

Caltrans, Division of Mass Transportation (DMT) Federal Transit Administration (FTA)

ARRA (FTA Section 5311) Transit Capital Grant Application Information and Questions/Answers

The following is a summary of the ARRA FTA Section 5311 Non-Urban grant application guidelines to assist transit operators with applying for ARRA 5311 Non-Urban projects. The Federal Transit Administration (FTA) has provided guidance on their website which may be found at: http://www.fta.dot.gov/index_9118.html.

1. The final ARRA FTA Section 5311 Non-Urban apportionment of \$34 million was issued on March 5, 2009. Caltrans, DMT has 180-days to obligate the funds (receive grant award). The Regional Apportionment distribution can be obtained at: <http://www.dot.ca.gov/hq/MassTrans/Stimulus%20of%202009/finalnonurbanarra5311funds030509.pdf>
2. Eligible ARRA 5311 Non-Urban project applications must be submitted to Caltrans Headquarters, DMT, via the ARRA FTA 5311 Non-Urban grant application form (including FHWA flex funds) no later than **Friday, April 17, 2009**. ARRA 5311 Non-Urban Grant application forms can be obtained at: <http://www.dot.ca.gov/hq/MassTrans/5311.html>.
3. DMT plans to submit the ARRA FTA Section 5311 Non-Urban grant for the total amount available in the final apportionment no later than May 29, 2009.
4. 15% of the total ARRA FTA Section 5311 funds (\$5 million) are being allocated for the Intercity Bus Program. Applicants for eligible intercity bus ARRA funds must use the appropriate Intercity Bus ARRA grant application available at www.dot.ca.gov/hq/MassTrans/5311.htm1. It's highly recommended that these applications be submitted to DMT as soon as possible – eligible ARRA Intercity project applications must be received by Caltrans Headquarters no later than **Friday, April 17, 2009**.
5. To ensure that all of the ARRA funds are used in California, Regions are asked to submit two sets of ARRA FTA 5311 grant applications by **April 17, 2009** as follows:
 - First, one set of eligible ARRA FTA Section 5311 grant application(s) totaling up to the RTPA's FTA 5311 ARRA apportionment (or if Intercity Bus, then submit all applications accordingly).
 - Second, eligible ARRA FTA 5311 grant application(s) to be available in the event additional ARRA funds are left over. These projects will be contingent upon available funds and will be selected on a priority basis. (Projects should be listed in the order of priority.)

6. Federal Register announcement of American Recovery and Reinvestment Act of 2009 Public Transportation Apportionments, Allocations and Grant Program Information is now available at, <http://edocket.access.gpo.gov/2009/pdf/E9-4745.pdf>.
7. ARRA funding is only for capital assistance projects, per 49 USC, 5302(a) (1). Paratransit vehicles are eligible, but must be “open to the public”. ADA operating assistance is also eligible, but must be capped at 10% of the total regional apportionment. Please see the following link for more information on 49 USC, 5302(a) (1). [http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=\\$\\$xa\\$\\$busc49.wais&start=1206227&SIZE=29469&TYPE=TEXT](http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=$$xa$$busc49.wais&start=1206227&SIZE=29469&TYPE=TEXT)
8. Applicants must work with their Regional Transportation Planning Agencies and/or Metropolitan Transportation Planning Organizations to ensure that eligible projects are included in the FTIP/FSTIP.
9. Agencies with Flex Funds, such as STP and/or CMAQ, must notify DMT and Division of Local Assistance ASAP to transfer the funds to FTA immediately. This process requires additional time and should be a priority to expedite the transfer.
10. All existing Federal rules and Program Requirements apply to ARRA, including programming in the FTIP/FSTIP, public participation, NEPA, permitting, and contracting.
11. The public involvement and consultation provisions adopted and published by metropolitan and statewide transportation planning processes apply to planning and programming of projects supported with ARRA funds. The provisions outlined in MPO Participation Plans and documented public participation processes of States describe the locally agreed upon requirements for public review in the planning process, including the schedule and period of time for public input and comment that must be met. Additionally, public review and comment required by the environmental process must be undertaken prior to receiving ARRA funds.
12. Multi-funded FTA grant projects can add ARRA funds. However, separate FTA grant applications are required to be submitted for each funding category, including ARRA.
13. ARRA funds cannot be used as local match for regular FTA funds (non ARRA). Federal share for ARRA projects is 100%.
14. ARRA grantees are subject to accountability and transparency, including section 1511 Certifications which are provided once; periodic reports on specified dates (90 & 180 days, and 1, 2, & 3 years after enactment); and quarterly reports (no later than 10 days after the end of each calendar quarter, through TEAM and DMT). *More guidance on ARRA Reporting Requirements will be provided at a later date.*

15. Davis Bacon prevailing wage applies to ARRA funds. Please see the website for more information: <http://www.access.gpo.gov/davisbacon/>
16. Title VI of the Civil Rights Act of 1964 (Title VI) will apply to all ARRA funds. Please reference the following guidelines when preparing: Title VI Programs must adhere to Circular 4702.1A, revised May 2007.
http://www.fta.dot.gov/documents/Title_VI_Circular_4702.1A.pdf
17. Disadvantaged Business Enterprise (DBE) will apply to ARRA funds. Vehicles must be purchased from a transit vehicle manufacturer (TVM) with a current DBE program goal on file with FTA. (If you are using the State Contract, then you are covered as these vehicles are already compliant.) For local procurements, the list of TVMs with an FTA-approved DBE goal is on the Office of Civil Rights DBE webpage and is updated regularly. Transit agencies must assure at time of bid that TVMs have an FTA-approved DBE goal. ARRA is an opportunity for transit agencies to perform outreach to new and underutilized DBE contractors. More information on DBE and ARRA can be found on FHWA's Economic Recovery website and FTA's Contracting & Procurement website.
18. Additional information is available at <http://www.fta.dot.gov> and/or by contacting the Rural Transit and Intercity Bus Branch (FTA Section 5311), Department of Transportation, Division of Mass Transportation HQ staff:
<http://www.dot.ca.gov/hq/MassTrans/ARRA.html>

QUESTIONS AND ANSWERS

- Q.** 5310 projects awarded. Do we need to submit an ARRA application for the local match?
- A.** If you want to move your project to ARRA, you have to move it at 100%. We cannot program the ARRA funds just as a local match. You cannot use ARRA funds as local match. It's either 100% with ARRA funds or leave it in 5310 with local match.
- Q.** How do you fund a multi-funded project if it's 100% ARRA?
- A.** You can have another ARRA fund (like 5307).
- Q.** Can you add this to existing other 5311 normal money?
- A.** Yes. You can but the normal money still have a match requirement, i.e., you want to use your 5311 regional apportionment at 88.53%, you will provide your 11.47% local match and you will tell us how much ARRA funds you want to add to your project for a total project cost.

Q. Is CMAQ funds eligible for 100% federal?

A. Yes. That hasn't changed.

Q. Do we need to do public hearing for ARRA funds?

A. Yes, public hearing is still required and confirmed today with FTA that all of the normal grant requirements are still applicable. Project must be ready to go, NEPA cleared or exempt as well as met all the public participation requirements, includes the program of projects be adopted and grant application submitted.

Q. Does public hearing have to be completed before application submittal?

A. No. Application must include proof of public notice of public hearing. We will verify that your public hearing has occurred before submitting grant to FTA. Application should state that public hearing is pending with the expected date. Option to schedule a minimum 30-day notice or two 15-day notices.

Q. If a 5310 project on the list has completed its public hearing requirement (through normal pop process) will you needed again because it's a new source of funding or will the already held public hearing through the 5310 process be sufficient?

A. Submit the board action with your ARRA application.

Q. With regards to the 5310 projects, if they move over to ARRA would it open up potential funding for projects lower down below 110 mark. Will you revisit that?

A. Yes, we will revisit that. We do not want to hold up the 5310 grant. Need to let Cindy Chiaverini know if your 5310 projects (at 110% or above) will move to the ARRA no later than Friday, 2/27/09.

Q. Does public hearing have to be a stand alone event or part of a city council meeting?

A. The public participation process is define by federal requirement and identified in the application. It can be part of a public meeting as long as it is on the meeting agenda to allow for public comment on the project and noted in the minutes.

Q. Is preventive maintenance eligible?

A. Yes.

Q. Does public hearing have to be held before the application is submitted?

A. It has to be noticed before application submittal. Application requires proof of notice.

Q. When are ARRA applications due?

A. Application is due April 17, 2009. Submit applications based on your preliminary apportionment and also contingency projects if funding is available. For example, if one area does not come in for full apportionment we would like projects available for the whole state. Priority one is to fund for the region; priority two is to fund all in California.

Q. In the 5311 formal funds does the final bill allow for paratransit operating under capital assistance?

A. Yes. Under section 5302 (a) (1), Leslie Rogers from FTA confirmed that we should follow that guideline for capital assistance projects and paratransit operating assistance is included as long as it does not exceed 10% of the region's apportionment funds.

Q. Who should the Yurok tribe work with to apply for ARRA funds?

A. We encourage you to work with both Humboldt and Del Norte counties and to contact Caltrans Section 5311 liaison, Helen Louie.

Q. Do projects currently approved through the other programs (Section 5311, 5310, 5316, 5317) require application submittal on the ARRA application?

A. Yes.

Q. What happens to the remaining money that is left over after all applications are submitted by April 17th?

A. We would like two sets of application submittals (if you have it). One for the regional apportionment and one set for any other projects we should consider if we have money available.

Q. Does the contingency projects have to be programmed?

A. Since the money will have already been programmed, you can submit applications for potential projects.

Q. Does that mean that a region can submit extra projects that is beyond the regional apportionment amount in case there is extra money?

A. By April 18th, we will know how much money will be available for extra projects. We need a list of contingency projects in case funds become available. Contingency projects should be prioritized.

Q. What is the calendar date for the 180-day deadline?

A. Depending on the date of the final apportionment released from FTA. It is approximately September 6, 2009. We are aiming to submit grant to FTA in June.

Q. Does “obligate” mean funds being in a contract?

A. No. Obligate means grant award from FTA. The 180-day deadline is when FTA notifies Caltrans that the grant is awarded. There is no other deadline except the FTA grant award.

Q. The bill states that 50% of the funds must be obligated within 180-days. Why aren't we pursuing 100% of the funds by the April 17th date?

A. We are going to obligate 100% of the ARRA funds. We established early deadlines to alleviate any loss of funds.

Q. Will the extra projects be described as discretionary?

A. There should be two submissions. First set with a cover letter for the regional apportionment; second set with cover letter for contingency projects including the priority order. The same ARRA application should be used to contingency projects.

Q. Does public hearing process have to be initiated for contingency projects?

A. Our advice is to schedule a public hearing for ARRA or an item on the agenda to cover the ARRA, state the process and intent to submit project applications for regional apportionment and contingency funds.

Q. Will funding for contingency projects be at 80/20 match or 100% federal funds?

A. ARRA funds are at 100% federal.

Q. What is the 10% limit for regions?

A. Operating assistance projects for ADA paratransit service is capped at 10% of the region's apportionment. You cannot use all of your regional apportionment for ADA paratransit service.

Q. If projects are on the same application, do you want multiple budget sheets for each project?

A. Yes. Each project should include an individual budget sheet.

Q. Are there additional requirements to apply for ADA paratransit operating service or is the same requirement as the Section 5311 operating assistance?

A. There are additional requirements which are identified in the ARRA application.

Q. Should the ARRA projects on the revised Program of Projects (POP) for Section 5311 FFY 2009?

A. No, ARRA projects are identified in a different FTA grant. The DMT will not require a POP for ARRA funds. A revised POP for Section 5311 FFY 2009 Regional Apportionment is required only if projects from the original POP (due 12/31/08) is moved to the ARRA funds.

Q. How will the regions be able to divide up the funds between eligible jurisdictions?

A. The ARRA application requires MPO/RTPA certification. This requirement will allow regions to determine the number of projects approved for ARRA regional apportionment funds.

- Q.** If piggybacking is used for bus purchase will it relinquish our agency from federal procurement requirements?
- A.** Caltrans will need to approve the piggyback and the purchasing contract. Agency will need to submit a copy of the piggybacking contract to ensure it is a true purchasing opportunity.
- Q.** Is RFP required for purchasing from State Vehicle contract?
- A.** No.
- Q.** Is there a standard for the number of jobs created for a bus purchase?
- A.** There is a standard for the number of jobs created based on the project amount. DMT will provide technical assistance. FTA is considering contacting the vehicle manufacturers to determine the number of employees need to address new contracts and may eliminate us trying to figure that out.
- Q.** Will local agency labor be eligible for ARRA funds?
- A.** Administration cost and public works labor cost in construction can be an eligible expense i.e., installation of shelter.
- Q.** Will all ARRA applications be sent directly to HQ DMT and not to the districts?
- A.** Yes. ARRA timeframe is short but the districts will be involved with project monitoring and reporting.