

FTA Expedited Project Delivery Pilot Program Webinar
Wednesday, August 26, 2020 2:00-3:30 pm Eastern
Webinar Transcript

>> Moderator: Hello, everyone. Welcome to today's webinar on the Federal Transit Administration Expedited Project Delivery Pilot Program or EPD Pilot Program. I'm DJ Mason, from the US DOT Volpe Center. I'm going to kick off by briefly going over logistics of the web room. The purpose of the event is to share information on the EPD Pilot Program, including its basic requirements and application information. We will cover topics including the Notice of Funding Opportunity, the process for submitting via electronic application, and the grant evaluation process and schedule. Very quickly before we get started, I would like to learn a little bit about who is joining us. You'll see two poll boxes pop up on your screen in just a moment. Our first poll question asks you to indicate your affiliation, the second asks about your level of familiarity with the EPD Pilot Program. Take a couple minutes to answer these questions. If you haven't answered, please take a second to do so.

All right. Thank you so much. Thank you for your response. Looks like we have a nice mix joining us of transit agencies, a few folks and others, as well. We thank you for taking the time to join us today. Quickly, I would just like to note the contents of the presentation do not have the force and effect of law, and are not meant to bind the public in any way. This presentation is intended to provide clarity to the public regarding existing requirements under the law or agency policies. Grantees and sub grantees should refer to FTA's statutes and Notice of Funding Opportunity for applicable requirements of the EPD Pilot Program. If you have questions throughout the webinar or have difficulties with the web room, please message me, I'm DJ Mason or my colleague Rachel McBrien using the chat box on the left side of your computer screen. All of the lines are muted currently. We ask you please mute your own phones to avoid potential disruptions. Also please note today's event is being recorded. We plan to address all of the questions at the end of today's presentation. Please type your question or comment into the Q&A box located in the left-hand side of the webinar room and indicate your name and agency or region. I'll then use this list as a starting point to kick off our Q&A at the end of the presentation today. Finally, you might expand the caption window at the bottom of your screen by clicking the up arrow and zoom in or out using the plus or minus buttons below the slides. With that, I'd like to introduce Mr. Mark Ferroni, Deputy Associate Administrator of FTA's Office of Planning Environment, who will provide opening remarks on behalf of FTA. Mark.

>>Mark Ferroni: Thank you, DJ, good afternoon. For those on the West Coast, good morning. For those in the central part of the country, thank you for sharing your lunch with us. Welcome to the EPD Pilot Program webinar. I am Mark Ferroni, Deputy Associate Administrator of FTA's Office of Planning and Environment. We appreciate everyone's interest in the EPD Pilot Program and your willingness to join us for this informational webinar. We are pleased to offer this webinar today to provide an overview of the EPD Pilot Program. We are here today because, on July 28, FTA announced via the Federal Register the opportunity to apply for funding under the EPD

Pilot Program. The program, as authorized by Section 3005(b) of the Fixing America's Surface Transportation Act, or FAST Act, is aimed at expediting the delivery of new fixed guideway capital projects, small starts projects, or core capacity improvement projects. Part of what makes the EPD program "expedited" is that we will notify applicants in writing within 120 days after the receipt of a complete application on whether or not their application has been approved for a grant award. The EPD Pilot Program is not FTA's Capital Investment Grant (CIG) program. One big difference is that the requirements of the EPD Pilot Program need to be completed or satisfied prior to submitting an application as opposed to being developed after entering into the program. This is different than CIG where the requirements are developed or satisfied as the project progresses through the CIG process. Having the requirements completed or satisfied prior to submitting an application is another way that this process is expedited, and the only way an FTA decision can be made within the required 120 days. At any time during this webinar, please feel free to submit questions into the chat pod. We have allotted plenty of time after the technical portion of the program to answer your questions. Just a reminder, this webinar is being recorded. And a copy of this presentation will be available for download and will be posted on the FTA EPD Pilot Program website. In front of you is the agenda for today's webinar. Before we begin, I would like to introduce the other staff within FTA's Office of Planning and Environment leading the management of the EPD Pilot Program: Susan Eddy, Office of Capital Project Development, who is our technical lead; Tonya Holland, Office of Planning; and Dee Phan, Office of Environmental Programs. We will begin this webinar with an overview of the EPD Pilot Program, then proceed with details on the Notice of Funding Opportunity (NOFO), process for submitting an application via the electronic system, evaluation and selection process, and then open it up to questions and answers. This slide provides a high level timeline of recent EPD Pilot Program activities. On September 12, 2018, FTA published a Federal Register Notice soliciting expressions of interest in the EPD Pilot Program. Four project sponsors, representing a total of seven projects, submitted expressions of interest. Before and after this notice was published, we held several listening sessions at APTA workshops. Just about a year ago, on August 28, 2019, FTA announced the allocation of \$125 million to the Santa Clara Valley Transportation Authority for the Bay Area Rapid Transit Silicon Valley Phase II project. Then again, on July 28, 2020, FTA announced the Notice of Funding Opportunity in the Federal Register. The NOFO announced \$225 million available for a grant award, with a remaining \$100 million still available for an allocation. FTA may award additional funds if they're made available to us. The EPD Pilot Program funds grants for new transit systems, extensions through existing systems, or in the case of core capacity projects, a capital investment that increases the capacity of an existing corridor by not less than 10%. The EPD Pilot Program is designed to streamline project delivery of new transit infrastructure, and encourage innovative partnerships and funding so projects can be completed more quickly. As previously stated, the EPD Pilot Program is not the CIG program. This is very important. The EPD Pilot Program has some similarities to the CIG program, but is not the same as CIG. There are several differences. For example, some of the definitions are different. You have to meet a higher bar to enter into the EPD program as opposed to CIG's Project Development, and it has a different review process and timeline, which we will discuss more later in

this webinar. Please read the NOFO carefully, and do not hesitate to reach out and contact us with questions. Project sponsors should reach out to FTA to begin the coordination process well in advance of submitting an application. Per the requirements of the FAST Act, applications will be accepted on a rolling basis until up to eight grants are awarded and subject to the availability of funds. As previously stated, the NOFO was published in the Federal Register, which is common for FTA NOFOs. However, all applications are to be submitted via the FTA website as opposed to Grants.gov. This is to allow for applications to be received on a rolling basis. The website includes the required forms and specific instructions for these forms and attachments required for submission. Applicants may also attach additional supporting information. This slide shows some of the requirements, per the FAST Act. Again, please read the NOFO for all the requirements. Projects must include a public-private partnership or P3, but be operated and maintained by employees of an existing transit provider. The definition of a P3 is in the NOFO. The total federal funding is limited to 25% of the total project cost. There is no minimum or maximum funding amount as long as the Federal share stays at or below 25% of the total cost. The sponsor must have advisors that are independent from investors. The sponsor must also certify that the existing transit system is in a state of good repair, which may be waived for core capacity projects. Upon receipt of a complete application, FTA must notify the project sponsor within 120 days if the grant request is approved or the request does not meet the requirements of the NOFO. This chart maps out what is in and what is outside the required 120 days. Once the project sponsor submits their application, they will be notified by FTA within 15 business days if any items are missing or incomplete. To achieve this, FTA will do a high level review during these 15 business days to make this determination. If the submitted application is missing requirements, or requirements are not complete, then the application will be denied and therefore not progress to the next step. So please listen carefully to the following sections of this webinar for more information on the requirements of the EPD Pilot Program. The 120-day timeline begins once the application is deemed complete by FTA. Once deemed complete, FTA will do a more detailed evaluation of the application and review of the submitted materials. This 120 days also includes Administrator Review across USDOT and all necessary Departmental approvals on the recommended action. By 120 days, if not before, FTA will notify the project sponsor as to whether their grant request has been approved or disapproved. If disapproved, the request, as per the requirements of the NOFO, will include a detailed explanation of the reason for that disapproval. The law also requires FTA to notify Congress of the decision that is made within this 120-day period. Once the application is approved, FTA will work with the sponsor on the grant agreement, typically a Full Funding Grant Agreement or FFGA, and will also work with the sponsor to get into FTA's Transit Award Management System or TrAMS. Congress must be notified again 30 days before the grant agreement is signed. With that, I'll turn it over to Susan.

>>Susan Eddy: Thank you, Mark. Hello. My name is Susan Eddy. I am a community planner in FTA Headquarters in the Office of Planning and Environment. In the coming slides, I'm going to be reviewing the EPD program requirements as they're outlined in the FAST Act, and the NOFO. I do want to point out that this is a Pilot Program, so there is no specific guidance for the EPD program at this time. So the applicants must

follow the FAST Act and follow the NOFO. The next slide is an overview of the NOFO, again, Notice of Funding Opportunity. And what this slide has is the requirements to apply to the program. Before someone applies, these must be completed. Not going to read them all, but I'll highlight a few of the things I think are most important for you to understand. The NOFO clarifies that NEPA, the environmental process, must be completed before the application can be submitted. You'll also see reference to planning activities, what we mean by that is the locally preferred alternative, the LPA, has been selected, the LPA is already included in the TIP, the transportation improvement program. Those are the activities we will need evidence are complete when the application is submitted. You'll also see on here that standard cost category (SCC) workbooks must be submitted. Again, Mark mentioned this several times already, but this is not FTA's CIG program, which also has standard cost category workbooks. These are slightly different. They're very similar, but there are differences. So, those applying must be sure to use the EPD standard cost category workbooks. You'll also see a few other requirements here that are necessary to submit an application, proof that you have a public-private partnership in place, proof of critical third-party agreements being in place, evidence that you're at least 30% design and engineering. And there is a lot of detail in the NOFO to explain what you need to submit with your application. Next I'll go over who is an eligible applicant. So, first of all, eligible applicants are state or local government authorities. So your typical local transit agency is eligible to apply for the program. And the applicant has to demonstrate satisfactory legal, financial, technical capacities, Mark mentioned earlier, they have to have advisors. And these advisors cannot be the same as their private partner. They have to be advisors, looking out for the interest of the applicant. They have to demonstrate that the existing transportation system is in a state of good repair. But, again, this can be waived for core capacity projects. Moving on to the next slide. It's going to take me a while to get through this one. The FAST Act lists project justification measures that FTA must use when it's evaluating an application. The first thing I want to make sure you understand is FTA is not rating and comparing projects one to another. That is not what we are doing in the EPD program. What we're doing is evaluating a submitted project against the project justification measures. So as you can see on the slide here, there are five project justification measures. Mobility improvements, environment benefit, congestion relief, economic development, and ridership projections. I want to talk about the first four first, and together, and then I'll get to number five in a couple minutes. So with the first four, you can see them on the slide, the applicant actually has options. So what FTA decided to do, because this is an expedited program, is we came up with a very simple method that an applicant could use to demonstrate how they're justified against the first four measures. And those are included in the NOFO. But, if an applicant thinks they have another good way to demonstrate how their project is justified against these four measures, they can submit that as well. That is their option. So let me walk you through one example so you can see how FTA tried to structure this in a very simplified way. So, I'm going to walk you through mobility improvements. Under this category, an applicant can simply provide the reduced transit travel time during the peak period from one end of the proposed project to the other end. And you just compare how long it takes today, compared to how long it will take when revenue service is in place. So that may sound like a lot, but I can make it even simpler, so you

can understand. If today the trip from what will be the end to end of your project, for example, takes three buses, and it takes someone 90 minutes during the peak period to make that trip, but after revenue service, they're going to be able to do that in one BRT bus in 40 minutes, that's what we need. That's the information we are looking for for mobility improvements. But as I said a few minutes ago, it's the applicant's choice, if they have another way they believe they can demonstrate mobility improvements, we're happy to look at that as well. Now, I'm going to turn to measure number 5, ridership projections. Ridership projections are required by law, this is in the FAST Act. The NOFO clarifies that applicants must use FTA's Simplified Trips on Project Software model. That is FTA's STOPS Model. And there's great details about the STOPS Model on FTA's website. The reason we did that is to expedite the process. It's easier for sponsors to prepare, and it's quicker for FTA to review, and as we said several times, we only have 120 days for the review. So the STOPS Model is required. And to be even more clear, what we mean is that the actual STOPS Model runs, all the files used to produce the STOPS-based forecast must be submitted with the application. You're not just going to start working on the STOPS model, you have to submit the files associated with the STOPS model forecast. All right. So another measure in the FAST Act is financial capacity measures. And again, I'm repeating myself, but similar to the project justification measures, FTA is not rating and comparing projects one to another. What we are doing is determining whether an applicant and the project have the financial capacity to actually carry out the project. Again, because this is an expedited process, we're requiring a pretty simple submittal. We are looking for documentation of commitment of the non-EPD capital funds for the project. So, for example, if some of the non-EPD money is local funding, or state funding, proof of commitment would be submitting to FTA the adopted budget or the adopted capital improvement plan, that type of thing. We need documentation of commitment. We also need the most recent audited financial statement, and finally, the system-wide operation and maintenance costs, and the funding sources for the first five years of operation of the project. So with that, I am now going to turn the presentation over to Tonya Holland, who will go over the EPD application itself.

>>Tonya Holland: Thank you, Susan. Good afternoon, I am Tonya Holland, a community planner in the Office of Planning and Environment in the Planning Division under Dwayne Weeks. Presently I am working with the Expedited Project Delivery team. I'm going to go over the EPD application process with you. We'll go over where to find the application on the FTA website, the application and submission information, and the electronic application itself. This slide is the log-in page and how to register. The EPD application is used by project sponsors to apply for EPD grants. However, designated FTA reviewers can access the site to review the submitted grant applications. As mentioned, I'll go over the application process with you, and then we'll talk about where to find the application on the website, the application submission information, and again, the electronic application. All applications must be submitted electronically through the EPD Pilot Program website, which is listed in the web link box at the left-hand side of this web room. The website will be provided on slides and given to you as part of this external webinar. The website includes required forms and specific instructions for forms and attachments required for your submission. Applicants

may also attach additional information. Mail and fax submissions will not be accepted, and Grants.gov cannot be used. Failure to submit the information as required can delay or prevent review of the application. To begin, this application process, again, is not like Grants.gov. As I mentioned, the application was specifically developed for the EPD program and has the associated website. And that website will be provided on the slide deck. First proposed grantees would go to the FTA website and register and log in. You will see the EPD registration landing page, which is what you're looking at on this slide. On the right side of the page, there is a place for your email address and password. For first-time registrants, you will need to go directly under the log in to the registration link and register. After selecting the registration link, there will be questions that you must respond to in order to complete the application registration. The first question would be your email address, then you would create a password, you would confirm that password. Just as a special note, the password is protected by a series of security questions that you will be asked during the application process. There are three security questions, plus answers that you must complete. Once that's done, your last step is to select save. Now you're registered for the EPD application process. But there is one important note I want to mention. There can only be one application per project. So if an agency has more than one project, then the agency must do an application for each project. This slide shows the landing page for the EPD dashboard. You are seeing the application, and what you're looking at would be the application's name, the status, and when that application was created within the system. In real time the same information will be displayed to you. The application name, status and the date. On this slide, we're seeing the application page showing the form and the information tab. This displays the first page of what you will see when you start your application. There are many places to add attachments. And we do allow a maximum of 40 megabytes. Such attachments could be third-party agreements, financial statements, a project schedule, 30% design and engineering documents, or planning documents. Once you submit the application, via the electronic application process, you will receive an automatic generated email confirming the receipt of the application that FTA will conduct review of the application's completeness, and FTA will contact the sponsor within 15 business days if there are any items missing. So please complete your application before you hit the submit button. The application cannot be retrieved once it's submitted. The EPD technical support team information is what we're looking at on this slide. In closing, if you experience any difficulties in completing your electronic application, you can contact the technical support team. There is a person there who can assist you. These slides will be available after the webinar so that you'll have all the application directions plus the technical support team contact information. And with that, I'm going to turn the webinar back over to Susan Eddy. Thank you.

>>Susan Eddy: Thank you, Tonya. This is Susan Eddy again. And I'm now going to be reviewing how FTA will evaluate projects, and make project selections. Again, the key is this has to be done within 120 days. So this slide shows you the evaluation process. An overall assessment, which is a combination of the project justification measures I talked about, and the financial measures I spoke of, is made. Then FTA also considers the technical elements of a project. Now, there is a technical review that will be taking place on a submitted project. There are several offices working together within FTA,

FTA's Headquarters Office of Capital Project Management, the FTA Regions, the FTA's PMOCs, some of you are aware that means project management oversight contractors, yes, there will be PMOCs involved in the EPD program. And collectively, they will be reviewing the submitted information on the cost, the scope, the schedule, the project management plan, the results of a risk assessment. Yes, there will be a risk assessment associated with the program. There are a lot of details in the NOFO. I'm paraphrasing here. It's important to keep in mind that this technical review has to be done expeditiously, as well. You can see the third bullet, there's also departmental priorities that were listed in the NOFO. An example is utilizing alternative funding sources and innovative financing models. So if an applicant believes they can demonstrate how they meet one of the other departmental priorities, they can easily submit that as an attachment to their application. And then holistically, the project will be categorized as justified or not justified. So moving along to the next slide here, for projects justified, or not justified, the FTA must notify the applicant, as we indicated, in writing, within 120 days of the complete application. Mark mentioned this at the beginning. If it's justified, the application is approved for a grant award, if it's not justified, FTA must give specific reasons why it was not justified. There is, again, concurrent notice to Congress, and the selected project will be posted on the FTA website. Let's move now to a topic called pre-award authority upon selection. For those of you not familiar with the term pre-award authority, it means authority to incur expenses before the grant is even signed, and that these expenses are eligible for FTA reimbursement. So FTA is going to issue specific guidance to recipients at the time of selection. If project is selected, in their letter selecting them, they'll get more specific guidance. There are federal requirements that must be met with all pre-award authority. And that's still true for this program. As you can see on this slide, FTA is giving very expansive pre-award authority upon selection. Pre-award authority for utility relocation, real estate acquisition, even construction. And that was done for a reason, as you can see on this slide. The reason being we're trying to expedite the project, we're not trying to slow people down. So some of you are familiar with the concept of letters of no prejudice (LONPs). If someone doesn't have pre-authority, they can ask for a letter of no prejudice. They won't be needed in the EPD program because once a project is selected, they will have very expansive pre-award authority. Again, this is all part of expediting the process. Now, the second part of this slide is grant award. Within 120 days, the project is justified or not and the project is selected or not selected. Then, once that selection is made, FTA will work very quickly with the project sponsor, the applicant, to advance very quickly to the actual signing of the grant agreement. And it's likely that it will be something called a full funding grant agreement, an FFGA, if we're talking about a small amount of money, it might actually be a simple single year grant, that remains to be seen. But any typical federal grant award requirements must be met. So, for example, Buy America must be followed. The typical FTA and federal requirements must be met with this program. And also, applicants must use the TrAMS system that's FTA's Transit Award Management System, the TrAMS system to actually receive any funding. So, this completes the technical part of the presentation. And now I'm going to turn this back to DJ Mason. And he is going to coordinate our question-and-answer session. Thank you.

>>Moderator: Thank you, Susan. Thank you to all of our speakers today. I also want to thank everybody who has been putting questions into the chat pod. I want to invite anybody who hasn't done so but might have a question to go ahead and enter that question into the chat pod that's been expanded on your screen. In the meantime I'm going to ask the presenters questions we've received so far, pretty much the order we received the questions in. I'll start with a question from Sharon Greene. This is for any of our speakers who might be able to answer the question. Does committed funding have the same definition as the CIG program?

>>Susan Eddy: Yes, this is Susan. I can take that question. Yes. Same definition of committed capital funds as used in the CIG program.

>>Moderator: Wonderful. Thank you. And is this just for fixed guideway and BRT projects? This is a question from Emma Polhemus-- sorry if I said your name wrong.

>>Susan Eddy: Yes, this is Susan. I can take that one as well. It is for fixed guideway, and for BRT, if it's a corridor-based BRT, it can be under the category of small starts. It is also for core capacity projects, increasing the capacity of an existing system. So I would suggest very carefully reading the NOFO for the definition of what qualifies.

>>Moderator: Thank you. I think I have a question specifically for Mark from Amy Hill. Does local government include tribal governments in the definition?

>>Mark Ferroni: That is correct. And this kind of also goes back to Susan's response on what types of projects are listed. So we made some very careful points that EPD is not CIG. When you read the NOFO and also read EPD and the FAST Act, you'll see that there is blending, I guess is probably the best word, and so -- in this case, EPD reverts back to the definitions of local government per CIG, which includes tribal governments, and also, look at that in terms of what projects are eligible. So, not only do you need to look at the NOFO very carefully, in some cases, there is going to be reference to the FAST Act or to the CIG program that you'll need to look into, as well.

>>Moderator: Great, thank you. I have a little bit of a longer question here, but it's important, it comes from Susan Schruth. She says there are at least three references to third-party agreements, and they don't appear to be consistent with each other. For example, Susan Eddy said that they need to be completed. There is another reference in the NOFO, which states FTA and the applicant will agree together what are the critical third-party agreements. And we're looking for clarification what is needed at the time of application to be considered complete?

>>Mark Ferroni: I can take that, DJ. The third-party agreements do need to be finalized; they do need to be complete. As we had said earlier in the webinar, EPD is different in terms of a part of it being expedited is have anything complete and up front to enter it into the program as opposed to the CIG program where you enter into PD as a lower threshold and you develop your project over time. In order to be deemed complete, in terms of application, all aspects of the requirements need to be complete.

>>Susan Eddy: Hi, and this is Susan. I just want to add on to what Mark said, which is absolutely correct. An applicant will certainly do their best job to identify the critical third-party agreements, and to demonstrate that they are in place. As part of the technical review of the project, FTA will collaborate with the applicant to verify the third-party agreements. It is possible that an applicant didn't realize they needed one, or didn't think one was critical and FTA does think it's critical. So there may be some back and forth on the critical third-party agreements.

>>Moderator: I think you just answered this pretty directly. Ethan also asks, for third-party agreements, how is "critical" determined? Seems like they'll need to work with the FTA staff to do so?

>>Susan Eddy: Yes. I mean, obviously they should do the best job they can on their own. But, it's important for FTA to be aware of projects as they're coming along that they want to be in the EPD program. And there will be circumstances where we can start some of the technical review a little bit early. And this is one of the things we can address if we're aware of a project. And by a little bit early, I don't mean years in advance. If someone is very nearly ready to submit, we can have a dialogue with them about things like critical third-party agreements.

>>Moderator: Great. Thank you, Susan. I'm going to go ahead and move us over to some other questions here. We received one from Roland Lebrun who is asking, he noted that VTA has been approved for \$125 million with 10% design and wondered how that might have happened. Turn that over to Mark. Do you have any comments?

>>Mark Ferroni: Yes, DJ. EPD is a discretionary program for the U.S. Department of Transportation. You're correct, as mentioned earlier in the webinar, almost to the day, two days from now, a year ago, FTA gave VTA a \$125 million allocation for their one project. That does not preclude them from applying to the EPD Pilot Program. So they still have to meet all the needs of the NOFO as went out back in July. And they need to submit their application via the online system of our web page. And so, the allocation was provided in advance of the NOFO going out. But the requirements for them to actually get their full funding agreement would be the same as anyone else that would come to the program.

>>Moderator: Great. Thank you. Moving on here, another question from Allison. Allison B. So I won't butcher your last name. For project justification criteria, do alternative method for meeting requirements be included instead of or in addition to the required method?

>>Susan Eddy: They can be done instead of. If someone wanted to submit both, that is fine, but they do not have to. They can as their own option use just their own justification.

>>Moderator: Great. Thank you. Another question from Adam Christian: Can you elaborate on the phrase "operated and maintained by employees or an existing public

transportation provider”? Does this preclude consideration of a DBFOM P3 delivery model?

>>Susan Eddy: This is Susan. I think whoever asked the question, the general answer would be probably would exclude them. I would suggest talking to us offline to review the circumstances and give a much better indication of the answer. The FAST Act does talk about operated and maintained by an existing system.

>>Moderator: Okay. Thank you. Anthony Simmons asked: Are EPD and CIG applications mutually exclusive? In other words, must applicants select one or the other for federal funding? This is open to anybody to answer.

>>Mark Ferroni: DJ, I can answer, this is Mark. There are several locations within the EPD Pilot Program NOFO first being under eligible projects, again under project description that has the wording project that has not entered into a full funding agreement with FTA. Under EPD if you have already received a CIG grant, you would not be able to apply for EPD. So, they are separated at least for EPD.

>>Moderator: Great. Just keep moving on, we have received quite a few questions. Thank you, everybody. Please continue to document your questions in the chat. We'll try to get to as many as we can. We have quite a bit of time. Are micro-transit and/or on-demand services eligible for the program?

>>Susan Eddy: This is Susan Eddy. I don't believe so, but I don't want to say definitively so until we got further details from someone. I suggest they talk to us offline.

>>Moderator: Okay. A question from Jamie Ferrell -- can you explain how a traditional P3 (DBFOM), in which O&M is carried out by a project entity in partnership with a transit agency should meet the requirement to be operated by current employees?

>>Susan Eddy: I think a similar question was just asked a couple minutes ago. I think that would be a real challenge and likely not eligible because of the way that the FAST Act was written. The traditional design-build-fund-operate-maintain by a private partner does meet that one eligibility. So, again, if someone has a very specific proposal, contact us offline and we can discuss it. But, likely that would not be eligible.

>>Moderator: Okay. Thank you. Next question, Jean-Claude Toussaint asks: How do you define the 30% design? What information is needed to support that?

>>Susan Eddy: This is Susan. I'll take that one as well. There is a lot of detail in the NOFO. I don't want people to walk away with the simple understanding that someone has to be at 30% design. That's a little bit too simplistic for how we want to look at that. So, there is in the NOFO, it says 30% design and engineering. And FTA's looking at a lot of different things. It's not just a one-off "there's the 30% design drawing." It's looking at have they begun the PMP and sub plan, does it include the processes for managing the project? Is the project well defined? Looking at the cost estimate,

looking at the schedule, looking at the delivery method, has some value engineering been done? Safety, accessibility? There is a lot of things we're looking at to get a general feel for -- if it's at 30% design and engineering. So please read the NOFO carefully.

>>Moderator: Okay. Thank you. Our next question is about U.S. territories, if they have an agreement with a private carrier, can the carrier as the government carrier apply?

>>Mark Ferroni: So, I can respond to that. Judy, I know you've had some conversations with Susan. My suggestion would be that we continue to have those conversations offline. So at this point we're unsure who the eligible applicant would be, the state or local government authority that would be the sponsor for the project that you're referencing. We are continuing to look into that. But we can have that discussion offline.

>>Moderator: Thanks, Mark. Our next question from Donald Emerson: Can you comment on the impact of FAST Act authorization on the EPD program? If the reauthorization does not extend EPD, will FTA stop receiving applications, and will projects already selected for EPD still be eligible for funding?

>>Mark Ferroni: This is Mark, I can take that. Unfortunately, we don't know what reauthorization will look like, what will be in it if EPD is in it or not in it. That's just something that we'll have to assess once reauthorization is approved and out there. But until then we'll just move forward with the portion of the FAST Act that we have. Then we'll go from there.

>>Moderator: Thanks, Mark. Next question from Adam Christian: Would a station or intermodal transit terminal be considered an eligible project type under EPD? For example, if it reduces transfer times and increases core capacity of an overall transit system, would that make it eligible?

>>Susan Eddy: Possibly as a core capacity project. The typical project is a new line, or an extension to an existing line. Core capacity is a little bit different. So, I think offline, if they could get us more details, we could evaluate that.

>>Moderator: Okay. Great. Our next question from Jamie. I'm going to rephrase it a little bit. I think I know what is being asked here, what elements of a P3 are anticipated to be eligible for the EPD program? Jamie, if I didn't quite get that right, if you could just write us in the chat pod.

>>Susan Eddy: Yeah, I'm not sure exactly if I'm going to be addressing this question. So, what FTA did with the EPD program was we didn't want to reinvent the wheel and come up with our own definition of what a P3 is. So we took an existing definition and modified it slightly because the EPD program does have the requirement to be operated and maintained by an existing transit authority. So, the definition of the P3 is in the NOFO, and we left it pretty general, because we didn't want to say this is the kind of P3

we will be using for this program. We really wanted applicants to come to us and talk about their P3. Again, if you have something that you think is an unusual P3 arrangement, then go ahead and talk to us offline. And we can see if it meets the definition. The definition is pretty general. There has to be a contractual agreement. So obviously a contract between a public agency and some private sector entity. And it has to demonstrate that the private sector is making an investment, and that they are sharing in some of the risk of the project. That's what you have to demonstrate.

>>Moderator: Thanks, Susan. And it looks like we have a question here asking to clarify an earlier question about the CIG and EPD difference, an applicant must choose one or the other, and is precluded from receiving funding from both programs to complete a financial plan? Is that correct?

>>Mark Ferroni: So, DJ, I can take that. So, yes and no. So as we said earlier, to get EPD funding, there is text in the NOFO that says that they could not have received funding from a different grant to receive the EPD funding, and so that is correct. In the FY 20 appropriations act, Congress did include a provision that says, if a project receives an EPD grant, it can also receive 5309 funds for that fiscal year without further evaluation or rating under 5309, not to exceed the 25%. But that's only for the FY20 funds. And so that is a very in the weeds nuance that Congress put out in that FY20 appropriations act for just those FY20 funds.

>>Susan Eddy: And just to add on to what Mark said, for EPD, the maximum federal -- all federal funding shares is 25%. So, if someone wants to do both programs, they're still limited by that only 25% federal for the EPD program.

>>Moderator: All right. Thank you both for clarification there. So that is all the questions we've received so far. We have a couple more just kind of in the background here. But I want to give folks another moment to submit another question if they have any further questions they'd like answered. I'd like to point folks to the bottom left-hand corner of the screen where it says web links. You'll see links about the EPD application portal, as well as the Pilot Program overview. If you have questions, you might look there first. But, Mark, or Susan, can you just let us know how might folks learn more. Should they ask questions to Susan whose information is right on the screen there?

>>Mark Ferroni: Yes, the web link will have a lot of information that folks can go to and digest. But they can also contact Susan, they can contact myself as well. That's fine.

>>Moderator: We do have some folks asking a few additional questions, and that's great. We have additional time. Please do document those questions as have you them. One from Christopher Jones: Following on demonstration of private relationship and a project, is it possible to apply the funds toward a procurement endeavor to support core capacity or innovative procurement processes that is to address the core capacity? Wants you to know he's coming in cold, and he'll read the NOFO.

>>Susan Eddy: I think it's possible. I think we have to know a little bit more. I mean

clearly it's a core capacity project. Perhaps the innovative procurement process involves a private entity that has a contractual arrangement, that is making an investment, that has some risk associated with it. It is possible. I think we would really need to know a lot more about the innovative procurement process.

>>Moderator: Great. Thanks, Susan. Just a reminder, the information is right there on the screen. So, if folks have any additional questions specifically about the application page, is there anybody different, or any other step they should take to have those questions addressed? Susan, I might take that over to you.

>>Susan Eddy: No. If people have questions, they are free to contact me, probably laying some of the basic information out in an email helps. As you can see from the way we've answered some of these questions, sometimes it depends on the circumstances. So, if someone can, before they contact me, either by email or over the phone, if they can kind of think through the question and how they think it fits with the NOFO. It might be easier for me to get a quick response for them.

>>Moderator: Great. Thank you. We have another question from Fred Payne: What is the eligibility of automated transit network systems with ultralight infrastructure and light-weight "PodCars" on an at grade or elevated routeway? For example, University of West Virginia, Heathrow Airport and MASDAR, examples like that.

>>Susan Eddy: I don't know the answer to that question. It's certainly something we can look into. Ultralight infrastructure. I mean some of them, if it's a dedicated right-of-way, or similar to a BRT, on a corridor-based system. I think we need a lot more details to be sure if it was eligible or not.

>>Moderator: Okay. That makes sense. Fred, you might follow up if you have additional questions. I have a quick question. Is there a timeline required for the allocation of the remaining \$100 million available through the program?

>>Mark Ferroni: DJ, I can take that one. No, there's not. Then we have the \$100 million left that has not been allocated, and there's no timeline for that.

>>Moderator: Great, thanks, Mark. Can you clarify if the P3 agreement must be executed before an agency can be eligible to submit an EPD application?

>>Mark Ferroni: That would be correct. It does -- the P3 agreement has to be a contractual agreement in place before you submit your application to the EPD Pilot Program.

>>Moderator: Great. Thank you, Mark. I see a couple folks typing. I want to give folks a chance to ask those questions. Another quick reminder, that the presentation is available for download on the left-hand side of the screen. Right underneath the speaker's list, if you just click the file there and then hit download file it will direct you. You can have a copy of today's presentation. I'm just going to -- again, I see folks

typing questions. I want to make sure they have a chance. We do have additional time. We will take as many questions as we can fit in today. Okay. I'll give you one more moment to get the questions in, and then we'll start wrapping up. We do have a couple coming in now. Would BRT pilot projects be eligible for EPD?

>>Susan Eddy: I'm not sure what the word Pilot Program means. But, a BRT project can certainly be an eligible project for the EPD program.

>>Moderator: Great. So, Alena, if you have clarifications you might be able to clarify, we could potentially give a closer answer. I do want to readdress how to download the presentation. Right underneath the speaker's list on the left-hand side of the screen, you'll see all the folks who are present at today's webinar, right below that you'll see a box EPD Pilot Program, and underneath that, there is a file that says EPD external webinar slides. If you click on the name of the link and download the button below that says download files will appear, click that and it will walk you through how to get the presentation. Okay. James Jordan has a question here. I'm going to read through it. It's a little bit of a longer question. So, I apologize for having to listen to my voice for a second here. He wants to think about funding for a building a test facility similar to Japan, China and Germany to develop and test a prototype prefabricated guideway and electronic switching system that will carry the second-generation superconducting Maglev truck and passenger vehicles system invented by Dr. James Powell and Dr. Gordon Danby. Will this program provide the grant to design and engineer this type of project? The test facility will be used to attract private investment. Powell and Danby are the inventors of the first-generation SC Maglev system funded by DOT for the Baltimore to Washington, DC project. That system is not as efficient and not as capable as the second-generation system.

>>Mark Ferroni: James, if you could reach out to us, I think that would be the most appropriate. At least in this forum to have the question -- you gave a lot of detail. But exactly what you would be doing and who the sponsor would be. I think we would be able to better respond to that. I know Fred had also indicated that he would provide us additional information later. And that's great, and Judy, you did the same. So, obviously we have this opportunity to ask questions, but if it's specific to projects that are kind of more in the weeds, we would like to have those conversations offline.

>>Moderator: Thanks, Mark. Alena did provide some follow-up information earlier. She asked would BRT pilot projects be eligible with a follow-up: Or does it have to be a permanent improvement? I think reading between the lines here, the question is kind of could they take over a lane and test out BRT for a while if it's not dedicated to be permanent?

>>Susan Eddy: Yes, it would have to be permanent. And there are definitions in the NOFO that talk about even for the corridor-based BRT. You know, it has to have a defined corridor, it has to include defined stations, traffic signal priorities, short headway, that type of thing. And that cannot be just as a test. It does mean -- it's in place to stay in place.

>>Moderator: Thanks, Susan. Okay. I think we've made it to the end of questions. I'm going to turn it over to Mark for some wrap-up comments. So, folks, if you do have additional questions, please put them in the chat; we'll try to address them. But I'm going to pass it over to Mark to give wrap-up comments here.

>>Mark Ferroni: Thank you, DJ. We definitely want to thank everyone for attending today's webinar. We really do appreciate you taking the time to listen to what we had to say and asking questions. There's lots of takeaways, I could go through a very long laundry list. But, the one I want to highlight as we said it several times, EPD Pilot Program is not CIG. And because of how EPD Pilot Program is in terms of the 120-day deadline for making decision, we definitely want to engage with interested sponsors as soon as possible. When I say us, it's not just us at Headquarters but including your regional FTA office as well. That early identification and coordination is going to be key to ensuring that if you do submit to the EPD Pilot Program, you're submitting as much of a completed project and package application as you can. The last thing we want is a sponsor submitting an incomplete application, Hopefully we made clear through the slides of getting to a point of entering into the 120-day review, and, not having a complete application, and therefore us not being able to reach a decision -- based on that incompleteness of the application. Because all of our actions, whether good or bad are required to be reported to Congress. And so, we're excited about this program, we want it to be successful. We've heard from many of you already prior to this webinar, and the industry is excited about the program as well. And so early identification and early coordination with us is -- would be appreciated. So, with that, I don't have anything else, DJ.

>>Moderator: Thanks, Mark. I don't see any questions. If you have additional questions, send those to Susan or any of our other speakers, all of whom I want to give a big thank you for giving answers and going over the questions, and giving a great presentation. With that, I think I'll end the formal webinar today, and thank you all for joining us. Have a great afternoon.