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Appendix A

Federal Requirements for TIFIA & RRIF TOD Loan Program (non-Chapter 53 projects)

Note: The following table identifies the certain key Federal requirements applicable to TOD projects for which the sponsor is pursuing TIFIA or RRIF funding only. If the TOD project sponsor is also applying for Chapter 53 funds (e.g., public transportation grant funding) or may pursue Chapter 53 funds in the future, this list does not contain all applicable requirements. In those cases, the TOD project sponsor should coordinate directly with FTA to discuss requirements.

Requirement	Statutory/Regulatory Reference	Applies to TIFIA, RRIF or Both?
Core Socioeconomic Requirements		
Buy America	IIJA Title IX Build America, Buy America; OMB Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure	Both, but see January 2025 Policy Update regarding Manufactured Products content requirements for TOD housing projects.
	Executive Order 14005	Both
	23 U.S.C. § 313; 49 U.S.C. § 5323(j)	TIFIA
Davis-Bacon Wage Rates	40 U.S.C. §§ 3141-3148	RRIF
	29 CFR Part 5	RRIF
	49 U.S.C. § 24312	RRIF
Labor Protective Arrangements	49 U.S.C. § 22404	RRIF
Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs	42 U.S.C. §§ 4601-4655	Both
	49 CFR Part 24	Both
Cargo Preference Act of 1954	46 U.S.C. § 55305	Both

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	46 CFR Part 381	Both
Fly America	49 U.S.C. § 40118	Both
	41 CFR §§ 301-10.131-301-10.143	Both
Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards		
Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards	2 CFR Part 200 (and DOT implementing regs at 2 CFR Part 1201)	Most of Uniform Requirements do not apply to loans
	§200.303 Internal Controls	Both
	§200.331-333 Subrecipient Monitoring	Both
	Subpart F (§§ 500-521) Audit Requirements	Both
Single Audit Act	31 U.S.C. §§ 7501 -7506	Both
	2 CFR Part 200, Subpart F	Both
Universal Identifier and System for Award Management (SAM)	2 CFR Part 25	Both
Debarment and Suspension	2 CFR Part 180	Both
	2 CFR Part 1200	Both
	Executive Order 12549	Both
	Executive Order 12689	Both
Reporting Subawards and Executive Compensation	Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282, as amended by section 6202 of Pub. L. 110–252 and further amended by section 872 of Pub. L. 110-417))	Both
	2 CFR Part 170	Both

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Requirement	Statutory/Regulatory Reference	Applies to TIFIA, RRIF or Both?
Other Prohibited Activity		
Political Activity	5 U.S.C. §§ 1501 – 1508 (Hatch Act)	Both
	5 CFR Part 151	Both
False or Fraudulent Statements or Claims (False Claims Act)	18 U.S.C. § 1001	Both
	31 U.S.C. § 3802	Both
	49 CFR Part 31	Both
Human Trafficking	22 U.S.C. §§ 7104(g), 7104a, 7104c	Both
Copeland Act Anti-Kickback	18 U.S.C. § 874	Both
	40 U.S.C. § 3145	Both
	29 CFR Part 3	Both
Nondiscrimination		
Nondiscrimination generally	49 U.S.C. § 306	RRIF
Nondiscrimination - Title VI of the Civil Rights Act	42 U.S.C. §§ 2000d – 2000d-7 (Title VI of the Civil Rights Act of 1964)	Both
	49 CFR Part 21	Both
	28 CFR § 50.3	Both
Equal Employment Opportunity for Individuals with Disabilities	42 U.S.C. §§ 12101-12117 (Title I of the Americans with Disabilities Act of 1990)	Both
	29 CFR Part 1630	Both
	42 U.S.C. §§ 2000e – 2000e-17 (Title VII of the Civil Rights Act of 1964)	Both
	Executive Order 11246	Both
	41 CFR Subtitle B, Chapter 60 (§§60-1-60-999)	Both
Nondiscrimination on the Basis of Sex or Blindness	20 U.S.C. §§ 1681 – 1689 (Title IX of the Education Amendments of 1972)	Both

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	49 CFR Part 25	Both
Nondiscrimination on the Basis of Age	29 U.S.C. §§ 621-634 (Age Discrimination in Employment Act)	Both
	29 CFR Part 1625	Both
	42 U.S.C. §§ 6101 – 6107 (Age Discrimination Act of 1975)	Both
	45 CFR Part 90	Both
Nondiscrimination on the Basis of Disability	29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)	Both
	49 CFR Part 27	Both
	42 U.S.C. §§ 12181-12189 (Americans with Disabilities Act)	Both
	28 CFR Part 36	Both
	42 U.S.C. §§ 4151 – 4157	Both
	49 CFR Part 37	Both
	49 CFR Part 38	Both
	49 CFR Part 39	Both
	28 CFR Part 35	Both
	47 U.S.C. § 255 (Section 255 of the Communications Act of 1934)	Both
	47 CFR Part 64, subpart F	Both
	36 CFR Part 1194	Both
	49 CFR Part 609	Both
Drug or Alcohol Abuse	42 U.S.C. §§ 290dd-290dd-2	Both
Access to Services for Persons with Limited English Proficiency	U.S. DOT Notice “DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency Persons”	Both
	42 U.S.C. §§ 3601-3619 (Fair Housing Act)	Both

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Requirement	Statutory/Regulatory Reference	Applies to TIFIA, RRIF or Both?
Nondiscrimination in Housing	Executive Order 12892	Both
Environmental Laws		
NEPA	42 U.S.C. § 4321 et seq (NEPA)	Both
	40 CFR Part 1500	Both
	23 U.S.C. § 139	Both
	23 CFR Part 771	Both
	Executive Order 11514	Both
Environmental Justice	Executive Order 12898	Both
	USDOT Updated Environmental Justice Order 5610.2(a) (77 FR 27534-02)	Both
	Environmental Justice Policy Guidance for Federal Transit Administration Recipients (FTA Circular 4703.1)	Both
Clean Air Act	42 U.S.C. §§ 7401-7671q	Both
Federal Water Pollution Control Act	33 U.S.C. §§ 1251-1388	Both
Rivers and Harbors	33 U.S.C. §§ 401 and 525	Both
Public Water Systems	42 U.S.C. §§ 300f-300j-27	Both
Wild and Scenic Rivers Act	16 U.S.C. §§ 1271-1287	Both
Coastal Zone Management Act of 1972	16 U.S.C. §§ 1451-1467	Both
Endangered Species Act	16 U.S.C. §§ 1531-1544	Both
Magnuson Stevens Fishery Conservation and Management Act	16 U.S.C. §§ 1801-1891d	Both
Fish and Wildlife Coordination Act of 1956	16 U.S.C. §§ 661-668ee	Both

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Protection and Conservation of Wildlife	16 U.S.C. §§ 661-668ee	Both
Migratory Birds	16 U.S.C. §§ 703-712	Both
Comprehensive Environmental Response, Compensation, and Liability Act	42 U.S.C. §§ 9601-9675	Both
Resource Conservation and Recovery Act	42 U.S.C. §§ 6901-6992k	Both
	40 CFR Part 247	Both
Protection of Wetlands	Executive Order 11990	Both
Use of Certain Public Lands, Historic Sites	49 U.S.C. § 303	Both
	23 U.S.C. § 138	Both
	23 CFR Part 774	Both
Historic Preservation	54 U.S.C. § 306108	Both
	36 CFR Part 800	Both
	54 U.S.C. §§ 312501-312508	Both
Indian Sacred Sites	42 U.S.C. § 1996 (American Indian Religious Freedom Act, as amended)	Both
Energy Conservation	42 U.S.C. § 6322	Both
Miscellaneous		
Geographic Information and Related Spatial Data	OMB Circular No. A-16 Revised	Both
	OMB Circular A-16 Supplemental Guidance	Both
Federal "\$1 Coin" Requirements	31 U.S.C. § 5112(p)	Both
Public Transportation Safety	49 U.S.C. § 5329	Both
	49 CFR Part 674	Both
Motor Carrier Safety	49 U.S.C. § 31138	Both

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	49 CFR Part 387	Both
	49 CFR Part 390	Both
	49 CFR Part 383	Both
	49 CFR Part 384	Both
	49 CFR Part 382	Both
Alcohol Misuse and Prohibited Drug Use	49 U.S.C. § 5331	Both
	49 CFR Part 655	Both
	49 CFR Part 40	Both
Protection of Sensitive Security and Other Sensitive Information	49 CFR Part 15	Both
	49 CFR Part 1520	Both
Electronic Signatures in Global and National Commerce Act	15 U.S.C. § 7001	Both
Protection of Human Subjects	49 CFR Part 11	Both
Protection of Animals	7 U.S.C. §§ 2131-2160	Both
	9 CFR Chapter III, Subchapter A (§§ 300-381)	Both
Export Control	15 CFR Subchapter C (§§ 2000-2099)	Both
Planning Requirements and Guidance	23 CFR Part 450	TIFIA
Contract Work Hours and Safety Standards	40 U.S.C. §§ 3701-3708	Both
	29 CFR Part 1926	Both
Occupational Safety and Health	Occupational Safety and Health Act of 1970 - 29 U.S.C. §§ 651-678 (Chapter 15)	Both
	29 CFR Part 1910	Both
	29 CFR Part 1904	Both
Rights to Inventions	35 U.S.C. §§ 200-212	Both

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	37 CFR Part 401	Both
Restrictions on Lobbying	31 U.S.C. § 1352	Both
	49 CFR Part 20	Both
Project Labor Agreements	Executive Order 13502	Both
National Intelligent Transportation Systems Architecture and Standards	23 U.S.C. § 517	TIFIA
Flood Insurance	42 U.S.C. §§ 4001-4131	Both
Construction; Seismic Safety	Executive Order 13717	Both
	49 CFR Part 41	Both
Major Capital Investment Projects; Project Management Oversight	49 U.S.C. § 5327	Both
	49 CFR Part 633	Both
Fair Labor Standards Act	29 U.S.C. §§ 201-219	Both
Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment	Section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115–232)	Both
	2 CFR § 200.216	Both