

FTA Region IV General Manager's Webinar November 29th, 2022

Dr. Yvette Taylor, Regional Administrator
Dudley Whyte, Deputy Regional Administrator
Rob Sachnin, AICP, OPPD
Robert Buckley, AICP, Director, OFPO
Margarita Sandberg, Director, PMPO
Micah Miller, Legal Counsel
Michele Foster, Civil Rights Officer

This presentation may include summaries of requirements found in law. It also provides advice and best practices (i.e., 'guidance') for meeting those standards. Any compliance recommendations that go beyond the text of relevant statutes and regulations are guidance and not legally binding. Specific individual scenarios have to be analyzed independently to ensure the binding requirement is satisfied.



AGENDA

- **Welcome, Logistics and Introductions**
- **Thank you!**
- National and Regional Updates
 - **Dr. Yvette Taylor, Regional Administrator**
 - Dudley Whyte, Deputy Regional Administrator
 - Q&A
- Rob Sachnin, Office of Planning & Program Development (OPPD)
- Robert Buckley, Office of Financial Management & Program Oversight (OFPO)
- Margarita "Maggie" Sandberg, Office of Program Management & Project Oversight (PMPO)
- Michele Foster, Civil Rights
- Micah Miller, Legal Counsel
- Q&A

Welcome & FY22 Accolades

Kudos (ER events/awarded funds in FY2022 (formula and discretionary))

- FY2022 ER Events
 - KY/TN Tornadoes
 - Eastern KY Floods
 - Hurricane Fiona
 - Hurricane Ian
- **\$2.4 Billion** awarded in FY2022 (formula and discretionary combined)

Discretionary Program	FY2022 Funding Award Totals
Low or No Emissions	\$157 Million
Bus & Bus Facilities	\$89 Million
RAISE	\$91.2 Million
TOD Pilot Program	\$3 Million
Total FY2022 Discretionary Awards	\$340.2 Million

FY2022 Accomplishments

FY2022 Groundbreaking/New Transit Service Events

- **City of Gastonia** – New transit station
- **GOTriangle** – began construction on the new Raleigh Union Station
- **MARTA** – TOD/Mixed Use Project
- **City of Atlanta** – MLK Tiger Streetscape Project
- **BJCTA** - City of Birmingham leaders joined officials and employees of the Birmingham-Jefferson County Transit Authority (BJCTA) for a ribbon-cutting launching Birmingham Xpress, Alabama’s first bus rapid transit (BRT) system.

FY2023 Groundbreaking/New Transit Service Events to date

- **Pinellas Suncoast Transit Authority (PSTA)** - The new Bus Rapid Transit program connecting downtown St. Petersburg to beach, and everywhere in between, officially began service on Friday, October 21, 2022. SunRunner buses will be offering free service for six months.
- **WeGo Public Transit** on the upcoming groundbreaking celebration for the Ernest “Rip” Patton North Nashville Transit Center. This project is supported by FTA financially at approximately 50% Federal funding which includes HOPE Grant funding for project development and community engagement to address inequities in historically low income and minority neighborhoods.

National Updates

FY 2023 FTA Priorities

- **Continuing Resolution** ends December 16th, 2022
- Staffing Updates for Region 4
- Virtual Environment
- Focus on obligating **COVID-19 Stimulus funds** (CARES Act, CRRSAA, & ARP)
- **Bipartisan Infrastructure Law (BIL) Implementation**
 - Public Involvement
 - Supply Chain



National Updates – Federal Support

BIL Discretionary Funding Opportunities

- **Low or No Emission Program**: Provides funding for the purchase or lease of zero-emission and low-emission transit buses as well as acquisition, construction, and leasing of required supporting facilities.
- **Bus & Bus Facilities Program**: To replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.
- **Workforce Training & Workforce Development Initiative**: Provides resources and support for public transit agencies to recruit, retain and train transit workers to ensure the transit industry has the workforce needed for today and in the future. This also provides support through investments and technical assistance for greener transit fleets.
- **All Stations Accessibility Program (ASAP)**: To assist in the financing of capital projects to repair, improve, modify, retrofit, or relocate infrastructure of stations or facilities for passenger use.
- **Rail Vehicle Replacement Program**: to fund capital projects to replace rail rolling stock.
- **Capital Investment Grants (CIG) Program**: This FTA discretionary grant program funds transit capital investments, including heavy rail, commuter rail, light rail, streetcars, and bus rapid transit.
- **RAISE**: to invest in road, rail, transit and port projects that promise to achieve national objectives.
- **TOD Pilot Program**: providing funding to local communities to integrate land use and transportation planning with a new fixed guideway or core capacity transit capital investment.

National Updates - TOD

Transit Oriented-Development

- November 17, 2022, FTA announced \$13.1 million to fund 19 projects in 14 states
 - *To help organizations plan for transportation projects that connect communities and improve access to transit and affordable housing, centered around bus and rail stops.*
- Since 2015, FTA's TOD program has provided more than \$90 million to help communities around the country plan for new opportunities around transit

Program	FAST Act 2016-2020	Current Funding under BIL 2022-2026	% Increase
FTA TOD Planning Program	\$50 million	\$68.9 million	38% over 5 years
Metropolitan & Statewide Planning	\$681 million	\$966 million	41% over 5 years

National Updates – Reconnecting Communities Pilot Program

Reconnecting Communities Pilot Program – Planning Grants and Capital Construction Grants

- Discretionary grant program; funded with \$1 billion over the next 5 years (FY2022 – FY2026):
 - *First-ever Federal program dedicated to reconnecting communities that were previously cut off from economic opportunities by transportation infrastructure.*
 - *Supports planning grants and capital construction grants, as well as technical assistance, to restore community connectivity through the removal, retrofit, mitigation, or replacement of eligible transportation infrastructure facilities.*
 - *If an applicant receives a construction grant for RCP but it's not enough to make the project whole, they may get a special designation "Reconnecting Extra" which could help towards a future RAISE application*

Fiscal Year	2022	2023	2024	2025	2026	5-Year Total
Planning	\$50M	\$50M	\$50M	\$50M	\$50M	\$250M
Capital Construction	\$145M	\$148M	\$150M	\$152M	\$155M	\$750M
Total Authorized Amount	\$195M	\$198M	\$200M	\$202M	\$205M	\$1,000M

National Updates

Transportation Infrastructure Finance and Innovation Act (TIFIA 49)

- Secretary of Transportation Pete Buttigieg has approved transit and public transit-oriented development (TOD) projects to receive the *maximum federal loan level* authorized under law.
- Designed to close funding gaps with low-cost, long-term financing and speed the delivery of infrastructure projects, which saves taxpayer dollars and improves transportation systems in communities.
- Authorizes *borrowing of up to 49 percent* of eligible project costs for projects that meet eligibility requirements, helping advance the Biden-Harris Administration's goals. With few exceptions, TIFIA loans have historically been capped at 33 percent of eligible project costs.

<https://www.transportation.gov/buildamerica/financing/tifia>

National Updates

Strengthening Mobility and Revolutionizing Transportation (SMART)

- Established to provide grants to eligible public sector agencies to conduct demonstration projects focused on advanced smart community technologies and systems in order to improve transportation efficiency and safety.
- \$100 million appropriated annually for fiscal years (FY) 2022-2026
- *Notice of Funding Opportunity (NOFO) closed November 18, 2022. Project announcements forthcoming.*

The logo for the Smart Mobility and Revolutionizing Transportation (SMART) program. The word "SMART" is written in a bold, sans-serif font. The letters "S", "M", and "R" are blue, while the letters "A" and "T" are green. A thick black horizontal line is positioned below the text.

SMART

National Updates

Multimodal Project Discretionary Grant Opportunity (MPDG)

- **Rural Surface Transportation Grant**
 - \$2,000,000,000
 - integrated mobility management system, transportation demand management system, or on-demand mobility services
- **Mega Grants** (National Infrastructure Project Assistance program (49 U.S.C. 6701))
 - \$5,000,000,000
 - certain public transportation projects that are eligible for Federal Transit Administration funding of Title 49, United States Code, and is a part of one of other eligible project types above
- **INFRA Grants** (Nationally Significant Multimodal Freight and Highway Projects program (23 U.S.C. 117))
 - \$7,250,000,000

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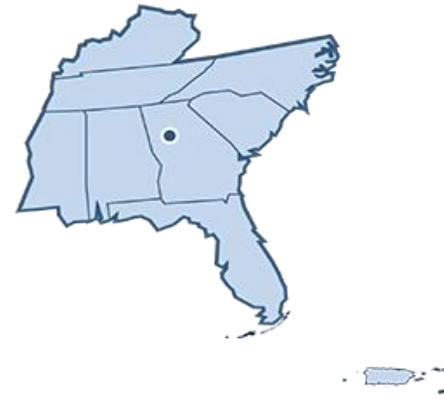
Regional Updates

FY 2022 Total Grants Awarded

FY 2022 Region IV Awards All Grants

State	# of Applications	Amount Awarded	Percent of Applications Awarded	Percent of Funds Awarded
AL	47	\$ 86,068,890	10.02%	3.61%
FL	91	\$ 730,812,837	19.40%	30.64%
GA	39	\$ 615,194,611	8.32%	25.79%
KY	23	\$ 107,506,445	4.90%	4.51%
MS	13	\$ 17,808,918	2.77%	0.75%
NC	79	\$ 411,956,660	16.84%	17.27%
PR	59	\$ 165,562,367	12.58%	6.94%
SC	53	\$ 67,455,580	11.30%	2.83%
TN	58	\$ 175,756,825	12.37%	7.37%
VA	2	\$ 907,465	0.43%	0.04%
VI	5	\$ 6,058,501	1.07%	0.25%
Grand Total	469	\$ 2,385,089,099		

REGIONAL UPDATES



FTA Region IV covers eight states, VI and PR Staff Update

Departures

- *Roxanne Ledesma (OFPO)*
- *Tyrone Pelt (PMPO)*
- *Keith Melton (OPPD)*

New Hires

- *Cathy Hamilton (OFPO)*
- *Freddie Salado, PhD, PE (ER Program – OFPO)*
- *Aries Little (OPPD)*
- *Amanda Reuning (PMPO)*
- *Maria Luchey (PMPO)*

• *New Employees*

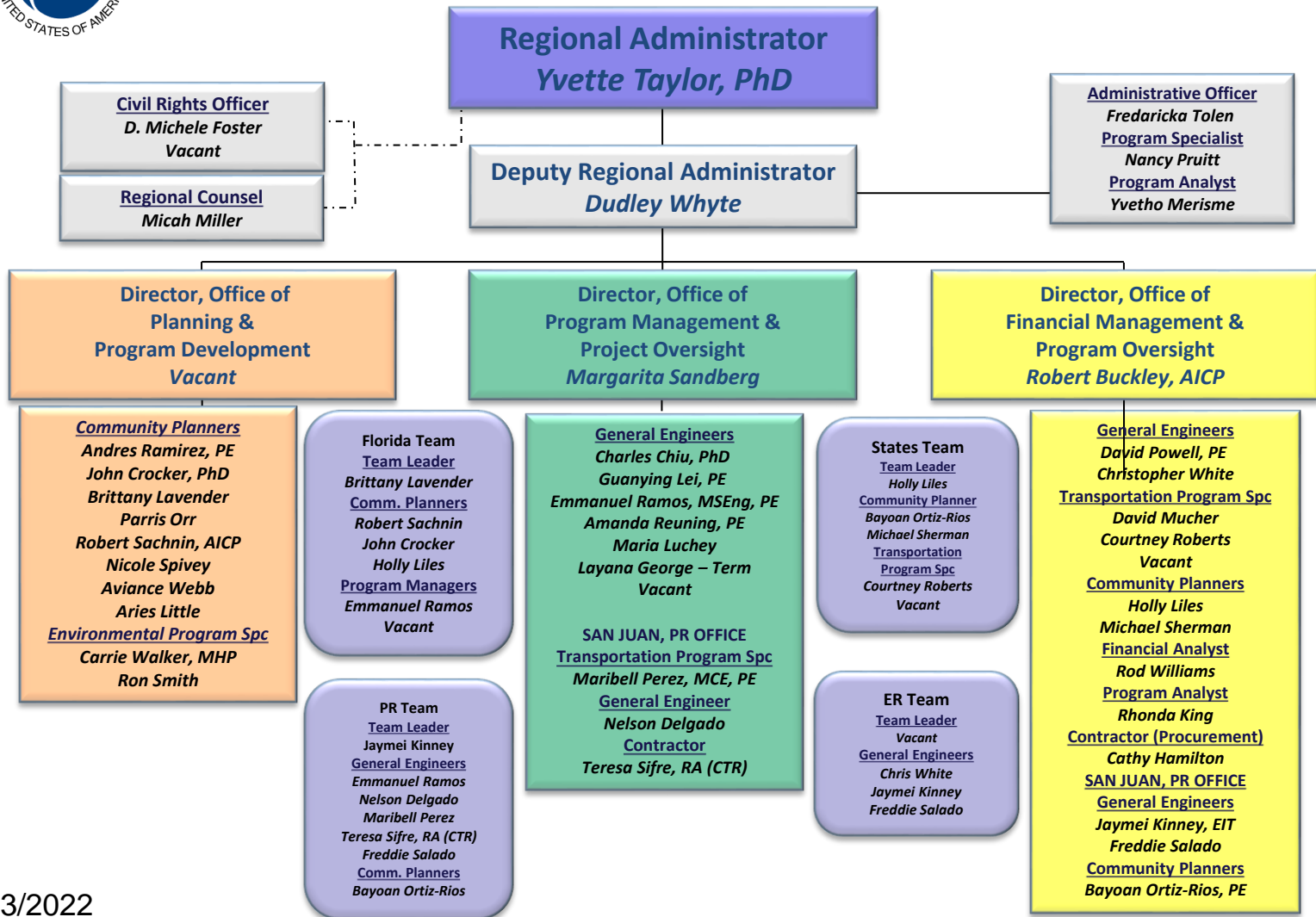
- *Puerto Rico – Director of San Juan Office (NEW)*
- *OPPD Director (Pending)*

• *Virtual Environment*

• [Geographical Assignments](#)



Federal Transit Administration Region IV, Organizational Chart



11/23/2022

COVID-19 Funding Updates

Tracking of COVID Funds

- COVID funds are tracked & monitored
 - To better understand recipient plans for obligating remaining available funds for CARES, CRRSAA and ARP
 - To ensure timely draw downs
- Transit systems are encouraged to spend funds expeditiously to respond to local needs (*FTA COVID-19 FAQ CA19*)

COVID-19 Updates from the National Perspective (as of 11-21-2022)

Fund Type	CARES	CRRSAA	ARP
	<i>Awarded 924 grants totaling \$24,790,614,398</i>	<i>Awarded 408 grants totaling \$13,232,212,331</i>	<i>Awarded 704 grants totaling \$27,796,441,881</i>
Total % Obligated	99%	95%	91%
Rural Area Formula funds	98%	91%	74%
Tribal Formula funds	95%	64%	46%
Urbanized Area Formula funds	100%	95%	92%
5310 (Seniors / Disabled) funds	—	60%	55%
Rural Transit Assistance Formula funds	—	—	66%
Intercity Bus fund	—	—	71%
New Starts, Small Starts, Core Capacity funds	—	—	91%

Region IV Year to Date COVID Funds Statistic ER, CARES, CRRSAA, and ARP

Section	Allocated	Obligated	Unobligated Percent Balance
Emergency Relief (ER)	\$259.3M	\$104M	60%
Coronavirus Aid, Relief, and Economic Security (CARES Act)	\$2.667B	\$2.650B	0.035%
Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA)	\$571.8M	\$469M	18%
American Rescue Plan Act (ARP)	\$1.891B	\$1.406B	26%

COVID-19 General Reminders

General Reminders

- Toolkits
- CARES, CRRSAA & ARP funds may be used “to prevent, prepare for, & respond to COVID-19.”
 - FTA generally will consider all expenses normally eligible under the respective FTA section program incurred on/after 1/20/20 in response to economic or other conditions caused by COVID.
 - Furlough requirements for unobligated funds & use of capital expenses.
- CARES & CRRSAA funds are available until expended
- ARP Funds
 - Lapse date: 9/30/24
 - All funds must be disbursed by 9/30/29



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Grant Reminders & TrAMS Clean-up

- Please delete any old "placeholder" applications from TrAMS you do not intend to use
- **System for Award Management (SAM)** registration is required by the Office of Management and Budget (OMB) to be updated **annually**
 - Please make sure your SAM registration is ACTIVE
- As applicable, place your Designated Recipient letter in the TrAMS Recipient Profile
- The **Sec. of Statute** selected in TrAMS (dropdown box) **must** be correct
- Grants must be **Executed within 90 days** or funds may be withdrawn
 - If pre-award authority selected, initial federal financial report (FFR) required BEFORE grant can be executed.
 - Only those with **“FFR Reporter”** User Role will see FFR task.
 - A user designated as the recipient **“Official”** will receive a task to accept & execute the award. Once executed, the award will move into a post award phase

Tips for Successful Grant Activities in FFY23

- Discuss proposed activities, application strategy & structure with your FTA points of contact.
- Review your agency's lapsing & carryover balances.
- Ensure draft applications contain complete and sufficient information to process.
- Initiate & complete time sensitive activities early to reduce application processing delays, including but not limited to:
 - Funds are programed in the current TIP/STIP.
 - NEPA, Section 106 consultation is completed and/or initiated for construction, etc.
 - If applicable:
 - » Split letters complete & provided to FTA.
 - » Planning activities are programmed in the UPWP.
 - » Toll credit approval letter/memo is secured for eligible activities.
 - » FHWA Form 1575c for flex funds is signed and funds have been received by FTA Region 4.
- Key prerequisites (i.e. Civil Rights, Certifications & Assurances) are in application fundable status.
- Other tips & application resources may be found on our [Recipient Resources webpage](#).

TrAMS Updates - REMINDER

User Managers – play a **key role** in TrAMS

- Agency User Managers assign and re-assign most **agency roles**
- All TrAMS users in the agency will need to be recertified annually
 - **Please create at least two TrAMS User Managers for your agency**
 - User Managers cannot recertify themselves!
 - **Failure to recertify user roles in TrAMS will delay applications;** Certifications & Assurances; and quarterly/annual progress reporting
- FTA will send recipients a detailed email on annual TrAMS **user recertification soon.**
- More information on TrAMS User Roles and other TrAMS details can be found in the [TrAMS User Guide](#).

Grant Reminders – Super Grants & Consolidated Applications

Use of “Super Grants” & Consolidated Grants – is Encouraged!

Streamlines efforts for recipients & FTA alike!

FFY2022 Super Grants Awarded: 39 grants - \$540 Million

Allow Multiple **formula** funding sources in the **same** application separated by project 1, 2, 3, etc.

Super Grant Opportunities:

- 5307 & 5337 Formula Funds
- 5307 & 5337 & 5339 Formula Funds
- 5307 & 5339 Formula & FLEX funds (if FLEX funds are available to Region 4)
- NOTE: CARES, CRRSAA and ARP funds may not be placed in a Super Grant**

Consolidated Grants

- »**Please place up to three years of Formula Funding in same application**
- »***Note: BIL & FAST Act funds must be kept separate**
 - **Separate applications OR**
 - **If 1 application, separate projects.**

Please discuss strategy with your Pre-award Manager.

Pre-Award Updates

Office of Management & Budget (OMB) Award Descriptions

- OMB requires award descriptions be written in “plain language”
- FTA is reporting the award description in each application to **USAspending** – a Public Site
- ***New***: previously required in Executive Summary – OMB info should now be placed in newly created “Award Description” section for new applications.
- The **5 Elements** required by OMB in are:
 - Purpose
 - Activities to be performed
 - Expected outcomes
 - Intended beneficiaries
 - Subrecipient activities (if applicable)
- Applies to **ALL FTA applications & amendments.**
- **Sample language is available for [regular](#) and [ARP](#) grants.**

Pre-Award Updates continued

5307 & 5339 Programmatic Changes Under BIL

- **5307 0.75% Set-aside Safety Requirement:**
 - In addition to 1% security.
 - Applies to large urban areas only and at the recipient level.
 - Should be accounted for in all 5307 large urban grants moving forward.
 - Discuss options with your pre- and post-award managers.
- **5339:**
 - **Innovative Procurement**
 - Recipients for all Buses and Bus Facilities formula and competitive programs are to use innovative procurement tools authorized under Section 3019 of the FAST Act.
 - If < 5 buses are purchased through a stand-alone procurement, recipient must provide a written explanation why innovative procurement tools were not used.
 - **Workforce Development for Bus & Bus Facilities, LoNo Competitive Applications:**
 - Applicants for zero-emission vehicles or related infrastructure must spend 5% of their award on workforce development and training as outlined in their Zero-Emission Transition Plan, unless the applicant certifies that their financial need is less.

Bipartisan Infrastructure Law - Capital Investment Grants (CIG)

CIG Reporting Email to CIG Project Sponsors

- Updated CIG Reporting Instructions, templates, & standard cost category worksheets are on the [FTA website](#).
- Documents should be used by:
 - Project sponsors seeking a rating for advancement into the next phase of the CIG process (Engineering or a construction grant agreement);
 - Project sponsors that wish to have their project evaluated and rated for inclusion in the next Annual Report to Congress on CIG Funding Recommendations.
- **Revised Small Starts, New Starts & Core Capacity Eligibility Thresholds:**
 - **New Starts:** estimated project cost > \$400M **OR** CIG funding > \$150M
 - **Small Starts:** estimated project cost < \$400M **AND** CIG funding < \$150M
 - **Core Capacity:** corridors at capacity or will be in 10 years.
- ***Recommend early engagement with FTA to discuss NEPA, etc.***
- Additional CIG details on [FTA CIG website](#).

Bipartisan Infrastructure Law-TAM & PTASP - UPDATES

Transit Asset Management - TAM

- Provides a foundation for addressing the State of Good Repair backlog
- Focuses on measuring & monitoring performance & condition of vehicles, facilities and rail/BRT lines in order to prioritize capital investments
- Dear Colleague letter released by FTA's Administrator Fernandez on Feb. 9, 2022, addressed the required update
- **Updated TAM plans were due October 1, 2022 (or 4 years from date of last update).**

Public Transportation Agency Safety Plan - PTASP

- PTASP 2/17/2022 Dear Colleague Letter outlines FTA's expectations to address new requirements: <https://www.transit.dot.gov/sites/fta.dot.gov/files/2022-02/PTASP-Dear-Colleague-Letter-February-17-2022.pdf>
- BIL changes to PTASP requirements presentation - The slideshow accessible via the link: [Bipartisan Infrastructure Law Changes to Public Transportation Agency Safety Plan \(PTASP\) Requirements \(dot.gov\)](#)
- Questions: PTASP-TAC@dot.gov

Federal Highway Administration (FHWA)

Eligible Programs to be Flexed to FTA

[Congestion Mitigation and Air Quality Improvement \(CMAQ\)](#)

[Surface Transportation Block Grants \(STBG\)](#)

[Highway Safety Improvement Program \(HSIP\)](#)

[National Highway Performance Program \(NHPP\)](#)

[Transportation Alternatives \(TA\)](#)

[Ferry Boat Program](#)

[State Planning and Research \(SPR\)](#)

[Carbon Reduction Program \(new\)](#)

[Transportation Alternatives - Environment - FHWA \(dot.gov\)](#)

flexfunds@dot.gov

[Pedestrian and Bicycle Funding Opportunities: U.S. Department of Transportation Transit, Safety, and Highway Funds \(dot.gov\)](#)

Pedestrian Improvements

- Sidewalks
- Bus Stops, Shelters & Benches
- ADA-compliant curb cuts
- High-visibility crossings

Bicycle Improvements

- Bike lanes
- Racks, corrals and bikeshare stations

Trails

- Overpasses and off-road trails

Federal Railroad (FRA) Grant Program Opportunities

Programs	Purpose	Appropriated	Additional Authorized Over Five Years	Total
Consolidated Rail Infrastructure and Safety Improvements (CRISI)	To fund projects that improve the safety, efficiency, or reliability of intercity passenger and freight rail.	\$5 billion (\$1 billion annually)	\$5 billion (\$1 billion annually)	\$10 billion
Railroad Crossing Elimination (New)	To promote highway rail or pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods.	\$3 billion (\$600 million annually)	\$2.5 billion (\$500 million annually)	\$5.5 billion
Federal-State Partnership for Intercity Passenger Rail (Significantly Changed)	To fund capital projects that reduce the state of good repair backlog, improve performance, or expand or establish new intercity passenger rail service, including privately operated intercity passenger rail service if an eligible applicant is involved.	\$36 billion (\$7.2 billion annually)	\$7.5 billion (\$1.5 billion annually)	\$43.5 billion
Restoration & Enhancement	To provide operating assistance to initiate, restore, or enhance intercity passenger rail service.	\$250 million (\$50 million annually from Amtrak National Network fund)	\$250 million (\$50 million annually)	\$500 million
Interstate Rail Compacts (New)	This program will provide funding for interstate rail compacts' administrative costs and to conduct railroad systems planning, promotion of intercity passenger rail operations, and the preparation of grant applications.	\$15 million (\$3 million annually)	\$15 million (\$3 million annually)	\$30 million

Planning Reminder

FHWA/FTA Planning Emphasis Areas

December 30, 2021: Planning Emphasis Areas for use in the development of Metropolitan and Statewide Planning and Research Work programs:

1. Tackling the Climate Crisis- Transition to a Clean Energy, Resilient Future
2. Equity and Justice 40 in Transportation Planning
3. Complete Streets
4. Public Involvement
5. Strategic Highway Network (STRAHNET)/DOD Coordination
6. Federal Land Management Agency (FLMA) Coordination
7. Planning and Environment Linkages (PEL)
8. Data in Transportation Planning

National Environmental Policy Act (NEPA)

- The NEPA Class of Action (COA) is an FTA decision.
- In order to determine the COA, FTA may ask you to complete a NEPA checklist.
- The COA decision is usually based on scope of the proposed project, where the project will take place and the Locally Preferred Alternative – or LPA.
- The COA can be a listed categorical exclusion (LCE), a documented categorical exclusion (DCE), an environmental assessment (EA) or an environmental impact statement (EIS).
- Both EAs and EISs are reported on the Federal Permitting Dashboard. The Dashboard is public facing and has strict milestones <https://www.permits.performance.gov/>

NEPA – Early Acquisition of Property

Property Acquisition: Unless an early or at-risk (protective buy or hardship) acquisition meets specific conditions, property **cannot** be acquired until NEPA is **complete** and an environmental determination or decision document has been issued by FTA TR04. This restriction is found in FTA’s environmental regulations ([23 CFR 771.113](#)).

- Prohibited activities include offers to purchase the property or any other commitment to purchase the property or to proceed to a settlement ([FTA Circular 5010.1E](#)).
- Project sponsors should contact FTA TR04 with any questions about potential timing of property acquisitions and their corresponding NEPA documentation.

Please see the following **real estate and NEPA fact sheet** for further information on hardship or protective property acquisition, https://www.transit.dot.gov/sites/fta.dot.gov/files/2021-01/Real-Estate-and-NEPA-FAQs_0.pdf

NEPA Early Acquisitions Webinar

- FTA will host a webinar about the application of early or advance property acquisition under the [National Environmental Policy Act](#) (NEPA).
- When: Thursday, December 8, from 2-3 p.m. ET
- Purpose: To provide an overview of FTA policies on early or advance acquisition of real property for instances where federal funds will be, or are anticipated to be, used for the purchase or development of the subject property;
- And to address compliance with the [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#).
- [Advance registration](#) for the Zoom webinar is required. Click on the hyperlink to register.

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OFPO Updates

- FY 2023 FTA Funding Reminders
- 2020 Census
- Program Oversight Updates/Reminders
 - COVID ECHO Spot Reviews
 - OTrak Pilot
- Emergency Relief/Response Reminders
- ECHO Access

FY 2023 FTA Funding Reminders

- FY2023 Carryover/Lapsing Balances
 - State/UZA funding balances sent out on 10/27/2022
 - Where possible funds are reflected RECIPIENT level, based on submitted split letters
 - Designated Recipients are responsible for tracking and confirming any sub-allocations.
 - Changes require updated split letters submitted to FTA Region IV
 - Send split letters and/or questions to Rodney.Williams@dot.gov
 - Please transmit LAPSING applications ASAP.

FY 2023 FTA Funding Reminders

- FY2023 Funding Reminders
 - BIL Funds need to be in separate PROJECTS from FAST Act funding
 - Can be in same application, but need to be in separate projects due to new funding codes associated with BIL funding
 - Applications for competitive program funding should include the statewide UZA code

2020 Census Updates

- US Census Bureau expected to publish new UZA delineations in December 2022
- New 2020 UZA boundaries will be used for Federal FY 2024 Funding
- FY 2023 and earlier funds will remain available and eligible based on 2010 UZA boundaries
- [FTA Census Resource Page](#)
 - [FTA 2020 Census Frequently Asked Questions](#) – Frequently asked questions regarding the 2020 Census and its implications for FTA recipients.
 - [FTA Program Requirement Impacts of 2020 Census Changes](#) – Briefly describes scenarios for FTA recipients whose population changes result in updated program requirements.
 - [FTA Formula Factors Table](#) – Describes factors affecting FTA funding under various formula programs.

Program Oversight Update

- FY2022 Review Summary
 - 80 reviews completed
 - » TRs/SMRs Conducted – 52 completed. 4 delayed due to Hurricanes
 - » Financial Reviews – 8 reviews conducted
 - » ECHO Spot Reviews – 20
 - Findings Closed - 272
- FY2023 Reviews
 - FY22 reviews postponed until FY23
 - Back on 3-year cycle starting in FY24
 - FY23 Reviews will be conducted virtually, no decision on FY24 has been made
- All upcoming reviews will include verification of Agency Safety Plans and assessment of COVID and ER fund usage.

FY 23 Program Oversight Update

- FY23 Triennial (TR) and State Management Reviews (SMR) will be virtual
- Recipient Information Request (RIR)
 - Sending by 12/2/22
 - **Due 2/3/23**
 - RIR webinars forthcoming
- FY23 Contractor Manual should be posted by 12/1/22
 - FY22 Contractor's Manual: <https://www.transit.dot.gov/oversight-policy-areas/fy22-comprehensive-review-contractors-manual>
- Virtual Workshops being scheduled
- Additional Technical Assistance being developed
 - Top findings webinars
 - new recipient workshops
 - targeted recipient assistance

FY22 Top Findings

Review Area	Finding	TR	SMR
Procurement	P11-1 - Missing FTA clauses	✓	✓
Disadvantaged Business Enterprise	DBE5-1 - DBE uniform reports contain inaccuracies and/or are missing required information		✓
Procurement	P4-1 - Responsibility determination deficiencies		
Procurement	P10-2 - Lacking required cost or price analysis		✓
Procurement	P5-1 - Incomplete written documentation of procurement history		
Procurement	P10-1 - Lacking independent cost estimate		✓
Title VI	TVI2-1 - Language Assistance Plan implementation deficiencies		
Disadvantaged Business Enterprise	DBE6-1 - DBE goal achievement analysis and corrective action plan not completed		✓
Technical Capacity – Award Management	TC-AM2-1 - Incorrect FFR reporting		
Financial Management and Capacity	F1-1 - Lacking/missing required written financial management policies and procedures		
Technical Capacity – Program Management and Subrecipient Oversight	TC-PgM6-1 - FFATA reporting deficiencies		✓
Procurement	P21-1 - Insufficient oversight of subrecipient procurements		✓
Disadvantaged Business Enterprise	DBE12-1 - Insufficient documentation of monitoring DBE compliance of contractors		✓

*As of
11/4/2022

COVID ECHO Spot Reviews





- FTA is conducting ECHO spot reviews and limited financial management reviews on all COVID-19 funding recipients
 - FY 2021 Round 1 = 21 reviews, completed
 - FY 2022 Round 2 = 20 reviews, wrapping up by January 2023
 - FY 2023 Round 3 and beyond = TBD
 - Top Issues identified
 - Lost revenue included in the drawdown
 - Incomplete documentation for ECHO Draws
 - Expenses incurred prior to January 20, 2020 were included in drawdown
 - Revenues not deducted

What is the Oversight Tracking System (OTrak)?

- FTA's official system of record for program oversight data.
 - Ex: State Management Reviews (SMRs)
- Launch/Rollout:
 - Launched for FTA staff and contractors April 26, 2021
 - Federal Fiscal Year (FY) 2023 Recipient Pilot Program planned
 - Sub-set of Triennial Review (TR) and State Management Review (SMR) recipients
 - Full recipient use expected for Federal FY 2024 review cycle

Additional information about OTrak: <https://www.transit.dot.gov/OTrak>

FY23 Pilot Group Outcome Goals

-  Gather experience feedback
-  Refine training materials
-  Confirm system meets all requirements for FY24 go-live decision
-  Inform enhancements to the system

Emergency Response Reporting

- THANK YOU!! For reports/info provided in FY2022
- Future Emergency Reporting Reminders
 - Be sure Region IV has current contact information in advance
 - Provide updates on service impacts, emergency trips, damages, etc.
 - Type and # of any emergency transportation services being provided
 - Emergency protective measures
 - Damages to vehicles, facilities, or equipment.
 - Any temporary or permanent repairs made to damaged vehicles, facilities, or equipment.
- **Very important that all expenses related to disaster response before, during, and after the event be documented and SHARED, in the event of the availability of Emergency Relief funding.**

ECHO User Access

- ECHO recently updated now required to use Login.gov to access
- Any ECHO User access requests should be directed to: Region4.ECHO@dot.gov
- ECHO Form Reminders:
 - Limited to 3 total users: 2 with payment access, 1 with view only
 - Authorizing Officials cannot have payment access
 - Forms must be signed by ECHO Authorizing Official - NOT necessarily the GM
 - Authorization and Certification form MUST be on agency letterhead
 - Change/modify form MUST capture any changes, even if user already has access

ECHO Move to Appian

- ECHO-web moving to the Appian platform in 2nd Quarter Federal FY 2023
- Existing users will be automatically transferred
- ECHO User Manual being updated
- Outreach/Additional information forthcoming

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2022 Groundbreakings and Openings

1. **April 19, 2022 – Gastonia Ribbon Cutting** for the FUSE Transfer Station, a new bus transit station at the intersection of Airline Avenue and Trenton Street providing passengers with a safe, covered space.
2. **April 25, 2022 – GoTriangle Groundbreaking** media announcement for the start of early construction activities on the Raleigh Union Station (RUS) bus facility, a multimodal transit hub in the Warehouse District of downtown Raleigh.
3. **May 20, 2022 – MARTA Ribbon Cutting** for the MARTA and H.J. Russell & Place Properties' Marchon Transit Oriented Development, a mixed-use TOD adjacent to the King Memorial MARTA station and Historic Oakland Cemetery.
4. **June 14, 2022 – City of Atlanta Ribbon Cutting** media announcement for the completion of the Martin Luther King Jr. Drive TIGER Streetscapes project.
5. **September 22, 2022 – City of Birmingham and the Birmingham Jefferson County Transit Authority (BJCTA)** held the Ribbon Cutting ceremony for the TIGER VII Birmingham Bus Rapid Transit (BRT).

Incidental Use

- Limited authorized non-transit use of a federally-funded project property
- Vehicles and Equipment incidental uses require prior FTA concurrence
- Real Estate incidental uses should have prior FTA consultation
- Contact your program manager to obtain an "Incidental Use Tool" to request FTA concurrence or consultation

Vehicle Rebuild Useful life

- Dear Colleague Letter November 2, 2022
[“Cutaway Rebuild Useful Life Waiver”](#)
- 24-month temporary waiver of FTA’s minimum 4-year useful life extension requirement for rebuilds using FTA funds now reduced to 2-years, or 50,000 miles.
- Applies to medium size, light-duty transit buses (“cutaways”) and smaller vehicles having an original minimum useful life of five (5) or fewer years (or 150,000 or fewer miles).
- This waiver is granted in response to FTA recipients’ inability to procure new light-duty buses within reasonable timeframes as a result of persistent supply chain challenges, which are typically not rebuilt.
- FTA may extend this waiver or propose permanent changes to FTA C 5010.1E should conditions warrant.

Spare Ratio

- [Circular 5010.1E](#) and [Triennial Contractor Manual](#) provides guidance
- Bus Fleet: 50+ fixed-route revenue fleet should not exceed 20% spares above the number of revenue vehicles needed during the peak week, day and hours maximum service is provided.
- Rail Fleet: FTA has no set spare ratio number. 5010.1E outlines process.

Contingency Fleet

- Contingency Fleet: vehicles reserved for emergencies or other unforeseen and justified activities.
- Vehicles must have met useful life, be properly stored, maintained, and documented in a contingency plan.
- Does not add to the spare ratio calculation.

Budget Revision vs. Grant Amendment

- **Budget Revision** may be made to make adjustments to ALI amounts, changes in descriptions of activities or adding or deleting ALIs. Must be consistent with STIP and not alter NEPA (approval by PM/Engineer)
- **Grant Amendment** is required when a condition does not allow for a budget revision, there is either a change in the grant purpose or an addition of Federal funds to an existing grant. Grant amendments are subject to the same application requirements as a new grant request.

Real Estate

- Per [FTA Circular 5010.1E](#), FTA must review and concur in real property Appraisals and Review Appraisals for acquisitions and dispositions of more than \$1M.
- In-kind contributions of any value require FTA review and concurrence.

Disposition

- Before meeting useful life, FTA's remaining interest is the greater of its share of the unamortized value based on straight line depreciation of the original purchase price or the federal share of the sales price.
- After useful life is met, if the fair market value is \$5K or less, there is no remaining FTA interest. FTA concurrence to disposition is not required. Retain records of this action.

Bipartisan Infrastructure Law – New Disposition Requirements

What's Changed?

- At the end of useful life, when vehicles, equipment and aggregate supplies with a fair market value of more than \$5,000 is sold:
 - The recipient retains \$5,000 and the non-Federal share of the remaining proceeds.
 - Remaining funds must be returned to FTA via pay.gov and may not be kept for public transportation use.

Notes:

- Applicable for **vehicles, equipment and aggregate supplies that were sold after November 15, 2021**, when the bill was signed into law.
- **Interim Guidance:** <https://www.transit.dot.gov/funding/grants/bipartisan-infrastructure-law-disposition-requirements-frequently-asked-questions>

Post Award Reporting

FFR & MPR

- New grant applications are assigned Quarterly or Annual reporting
 - Annual reporting may be assigned for:
 - Grants with less than \$2 million in Federal funds
 - No construction activities
 - No 5309, BUILD, SSO, ER Funding
 - No other risk factors that may trigger quarterly reporting
- Supergrants may trigger \$2M threshold
 - Excludes Small Urbans
- Quarterly reports due by 30th of reporting month
- Annual reports due by October 30th
- Post Award Manager FFR & MPR Comments

Milestone Progress Report Tips

- When a Milestone date is updated, be aware of the effect on subsequent Milestones and update them as well as needed
- Avoid getting the schedule out of sequence or chronology.
- Example: delayed RFP may shift out of sequence

Milestone	Original Date	Revised Date	Actual Date
RFP Issued	7/1/2020	10/15/2020	
Contract Award	9/1/2020		
Contract Complete	9/30/2021		

Out of sequence!

Period of Performance of Awards

- Beginning in FY22, for new applications:
 - Set the Period of Performance (POP) to five years past the last milestone date (from current practice of two years)
 - Five years was the closeout span for 90% of past grants awarded FY2000 to present
- Grants that have an expired POP cannot incur expenditures after this date
- Will minimize the number of budget revisions needed to extend POP dates
- FTA will continue to target original milestone dates to complete projects and closeout grants

Director Contact Information

VACANT

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CIVIL RIGHTS UPDATES

Title VI Equity Analysis

HOT TOPIC



- Must be **completed early in the planning process** for bus/rail garages and maintenance facilities -- and before the site is selected
- If a disparate impact based on race, color, or national origin is identified, the recipient may only locate the project in that location if there is a substantial justification

Civil Rights – Completing Semi-Annual Reports



- DBE semiannual reports must identify all FTA funding used for contract awards, commitments, and payment in the six-month reporting period
 - Includes supplemental funding
 - Includes funds passed through to subrecipients
- When there are no contract awards, commitments, or payments in a reporting period, include a comment in the DBE report remarks section to confirm
- Complete the December 1 DBE Uniform report, then determine if the overall DBE goal was met for the Federal fiscal year



Ferry System DBE Requirements

- A DBE Project Goal is required for all New Build Ferry Projects
- Goal must be submitted and approved by FTA before RFI is Issued
- Applicability of 49 CFR 26.49(f) for Ferry Projects
- Identify Current Ferry Build Projects
- Recorded Webinars are available

HOT TOPIC



Civil Rights Resources

Civil Rights Overview/What's New

- <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/civil-rightsada>

Civil Rights COVID-19 FAQ

- <https://www.transit.dot.gov/frequently-asked-questions-fta-grantees-regarding-coronavirus-disease-2019-covid-19#COVID-19Civil>

ADA

- <https://www.transit.dot.gov/ada>

DBE

- <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/disadvantaged-business-enterprise>

Title VI

- <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-civil-rights-act-1964>

EEO

- <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/equal-employment-opportunity>

Contact Information

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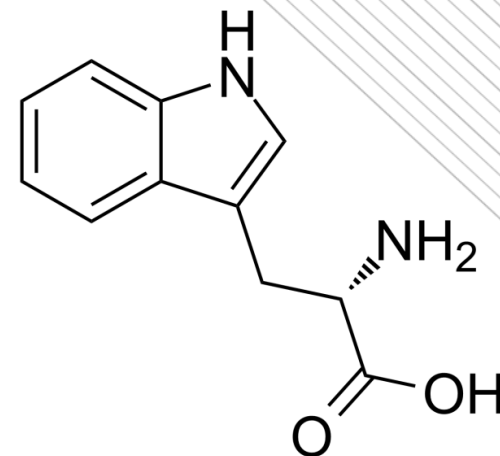
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Legal Updates / PSA

Warning:

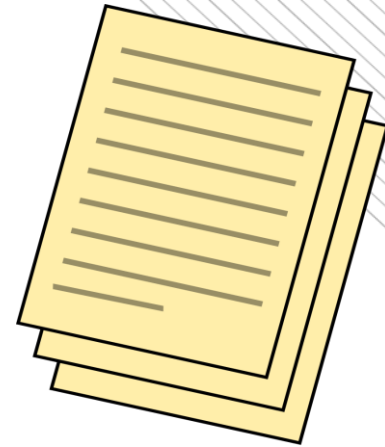
- Some side effects of tryptophan:
 - Dizziness.
 - drowsiness.
 - headache.
 - nausea.



Legal Updates

FY23 Certifications and Assurances

- C&As instructions ... select all ... please?



- Justification?

– If applicants can't submit their C&As electronically, applicants may provide a scanned hard copy submission to their Official and their attorney, accompanied by a statement that gives a clear and valid reason why they are unable to submit electronically. The signed hard copy of the C&As and justification for the hard copy will then need to be uploaded into the Recipient Organization Profile Documents in TrAMS before an award application may be awarded.

Legal Updates / Reminder

FTA Issues Guidance Letter on Buy America Small Purchase Waivers

- On September 16, 2016, FTA's Chief Counsel issued a [policy letter](#) to the industry clarifying the definition of “small purchases” for general public interest waivers from Buy America program requirements.
- The FAST Act set the small purchase waiver at \$150,000 or less; that threshold will not increase with future adjustments made to the simplified acquisition threshold under the Federal Acquisition Regulation (FAR).
- The small purchase waiver is now included in the Buy America statute at 49 USC 5323(j)(13) and applies to purchases, regardless of the size of the project.

Small but mighty!



Legal Updates / Speaking of Buy America

Buy America Transitional Waiver

- January 2021 – Executive Order 14005, *Ensuring the Future is Made in America by All of America’s Workers*, launching a whole-of-government initiative to strengthen the use of federal procurement to support American manufacturing.
 - “**Made in America**” policies are designed to increase reliance on domestic supply chains and ultimately reduce the need to spend taxpayer dollars on foreign-made goods.
 - **DOT issued a transitional waiver effective May 14, 2022.**
 - The transitional waiver expired on **November 10, 2022**, 180 days from the effective date.
 - » <https://www.federalregister.gov/documents/2022/05/25/2022-11195/temporary-waiver-of-buy-america-requirements-for-construction-materials>
 - This transitional waiver to prepare for compliance with the new Made in America standards regarding “construction materials.”
 - The Bipartisan Infrastructure Law (BIL) states “none of the funds made available for a Federal financial assistance program for infrastructure . . . may be obligated for a project unless all of the iron, steel, manufactured products, **and construction materials** used in the project are produced in the United States.”

Legal Updates / Speaking of Buy America

Construction Materials:

- On November 7, 2022, FTA issued a [Dear Colleague Letter](#) providing updates on the Buy America construction materials requirement.
- Following the expiration of the temporary waiver on November 10, every award FTA obligates will require that any construction materials procured under the award be manufactured in the United States.

On November 4, 2022, DOT proposed two waivers: (1) a [waiver](#) for narrow categories of contracts and solicitations, to help certain ongoing procurements transition to the new construction materials standard, and (2) a narrow [waiver](#) for de minimis costs, small grants, and minor components, for all Buy America requirements...

- Comment period ended on November 20, 2022 on the two proposed waivers.

<https://www.transit.dot.gov/buyamerica>

Speaking of FTA's Buy America web page

<https://www.transit.dot.gov/buyamerica>

Partial General Non-availability Waiver for Unmodified Vans and Minivans (i.e. vanpool vehicles)

- On October 25, 2022, FTA published a [Federal Register notice](#) announcing a two-year waiver of its Buy America domestic content requirement for certain commercially produced vans and minivans used in public transportation, due to the unavailability of compliant vehicles.
- The partial waiver applies to procurements of mass-produced, unmodified vans and minivans and is critical to vanpool and public transportation services for passengers that do not require ADA-accessible vehicles.
- The waiver maximizes the domestic content in these vans and minivans by **requiring U.S. final assembly and U.S. manufacture of engines or motors...**

Legal Updates / Reminder



- 49 U.S.C. § 5325
 - Contract requirements
 - (a) Competition.—
 - Recipients of assistance under this chapter shall conduct all procurement transactions in a manner that provides **full and open competition** as determined by the Secretary.
- Lastly:
 - FTA Resources ... THEY'RE GRREEEAAAATTTT!



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General Reminders

- [Sign up for Updates on the FTA website](#)
- [Regional Training](#)
 - Toolkits, FTA 101, TrAMS Training, Checklists
- [National TrAMS Training](#)
- [ECHO Information](#)

