FTA

FEDERAL TRANSIT ADMINISTRATION

Public Transportation Emergency Relief (ER) Program

Guidance for Transit Agencies Impacted by Hurricane Sandy

U.S. Department of Transportation
Federal Transit Administration

February 12, 2013

Hurricane Sandy Disaster Relief -Agenda-

- FTA's Public Transportation Emergency Relief Program (Section 5324)
- Disaster Relief Appropriations Act of 2013
- Notice of Availability of Emergency Relief Funding
  - Eligible Projects, Costs and Applicants,
  - Restrictions & Special Provisions
  - Application Instructions
  - Allocation Process & Award Information
- Questions and Answers

Public Transportation Emergency Relief Program (49 U.S.C. 5324)

- Authorized under MAP-21, effective October 1, 2012
- Creates a framework for allocating funds in response to an emergency or disaster that affects public transportation systems; mandates coordination with FEMA
- Eligible costs include:
  - Operating assistance for immediate response and recovery, and
  - Capital projects for protecting or restoring public transportation infrastructure that has suffered serious damage
- Grants are subject to terms and conditions as determined by FTA
- Default federal share for all costs is 80%, or higher as determined by FTA

Disaster Relief Appropriations Act of 2013

- Signed by President Obama on January 29, 2013
- Appropriates $10.9 Billion for FTA's Emergency Relief Program
  - $2 billion to be allocated by March 30th (60 days from January 29th)
  - $8.9 billion upon Interim Final Rule and Memorandum of Agreement with FEMA
  - $5.383 billion may be used for projects to reduce the risk of damage from future disasters in areas affected by Hurricane Sandy
  - $6 million for oversight by DOT's Office of the Inspector General
  - 0.75% set-aside for administration and program management oversight
- Requires all funds to be expended within 24 months of obligation
- Funds are for specific areas (counties) in 12 States designated as disaster areas for Hurricane Sandy: http://www.fema.gov/disasters

Notice of Availability of Emergency Relief Funding

- For the initial $2 billion, FTA has published a Notice of the Availability of Emergency Relief Funding in the *Federal Register*
- This funding will be allocated first for eligible Sandy-related operating and capital costs within 3 categories of funding, for expenses already incurred or expended.
- If any funding remains after this allocation, FTA may pro-rate allocations to agencies based on anticipated recovery costs
- Requests for reimbursement under this notice, including damage assessments, must be submitted in *Grants.Gov* by **March 8, 2013**
- FTA will review applications on a rolling basis and make initial allocations upon validation of eligible expenses
- FTA will publish allocations (and obligations to date) of the $2 billion no later than **March 30, 2013**

Notice of Availability of Emergency Relief Funding

FTA will initially allocate funding for the following expenses:

(1) **Category One:** Operating and Capital Expenses already incurred and disbursed on or before 1/29/13

(2) **Category Two:** Existing contractual commitments and requests for proposals or invitations to bid* that were published on or before 1/29/13

(3) **Category Three:** Force account work that was budgeted on or before 1/29/13

Any remaining balance will be prorated based on the damage assessments, and grants must comply with all Federal regulations

*Contracts do not have to be awarded by 1/29, as long as the RFP or IFB was issued on or before 1/29.

Eligible Projects and Costs

- **Emergency Response and Recovery Operations**
  - Net project cost of temporary service outside the scope of an affected recipient's normal operations, including:
  - Evacuations
  - Rescue Operations
  - Moving Rolling Stock away from low-lying locations
  - Additional bus or ferry service to replace inoperable rail service or detours
  - Returning evacuees to homes after an emergency
  - Net project costs of reestablishing, expanding, or relocating service before, during, or after the hurricane

Eligible Projects and Costs

- **Emergency and Permanent Repairs to a State of Good Repair**
  - Includes temporary and permanent repairs, and projects to repair, reconstruct, and replace equipment and facilities that suffered serious damage from the storm
  - Does not include projects that change the function of an asset, but may include projects that incorporate updated designs or technologies, or increase an asset's resiliency to future disasters

Eligible Applicants

- Affected States, local governmental authorities, and Indian tribes that currently *receive or allocate* FTA funds for public transportation located in areas affected by Hurricane Sandy, including:
  - Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, District of Columbia
- Other providers of public transportation may be eligible as a subrecipient of a current FTA direct recipient

Federal Share & Local Match

- Federal share is 90% for all eligible capital and operating expenses under this notice
- For disaster areas in CT, NJ, and NY, federal share is 100% for eligible recovery operating expenses between October 30 and November 14
- Local match must be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

Restrictions

- **FEMA and Insurance:**
  - FTA will not reimburse any expenses paid by FEMA, other Federal agencies or insurance policies, however applicants may apply in advance of funding expected from insurance policies. If so, FTA funds used for those costs must be repaid when grantee receives insurance proceeds.
- **Ineligible Costs:**
  - Heavy Maintenance
  - Projects that change the function of the original infrastructure
  - Projects for which funds were obligated in a grant prior to the storm
  - Reimbursements for lost revenue due to service disruptions caused by the hurricane
  - Replacement or replenishment of damaged or lost material not incorporated into the transit system, such as stockpiled construction materials
  - Other costs FTA determines are not appropriate for this program

Special Provisions & Waivers

- Pre-award authority and blanket waivers (as described below) are available for expenses incurred in advance of Sandy through Jan 29, 2013:
- For expenses within the 3 Categories described in the notice, the following requirements have been waived:
  - Planning Requirements (TIP/STIP)
  - Buy America
  - Procurement / Contracting Guidelines
- Pre-award authority for other recovery expenses is available as of February 6th, pursuant to FTA's pre-award authority policy, meaning that:
- New contracts, contract amendments, or force account work budgeted after January 29, 2013 must meet all federal and administrative requirements
  - If waivers are needed or expected for these other expenses, submit to the part 601 emergency relief docket (www.regulations.gov, FTA-2013-0001)
- DOL Certification is not required for Section 5324 grants
- NEPA does not apply to Cat 1-3, but will apply for future recovery expenses

Application Instructions

Two-Step Process:

1. **Prepare GRANTS.GOV Submission**
   - Conduct Damage Assessments and Detail Costs Incurred
     - Must include: number of vehicles, service hours, etc.
   - Ensure Proper Agency Registration in GRANTS.GOV
   - Complete SF-424 Form – Request for Federal Funding
   - Complete FTA Supplemental Form for ER Program – found on FTA's ER Website or on GRANTS.GOV
   - Attach all required documentation and submit in GRANTS.GOV
2. **Prepare TEAM Grant Application for discrete budget items, upon notification from FTA Regional Administrator**
   - Section 44 – NY-44-XXXX

Application Instructions

<u>Grants.gov Online Application Process:</u>

1) Search using keyword “Sandy” or CFDA # 20.527
2) Click on “Full Announcement” to download a copy of the NAERF and the Supplemental Form
3) When ready to apply, click on “Application”, and on the next screen, click “download” on the bottom right of the screen.
4) Enter email address and click through for “Download Application Instructions” (link to NAERF) and “Download Application Package” ← Select this
5) On SF-424, select “Mandatory Form” and “Attachments” and move these to the box on the right to open the form
6) Complete yellow fields on form and attach supplemental forms and other documents on last page

Application Instructions

<u>Grants.gov Online Application Process:</u>

7) When the application and all attachments are complete, log into grants.gov and click “Save and Submit” on the form to send to FTA.
8) Await confirmation email from Grants.gov
9) Contact FTA to ensure application has been received

- The agency and user (Authorized Organizational Representative) must be registered and assigned in Grants.gov. Please confirm that this is up to date.

Application Instructions

<u>Mandatory Supplemental Form:</u>

- **Section I:**
  - Applicant agency information and location
  - Executive Summary of Application
- **Section II (repeats for each project):**
  - Project title/description, requested funding, other funding sources
  - Summary of operating and capital expenses
  - High-level breakdown of costs by type and category
  - Congressional District info for notification process
- **Section III:**
  - Summary of funding request for capital and operating expenses
  - High-level breakdown of eligible expenses for each category
  - Needs to be completed by applicants

Application Instructions

Attachments:

- Damage Assessment, consisting of:
  1) The specific location(s), type(s) of facilities or equipment affected, and nature and extent of damage;
  2) The most feasible and practical method of repair or replacement; and
  3) The estimated repair and/or replacement cost(s)
- Documentation of any request to or agreements with FEMA
- Documentation of any insurance policies claimed or paid
- Details of emergency capital and operating expenses requested, including information on contracts committed but not expended
- Copies of RFPs and Invitations to Bid that have been issued
- Documentation of budgeted force account work (signed, dated documents, or minutes of board meetings)
- Any other information to substantiate application for reimbursement

Allocation Process and Award Information

- FTA will allocate the $2 billion for Hurricane Sandy relief non-competitively based on validated response and recovery costs
- Applicants will be notified directly of allocations, and must submit a grant application in TEAM for the approved project expenses
- Remaining funds may be allocated on a pro-rated basis after funds are allocated to eligible requests under the 3 categories
- FTA will publish final allocations of $2 Billion in *Federal Register* by March 30, 2013

Contact Information

- General Program and Eligibility Questions:
  - Adam Schildge; adam.schildge@dot.gov; 202-366-0778
  - Bonnie Graves; bonnie.graves@dot.gov; 202-366-0944
- Project Specific Questions and Assistance with the Requests for Reimbursement
  - FTA Regional Offices I, II, III
- Other Resources: www.fta.dot.gov/emergencyrelief

Questions and Answers