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From street cars to subways, bus rapid transit systems to commuter rail, and light to heavy rail, the Federal Transit Administrations (FTAs) New Starts and Small Starts programs have helped to make possible hundreds of new or extended transit fixed guideway systems across the country. Codified in 49 USC § 5309, the New Starts and Small Starts Programs are the federal government’s primary financial resource programs for supporting locally-planned, implemented, and operated transit “guideway” capital investments for the construction of new transit systems and extensions to existing systems. These programs have improved the mobility of millions of Americans. Additionally, the transit systems have increased economic development, helped to reduce congestion, improve air quality in the areas they serve and fostered the development of viable, safer, and more livable communities.

The New Starts Program

The New Starts Program was created by Congress in the Urban Mass Transportation Act of 1964 (“UMTA”) to fund major investments in transit infrastructure for urbanized areas. Transit project sponsors seeking more than $75,000,000 in Federal New Starts funds must apply to FTA under the New Starts Program criteria at 49 USC § 5309 (d). The Section 5309 program provides funding for the establishment of new rail or busway projects (new starts), the improvement and maintenance of existing rail and other fixed guideway systems that are more than seven years old, and the upgrading of bus systems. Capital assistance grants made to states and local agencies are funded up to 80% of the net project costs, unless the grant recipient requests a lower Federal grant percentage.

The FTA writes recommendations to Congress for new starts funding in the annual New Starts Report after an extensive project development and evaluation process has taken place. FTA is required to evaluate each proposed new starts project according to a series of criteria for project justification and local financial commitment. As projects proceed through the stages of the planning and project development process, they are evaluated against the full range of statutory criteria. The evaluation will result in a rating of “highly recommended”, “recommended”, or “not recommended” for each project.

The Small Starts Program

Likewise, the Small Starts Program was created in 2005 by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for USERS (“SAFETEA-LU”). Transit projects seeking less than $75,000,000 in Federal funds for a project with a total estimated net capital cost of less than $250,000,000 may apply to FTA under the Small Starts Program criteria at 49 USC § 5309 (e). The Small Starts Program is designed for a simpler FTA review process than the New Starts Program, with fewer criteria and grant requirements.

Additionally, if the assistance provided with respect to a new fixed guideway capital project is less than $25,000,000, the requirements of subsection (e) of 49 USC § 5309 shall not apply to the project until such date as the final regulation to be issued under paragraph (9) takes effect. Thus, until the passage of SAFETEA-LU, transit projects seeking less than $25,000,000 in Federal New Starts or Small Starts funds were exempt from FTA evaluation altogether. This exemption will remain until FTA issues regulations establishing an evaluation and rating process for the Small Starts Program. Until such rule is finalized, the very small scale projects can still receive and obligate federal funds without a formal FTA evaluation process.

New Starts and Small Starts Program Criteria

The New Starts and Small Starts projects may be approved for federal funding only if they meet 3 basic criteria rated on a five-point scale including high, medium-high, medium, medium-low, and low designations.

For a New Starts Project, the Secretary may approve a grant under this section for a major new fixed guideway capital project only if the Secretary, based upon evaluations and considerations set forth in paragraph (3) of 49 USC § 5309, determines that the project is:

(A) Based on the results of an alternatives analysis and preliminary engineering;

(B) Justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, operating efficiencies, economic development effects, and public transportation supportive land use policies and future patterns; and

(C) Supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources) to construct, maintain, and operate the system or extension, and maintain and operate the entire public transportation system without requiring a reduction in existing public transportation services or level of service to operate the proposed project.

For the Small Starts Program, the Secretary may provide Federal assistance with respect to a proposed project only if the Secretary finds that the project is:

(A) Based on the results of planning and alternatives analysis;

(B) Justified based on a review of its public transportation supportive land use policies, cost effectiveness, and effect...
on local economic development; and
(C) Supported by an acceptable degree of local financial
commitment.

In both the New Starts and Small Starts Program project
justification criteria evaluated by the FTA, cost effectiveness of
the project and time saved are the major determining factors
for the funding of projects.

Looking Ahead
In remarks at the 2010 Transportation Research Board
annual meeting, U.S. Transportation Secretary Ray LaHood
announced the Obama Administration’s plans to change how
projects are selected to receive federal financial assistance in the
FTA’s New Starts and Small Starts Programs. The change will
apply to how the FTA evaluates major transit projects going
forward. In making funding decisions, the FTA will promote
livability and now evaluate the environmental, community
and economic development benefits as well as congestion relief
benefits provided by transit projects, in addition to cost and
time saved, which as stated above, are currently the primary
criteria.

As part of this initiative, the FTA will immediately rescind
budget restrictions issued by the previous Administration
in March of 2005 that focused primarily on how much a
project shortened commute times in comparison to its cost.
In addition, the FTA will initiate a separate rulemaking
process and inviting public comment on ways to appropriately
measure all the benefits that result from such investments.
The rescission of the budget decision principle requiring at
least a Medium rating on cost-effectiveness for a funding
recommendation takes effect immediately. Changes to the New
and Small Starts evaluation and rating process will take effect
upon completion of the rulemaking process.

As Florida looks toward passenger rail—both through
commuter and high speed rail initiatives—as an important
investment in Florida’s infrastructure future, one which
provides innovative and green transportation options for
commuters and visitors, while creating jobs and helping
recharge our state’s economy, the New Starts and Small Starts
Program will be critical to helping Florida achieve its goals.

Appropriations for transit systems in the Obama
Administration’s Federal Stimulus Package included $750
million for the New Starts program. SAFETEA-LU has
authorized $6.6 billion in New Starts funding through fiscal
year 2009. Moreover, in fiscal year 2010, SAFETEA-LU was
extended and Congress appropriated $2 billion in New Starts
funding. Annually, $200 million of this funding is set-aside
for Small Starts Programs (i.e., major transit capital projects
costing less than $250 million, and requiring less than $75
million in Small Starts resources).

While the level of New Starts funding has never been higher,
neither has the demand for it. SAFETEA-LU authorized over
330 projects nationwide to compete for these discretionary
federal dollars. Many of these projects are currently in FTA’s
New Starts pipeline (that is, projects pursuing New Starts
funding which are in the preliminary or final design stages of
development, or Small Starts projects approved into the single
“project development” phase). Nationally, Florida’s SunRail
project, a joint federal-state-local partnership for 61 miles of
commuter rail, with the federal government funding 50% of

the total cost of the project, is next in line for final approval
and federal funding from the FTA as part of the New Starts
Program.

Additionally, even though it is not a part of the New Starts and
Small Starts Program, in January 28, 2010, President Obama
announced Florida was awarded $1.25 billion in American
Recovery and Reinvestment Act funds to start construction
of the Tampa-Orlando leg of the federally designated Tampa-
Orlando-Miami High Speed Rail (HSR) corridor. In turn, the
government further announced on June 28, 2010, a
new round of competition for $2.1 billion for HSR systems.
Florida applied for $1.12 billion of these funds, which would
largely complete the capital funding program for the Tampa-
Orlando HSR project. The federal government expects to
announce these awards later in 2010. FDOT’s financial plan
for HSR assumes approximately $2.2 billion of the projected
$2.7 billion cost will come from federal funding, with the
balance coming from a combination of state and private
sources.

In conclusion, even though this is a technical area, federal
transit funding programs such as the FTA’s New Starts and
Small Starts Programs are rapidly changing the transportation,
mobility, livability, economic development, and infrastructure
of our world.

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