

SCDOT Sub-recipient Workshop Meeting

FTA Region IV Updates
September 19-20, 2022

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Section 5310 Sub-recipient Topic Overview

- Section 5310 projects with 100% Federal funding
- Federal Fund Braiding for Local Match



Section 5310 – 100% Federal Match

CA31: Does the CRRSAA waive the local share requirement for Formula Grants for Enhanced Mobility for Seniors and Individuals with Disabilities (49 U.S.C. § 5310)?

A: Yes. The CRRSAA waives the requirement for local share for previously apportioned (FY21 and prior) unobligated Section 5310 funds. Any unobligated Section 5310 funds may be obligated at a 100-percent Federal share. In addition, CRRSAA funds apportioned to the Section 5310 program may be obligated at a 100-percent Federal share. The use of Section 5310 formula funds must comply with all Section 5310 requirements, including the 55 percent minimum expenditure for “traditional” capital projects, and inclusion of projects in the coordinated plan. Please see FTA’s Section 5310 Circular for additional information.

CCAM Presentation for Federal Fund Braiding for Local Match Examples



Section 5311 Sub-recipient Topic Overview

- Reminders
- General Transit Feed Specification Data (GTFS) – NTD Reporting requirements
- Buy America – small purchase waivers and transitional waivers
- FHWA Carbon Reduction Program
- NOFOs
- Q & A

Reminders

TrAMS Reminders

- TrAMS will shut down for year-end close at 8pm on Monday, September 26th. Financial activities will not be available during the close period which typically is for a 4–5-week timeframe.
- ECHO will close for year-end processing at 2pm on Tuesday, September 27th. ECHO will re-open for drawdowns at 2pm on Thursday, October 6th.
- While TrAMS is shut down, the following functionalities will still be available to users:
 - Create Applications
 - Execute Awards
 - Conduct Drawdowns (once ECHO reopens)
 - Submit the Initial Federal Financial Report (FFR)
 - Submit Reports (MPR, FFR, DBE)
 - Submit Civil Rights Reports
 - Update Recipient Profile Information
 - Add/Update Users to TrAMS



Reminders continued

FTA Workforce Development Initiative

- In 2021, FTA announced an initiative to directly support public transit workforce development to support the Transit Workforce Center (TWC).
- The mission of the TWC is to help support transit agencies recruit, hire, train, and retain a diverse workforce needed now and in the future.
- Please visit the website for more information and submit your [technical assistance request application](#) today!



Reminders continued...

2020 Census Update:

- Census Announcement of New UZAs: Quarter 1 of Federal Fiscal Year 2023 (December 2022)
- Publish Online Interactive Map of New Census UZA Boundaries: Quarter 1 of Federal Fiscal Year 2023
- Letters to Grantees/MPOs Where Census Changes Occurred: Quarter 1 of Federal Fiscal Year 2023
- Website for FTA 2020 Census Updates: [2020 Census: Resources and Information | FTA \(dot.gov\)](#)
- Please note, FY22 and earlier funding will remain available based on the 2010 Census Delineations.
- FTA is developing FAQs to help current/new recipients navigate UZA status changes based on population thresholds.

Reminders continued...

TAM

- Provides a foundation for addressing the State of Good Repair backlog
- Focuses on measuring and monitoring performance and condition
- [Dear Colleague](#) letter released by FTA's Administrator Fernandez on Feb. 9, 2022, addressed the required update
- **Updated TAM plans due October 1, 2022**

PTASP

- PTASP 2/17/2022 Dear Colleague Letter outlines FTA's expectations to address new requirements: <https://www.transit.dot.gov/sites/fta.dot.gov/files/2022-02/PTASP-Dear-Colleague-Letter-February-17-2022.pdf>
- BIL changes to PTASP requirements presentation - The slideshow accessible via the link: [Bipartisan Infrastructure Law Changes to Public Transportation Agency Safety Plan \(PTASP\) Requirements \(dot.gov\)](#)



Reminders continued...

PTASP continued:

- Overview of changes include but not limited to:
 - State DOTs must still develop ASPs that comply with all PTASP requirements for newly applicable small public transit providers that do not opt to develop their own ASP
 - For State DOTs and all recipients, certify that the State/recipient has established a comprehensive agency safety plan that includes strategies to minimize public, personnel, and property to hazards and unsafe conditions consistent with CDC or State health authority to minimize exposure to infectious diseases
 - PTASP Presentation Link: [Bipartisan Infrastructure Law Changes to Public Transportation Agency Safety Plan \(PTASP\) Requirements Webinar Transcript | FTA \(dot.gov\)](#)



General Transit Feed Specification (GTFS) – National Transit Database (NTD) Annual Reporting

- BIL continues to authorize NTD which is a repository for financial data, operating statistics, safety events, and asset conditions from American transit systems.
- FTA uses NTD data to apportion funding to urbanized and rural areas.
- To better inform funding for transit systems nationwide, GTFS data will further improve analyses from an objective perspective.
- GTFS data represents the automated version of a transit operator's timetable.
- Simplified Trips-on-Project (STOPS) software uses GTFS data to present available transit services along project corridors.
 - **The important reason this must be reported annually is GTFS data represents new/modified transit services which will inform FTA apportioned funding on an annual basis.**
- Other new requirements for NTD reporting under BIL:
 - Geographic service area coverage as a reporting requirement.
 - Report data relating to assaults on transit workers and fatalities resulting from impact with a bus.

Buy America Small Purchase Waivers

- FTA Issues Guidance Letter on Buy America Small Purchase Waivers
- On September 16, 2016, FTA's Chief Counsel issued a [policy letter](#) to the industry clarifying the definition of “small purchases” for general public interest waivers from Buy America program requirements.
- The FAST Act set the small purchase waiver at \$150,000 or less; that threshold will not increase with future adjustments made to the simplified acquisition threshold under the Federal Acquisition Regulation (FAR)
- The small purchase waiver is now included in the Buy America statute at 49 USC 5323(j)(13) and applies to purchases, regardless of the size of the project.

Buy America Transitional Waiver

- January 2021 – Executive Order 14005, Ensuring the Future is Made in America by All of America’s Workers, launching a whole-of-government initiative to strengthen the use of federal procurement to support American manufacturing.
- “Made in America” policies are designed to increase reliance on domestic supply chains and ultimately reduce the need to spend taxpayer dollars on foreign-made goods.
- DOT issued a transitional waiver effective May 14, 2022.
 - The transitional waiver will expire on November 10, 2022, 180 days from the effective date.
 - [Website link for more information.](#)
- This transitional waiver to prepare for compliance with the new Made in America standards regarding “construction materials.”
 - The Bipartisan Infrastructure Law (BIL) states “none of the funds made available for a Federal financial assistance program for infrastructure . . . may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.”

FHWA Carbon Reduction Program

Purpose	Provide funding for projects to reduce transportation emissions or the development of carbon reduction strategies.
Funding	\$6.4 B divided into annual apportionments over a five-year period (FY 22-26) under Contract Authority from the HTF
Recipients	<ul style="list-style-type: none">• States (including DC)
Distribution formula	<ul style="list-style-type: none">• Apportioned to States by formula• 65% of funds are suballocated (reserved for use in certain areas of the State, based on population)
Other key provisions	<ul style="list-style-type: none">• Requires State, in consultation with MPOs, to develop (and update at least every 4 years) a carbon reduction strategy and submit it to DOT for approval.• DOT must certify that a State's strategy meets the statutory requirements.
Fact Sheet	<u>Bipartisan Infrastructure Law - Carbon Reduction Program (CRP) Fact Sheet Federal Highway Administration (dot.gov)</u>

NOFOs & Federal Register Notices

Date Published	NOFO Title/Federal Register Notice	Funding Available	Deadline	Website
July 26, 2022	All Stations Accessibility Program (ASAP)	\$343 Million	October 7, 2022	https://www.transit.dot.gov/ASAP-NOFO
August 9, 2022	FY22 Mobility, Access, & Transportation Insecurity: Creating Links to Opportunity Demonstration Research Program - Webinar for Overview/Q&A 8/24 @ 2pm. Register via link: webinar	\$6 Million	October 11, 2022	https://www.transit.dot.gov/notices-funding/fiscal-year-2022-mobility-access-transportation-insecurity-creating-links
July 7, 2022	Request for comments: National Transit Database Reporting Changes and Clarifications	This notice provides information on proposed changes and clarifications to the National Transit Database (NTD) reporting requirements.	Comments due by September 6, 2022	Federal Register Notices, Rules & Regulations FTA (dot.gov)
		Please note that although the NTD Database Reporting Changes Request for Comment is closed, FTA will consider late comments to the extent practicable.		

Q&A

1. Would like for FTA to address concerning the 50/50 percentage requirement for operations. Is there consideration to lower it from 50% to 25% or 20% for rural and small urban systems?
 - Unfortunately, FTA does not have the authority to modify/change local matching requirements. Local match requirements congressionally decided which is written into law via transportation bills.
2. Incidental use form and FTA concurrence.
 - For vehicles and equipment incidental uses, this requires prior FTA concurrence with your post award manager the form will be signed. Per 5010.1E, FTA does not concur on real estate incidental uses for real estate but encourages FTA consultation. The incidental use form should be completed for your files for Triennial Reviews, etc. Please note there are separate forms for vehicles/equipment and real property.

Q&A continued

3. For DBE goal setting/short fall analysis requirements, will FTA consider not requiring small UZA transit agencies to complete a shortfall analysis if the agency reached at least 50% of their annual goal?

- Per 49 CFR 26.47(c) - If a recipient failed to meet their DBE goal in a fiscal year, then a shortfall analysis must be completed and uploaded into TrAMS. The purpose is to 1) help identify means to increase DBE participation to achieve the DBE goal in the next FY; 2) ensure compliance with the DBE rule; & 3) increase DBE accountability on FTA funded projects/activities.

4. Charter service provided through 3rd party contractors for government officials on official government business (49 CFR 604.6(b)):

- For discussion:
 - 3rd party contractor reference: [FTA Circular 9040 1Gwith index - Final Revised - vm 10-15-14\(1\).pdf \(dot.gov\)](#)
 - Government officials on official business: [49 CFR 604.6](#)

Q&A continued

5. Advise what Federal funding sources can be used for local match under CCAM guidelines.

- Please reference [Federal fund braiding guide](#) on the FTA website for more information.

6. Clarify how a transit provider's administrative expenses should be allocated to modes and different FTA grants.

- Cost allocation guidance recommends using a service-based methodology to allocate a transit agency's administrative expenses to its different modes (e.g. use the percentage of the mode's variable indirect costs to allocate fixed administrative expenses). The methodology must be documented.
- State DOTs have the discretion to develop locally driven policies which may recommend sub-recipients create an indirect cost rate (IDR), approved through an Indirect Cost Allocation Plan (ICAP) proposal, and then using that IDR on top of modified-total direct costs for each mode to calculate the eligible administrative expenses to be reimbursed for that mode. Non-federal entities that have never negotiated indirect cost rate may use a de minimus rate of 10% of modified total direct costs.



Q&A continued

6. Continued - Are indirect cost rates necessary for allocating a transit agency's administrative costs to individual modes or services? Shouldn't IDRs only be necessary when the transit agency is part of a larger organization (e.g. county government or human services organization), and the transit agency wants to attribute assignment of costs of the larger organization to its transit programs?

- 2 CFR 200 Appendix VII to Part 200 - States and Local Government and Indian Tribe Indirect Cost Proposals - ***A governmental department or agency unit that receives more than \$35 million in direct Federal funding must submit its indirect cost rate proposal to its cognizant agency for indirect costs.*** Other governmental department or agency must develop an indirect cost proposal in accordance with the requirements of this Part and maintain the proposal and related supporting documentation for audit. These governmental departments or agencies are not required to submit their proposals unless they are specifically requested to do so by the cognizant agency for indirect costs. Where a non-Federal entity only receives funds as a subrecipient, the pass-through entity will be responsible for negotiating and/or monitoring the subrecipient's indirect costs.

Q&A continued

7. Please explain all applicable PTASP requirements, including the requirements out of BIL.

- Non-compliant ASPs including establishing a Safety committee; TBD on how non-compliance will be enforced.
- Development of ASPs for Small UZAs in cooperation with frontline employees – transit agencies must define frontline employees in their plan (e.g. transit operators, maintenance staff, etc.) and consider their feedback before finalizing the plan. For example, when MPOs develop PPPs and gather feedback from interested parties before finalizing/adopting the plan.
- FTA Certification and Assurances requirement to certify establishing a compliant ASP – this is to be completed on an annual basis in TrAMS. C&As must be completed which includes certifying a compliant ASP and it will be reviewed during State Management Review/Triennial Review.
- Per 49 CFR 673.31 (safety plan documentation), transit agencies MUST maintain document that set forth its ASP, including those related to implementation of its Safety Management System (SMS), and results from SMS processes/activities. This includes maintaining documents that are included in whole, or by reference, that describe programs, policies, and procedures that the agency uses to carry out its ASP. These documents must be made available upon request by FTA or other federal entities, or a SSO agency having jurisdiction and must be maintained for a minimum of three years after they are created.



FTA Region 4 Contact Information

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