

National Capital Region Transportation Planning Board

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202 TDD: (202) 962-3213

Item #5

MEMORANDUM

December 10, 2009

TO: Transportation Planning Board

FROM: Ronald F. Kirby
Director, Department of
Transportation Planning

RE: Letters Sent/Received Since the November 18th TPB Meeting

The attached letters were sent/received since the November 18th TPB meeting. The letters will be reviewed under Agenda #5 of the December 16th TPB agenda.

Attachments

National Capital Region Transportation Planning Board

777 North Capitol Street, NE, Suite 300, Washington, D.C. 200052-4290 – Phone 202/962-3310 – Fax 202/962-3202

November 18, 2009

Mr. David J. Robertson
Executive Director
Metropolitan Washington Council of Governments
777 North Capitol Street, NE
Washington, DC 20002

Dear Mr. Robertson:

In your letter of October 20, 2009, you requested comments from the National Capital Region Transportation Planning Board (TPB) on the draft report "REGION FORWARD -- Greater Washington 2050: COG's Vision for the National Capital Region in the Twenty-First Century," approved for public release and comment by the COG Board of Directors on October 14th. The TPB welcomes the opportunity to receive a briefing and provide comments on this report.

The TPB greatly appreciates the time and effort devoted by the Greater Washington 2050 Coalition Membership to developing a new, comprehensive regional vision for the Washington region, and pledges its support for future efforts to advance the shared regional goals that have been identified. The TPB particularly appreciates the effort to integrate goals from the nine individual sectors, including transportation, into the four broad categories of accessibility, sustainability, prosperity and livability. In addition to recognizing the critical linkages between such sectors as land use, transportation, and housing, the focus on these four categories (and on sustainability and livability in particular) lays the groundwork for the Washington region to take advantage of new legislative and inter-agency initiatives at the federal level, such as the new Partnership for Sustainable Communities formed earlier this year between the Department of Housing and Urban Development (HUD), the Department of Transportation (DOT), and the Environmental Protection Agency (EPA). The TPB has become very much aware of the importance of these linkages through several years of experience in pursuing the goals of the 1998 TPB Vision through its Transportation and Land Use Connections (TLC) program.

The TPB requests that the final version of the Greater Washington 2050 report incorporate the following three additional points:

- In addition to expanding transit and walkability options, roads are an essential component of a functional regional transportation system. Increased capacity and additional support for maintenance, management, and operations are needed to accommodate the region's growth and economic vibrancy.

Mr. David Robertson

November 18, 2009

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- Recognize and respect the geographic diversity of the region which offers residences and business opportunities for rural, suburban, and urban locational choices. Establishing metrics, trends and targets should be realistic and reflective of our geographic diversity.
- Promote accessibility of passengers and cargo to the region's airports.

With respect to the six specific questions that you asked be considered in commenting on the draft report and recommendations, the TPB offers the following observations:

- While the nine goals are very appropriate for the individual sectors they address, greater emphasis might be placed on the linkages between these goals by relating them more explicitly to the four overarching categories of accessibility, sustainability, prosperity and livability.
- With regard to the use of "targets and indicators", the TPB recommends:
 - a few, well-defined and understandable indicators (quality rather than quantity);
 - directions and priorities rather than hard numerical targets; incentives rather than disincentives; and expanded benefit cost analysis that can capture a full array of benefits and costs associated with alternative policies.
- A baseline analysis on targets and indicators should be conducted and updated regularly, as is currently being done, for example, for greenhouse gas emissions.
- The survey of public opinion conducted under the Greater Washington 2050 effort provided some statistically significant information at both jurisdictional and regional levels on public perceptions of regional performance and priorities. Repeating this survey every three years or so would provide an excellent means of tracking progress on regional priorities as seen by the general public.
- Continued outreach to local governments and other public and private organizations on the results of this work and continuing efforts would help promote and inform an ongoing public dialogue on key regional policy issues and concerns.
- Greater accountability and transparency in the process can best be provided by periodic updates of the public opinion survey and other indicators of regional performance. Data currently being collected through ongoing programs at COG (such as the TPB's triennial freeway congestion survey) and state and local governments provides an existing resource which could be tapped at relatively low cost for this purpose.

Mr. David Robertson
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Thank you for providing a briefing to the TPB on the Greater Washington 2050 report, and for the opportunity to provide comments. The TPB looks forward to participating in continuing efforts to advance the shared regional goals identified in the report.

Sincerely,

A handwritten signature in cursive script, reading "Charles A. Jenkins".

Charles Jenkins
Chairman
National Capital Region
Transportation Planning Board



December 7, 2009

Mr. David J. Robertson
Executive Director
Metropolitan Washington Council of Governments
777 North Capitol Street, NE
Washington, DC 20002

Dear Mr. Robertson,

The Washington Metropolitan Area Transit Authority (Metro) welcomes the opportunity to provide comments on the draft report "REGION FORWARD – Greater Washington 2050: COG's Vision for the National Capital Region in the Twenty-First Century." This region has benefitted from the visionary leadership that led to the conceptualization, planning, and ultimate construction of the 106-mile Metrorail system that supports and enhances livability and sustain-ability across the region. The Greater Washington 2050 plan comes at an opportune time when a new vision needs to be expressed that will guide investment decisions based on a set of regional priorities.

We believe that Metro can play a primary role in helping the region address future challenges and achieve the "Land Use," "Transportation," and "Climate and Energy" goals expressed in the vision document. Specifically, *Greater Washington 2050* calls for a walkable transit-oriented communities, greater transportation choices and use of public transportation, and access to high-capacity transit service linking Regional Activity Centers. Achieving each of these regional goals will require an expansion and integration of the regional transit system.

As the region and the region's transit network grow over time, it bears emphasizing that continued growth in transit ridership will place significant strain on existing infrastructure in the region's transit core. Recent forecasts of Metrorail system capacity suggest that, at currently expected growth rates, the capacity of the system to move patrons to and through the region's core in peak commuting hours will begin to degrade significantly beginning around 2025. This "core capacity" issue will need to be addressed on a regional level in order to accommodate additional transit riders brought to the system, whether these riders are

Washington
Metropolitan Area
Transit Authority

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202-962-1234

By Metrorail:
Judiciary Square—Red Line
Gallery Place-Chinatown—
Red, Green and
Yellow Lines
By Metrobus:
Routes D1, D3, D6, P5,
T0, T1, R0, X2

A District of Columbia,
Maryland and Virginia
Transit Partnership

Mr. Robertson

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added by bus, streetcar, light rail, commuter rail, or Metrorail service expansions.

Currently a number of local jurisdictions around the region are pursuing a variety of surface transit expansion projects, all of which Metro welcomes. These individual local projects must, however, be integrated into a framework for surface transit that will cohesively provide future transit infrastructure investments in areas designated as Regional Activity Centers, as well as address the core capacity issue stated above. In recent months, Metro has embarked on the development of a long-range regional transit plan with the express goal of identifying solutions in the areas of core capacity, surface transit integration, and transit system access. A guiding principle of this planning will be to focus transit investments in areas that are supportive of regional growth goals so as to align jurisdictional investments with regional livability and sustainability goals.

Another point worth emphasizing is that for planned surface transit enhancement projects to attain stated goals of reducing VMT per capita and increasing transit mode share, prioritization of roadway infrastructure to maximize person throughput must be pursued as the collectively adopted strategy of transit agencies, highway departments, and local governments. Arterial and collector roadways within designated Regional Activity Centers and highways and arterial's connecting designated Regional Activity Centers must give priority to transit vehicles wherever possible. Priority improvements such as transit signal priority and dedicated bus lanes will facilitate modal shifts and utilize existing transportation infrastructure in the most cost effective manner. A study sponsored by the Transportation Planning Board – expected to be finalized early in 2010 – is further expected to make this point quantitatively with respect to Metro's Priority Corridor Network for buses.

Mr. Robertson

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Metro appreciates and supports the use of targets and performance goals to indicate the overall direction and progress on achieving regional goals. We agree with the Transportation Planning Board that a focus on a few well-defined and understandable indicators is preferable to using hard numerical targets that could prove problematic. Metro is committed to working with COG staff to identify appropriate measures of effectiveness that are best indicative of a transit-supportive program.

Once again, thank you for the opportunity to comment on your effort. We look forward to working with you and your staff on bringing your vision to fruition.

Sincerely,

A handwritten signature in black ink, appearing to read "Nat Bottigheimer", with a long, sweeping horizontal stroke extending to the right.

Nat Bottigheimer
Assistant General Manager
Planning and Joint Development
Washington Metropolitan Area Transit Authority

National Capital Region Transportation Planning Board

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202 TDD: (202) 962-3213

December 7, 2009

Honorable Jim Graham, Chairman
Washington Metropolitan Area Transit Authority
Board of Directors
600 5th Street, NW
Washington, D.C. 20001

Subject: National Capital Region Transportation Planning Board (TPB) Access for All
Advisory Committee Concerns about Proposals to Reduce the Use of
MetroAccess

Dear Chairman Graham:

I am writing as Chair of the TPB's Access for All Advisory Committee regarding concerns committee members have about FY2011 WMATA budget discussions to reduce the use and subsidy of MetroAccess. While the Access for All Advisory Committee recognizes the critical budget shortfalls that WMATA is facing, the Committee urges WMATA management and Board Members to put the cost MetroAccess in context with the benefits, and consider ways to reduce MetroAccess costs that mitigate the impact on customers.

MetroAccess is Not the Primary Cause of the WMATA Budget Shortfalls

The AFA members believe WMATA presentations and news articles have often given the impression that MetroAccess costs are the primary cause of the budget shortfalls. In reality, MetroAccess is 6.3 percent of the total operating and maintenance budget and there are other expenses that have even greater impacts on WMATA's budget such as employee overtime, pension and healthcare costs. Furthermore, while the per passenger subsidy for MetroAccess is higher than bus and rail, the fact is all transit trips are subsidized. The committee believes that this subsidization of MetroAccess is warranted for three reasons: 1) the median income of MetroAccess customers is below the official poverty line; 2) the diminishing number door-to-door transportation services available to the community as both paratransit and human services providers experience similar budgetary challenges; and 3) the significant value and benefits of MetroAccess service.

The Value and Benefits of MetroAccess Must Be Recognized

The value and benefits of MetroAccess service, which provides critical service to some of the most vulnerable population groups in the region, should be better recognized. Easter Seals Project ACTION, an organization funded by the Federal Transit Administration to help the disability and transit community work together on accessible transportation, conducted

a study to examine the benefits of services like MetroAccess¹. A fact sheet from that study is attached.

The AFA committee believes that WMATA management and the Board of Directors should have a greater awareness about the benefits of MetroAccess. The Easter Seals Project ACTION report states services like MetroAccess:

- Promote employment-related benefits by enabling workers to contribute to the tax base, expanding the labor pool, increasing employee reliability and reducing absenteeism and turnover;
- Save money, potentially, by reducing dependency on government support, reducing some healthcare costs and preventing costly institutionalization;
- Provide access to social and other community activities, avoidance of institutionalization, and possible reduction in medical and social service expenses;
- Challenge disability stereotypes by promoting visibility of people with disabilities; and
- Relieve caregivers and family members.

The AFA emphasized that another benefit of ADA paratransit services, such as MetroAccess, is that it provides comparable service to the bus and rail system, and therefore is available for any trip purpose, for the same locations and times as bus and rail service. Other human service transportation in the region does not offer customers the same level of flexibility and mobility.

Recommendations to Reduce Costs that Should Be Considered Now

In 2008, the AFA participated in the TPB's Independent Review of MetroAccess² conducted by TranSystems Corporation. The report was transmitted to the WMATA Board in December 2008. The AFA would like to emphasize the following recommendations from the report which will help WMATA reduce costs and mitigate service reductions.

In the near term WMATA should:

¹ *The Changing Paradigm for Paratransit*. Prepared for Easter Seals Project ACTION by the Disability Rights Education and Defense Fund. August 2007.

² *Independent Review of the Washington Metropolitan Area Transit Authority's (WMATA) MetroAccess Service*. Final Report. Prepared for the National Capital Region Transportation Planning Board by TranSystems Corporation and KFH Group. November 25, 2008.

1. Simplify the recertification process for individuals found unconditionally eligible for MetroAccess and whose functional ability is not expected to improve over time. These unnecessary certifications are using critical resources and funding;
2. Utilize more taxicab service for MetroAccess trips. The average cost of a MetroAccess trip is \$37.00 whereas the average taxicab fare can be much less. The utilization of accessible taxicabs throughout the region can be a win-win for customers, WMATA and taxi operators; and
3. Reduce MetroAccess driver turnover. MetroAccess has a 111 percent driver turnover rate which is over four times higher than the national average of 27 percent. The current MetroAccess contractor estimated it costs \$7,500 to recruit and train each new driver. In addition, experienced MetroAccess drivers can complete more trips per hour, which can reduce costs.

In the future WMATA should:

4. Change the contract structure to lessen the concentration of responsibilities and operating functions in any one company and to provide for a more stable, experienced workforce.
5. Continue to improve the accessibility of bus and rail services to provide an alternative to MetroAccess. Consumers with disabilities still face barriers in using fixed route services such as Metrorail elevator outages, the lack of bus stop announcements, and inaccessible pedestrian infrastructure and bus shelters.

Thank you for your consideration of these AFA concerns. The AFA is requesting a presentation from WMATA staff on proposals regarding MetroAccess service for the FY2011 WMATA Budget before the proposals are finalized. The AFA looks forward to continued discussions about the challenges of providing safe and accessible transportation to traditionally-disadvantaged population groups.

Sincerely,



Supervisor Catherine Hudgins
Chair, TPB Access for All Advisory Committee

cc: Christian Kent, Assistant General Manager, Department of Access Services



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The Changing Paradigm for Paratransit FACT SHEET #1

Why is Paratransit So Important and What are the Human and Economic Costs When Paratransit is Not Available?

“We need to stop looking at paratransit users as something different. They are a very important part of our society. Many of the paratransit riders are clergy, lawyers, and high school teachers, so why look at them as being different from the community?”

- Victor Burke, Executive Vice President, Dallas Area Rapid Transit

Paratransit is critical to ensuring that people with disabilities and older adults have the opportunity to remain active, engaged members of their communities. For many, it also serves as a lifeline to essential services, such as medical treatment and meal programs, as well as social and spiritual activities. Paratransit provides freedom of mobility, transportation choice, and promotes dignity and privacy in the lives of older adults and people with disabilities.

In addition to providing personal opportunity, paratransit also has a greater role in how society functions. According to a Transit Cooperative Research Program report, “The lack of personal mobility has economic, social, and human costs, such as higher unemployment, reduced tax revenue, greater welfare and medical costs, and limited social potential.”ⁱ

As the title indicates, this fact sheet provides answers to important questions about the availability of paratransit.

How Does Paratransit Benefit People with Disabilities and Older Adults?

- **Access to essential life-supporting activities**

A frail older woman needed to go to her doctor who was located 15 miles from the woman’s home. The paratransit driver for Life Stream in Indiana transported the woman to her destination, waited while she completed her visit, and then drove her home—a four-hour trip. This rider could not have undergone required medical tests without the service.

- **Access to employment**

Many paratransit operators note that employment is almost always among the top three or four reasons people use paratransit. Communities, and society in general, benefit when people are actively seeking employment or are employed and have a reliable means for transportation to get to their jobs. These benefits include an increase in employee reliability and reduction of absenteeism.

- **Access to social and other community activities, avoidance of institutionalization, and possible reduction in medical and social service expenses**

Paratransit can defer or eliminate the need for costly institutionalization in nursing homes and other facilities by enabling access to community-based services, such as medical care and meal programs. Promoting participation in social networks can prevent or lessen the effects of depression as well as deter physical decline and institutionalization.

- **Emergency evacuations**

Accessible transit systems and an emergency plan make it possible to evacuate people with disabilities and older adults. Sean Solan, transportation manager for Wind River Transportation Authority in rural Wyoming said that his public transit system has conducted two separate evacuations at a convalescent hospital; one because of a chemical spill and the other because of a fire.

How Does Paratransit Benefit the Community?

- **Economic benefit**

For some communities, paratransit can serve as an economic engine of its own. For example, Access Transportation in Pittsburgh, Pennsylvania, delivers people to destinations where they work and spend money. It transports students to school, employees to work, and people to health care, while also adding value by helping to involve people in the community. In addition, the Access Transportation program is a \$33 million business that employs over 1,000 people, which contributes to the economic health of the community.

- **Reduces stereotypes about aging and disability**

Brenda Durbin of Clackamas County Social Services in Oregon said, "I think paratransit enables communities to remain diverse in income level and age and ability level, because it enables people to stay in their homes where they have lived for twenty or thirty years." Similarly, Al Abeson, past Executive Director of Easter Seals Project ACTION, observed that when people with disabilities have access to mobility, they can truly contribute to educating society about the variability of the human condition.

- **Provides respite for caregivers**

"Paratransit services let people function independently of the family member who would otherwise have the task of taking them to the doctor and the grocery store and elsewhere. These [caregiver family members] have the chance to earn a stable income because they're not absent from work! So the caregivers are in a particularly vital position. Helping them helps everyone."

- Jon Burkhardt, Senior Study Director, WESTAT

- **Paratransit has “option value”**

The option value of paratransit is the value of paratransit for someone who does not have a disability or is not yet an older adult, but might need paratransit in the future, according to David Lewis, Senior Vice President, National Director Financial and Economics, HDR, Inc., Washington, D.C. Option value exists for paratransit because people can envision a time when an older relative, or they themselves, will no longer be able to drive. They can also envision when a friend or colleague who has a disability will not be able to attend a social event or other function or activity without accessible door-to-door transportation service. The very existence of the coverage provides a certain level of comfort about the future.

- **Paratransit has “existence value”**

Lewis also noted that people are willing to pay to live in a community in which certain services, rights, and privileges are protected or provided. Willingness to pay for these benefits is referred to as existence value. For example, most people are willing to pay for police and fire protection, and they will allow their federal taxes to support services in communities that may not result in a direct benefit to them. In the same sense, the community is willing to pay to ensure that a society exists in which door-to-door paratransit service is provided for people with disabilities, older adults, and others.

What is the Cost to the Community if Paratransit is Not Available?

- **Lost employment**

If paratransit were not available, employment opportunities for many people with disabilities would be severely limited. One survey indicated that between 45-50% of people with disabilities said they wanted to work, but could not because transportation was not available.ⁱⁱ When a significant portion of the community is restricted from reaching employment, the economy is weakened.

- **Higher social welfare costs, including increased use of emergency rooms, and medical institutionalization**

People may defer visits to a doctor because transportation is not available or they are uninformed about transportation options. A lack of awareness may increase emergency room visits and use of ambulance services. Limited paratransit availability in rural areas combined with distances to medical facilities and stores forces many elderly and people with disabilities to live in an institution. Wendy Klancher, Senior Transportation Planner at the Department of Transportation Planning at the Metropolitan Washington (DC) Council of Governments, states, “There would be higher institutional and medical costs without paratransit.”

- **Loss of cross-sector savings**

Transportation serves as a connector to all other services and activities in the community. It is expensive to provide home-based services to the elderly and people with disabilities because they do not have the mobility to access less-costly services in centralized locations. A balanced network of transportation health and social service options allows for efficient use of public resources. Cross-sector savings include, for

example, reduced costs of home-delivered services when people can get to community-based meal and medical service programs.

- **Increased isolation and depression from lack of mobility**

Paratransit services provide rides to some people who simply cannot reach their destinations without the service. Without paratransit, isolation would result in increased depression among those who have limited access to civic life, as well as a perpetuation of disability and age-based discrimination. When the community has little exposure to the elderly or to people with disabilities, the unfamiliarity can breathe life into negative stereotypes and judgments, fear, and discrimination.

Dr. Sandra Rosenbloom, Professor of Planning at the University of Arizona, notes, “A diverse community is a healthy community, one where people with different talents and abilities interact.” Loss of the contribution to the community by people with disabilities or older adults reduces the strength of that community and weakens its capacity to thrive.

ⁱ Using Public Transportation to Reduce the Economic, Social, and Human Costs of Personal Immobility: TCRP Report 49, Prepared by Crain & Associates, Ricardo Byrd and Omniversed International for TCRP and TRB (Washington, DC: National Academy Press, 1999).

ⁱⁱ Survey conducted by Access Transportation in Pittsburgh, Pennsylvania.



Federal Register

Tuesday,
December 8, 2009

Part V

Department of Transportation

Federal Transit Administration

**Section 5309 Bus and Bus Facilities
Livability Initiative Program Grants;
Exempt Discretionary Program Grants
(Section 5309) for Urban Circulator
Systems; Notices**

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****Section 5309 Bus and Bus Facilities Livability Initiative Program Grants**

AGENCY: Federal Transit Administration (FTA), DOT. Discretionary Bus and Bus Facilities Program.

ACTION: Notice of Availability of FTA Bus and Bus Facilities Livability Initiative Program Funds: Solicitation of Project Proposals.

SUMMARY: The Federal Transit Administration (FTA) announces the availability of discretionary Section 5309 Bus and Bus Facilities grant funds in support of the Department of Transportation's Livability Initiative ("Livability Bus Program"). The Livability Bus program will be funded using \$150 million in unallocated Discretionary Bus and Bus Facilities Program funds, authorized by 49 U.S.C. 5309(b) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy For Users (SAFETEA-LU), Public Law 109-59, August 10, 2005. FTA may use additional Bus and Bus Facilities funding that becomes available for discretionary allocation to further support this initiative.

The Livability Bus Program makes funds available to public transit providers to finance capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, including programs of bus and bus-related projects for assistance to subrecipients that are public agencies, private companies engaged in public transportation, or private non-profit organizations. This notice includes priorities established by FTA for these discretionary funds, the criteria FTA will use to identify meritorious projects for funding, and describes how to apply.

This announcement is available on the FTA Web site at: <http://www.fta.dot.gov>. FTA will announce final selections on the Web site and in the **Federal Register**. A synopsis of this announcement will be posted in the FIND module of the government-wide electronic grants Web site at <http://www.grants.gov>. Proposals may be submitted to FTA electronically at buslivability@dot.gov or through the GRANTS.GOV APPLY function. Those who apply via e-mail at buslivability@dot.gov should receive a confirmation e-mail within two business days.

DATES: Complete proposals for the discretionary Bus Livability Program

grants must be submitted by February 8, 2010. The proposals must be submitted electronically through the GRANTS.GOV Web site or via e-mail at buslivability@dot.gov. Anyone intending to apply electronically through GRANTS.GOV should initiate the process of registering on the GRANTS.GOV site immediately to ensure completion of registration before the deadline for submission.

ADDRESSES: Proposals may be submitted to FTA electronically at buslivability@dot.gov or through the GRANTS.GOV APPLY function. Those who apply via e-mail at buslivability@dot.gov should receive a confirmation e-mail within 2 business days.

FOR FURTHER INFORMATION CONTACT: Contact the appropriate FTA Regional Administrator (Appendix) for proposal-specific information and issues. For general program information, contact Kimberly Sledge, Office of Transit Programs, (202) 366-2053, e-mail: kimberly.sledge@dot.gov or Henrika Buchanan-Smith, (202)366-4020, e-mail: henrika.buchanan-smith@dot.gov. A TDD is available at 1-800-877-8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION:**Table of Contents**

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- II. Award Information
- III. Eligibility Information
- IV. Application and Submission Information
- V. Application Review, Selection, and Notification
- VI. Award Administration
- VII. Agency Contacts
- Appendix FTA Regional Offices

I. Funding Opportunity Description**A. Authority**

The program is authorized under 49 U.S.C. Section 5309(b) as amended by Section 3011 of SAFETEA-LU.

"The Secretary may make grants under this section to assist State and local governmental authorities in financing—* * *

(3) capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, including programs of bus and bus-related projects for assistance to subrecipients that are public agencies, private companies engaged in public transportation, or private non-profit organizations."

B. Background

FTA has long fostered livable communities and sustainable development through its various transit programs and activities. Public transportation supports the development of communities, providing effective and reliable transportation

alternatives that increase access to jobs, health and social services, entertainment, educational opportunities, and other activities of daily life, while also improving mobility within and among these communities. Through various initiatives and legislative changes over the last fifteen years, FTA has allowed and encouraged projects that help integrate transit into a community through neighborhood improvements and enhancements to transit facilities or services, or make improvements to areas adjacent to public transit facilities that may facilitate mobility demands of transit users or support other infrastructure investments that enhance the use of transit for the community.

On June 16, 2009, U.S. Department of Transportation (DOT) Secretary Ray LaHood, U.S. Department of Housing and Urban Development (HUD) Secretary Shaun Donovan, and U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson announced a new partnership to help American families in all communities—rural, suburban and urban—gain better access to affordable housing, more transportation options, and lower transportation costs.

DOT, HUD, and EPA created a high-level interagency partnership to better coordinate federal transportation, environmental protection, and housing investments. The Livability Bus Program funding will be awarded to projects that demonstrate these livability principles (see Section of this Preamble C.).

Approximately \$150 million in unallocated Section 5309 Bus and Bus Facilities Program funds are available under this notice. By using these available funds, FTA and DOT can support tangible livability improvements within existing programs while demonstrating the feasibility and value of such improvements. These demonstrations can provide a sound basis for advancing greater investments in the future. In addition, the program builds on the momentum generated by the American Recovery and Reinvestment Act 2009 and can help inform Administration and Congressional decision makers on guidance needs for reauthorization.

C. Purpose

Improving mobility and shaping America's future by ensuring that the transportation system is accessible, integrated, and efficient, while offering flexibility of choices is a key strategic goal of the DOT. FTA is committed to creating livable communities that improve the quality of life for all

Americans. Public transportation provides transportation options that connects communities and fosters sustainability and the development of urban and rural land use. Through the Livability Bus Program grants, FTA will invest in projects that fulfill the six livability principles that serve as the foundation for the DOT-HUD-EPA Partnership for Sustainable Communities:

1. *Provide more transportation choices:* Develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health.

2. *Promote equitable, affordable housing:* Expand location- and energy-efficient housing choices for people of all ages, incomes, races and ethnicities to increase mobility and lower the combined cost of housing and transportation.

3. *Enhance economic competitiveness:* Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers as well as expanded business access to markets.

4. *Support existing communities:* Target federal funding toward existing communities—through such strategies as transit-oriented, mixed-use development and land recycling—to increase community revitalization, improve the efficiency of public works investments, and safeguard rural landscapes.

5. *Coordinate policies and leverage investment:* Align policies and funding to remove barriers to collaboration, leverage funding and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.

6. *Value communities and neighborhoods:* Enhance the unique characteristics of all communities by investing in healthy, safe and walkable neighborhoods—rural, urban or suburban.

FTA will evaluate proposals and assess a project's ability to advance local economic development goals, improve mobility for all citizens, create partnerships that result in the integration of transportation and land-use decision making and result in environmental benefits. Additionally, many rural areas are fighting to preserve their way of life by limiting urban sprawl and protecting valuable agricultural lands. Often these

communities have seen jobs and businesses leave for larger communities and need assistance preserving and reinvigorating the traditional rural town center where locals can find the grocery, doctor, hardware store, family restaurant and town hall in easy walking distance from one another. FTA is committed to funding a mix of projects that include projects that demonstrate livability principles in rural areas including projects that provide access to jobs, medical services and other necessities in rural areas and that support the independence of the elderly and individuals with disabilities.

II. Award Information

Federal transit funds are available to State or Local governmental authorities as recipients and other public transportation providers as subrecipients at up to 80 percent of the project cost requiring a 20% local match. There is no floor or upper limit for any single grant under this program; however, FTA intends to fund as many meritorious projects as possible.

Consistent with 49 U.S.C. 5309(m)(8), the Secretary shall consider the age and condition of buses, bus fleets, related equipment, and bus-related facilities of applicants in its award of Livability Bus grants. And, in addition, FTA will consider geographical diversity in making final funding decisions.

Eligibility Information

A. Eligible Applicants

Eligible applicants under this program are Direct Recipients under the Section 5307 Urbanized Area Formula program, States, and Indian Tribes. Proposals for funding eligible projects in rural (nonurbanized) areas must be submitted as part of a consolidated State application with the exception of nonurbanized projects to Indian Tribes, Tribes, States, and Direct Recipients may also submit consolidated proposals for projects in urbanized areas.

Proposals may contain projects to be implemented by the Recipient or its subrecipients. Eligible subrecipients include public agencies, private non-profit organizations, and private providers engaged in public transportation.

B. Eligible Expenses

SAFETEA-LU grants authority to the Secretary to make grants to assist State and local governmental authorities in financing capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, including programs of

bus and bus-related projects for assistance to subrecipients that are public agencies, private companies engaged in public transportation, or private non-profit organizations.

Projects eligible for funding under the Livability Bus program are capital projects such as:

Purchase and rehabilitation of buses and vans, bus related equipment (including ITS, fare equipment, communication devices), construction and rehabilitation of bus-related facilities (including administrative, maintenance, transfer, and intermodal facilities, including facilities consistent with FTA's Joint Development policy which is available at <http://www.fta.dot.gov>.

Funds made available under this program may not be used to fund operating expenses, preventive maintenance, or any of the other expanded capital eligibility items (for example, security drills, debt service reserve, mobility management.) Funds also may not be used to reimburse projects that have incurred previous expenses absent evidence that FTA had issued a Letter of No Prejudice (LONP) for the project before the costs being incurred. There is no blanket pre-award authority for projects to be funded under this announcement before their identification in the **Federal Register** of selected projects.

C. Cost Sharing

Costs will be shared at the following ratio: 80 Percent FTA/20 Percent local contribution, unless the grantee requests a lower Federal share. FTA will not approve deferred local share under this program.

IV. Application and Submission Information

A. Proposal Submission Process

Project proposals must be submitted electronically through <http://www.grants.gov> or by e-mail electronically at buslivability@dot.gov. Submission via the bus livability e-mail is preferred. Mail and fax submissions will not be accepted except for supplemental information that cannot be sent electronically.

An applicant may propose a project that would take more than one year to complete, which includes expending a single year of Livability Bus program grant funds over multiple years. The project would, however, need to be ready to begin upon receiving a grant and need to be completed in a reasonable period of time, as evaluated on a case by case basis. In sum, the period of performance of the award is

separate from the year of funds of the award.

B. Application Content

1. Applicant Information

This provides basic sponsor identifying information, including: (a) Applicant name, and FTA recipient ID number, (b) Contact information for notification of project selection (including contact name, title, address, e-mail, fax and phone number, (c) description of services provided by the agency including areas served, (d) existing fleet and employee information, and (e) a description of the agency's technical, legal, and financial capacity to implement the proposed project. For applicants applying through GRANTS.GOV, some of this information is included in Standard Form 424.

2. Project Information

Every proposal must:

a. Describe the project to be funded and include with the proposal any applicable supporting documentation, such as: Information on the age of the current fleet, age of facility to be rehabilitated or replaced, the Metropolitan Planning Organization (MPO) concurrence letters, population forecasts, ridership information, etc.

b. Address each of the evaluation criteria separately, providing evidence that demonstrates how the project responds to each criterion.

c. Provide a line item budget for the project, with enough detail to describe the various key components of the project.

d. Provide the Federal amount requested.

e. Document the matching funds, including amount and source of the match, demonstrating strong local and private sector financial participation in the project. Provide support documentation including audited financial statements, bond-ratings, and documents supporting the commitment of non-federal funding to the project, or a timeframe upon which those commitments would be made.

f. Provide a project time-line, including significant milestones such as the date anticipated to issue a Request for Proposals for vehicles, or contract for purchase of vehicle(s), and actual or expected delivery date of vehicles, or notice of request for proposal and notice to proceed for capital construction/rehabilitation projects.

C. Submission Dates and Times

Complete proposals for the Bus Livability Program must be submitted to buslivability@dot.gov February 8, 2010

or submitted electronically through the GRANTS.GOV Web site by the same date. Applicants planning to apply through GRANTS.GOV are encouraged to begin the process of registration on the GRANTS.GOV site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. FTA will announce grant selections when the competitive selection process is complete.

D. Funding Restrictions

Only proposals from eligible recipients for eligible activities will be considered for funding (see Section III of this Preamble). Due to funding limitations, applicants that are selected for funding may receive less than the amount originally requested.

E. Other Submission Requirements

Applicants should submit 3 copies of any supplemental information that cannot be submitted electronically to the appropriate regional office. Supplemental information submitted in hardcopy must be postmarked by February 8, 2010.

V. Application Review, Selection, and Notification

A. Project Evaluation Criteria

Projects will be evaluated according to the following criteria. Each applicant is encouraged to demonstrate the responsiveness of a project to any and all of the selection criteria with the most relevant information that the applicant can provide, regardless of whether such information has been specifically requested, or identified, in this notice. FTA will assess the extent to which a project addresses the criteria below and produces a livability or sustainability outcome.

1. Demonstrated Need for Resources: FTA will evaluate each project to determine its need for resources. This determination will be made by examining the proposal to determine if:

a. The project represents a one-time or periodic need that cannot reasonably be funded from FTA program formula allocations or State and/or local revenues.

b. The project or applicant did not receive sufficient Federal funding in previous years.

c. The project will have a significant impact on service delivery.

2. Planning and prioritization at local/regional level: FTA will examine each Bus Livability project proposal for consistency with the areas planning documents and local priorities. This

examination will involve assessing whether:

a. The project is consistent with the transit priorities identified in the long range plan and/or contingency/illustrative projects.

b. The MPO endorses the project, if in a UZA, and the State, if for a rural area.

c. Local support is demonstrated by availability of local match for this and/or related projects and letters of support.

d. Capital projects are consistent with service needs of the area. Example: Vehicle expansion proposal shows evidence of the need for additional capacity.

e. If the project is multimodal in nature, the proposal demonstrates coordination with and support of other transportation modes and partners.

3. Livability: Livability investments are projects that deliver not only transportation benefits, but also are designed and planned in such a way that they have a positive impact on qualitative measures of community life. This element delivers benefits that are inherently difficult to measure.

However, it is implicit to livability that its benefits are shared and therefore magnified by the number of potential users in the affected community.

Therefore, descriptions of how projects enhance livability should include a description of the affected community and the scale of the project's impact. To determine whether a project improves the quality of the living and working environment of a community, FTA will qualitatively assess whether the project:

a. Will significantly enhance user mobility through the creation of more convenient transportation options for travelers;

b. The degree to which the proposed project contributes significantly to broader traveler mobility through intermodal connections, or improved connections between residential and commercial areas.

c. Will improve existing transportation choices by enhancing points of modal connectivity or, in urban areas, by reducing congestion on existing transit systems or roadways.

d. Will improve accessibility and transport services for economically disadvantaged populations, non-drivers, senior citizens, and persons with disabilities.

e. Is the result of a planning process which coordinated transportation and land-use planning decisions and encouraged community participation in the process.

4. Sustainability: In order to determine whether a project promotes a more environmentally sustainable transportation system, i.e., reducing

reliance on automobile travel, improving the pedestrian and walk environment of a community, use of environmental design techniques in the planning, construction, and operation of the project, FTA will assess the project's ability to:

a. Improve energy efficiency or reduce energy consumption/green house gas emissions; applicants are encouraged to provide information regarding the expected use of clean or alternative sources of energy; projects that demonstrate a projected decrease in the movement of people by less energy-efficient vehicles or systems will be given priority under this factor; and

b. Maintain, protect or enhance the environment, as evidenced by environmentally friendly policies and practices utilized in the project design, construction, and operation that exceed the requirements of the National Environmental Policy Act including items such as whether the project uses a Leadership in Energy and Environmental Design (LEED)-certified design, the vehicles or facilities are rated with the energy-star, the project re-uses a brownfield, construction equipment is retrofitted with catalytic converters, the project utilizes recycled materials, the project includes elements to conserve energy, such as passive solar heating, solar panels, wind turbines, reflective roofing or paving materials, or other advanced environmental design elements such as a green roof, etc.

5. Leveraging of public and private investments.

a. **Jurisdictional and Stakeholder Collaboration:** To measure a project's alignment with this criterion, FTA will assess the project's involvement of non-Federal entities and the use of non-Federal funds, including the scope of involvement and share of total funding. FTA will give priority to projects that receive financial commitments from, or otherwise involve, State and local governments, other public entities, or private or nonprofit entities, including projects that engage parties that are not traditionally involved in transportation projects, such as nonprofit community groups or the private owners of real property abutting the project. FTA will assess the amount of co-investment from State, local or other non-profit sources.

b. **Disciplinary Integration:** To demonstrate the value of partnerships across government agencies that serve the various public service missions and to promote collaboration on the objectives outlined in this notice, FTA will give priority to projects that are supported, financially or otherwise, by non-transportation public agencies that are pursuing similar objectives. For

example, FTA will give priority to transportation projects that are supported by relevant public housing or human service agencies, or transportation projects that encourage energy efficiency or improve the environment and are supported by relevant public agencies with energy or environmental missions.

6. The project is ready to implement.

a. Any required environmental work has been initiated for construction projects requiring an Environmental Assessment (EA), Environmental Impact Statement (EIS), or documented Categorical Exclusion (CE).

b. Implementation plans are ready, including initial design of facilities projects.

c. TIP/STIP can be amended (evidenced by MPO/State endorsement).

d. Local share is in place.

e. Project can be obligated and implemented quickly if selected.

f. The applicant demonstrates the ability to carry out the proposed project successfully.

Note: Applicants must have basic technical, legal, and financial capacity as a precondition of grant award. Since proposals are limited to existing FTA grantees, applicants are assumed to have that basic capacity. This criterion refers to implementation of the particular project proposed.

a. For larger capital projects, the applicant has the technical capacity to administer the project.

b. For fleet replacement and/or expansion, the acquisition is consistent with the bus fleet management plan.

c. For fleet expansion, the applicant has the operating funds to support the expanded service.

d. There are no outstanding legal, technical or financial issues with the grantee that would bring the feasibility of successful project completion into question.

e. Source of 20% local match is identified and is available for prompt project implementation if selected (no deferred local share will be allowed).

f. The grantee is in fundable status for grant making purpose.

B. Review and Selection Process

Proposals will first be screened and ranked by the appropriate FTA regional office (see Appendix). Following this initial review, meritorious proposals will be submitted for a national review process and coordinated with representatives of HUD and EPA. Proposals will be screened and ranked based on the criteria in this notice by FTA headquarters staff in consultation with the appropriate FTA regional office (see Appendix), and coordinated with

representatives of HUD and EPA. Highly qualified projects will be considered for inclusion in a national list of projects that addresses the identified priorities and represents the highest and best use of the available funding. As mentioned earlier in this Preamble, the Administrator will also take into consideration geographical diversity in his final decision. The FTA Administrator will determine the final selection and amount of funding for each project. Selected projects will be announced in early 2010. FTA will publish the list of all selected projects and funding levels in the Federal Register. Regional offices will also notify successful applicants of their success and the amount of funding awarded to the project.

VI. Award Administration

A. Award Notices

FTA will announce project selections in a **Federal Register** Notice and will post the **Federal Register** Notices on the Web. FTA regional offices will contact successful applicants. FTA will award grants for the selected projects to the applicant through the FTA electronic grants management and award system, TEAM, after receipt of a complete application in TEAM. These grants will be administered and managed by the FTA regional offices in accordance with the federal requirements of the Section 5309 bus program. At the time the project selections are announced, FTA will extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects prior to announcement.

B. Administrative and National Policy Requirements

1. Grant Requirements

If selected, applicants will apply for a grant through TEAM and adhere to the customary FTA grant requirements of the Section 5309 Bus and Bus Facilities program, including those of FTA C 9300.1A Circular and C 5010.1C and S. 5333(b) labor protections. Discretionary grants greater than \$500,000 will go through Congressional Notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

2. Planning

Applicants are encouraged to notify the appropriate State Departments of Transportation and MPO in areas likely to be served by the project funds made available under this program. Incorporation of funded projects in the long range plans and transportation improvement programs of States and

metropolitan areas is required of all funded projects.

3. Standard Assurances

The Applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The Applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The Applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and affect the implementation of

the project. The Applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The Applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

C. Reporting

Post-award reporting requirements include submission of Financial Status Reports and Milestone reports in TEAM on a quarterly basis for all projects. Documentation is required for payment. In addition, grants which include innovative technologies may be required to report on the performance of these technologies.

VII. Agency Contacts

Contact the appropriate FTA Regional Administrator (see Appendix) for proposal-specific information and issues. For general program information, contact Henrika Buchanan-Smith or Kimberly Sledge, Office of Transit Programs, (202) 366-2053, e-mail: henrika.buchanan-smith@dot.gov; kimberly.sledge@dot.gov. A TDD is available at 1-800-877-8339 (TDD/FIRS).

Issued in Washington, DC, this 3rd day of December 2009.

Peter M. Rogoff,
Administrator.

APPENDIX A—FTA REGIONAL AND METROPOLITAN OFFICES

<p>Richard H. Doyle Regional Administrator Region 1—Boston Kendall Square 55 Broadway, Suite 920 Cambridge, MA 02142-1093 Tel. 617 494-2055 States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.</p>	<p>Robert C. Patrick Regional Administrator Region 6—Ft. Worth 819 Taylor Street, Room 8A36 Ft. Worth, TX 76102 Tel. 817 978-0550 States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas.</p>
<p>Brigid Hynes-Cherin Regional Administrator Region 2—New York One Bowling Green, Room 429 New York, NY 10004-1415 Tel. No. 212 668-2170 States served: New Jersey, New York.</p>	<p>Mokhtee Ahmad Regional Administrator Region 7—Kansas City, MO 901 Locust Street, Room 404 Kansas City, MO 64106 Tel. 816 329-3920 States served: Iowa, Kansas, Missouri, and Nebraska.</p>
<p>Letitia Thompson Regional Administrator Region 3—Philadelphia 1760 Market Street, Suite 500 Philadelphia, PA 19103-4124 Tel. 215 656-7100 States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia.</p>	<p>Terry Rosapep Regional Administrator Region 8—Denver 12300 West Dakota Ave., Suite 310 Lakewood, CO 80228-2583 Tel. 720-963-3300 States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.</p>
<p>Yvette Taylor Regional Administrator Region 4—Atlanta 230 Peachtree Street, NW Suite 800 Atlanta, GA 30303 Tel. 404 562-3500 States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.</p>	<p>Leslie T. Rogers Regional Administrator Region 9—San Francisco 201 Mission Street, Suite 1650 San Francisco, CA 94105-1926 Tel. 415 744-3133 States served: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands.</p>
<p>Marisol Simon Regional Administrator Region 5—Chicago 200 West Adams Street, Suite 320 Chicago, IL 60606 Tel. 312 353-2789 States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.</p>	<p>Rick Krochalis Regional Administrator Region 10—Seattle Jackson Federal Building 915 Second Avenue, Suite 3142 Seattle, WA 98174-1002 Tel. 206 220-7954 States served: Alaska, Idaho, Oregon, and Washington.</p>

APPENDIX A—FTA REGIONAL AND METROPOLITAN OFFICES—Continued

New York Metropolitan Office Region 2—New York One Bowling Green, Room 428 New York, NY 10004-1415 Tel. 212-668-2202	Chicago Metropolitan Office Region 5—Chicago 200 West Adams Street, Suite 320 Chicago, IL 60606 Tel. 312-353-2789
Philadelphia Metropolitan Office Region 3—Philadelphia 1760 Market Street, Suite 500 Philadelphia, PA 19103-4124 Tel. 215-656-7070	Los Angeles Metropolitan Office Region 9—Los Angeles 888 S. Figueroa Street, Suite 1850 Los Angeles, CA 90017-1850 Tel. 213-202-3952

[FR Doc. E9-29242 Filed 12-3-09; 4:15 pm]
 BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Exempt Discretionary Program Grants
(Section 5309) for Urban Circulator
Systems

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Availability of FTA Urban Circulator Funds; Solicitation of Project Proposals.

SUMMARY: The Federal Transit Administration (FTA) announces the availability of Section 5309 funds for exempt discretionary grants for Urban Circulator Systems which support the Department of Transportation Livability Initiative. The Urban Circulator program will be funded using \$130 million in unallocated Discretionary New Starts/ Small Starts Program funds, authorized by 49 U.S.C. 5309(a) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy For Users (SAFETEA-LU), Public Law 109-59, August 10, 2005. FTA may use additional Section 5309(a) Discretionary funding that becomes available for allocation to further support this initiative.

This notice invites proposals for urban circulator projects seeking less than \$25,000,000 in Federal Section 5309 assistance that would compete for Section 5309 discretionary funds authorized by 49 U.S.C. 5309(a). The Secretary may make grants under 5309(a) to assist State and local governmental authorities in financing new fixed guideway capital projects including the acquisition of real property, the initial acquisition of rolling stock for the systems, the acquisition of rights-of-way, and relocation. This notice includes priorities established by FTA for these discretionary funds, the criteria FTA will use to identify meritorious projects for funding, and describes how to apply.

This announcement is available on the FTA Web site at: <http://www.fta.dot.gov>. FTA will announce final selections on the Web site and in the **Federal Register**. A synopsis of this announcement will be posted in the FIND module of the government-wide electronic grants Web site at <http://www.grants.gov>. Proposals may be submitted to FTA electronically at UrbanCirculator@dot.gov or through the GRANTS.GOV APPLY function. Those who apply via e-mail at UrbanCirculator@dot.gov should receive a confirmation e-mail within 2 business days.

DATES: Complete proposals for the discretionary program grants for urban circulator systems must be submitted by February 8, 2010. The proposals must be submitted electronically through the GRANTS.GOV Web site or via e-mail at UrbanCirculator@dot.gov. Anyone intending to apply electronically through GRANTS.GOV should initiate the process of registering on the GRANTS.GOV site immediately to ensure completion of registration before the deadline for submission.

ADDRESSES: Proposals may be submitted to FTA electronically at UrbanCirculator@dot.gov or through the GRANTS.GOV APPLY function. Those who apply via e-mail at UrbanCirculator@dot.gov should receive a confirmation e-mail within 2 business days.

FOR FURTHER INFORMATION CONTACT: Contact the appropriate FTA Regional Administrator (Appendix) for proposal-specific information and issues. For general program information, contact Elizabeth Day, (202) 366-5159, e-mail: Elizabeth.Day@dot.gov in the FTA Office of Planning and Environment, Office of Project Planning. A TDD is available at 1-800-877-8339 (TDD/ FIRS).

SUPPLEMENTARY INFORMATION:

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- III. Eligibility Information

- IV. Application and Submission Information
- V. Application Review, Selection, and Notification

- VI. Award Administration
- VII. Agency Contacts
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I. Funding Opportunity Description

A. Authority

The program is authorized under 49 U.S.C. 5309(a) as amended by section 3011 of SAFETEA-LU. The Secretary may make grants under this section to assist State and local governmental authorities in financing new fixed guideway capital projects, including the acquisition of real property, the initial acquisition of rolling stock for the systems, the acquisition of rights-of-way, and relocation. Consistent with Section 5309(e)(1)(B), projects receiving less than \$25,000,000 in Federal assistance with respect to a new fixed guideway capital project are considered exempt from certain requirements of the program, until a final regulation issued under paragraph (9) of this subsection takes effect.

B. Background

FTA has long fostered livable communities and sustainable transit development through its various programs and activities. Public transportation supports the development of communities, providing effective and reliable transportation alternatives that increase access to jobs, health and social services, entertainment, educational opportunities, and other activities of daily life, while also improving mobility within and among these communities. Through various initiatives and legislative changes over the last fifteen years, FTA has allowed and encouraged projects that help integrate transit into a community through neighborhood improvements and enhancements to transit facilities or services, or make improvements to areas adjacent to public transit facilities that may ease the transportation needs of transit users or support other infrastructure investments

that enhance the use of transit for the community.

On June 16, 2009, U.S. Department of Transportation (DOT) Secretary Ray LaHood, U.S. Department of Housing and Urban Development (HUD) Secretary Shaun Donovan, and U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson announced a new partnership to help American families in all communities—rural, suburban and urban—gain better access to affordable housing, more transportation options, and lower transportation costs.

DOT, HUD and EPA created a high-level interagency partnership to better coordinate Federal transportation, environmental protection, and housing investments. The Urban Circulator Program funding will be awarded to eligible projects that best demonstrate these livability principles (see C. below).

Approximately \$130 million in unallocated Section 5309 New Starts/Small Starts funds are available under this notice. By using these available funds, FTA and DOT can support tangible livability improvements within existing programs while demonstrating the feasibility and value of such improvements. These demonstrations can provide a sound basis for advancing greater investments in the future. In addition, the program builds on the momentum generated by the American Recovery and Reinvestment Act 2009 and can help inform Administration and Congressional decisions makers on guidance needs for reauthorization.

C. Purpose

Improving mobility and shaping America's future by ensuring that the transportation system is accessible, integrated, and efficient, and offers flexibility of choices is a key strategic goal of DOT. FTA is committed to creating livable communities that improve the quality of life for all Americans. Urban circulator systems such as streetcars provide a transportation option that connects urban destinations and fosters the redevelopment of urban spaces into walkable mixed use, high density environments. Through the Urban Circulator Program grants, FTA will invest in a limited number of projects that fulfill the six livability principles that serve as the foundation for the DOT-HUD-EPA Partnership for Sustainable Communities:

1. *Provide more transportation choices:* Develop safe, reliable and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on

foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health.

2. *Promote equitable, affordable housing:* Expand location- and energy-efficient housing choices for people of all ages, incomes, races and ethnicities to increase mobility and lower the combined cost of housing and transportation.

3. *Enhance economic competitiveness:* Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers as well as expanded business access to markets.

4. *Support existing communities:* Target Federal funding toward existing communities—through such strategies as transit-oriented, mixed-use development and land recycling—to increase community revitalization, improve the efficiency of public works investments, and safeguard rural landscapes.

5. *Coordinate policies and leverage investment:* Align Federal policies and funding to remove barriers to collaboration, leverage funding and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.

6. *Value communities and neighborhoods:* Enhance the unique characteristics of all communities by investing in healthy, safe and walkable neighborhoods—rural, urban or suburban.

FTA will evaluate proposals and assess a project's ability to advance local economic development goals, improve accessibility, create partnerships that result in the integration of transportation and land-use decision making and result in environmental benefits.

II. Award Information

Federal transit funds are available to State or local governmental authorities as recipients and other public transportation providers as subrecipients for up to 80% of the net project capital cost, not to exceed \$24.99 million in Section 5309 funds. Rail transit projects selected under the program would be subject to State Safety Oversight, consistent with 49 CFR part 659.

III. Eligibility Information

A. Eligible Applicants

Eligible applications under this program are public bodies and agencies (transit authorities and other State and

local public bodies and agencies thereof) including States, municipalities, other political subdivisions of States; public agencies and instrumentalities of one or more States; and certain public corporations, boards, and commissions established under State law, who are authorized to engage in public transportation.

B. Eligible Projects

To be eligible for funding under Section 5309(a), a project must be based on the results of an alternative analysis and preliminary engineering. In addition, a project must meet one of the following guideway criteria:

1. Be a fixed guideway for at least 50% of the project length in the peak period—AND/OR—
2. Be a corridor-based bus project with the following minimum elements:
 - a. Substantial Transit Stations
 - b. Signal Priority/Pre-emption (for Bus/LRT)
 - c. Low Floor/Level Boarding Vehicles
 - d. Special Branding of Service
 - e. Frequent Service—10 min peak/15 min off peak
 - f. Service offered at least 14 hours per day

C. Eligible Expenses

Section 5309 grants authority to the Secretary to make grants "to assist State and local governmental authorities in financing new fixed guideway capital projects, including the acquisition of real property, the initial acquisition of rolling stock for the systems, the acquisition of rights-of-way, and relocation." Section 5309 also allows the Secretary to make grants "for fixed guideway corridor development for projects in the advanced stages of alternatives analysis or preliminary engineering." Due to the limited amount of funds, FTA is limiting awards under this program to the activities mentioned in the first sentence and not the second. Section 5309 funds cannot be used to reimburse grantees that have incurred prior expenses for the project absent evidence that FTA had issued a Letter of No Prejudice (LONP) for the project prior to the costs being incurred. There is no blanket pre-award authority for projects to be funded under this announcement prior to the identification in the Federal Register of selected projects.

D. Cost Sharing

FTA will provide up to 80% of the net project capital cost; however the amount of Section 5309(a) funds must be less than \$25 million for each urban circulator project selected. Other Federal funds that are eligible to be

expended for transportation capital projects can be applied to the project. FTA will not approve deferred local share under this program.

IV. Application and Submission Information

A. Proposal Submission Process

Proposals may also be submitted to FTA electronically at UrbanCirculator@dot.gov or through the GRANTS.GOV APPLY function. The Office of Management and Budget (OMB) requires all Federal agencies to make applications for competitive grant programs available through GRANTS.GOV. A synopsis of this announcement will be posted in the FIND module of the government-wide electronic grants Web site at <http://www.grants.gov> and applicants will be able to apply through the APPLY module of that site. Those who apply via e-mail at UrbanCirculator@dot.gov should receive a confirmation e-mail within 2 business days.

B. Application Content

1. Applicant Information

This addresses basic identifying information, including: (i) Applicant name and FTA recipient ID number; (ii) contact information (including contact name, title, address, e-mail, fax and phone number); (iii) description of services provided by the agency, including areas served; and (iv) a description of the agency's technical, legal and financial capacity to implement the proposed project. For applicants applying through GRANTS.GOV, some of this information is included in the Standard Form 424.

2. Project Information

Every proposal must:

a. Describe the scope of the project for which funding is requested and provide a detailed operating plan for the urban circulator for which assistance is being sought, including the length of the project, number of vehicles, number of stations/stops, frequency of service, hours of operation, location of maintenance facilities, park and ride lots, and intermodal connections and transfer centers and a brief discussion of the problem the project seeks to solve.

b. Provide a preliminary management plan and a feasible and sufficiently detailed project schedule.

c. Address each of the evaluation criteria separately, providing evidence that demonstrates how the project responds to each criterion, for example, coordinated land use plans, economic development incentives, existing and projected transit ridership that will

result from the project and status of environmental compliance activities.

d. Provide a line item budget for the project, including the Federal amount requested from FTA and the total cost for each purpose for which funds are sought, and the total Federal amount requested from FTA and total project cost. Other Federal funds can be applied to the project.

e. Document the matching funds, including amount and source of the match, demonstrating strong local and private sector financial participation in the project. Provide support documentation including audited financial statements, bond-ratings, and documents demonstrating the commitment of non-Federal funding to the project, or a timeframe upon which those commitments would be made.

f. The Proposal may include additional supplemental information, for example, architectural drawings, letters of support, maps.

C. Submission Dates and Times

Complete proposals for the Urban Circulator Program may be submitted electronically through the GRANTS.GOV Web site or by e-mail electronically at UrbanCirculators@dot.gov February 8, 2010. Submission by one of the electronic methods above is required. Mail and fax submissions will not be accepted except for supplemental information that cannot be sent electronically. The total application may not exceed 25 pages. In addition, a synopsis of this announcement will also be posted in the FIND module of the government-wide electronic grants Web site at <http://www.grants.gov> and applicants will be able to apply through the APPLY module of that site.

D. Funding Restrictions

Only proposals from eligible recipients for eligible activities will be considered for funding (see Section III). Due to funding limitations, applicants that are selected for funding may receive less than the amount requested.

E. Other Submission Requirements

Applicants should submit 3 copies of any supplemental information that cannot be submitted electronically to the appropriate FTA regional office. Supplemental information submitted in hardcopy must be postmarked or delivered by alternate delivery services by February 8, 2010.

V. Application Review Information

A. Project Evaluation Criteria

Projects will be evaluated according to the following criteria. Applicants are

encouraged to demonstrate the responsiveness of a project to any and all of the selection criteria with the most relevant information that applicants can provide, regardless of whether such information has been specifically requested, or identified, in this notice. FTA will assess the extent to which a project produces one or more of the following outcomes.

(1.) *Livability*: Livability investments are projects that not only deliver transportation benefits, but are also designed and planned in such a way that they have a positive impact on qualitative measures of community life. This element delivers benefits that are inherently difficult to measure. However, it is implicit to livability that its benefits are shared and therefore magnified by the number of potential users in the affected community. Therefore, descriptions of how projects enhance livability should include a description of the affected community and the scale of the project's impact, including existing transit ridership and projected transit ridership that will result from the project. In order to determine whether a project improves the quality of the living and working environment of a community, FTA will qualitatively assess whether the project:

(a) Will significantly enhance accessibility through the creation of more convenient transportation options for travelers;

(b) Will improve existing transportation choices by enhancing points of modal connectivity;

(c) Will improve accessibility and transport services for economically disadvantaged populations, non-drivers, senior citizens, and persons with disabilities;

(d) Is the result of a planning process which coordinated transportation and land-use planning decisions and encouraged community participation in the process.

FTA will also assess whether there is existing or planned mixed income housing, including low income housing, within walking distance of the project. In addition, particular attention will be paid to the degree to which the proposed project contributes significantly to broader traveler accessibility through intermodal connections or improved connections between residential and commercial areas. Consequently the application should clearly identify how the project will connect redeveloping or new neighborhoods on vacant or underutilized land to each other or to major attractors in the central city or how circulator or connector lines under the project will connect developed

neighborhoods with one another or with the business district in the central city. Applications should also note proposed strategies to deliver high quality pedestrian environments in the corridor.

(2) *Sustainability*: In order to determine whether a project promotes a more environmentally sustainable transportation system, *i.e.*, reducing reliance on automobile travel, improving the pedestrian and walk environment of a community and using environmental design techniques in the planning, construction, and operation of the project, FTA will assess the project's ability to:

(a) Improve energy efficiency or reduce energy consumption/green house gas emissions; applicants are encouraged to provide information regarding the expected use of clean or alternative sources of energy; projects which introduce new technology through innovative and improved products such as those which involve energy saving propulsion technologies within the eligible major capital investment criteria or that demonstrate a projected decrease in the movement of people by less energy-efficient vehicles or systems will be given priority under this factor; and

(b) Maintain, protect or enhance the environment, as evidenced by environmentally friendly policies and practices utilized in the project design, construction, and operation that exceed the requirements of the National Environmental Policy Act including items such as whether the project uses a Leadership in Energy and Environmental Design (LEED)-certified design, the vehicles or facilities are rated with the energy-star, the project uses a brownfield, construction equipment is retrofitted with catalytic converters, the project utilizes recycled materials, the project includes elements to conserve energy, such as passive solar heating, solar panels, wind turbines, reflective roofing or paving materials, or other advanced environmental design elements such as a green roof, *etc.*

(3) *Economic Development*: FTA will assess whether the project will foster redevelopment adjacent to the project for which assistance is being sought. In addition, FTA will assess whether existing plans, policies, and incentives promote economic development and transit supportive development that provides jobs and services within the community, and whether there is demonstrated progress towards achieving mixed use development, at those locations specifically served by the proposed project.

(4) *Leveraging of public and private investments*.

(a) *Jurisdictional & Stakeholder Collaboration*: To measure a project's alignment with this criterion, FTA will assess the project's involvement of non-Federal entities and the use of non-Federal funds, including the scope of involvement and share of total funding. FTA will give priority to projects that receive financial commitments from, or otherwise involve, State and local governments, other public entities, or private or nonprofit entities, including projects that engage parties that are not traditionally involved in transportation projects, such as nonprofit community groups or the private owners of real property abutting the project. FTA will assess the amount of private debt and equity to be invested in the project or the amount of co-investment from State, local or other non-profit sources.

(b) *Disciplinary Integration*: Livability incorporates the concept of collaborative decision-making. To promote collaboration on the objectives outlined in this notice and to demonstrate the value of partnerships across government agencies that serve the various public service missions FTA will give priority to projects that are supported, financially or otherwise, by non-transportation public agencies that are pursuing similar objectives and are aligning their community development activities to increase the efficiency of Federal investments. FTA will give priority to transportation projects that are supported by relevant public housing agencies, or transportation projects that encourage energy efficiency or improve the environment and are supported by relevant public agencies with energy or environmental missions.

(5) *The applicant must demonstrate the ability to carry out the proposed project successfully*. Applicants must have basic technical, legal, and financial capacity as a precondition of grant award as evidenced by:

(a) *Project Schedule*: A feasible and sufficiently detailed project schedule demonstrating that the project can begin construction within eighteen months of receipt of a Discretionary Grant and that the Grant Funds will be spent steadily and expeditiously once construction starts.

(b) *Environmental Approvals*: Receipt (or reasonably anticipated receipt) of all environmental approvals necessary for the project to proceed to construction on the timeline specified in the project schedule, including satisfaction of all Federal, State and local requirements and completion of the National Environmental Policy Act process. Applicants must consult with their FTA regional office to determine the

feasibility of a reasonably anticipated receipt of an environmental decision on the proposed project.

(c) *Legislative Approvals*: Receipt of all necessary legislative approvals. The project application must demonstrate: (1) That development or redevelopment agreements are in place with respect to the project; (2) land use policies complementary to the project have been adopted for land in close proximity to the project; and (3) property zoned to accommodate mixed-use development is available adjacent to the project.

(d) *State and Local Planning*: The inclusion of the project in the relevant State, metropolitan, and local planning documents. All regionally significant projects requiring an action by FTA must be in the metropolitan transportation plan, Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP). To the extent a project is required to be in a metropolitan transportation plan, TIP and/or STIP it will not receive an Urban Circulator Discretionary Grant until it is included in such plans.

(e) *Technical Feasibility*: The technical feasibility of the project, including completion of sufficient engineering and design.

(f) *Financial Feasibility*: The viability and completeness of the project's financing package, including evidence of stable and reliable financial commitments and contingency reserves, as appropriate, and evidence of the grant recipient's ability to manage grants.

B. Review and Selection Process

Proposals will be screened and ranked based on the criteria in this notice by FTA headquarters staff in consultation with the appropriate FTA regional office (see Appendix), and coordinated with representatives of HUD and EPA. Highly qualified projects will be considered for inclusion in a national list of projects that addresses the identified priorities and represents the highest and best use of the available funding. The FTA Administrator will determine the final selection and amount of funding for each project. Selected projects will be announced in early 2010. FTA will publish the list of all selected projects and funding levels in the **Federal Register**.

VI. Award Administration

A. Award Notices

FTA will announce project selections in a **Federal Register** Notice and FTA regional offices will contact successful applicants. FTA will award grants for

the selected projects to the applicant through the FTA electronic grants management and award system, TEAM, after receipt of a complete application in TEAM. These grants will be administered and managed by the FTA regional offices in accordance with the Federal requirements of the Section 5309 bus program. At the time the project selections are announced, FTA will extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects prior to announcement.

B. Administrative and National Policy Requirements

1. Grant Requirements

If selected, applicants will apply for a grant through TEAM and adhere to the customary FTA grant requirements of the Section 5309 Major Capital Investment program, including those of FTA C 9300.1A; C 5010.1C; and labor protections required under 49 U.S.C. 5333(b). Discretionary grants greater than \$500,000 will go through Congressional Notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

2. Planning

Applicants are encouraged to notify the appropriate State DOT and

Metropolitan Planning Organizations (MPOs) in areas likely to be served by the project funds made available under this program. Before grant award, the project must satisfy requirements for inclusion in the STIP and Metropolitan TIP, where applicable.

3. Standard Assurances

FTA annually issues a set of standard Certifications and Assurances which each FTA grantee must sign, assuring that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The Applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The Applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and affect the implementation of the project. The Applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The Applicant must submit all relevant current Certifications and Assurances prior to receiving a grant under this announcement.

C. Reporting

Post-award reporting requirements include submission of Financial Status Reports, Milestone reports, and narrative progress reports in TEAM on a quarterly basis. Documentation is required for payment. Recipients of exempt discretionary grants for urban circulators shall submit information that describes the impact of the urban circulator on transit ridership and economic development after two years of operation. In addition, grants which include innovative technologies may be required to report on the performance of these technologies.

VII. Agency Contacts

Contact the appropriate FTA Regional Administrator (see Appendix) for proposal-specific information and issues. For general program information, contact Elizabeth Day, (202) 366-5159, e-mail: Elizabeth.Day@dot.gov in the FTA Office of Planning and Environment, Office of Project Planning. A TDD is available at 1-800-877-8339 (TDD/FIRS).

Issued in Washington, DC, this 3rd day of December 2009.

Peter M. Rogoff,
Administrator.

APPENDIX A—FTA REGIONAL AND METROPOLITAN OFFICES

Richard H. Doyle Regional Administrator Region 1—Boston Kendall Square 55 Broadway, Suite 920 Cambridge, MA 02142-1093 Tel. 617 494-2055 States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	Robert C. Patrick Regional Administrator Region 6—Ft. Worth 819 Taylor Street, Room 8A36 Ft. Worth, TX 76102 Tel. 817 978-0550 States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas.
Brigid Hynes-Cherin Regional Administrator Region 2—New York One Bowling Green, Room 429 New York, NY 10004-1415 Tel. No. 212 668-2170 States served: New Jersey, New York.	Mokhtee Ahmad Regional Administrator Region 7—Kansas City, MO 901 Locust Street, Room 404 Kansas City, MO 64106 Tel. 816 329-3920 States served: Iowa, Kansas, Missouri, and Nebraska.
Letitia Thompson Regional Administrator Region 3—Philadelphia 1760 Market Street, Suite 500 Philadelphia, PA 19103-4124 Tel. 215 656-7100 States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia.	Terry Rosapep Regional Administrator Region 8—Denver 12300 West Dakota Ave., Suite 310 Lakewood, CO 80228-2583 Tel. 720-963-3300 States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
Yvette Taylor Regional Administrator Region 4—Atlanta 230 Peachtree Street, NW., Suite 800 Atlanta, GA 30303 Tel. 404 562-3500	Leslie T. Rogers Regional Administrator Region 9—San Francisco 201 Mission Street, Suite 1650 San Francisco, CA 94105-1926 Tel. 415 744-3133

APPENDIX A—FTA REGIONAL AND METROPOLITAN OFFICES—Continued

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.	States served: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands.
<p>Marisol Simon Regional Administrator Region 5—Chicago 200 West Adams Street, Suite 320 Chicago, IL 60606 Tel. 312 353-2789</p>	<p>Rick Krochalis Regional Administrator Region 10—Seattle Jackson Federal Building 915 Second Avenue, Suite 3142 Seattle, WA 98174-1002 Tel. 206 220-7954</p>
States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.	States served: Alaska, Idaho, Oregon, and Washington.
<p>New York Metropolitan Office Region 2—New York One Bowling Green, Room 428 New York, NY 10004-1415 Tel. 212-668-2202</p>	<p>Chicago Metropolitan Office Region 5—Chicago 200 West Adams Street, Suite 320 Chicago, IL 60606 Tel. 312-353-2789</p>
<p>Philadelphia Metropolitan Office Region 3—Philadelphia 1760 Market Street, Suite 500 Philadelphia, PA 19103-4124 Tel. 215-656-7070</p>	<p>Los Angeles Metropolitan Office Region 9—Los Angeles 888 S. Figueroa Street, Suite 1850 Los Angeles, CA 90017-1850 Tel. 213-202-3952</p>

[FR Doc. E9-29245 Filed 12-3-09; 4:15 pm]

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