982), 5-28
- Surface Transportation Board, 1-15, 5-49, 5-50 to 5-51, 7-4, 9-3, 9-14
- Surface Transportation Program, 1-21, 2-5, 2-6, 3-20, 3-21, 4-9, 4-26, 4-36, 4-45, 4-46
- Surgeon General, 3-14
- Suspension from government procurement
 - agency actions resulting in, 6-13 to 6-15
 - causes for, 6-14 to 6-15
 - certification, 6-21 to 6-22
 - notice of, 6-14, 6-19
 - proceedings, 6-19 to 6-21
 - regulations, 6-10 to 6-13
 - scope of, 6-18 to 6-19
 - settlement, 6-19 to 6-20

Swift Rail Development Act (1994), 7-3
 System Safety Program Plan, 7-15

T

Taft-Hartley Act. *See* Labor Management Act (1947)

Tailor bids, 5-24

Takings

- under Endangered Species Act, 3-28
- incidental, 3-28
- inverse condemnation as, 11-23

Tapered match, 4-32

Tax-anticipation debt, 4-40

Taxes, 4-32, 4-33 to 4-34

Taxi cabs, 10-56, 10-57

Tax-increment financing, 4-39

TEA-21. *See* Transportation Equity Act for the 21st Century (1998)

TEAM grants making system, 8-18

Technical Assistance and Standards Development program, 1-8, 4-8

Technical capacity, 5-46

Terrorist attacks, 1-14, 7-38

3-C planning. *See* Cooperative, comprehensive, and continuing (3-C) planning

TIGGER Program, 4-5, 4-8

Time-and-materials contracts, 5-12 to 5-13

TIP. *See* Transportation Improvement Program

Toll revenue, 4-32 to 4-33

Tort liability

- analysis of negligence in, 11-4 to 11-8, 11-11 to 11-12
 - average industry payments, 11-3
 - burden of proof in, 11-3
 - causation analysis, 11-6 to 11-7, 11-10 to 11-4
 - defenses, 11-16 to 11-21
 - for foreseeable assaults, 7-38
 - government immunity, 11-19 to 11-21
 - indemnity agreements and, 11-8 to 11-9
 - multiple tortfeasors, 11-10
 - nuisance cases, 11-22 to 11-23
 - for plaintiff's emotional injury, 11-14 to 11-15
 - recovery of economic injury, 11-15 to 11-16
 - rescue doctrine, 11-13
 - risk management, 11-34
 - significance of, for transit organizations, 11-3
 - standard of care for common carriers, 11-3 to 11-4
 - statutory violation and, 11-6 to 11-8
 - strict liability doctrine, 11-23 to 11-24
 - trespass and, 11-22
 - zone of danger rule, 11-14 to 11-15
- See also* Product liability

Toxic Substances Control Act, 3-39

Trackage rights, 5-49 to 5-50

Traffic congestion

- carpooling and ridesharing, 3-43, 4-25
- federal funding for addressing, 1-7
- Transportation Management Area management plan, 2-12

- Transit agencies, local
 - formation, 1-19
 - general powers, 1-20 to 1-21
 - governing boards, 1-19 to 1-20
 - management, 1-20
 - provision of services to employees, 8-14
 - role of, 1-18
- Transit Asset Management, 1-8
- Transit Cooperative Research Program, 4-8, 4-35
- Transit impact fees, 4-34
- Transit Investments for Greenhouse Gas and Energy Reduction, 3-27
- Transit-Oriented Development Planning Grants Program, 1-8, 2-7
- Transit System Security Plan, 7-38
- Transportation Act (1920), 9-3
- Transportation Act (1940), 2-19
- Transportation control measures (TCMs), 2-20, 2-23, 3-15, 3-17, 3-18, 3-19, 3-20, 3-43
- Transportation Enhancement projects, 3-12
- Transportation Equity Act for the 21st Century (1998) (TEA-21), 2-14
 - Buy America provisions, 5-29
 - Clean Fuels Formula Grants, 4-25
 - credit programs, 4-40
 - disadvantaged business provisions, 10-4
 - flexible funding program, 4-24, 4-30
 - goals for disadvantaged business enterprises, 10-8 to 10-9
 - intermodal objectives, 2-19, 4-27
 - Job Access and Reverse Commute program, 4-23 to 4-24
 - New Starts funding, 4-13, 4-14
 - planning provisions, 1-6, 2-6
 - transit funding, 4-3
- Transportation Improvement Program (TIP), 2-23 to 2-26
 - 3-C approach to planning, 2-17
 - Clean Air Act compliance, 2-26
 - development process, 2-24, 2-25
 - environmental considerations, 3-21, 3-22
 - financial plan, 2-24, 2-25
 - ISTEA requirements for metropolitan planning organizations, 1-18, 2-5
 - MAP-21 requirements, 2-25
 - MPO responsibilities, 2-3, 2-4 to 2-5, 2-23, 2-25 to 2-26, 3-20
 - MPO–state government relationship and, 2-30 to 2-31
 - performance-based approach in, 2-16
 - project identification and selection, 2-25 to 2-26
 - public participation in, 2-13, 2-23
 - purpose of, 3-11
 - required elements, 2-23, 2-24 to 2-25
 - SAFETEA-LU requirements, 2-7, 4-4, 4-9
 - Statewide Transportation Improvement Program and, 2-26
 - TEA-21 requirements, 1-6, 2-6, 4-27
 - update schedule, 2-23, 2-27, 3-11
- Transportation Infrastructure Finance and Innovation Act (1998), 4-40 to 4-42
- Transportation Management Areas, 2-11, 2-12, 2-17, 2-26
- Transportation Management Associations, 1-6
- Transportation Security Act (2001), 1-14
- Transportation Security Administration, 1-14, 7-38

Transportation System Management, 4-13
 Treatment, storage, and disposal facilities, 3-33, 3-34
 Trespass, 11-22
 Tribal Transit program, 4-4, 4-5
 Triennial Review, 5-4
 TRIGGER program, 3-27
 Tripper service, 8-11 to 8-12
 Trolleys, 8-20
 Turnkey projects, 4-36, 8-14 to 8-15

U

Underground Injection Control Program, 3-28 to 3-29
 Unified Planning Work Program (UPWP), 2-17, 2-20, 2-26, 2-27
 Uniform Appraisal Standards for Federal Land Acquisition, 5-40
 Uniform Relocation Assistance and Real Property Acquisition Policies Act (1970), 5-38 to 5-40, 5-41, 5-42, 10-40
 Unilateral Administrative Order, 3-36
 Unions

- bargaining rules, 9-7
- company mergers and acquisitions and, 9-8, 9-11 to 9-14
- contract negotiations, 9-8 to 9-9
- discrimination claims against, 10-27
- dispute resolution, 9-7 to 9-11
- duty of fair representation, 9-7
- National Labor Relations Act protections, 9-23 to 9-27
- organization and certification, 9-4 to 9-7, 9-23
- state laws on, 9-30 to 9-31
- transit, 9-17

 United Bus Owners of America, 8-5
 University Transportation Centers Program, 4-8
 Unsolicited proposals, 5-12
 Urbanized Area Formula Grants, 1-9, 2-7, 4-6, 4-7, 4-9 to 4-10, 4-36, 4-37
 Urban Mass Transportation Act (Federal Transit Act) (1964), 1-3, 1-10, 2-3, 4-3, 4-20 to 4-21, 4-31, 4-42, 5-28, 8-3, 8-4, 8-10, 9-12, 9-16 to 9-21, 10-3, 10-42
 Urban Mass Transportation Administration, 1-5, 1-9, 1-10, 3-9, 5-28, 7-19, 8-3, 10-42, 10-43
 Urban Mass Transportation Assistance Act (1970), 1-4, 10-42
 Urban rapid transit, 7-6 to 7-8
 Utah, 4-3
 Utility taxes, 4-33 to 4-34
 Utilization

- demand forecasting, 2-14
- needs assessment, 2-13 to 2-14
- passenger rail service, 11-8
- public transportation, 1-3, 1-4, 4-3, 9-16

V

Vehicle miles of travel, 4-3
 Vicarious liability, 11-10 to 11-11

W

Wage laws, 1-3 to 1-4, 9-27 to 9-30
 Warning, product, 11-31 to 11-32
 Warranties, 11-27 to 11-28, 11-32 to 11-33

Waste management, 3-33 to 3-34

Water quality

 federal programs, 3-28 to 3-29. *See also specific program*

 Safe Drinking Water Act, 3-40

See also Federal Water Pollution Control Act

Water transportation, America First regulations, 5-37, 5-38

Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 2-19, 4-29, 9-14

Wetlands, 1-5, 3-32 to 3-33

Whistleblower Protection Act, 6-24

Whistleblowers, 6-22 to 6-24, 7-9, 7-33, 9-14

Wild and Scenic Rivers Act, 3-40

Wildlife and waterfowl refuges, 3-12 to 3-14

Willing and able providers, 8-5 to 8-6

Workforce Development program, 4-7

Z

Zoning, 2-15