Planning for a Transit Facility
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Planning for a Transit Facility

Outline

- This PPT will examine the many Federal requirements for types of transit facilities, including:
  - TIP/STIP
  - Environmental Reviews
  - Project & Site Feasibility
  - Special Situations
  - Real Estate
  - TEAM & Other Issues
Types of Facilities

- **Transit facilities may include:**
  - **Bus facilities**
    - Maintenance, storage and operations
    - Transfer facilities
  - **Intermodal Facilities**
    - Public transit bus/commuter bus/intercity bus
    - …plus any rail facility or component
  - **Rail Facilities**
    - Light rail/heavy rail/commuter DMU/intercity rail
    - AMTRAK
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TIP & STIP

• If facility is within an urbanized area, make sure project is in Metropolitan Planning Organization’s (MPO)
  - Long Range Transportation Plan (LRTP)
  - Metropolitan & State Transportation Improvement Programs (MTIP & STIP)

• MTIP and STIP are fiscally constrained & inclusion is a matter of negotiation
TIP & STIP

• If using FTA funds for:
  - Preliminary Engineering, site selection, land acquisition, site improvements or construction please include **phase of work** & funding amount (approx) in the TIP & STIP for **correct FY**
  - FTA looks to **STIP documentation** in app. process
  - STIP program pages & approval dates are **required** & must be entered in TEAM (not MTIP doc.)
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Project & Site Feasibility

• Project Feasibility
  - ID the need for the facility; projected growth; current constraints
  - ID the sites to be considered
  - Consider scope of work &/or study of site/project feasibility

• Procurement: If you procure consultant svc.s. make sure you:
  - advertise & take competitive proposals
  - fair & open procurement
  - document the “how/why” of selection

• Procurement: If you procure svc.s. for NEPA documentation
  - Can the consultant
    • Document number & types of NEPA projects completed
    • Persons who worked on NEPA projects, &
    • Satisfactory award & Records of Decision (ROD)
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Project & Site Feasibility

• Site Issues & Zoning
  – Will site need to be re-zoned?
  – Commercial/industrial zoning usually compatible
  – Will zoning authority specify permitted uses?
  – Intent to re-zone by letter from the zoning authority?

• Are parking, access & circulation adequate?
  – Can roads handle bus traffic?
  – Are they arterials/collectors?
  – Will topo., floodplain, grading & slope issues be problematic?
  – Is site buildable for your use?
Environmental Process

• Purposes of the NEPA document:
  – Protect natural environment
  – Understand the alternatives analysis process
  – Protect the local and Federal agency from litigation
  – Arrive at good decisions by the parties

• FTA planning dollars from 5303 & 5307 programs may be used to:
  – Fund the provision of NEPA documentation
  – NOTE: if done, place in Unified Planning Work Program (UPWP)

• If you apply for capital dollars under 5307 or 5309 programs:
  – NEPA documentation needs to be submitted to FTA prior to making app. in TEAM
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Environmental Process

- In preparing the documented CE or EA document, consider:
  - type, scope & scale of the facility
  - level of potential adverse risk
  - detailed scope of work &
  - needed level of review
Environmental Process

• Consider 3 classes of NEPA action
  – Categorical Exclusion (CE)
  – Environmental Assessment (EA)
  – Environmental Impact Statement (EIS, not in this PPT)

• Categorical Exclusion(23 C.F.R. 771.117)
  – CE’s are granted for actions that **do not** individually or cumulatively involve significant social, econ. or environ. impacts
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Environmental Process

• Categorical Exclusion (CE)
  - 23 C.F.R. 771.117 provides a list of types of projects that are *categorically excluded*
    • new bus storage & maintenance facilities,
    • rehab/reconstruction of bus storage & maint. facilities,
    • bus transfer facilities & rail storage facilities &
    • “Hardship” (to the seller) land acquisition

• FTA may require a **documented** CE submission

• CE checklist is available from FTA Region IV
Environmental Process

• Environmental Assessment (EA)
  – when the *significance of the environmental impact is not clearly established*
  – FTA may require an EA (23 C.F.R. 771.119)
• Completion of an EA usually results in a *Finding of No Significant Impact* (FONSI)
  – requiring no further environ. evaluation, or
  – process can result in the ID of potentially significant impacts
    • requiring applicant to conduct add’l. special studies, or
    • an Environmental Impact Statement (EIS)
  – *Once FONSI is issued for EA applicant may proceed with app.*
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Environmental Process

• Special Studies
  - The presence of one or more conditions may require special studies:
    • archaeological, cultural, ecological, historical, parks & water
    • see National Historic Preservation Act, Section 106 & Federal Transit Act, Section 4 (f) for additional information re National Register properties
      - in some cases properties 50 years old or older
      - projects which impact parkland may need special studies
  
• Example: Intermodal Facility, Savannah, GA
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Environmental Process

• EA/EIS should have some level of Public Involvement (PI)
  - Can you document level of PI?
  - Did you hold public meetings in course of study?
  - One option…use MPO’s public participation plan

• Is the public generally supportive of plans?
• Do you have comment cards available?
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Environmental Process

• Phase One, Two & Three Site Assessments

• When a phase one or two environmental *site* assessment (as differentiated from a NEPA Environmental Assessment) may be needed to determine *likelihood of contamination*
  - Phase One: Determine the likelihood of contamination based on previous use
  - Phase Two: If significant contamination exists, do borings and wells
  - Phase Three: Remediation and clean-up

• As a general rule, FTA does not provide funds to remove contamination

• Contamination may need to be removed with local or state funds

• *Exception: “Brownfield” clean-up per EPA*
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Special Situations

• Level Boarding in an Intermodal (IM) Transport Facility
  – Level-boarding compatibility issues should be examined
  – AMTRAK & some trains may have different doorway heights
  – 17.5, 22 or 48” on older trains can provide challenges
  – Freight and DMU commuter svc. along same line can present issues
  – Contact Civil Rights Officer in Region IV
  – FTA also has a Level Boarding Working Group

• Disability Law Coordinating Council has written guidance on web:
  
  http://www.fta.dot.gov/civilrights/ada/civil_rights_3890.html
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Special Situations

• Intermodal Transportation Facility
  – *If IM facility is proposed along existing freight line or a proposed high speed rail corridor (Atlanta/Richmond) than:*
    • Reviews by Federal Railway Administration (FRA) required
    • *For freight issues, FRA contact is Dick Cogswell at 202.493.6388*
    • *For safety issues, FRA contact is Fred Dennin at 404.562.3803*

• “Gap” issue re ADA and curvature of track
  • if IM station/platforms are planned within curve
  • could result in a “gap” in excess of that which can be bridged between platform & doorway
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Special Situations

• Intermodal Transportation Facility: Intercity Bus & AMTRAK
  - Under SAFETEA-LU:
    • Intercity rail (non-AMTRAK), commuter rail & intercity bus components are sometimes eligible for FTA funding when
      - facility has a public transit component
      - commuter rail is part of regional transit system
      - Rehabilitation of historic terminals is OK if IC rail or IC bus is there
      - Public transit interface is the key

• AMTRAK facilities are generally not eligible for FTA funds if
  - stand-alone facilities
  - without the above public bus/IC bus or commuter rail components
  - AMTRAK has separate general fund appropriations
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-- Intermodal Facility

-- AMTRAK &
  Greensboro Transit Authority (GTA)

-- Fixed Route & HEAT Service

Greensboro IM Facility
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Special Situations

• Air Quality: PM 2.5 Particulate Matter
  - *PM 2.5—Non-Attainment (NA) Areas*
  - Atlanta, Birmingham, Chattanooga, Cincinnati-Hamilton, Greensboro, Winston-Salem, High Point, Hickory, Huntington-Ashland, Knoxville, Louisville, Macon, Rome
  - Per # of diesel vehicles, facilities in these areas may require **PM 2.5 conformity determination**
  - County by county determination
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Special Situations

- Air Quality: PM 2.5 Particulate Matter
  - FTA & EPA via "interagency coordination" w/applicant (40 C.F.R. 93.123(b)(1)(iv))
  - AQ concern when “significant increase” in diesel buses at transfer facilities may = “CO hot-spot”
  - However, if transit project receives CE determination conformity determination may not be required
Real Estate

• Property acquisition & relocation guidance per web sites:
  – Sec. 1.3.3.4 - Real Estate Contracts of FTA, Best Practices Procurement Manual (BPPM) deals with acquisition of Real Property
Real Estate

- Relocation Assistance & Real Property Acquisition Act aka "Uniform Act"
  - Types of real estate
  - See Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970, as amended, at:
  - Implementing regs. (govt.-wide), 49 CFR Part 24
    http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-6.htm
Real Estate

- Examine FTA Circular 5010.1C, Grant Management Guidelines
  - Chapter II-2 Real Property, establishes procedures to be followed:
    - Independent appraisal by a certified appraiser
    - Review appraisal of the initial appraisal
    - FTA review & concurrence requirements re grantee's offer to buy property
- Go to FTA web site; find & click onCirculars, etc.
  - Type in name and/or number in “Search” box
  - Or search by date; or scroll down list
Real Estate

- **Appraisals & Review Appraisals**
  - Appraisals should be completed by certified appraiser **prior to preparing application** in TEAM
  - Appraisals should be dated within 6 months of proposed purchase
  - Values do change…update appraisals if over 6 mos. Old

- Review appraisal is also required if:
  - Value of property > $ 250,000, or
  - If difference in appraised value/offer & asking price is greater than $ 50,000

- **Process:**
  - **“Hard-copy” of** appraisals & summary cover letter from applicant sent to FTA R IV
  - Region IV will submit appraisals to HQ
  - FTA HQ will review both appraisals & will provide a review memo for sufficiency of documentation to Region IV
  - Region IV will notify applicant/grantee of results
  - Approval of sufficiency does not constitute agreement on value
  - FTA will **not process a grant request** w/o ‘hard-copy’ appraisals
Real Estate

- If using 5309 Earmark Funds
  - Grantees who try to purchase property with earmarks *without* completing NEPA, appraisal & Uniform Act reqs. will find issues
  - Grantees may be risking a lapsing earmark or use of Fed. funds
  - **NOTE:** 5309 is a **capital program**
    - 5309 funds are not generally used for “planning or studies”
    - However, real estate/appraisals, project feasibility work, NEPA doc., & engineering and design *incidental to the capital use* &
      - prelim. engineering in New Starts
      - …are generally eligible under 5309
Real Estate

• Real estate in *Project Detail narrative* in TEAM:
  - who will own the facility?
  - will there be non-transit retail or other tenants?
  - if yes, will they pay rent & what will be disposition of rents?
  - If joint development, please also see participation in joint development
Real Estate

• **Letter of No Prejudice (LONP)**
  - Many requests for 5309 bus related capital facilities & property acquisition
  - Yet, no Federal funds have yet been appropriated
  - Grantees want local match share eligibility
  - Ability to be reimbursed for *eligible & documented costs* at Fed. share

• **Process**
  - *Make a written request with documentation of need to FTA R IV (except New Starts)*
  - *Provide a synopsis of project & site feasibility*
  - *Provide statement of how you will manage project*
  - All Federal require. (NEPA, appraisals, procurement) must be met
  - Grantees are at risk; no guarantees of future Federal funds
Real Estate

- Land can be an “in-kind match”
- Value is “value at time of donation”
  - See Common Grant Rule, 49 CFR 18.24 "Matching or Cost Sharing"
  - See FTA C 5010.1C, "Grant Management Guidelines," Ch. II, "Management of Real Property, Equipment & Supplies"
  - See 42 U.S.C. 61, Section 4627
    - [http://www4.law.cornell.edu/uscode/42/4627.html](http://www4.law.cornell.edu/uscode/42/4627.html)
Real Estate

- Joint Development (2-7-07)
  - Private invest., enhancing econ. development, phys. & functional relationships with public transit & coordination
  - Eligible & ineligible activities are described
    - Bus & IC rail facilities, parking & project development activities
    - Fed. asst. in joint development & capital improvements
    - “Thresholds” & relationships vis a vis the transit agency, a private developer and private financing
    - Ground leases and transfers

- Joint Development Checklist is provided in circular via web:

TEAM & Other Issues

• DOL & Buy America

- 5307, 5309, 5311 & 5316 apps. in TEAM are routinely sent to Dept. of Labor (DOL)
- DOL review can take 30 to 45 days
- 5309 grants also require HQ release; another 30 days
- Buy America is required under 5307 & 5309 for capital projects
- Be aware of *Buy America* provisions when purchasing materials; esp. steel
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• Construction Management
• Please see the web link below for *construction management handbook*:

• My contact info is:

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