

FTA REGION II NEWSLETTER

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President Proposes FY2004 FTA Budget

President George W. Bush recently sent his Fiscal Year 2004 budget request to Congress for the Federal Transit program. The President's request proposes a FY2004 budget that would exceed the FY2002 guaranteed funding level by seven percent and maintain FY2003 guaranteed funding levels.

At a February 3, 2003 gathering of nearly 100 transit advocates, FTA Administrator Jennifer Dorn, praised the President's budget proposal, commenting that "Although the Nation is facing enormous and expensive challenges, including fighting terrorism and promoting economic growth, the Administration proposes to sustain the record level of Federal investment in public transportation."

Dorn shared that the FY 2004 proposal offers the public transportation community - transit operators, transit suppliers, and, most importantly, transit riders - a budget that:

- ?? Promotes common sense transit solutions;
- ?? Encourages A+ performance;
- ?? Keeps FTA's commitments; and,
- ?? Champions independence and opportunity.

FTA's budget proposal reflects the program simplification and streamlining that the agency intends to propose in its reauthorization proposal. Detailed information on the FY 2004 FTA budget can be found at the FTA web site, www.fta.dot.gov.

Transit Project Planning Guidelines

FTA has created a new electronic document for transit agencies performing project development planning activities, including alternatives analysis. The document, *Technical Methods for Transit Project Planning*, is an up-date to FTA's seminal 1990 guidance, *Procedures and Technical Methods for Transit Project Planning*. Although most of the information on the planning concepts, principles and methods contained in the 1990 guidance remain valid today, the update clarifies procedural requirements which have changed since 1990 and shares some of the lessons learned over the past decade.

Four Chapters are currently available for downloading on FTA's New Start web page, www.fta.dot.gov/library/policy/ns/ns.htm. They are Introduction to Major Investment Planning, Definition of Alternatives, Financial Planning for Transit, and Evaluation of Alternatives. The remaining chapters will be posted as they are completed throughout 2003.

FTA Security and Emergency Preparedness Guide

FTA has produced *The Public Transportation System Security and Emergency Preparedness Planning Guide*. Released in January 2003, the Guide was prepared to support the activities of public transportation systems to plan for major security threats and to respond to them. It emphasizes the importance of

developing critical relationships, preparing strategies and policies, and setting training and funding priorities. It offers practical guidance for planning effectively, spending wisely, and making the public transportation and infrastructure safer.

The Guide builds on two previous FTA publications - the Transit System Security Program Planning guide and the Transit Security Handbook. It is based on research to identify practical steps that transit operators can take to be better prepared for all the emergencies. These recommendations support the industry's commitment to avert those events that can be prevented and to minimize the impact of those that cannot be thwarted.

The guide can be obtained through the FTA Office of Safety and Security's Web Page at the FTA Web Site, www.fta.dot.gov.

The Ferry Renaissance

Ferry services in the New York-Northern New Jersey Metropolitan Area are experiencing a Renaissance, most particularly private ferry services.

Prior to 9/11, ferry demand and services between New Jersey and New York had been growing, carrying approximately 30,000 customers per day. Private ferry services provided connections to Lower and Midtown Manhattan from at least 10 locations in New Jersey, from Weehawken in the north to the Highlands in the south.

On 9/11, the private ferry operators played a heroic role furnishing vessels non-stop around (continued on next page)

(continued from previous page) the clock to evacuate workers from Lower Manhattan. In many cases, the ferries provided the only available transit link out of Lower Manhattan.

Private ferry services continue to be vital to the Regional transportation system in the event's aftermath. Existing services have been increased and new routes created to compensate for the disruption of PATH service between New Jersey and Lower Manhattan. These include new landings in Pavonia/Newport and South Amboy. There is also a new water taxi service operating between Downtown Brooklyn and Manhattan. Approximately 63,000 customers are being carried each day by the private ferry system.

The growth of private ferry service has spawned new capital programs. New landings with related services are being planned for Elizabeth, Bayonne, and Edgewater in New Jersey, and at 60th Street and 75th Street in Manhattan. Existing facilities are being reconstructed, some with FTA funds budgeted by Congress after 9/11. The crown jewel of all these efforts will be the restoration of the historic Hoboken Ferry Terminal.

Private ferry services have a strong future. Although ferry ridership and service are expected to drop when PATH service to Lower Manhattan is reestablished in December 2003, overall use is expected to be on an upward slope for the long term.

Buy America Rule Notices

On February 28, 2003, FTA issued two notices in the Federal Register regarding its Buy America Rules. One regarded the permanent waiver for microcomputers, the other involved corrections to Buy America certifications.

The federal notice regarding microcomputers withdrew FTA's October 8, 1999, advanced notice of proposed rulemaking (ANPRM) in which it sought public comment on

whether the permanent waiver of the Buy America requirements for microcomputers should be retained, revoked, or modified. A very small number of comments from both the transit and computer industries indicated that a change to the permanent waiver is not warranted. Accordingly, FTA withdrew the rulemaking.

The other notice is a final rulemaking that implements a provision of the Buy America statute allowing bidders or offerors the opportunity to correct inadvertent or clerical errors in their Buy America certifications after bid opening. A Notice of Proposed Rule Making (NPRM) was issued by FTA on February 18, 1999 to implement Section 3020(b) of TEA-21. Section 3020(b) created a limited exception to the certification requirements, found at 49 CFR 661.13(b), that require rejection of a bid that is not accompanied by a completed Buy America certificate.

The final rule implemented the NPRM proposal that allows a bidder or offeror claiming inadvertent or clerical error to submit to FTA, within 10 days of bid opening, an explanation of the circumstances surrounding the flawed certification and an affidavit stating that the submission resulted from an inadvertent or clerical error. The rule also responded to comments on the NPRM through clarifications that a bidder may not request approval of a correction of a certificate when it fails to sign the certificate, files a certification of both compliance and non-compliance, or files neither certificate. The rule does not allow anyone to change a certificate wrongly filed for a reason other than clerical or inadvertent error. These changes allow correction of a certification when there has been a clerical or inadvertent error, as Congress mandated, while prohibiting situations where the bidder would gain a competitive advantage over any other bidders.

FTA also added a reference to 28 U.S.C. 1746, which allows a party submitting an affidavit or sworn

statement to the government to do so in an abbreviated form, without a notary, when the language from the statute is used. This addition is expected to reduce red tape in the filing of the claim.

Keeping Union Information Updated

The FTA Region 2 Office has been experiencing delays in obtaining Department of Labor certifications for grants due to outdated union information provided by FTA grantees. Two leading causes have been the failure to identify all unions covered by the Section 5333(b) protection certifications and outdated union contacts.

FTA encourages its grantees to annually review TEAMWeb to ensure all information pertaining to all its unions and associated contacts is current.

Upcoming Training

The following is an annotated list of available FTA-sponsored training. A more complete listing can be obtained from the Grantee Web Page or by contacting the institutions mentioned below.

National Transit Institute Courses
((732) 932-1700) or visit them on-line at <http://www.ntionline.com/>

Quality Assurance & Quality Control in Transit Projects
Jun 25-26, New York, NY

Public Involvement in Transportation Decisionmaking
May 27-29, Newark, NJ

ITS for Transit: Solving Real Problems
Apr 22-23, New Brunswick, NJ

Transit Capacity & Quality of Service
May 7-9, 2003, New Brunswick, NJ

