

California MAP-21 Transit Working Group: MAP-21 Questions for FTA

General

- Has FTA started developing rules for transit programs as identified in MAP 21?
- When will FTA offer stakeholders an opportunity to engage the rule-making process?
- How long will the rule-making process take for each MAP 21 transit program identified?
- Is MAP 21 the impetus for follow-up authorizations or continuing resolutions?

CMAQ

- When is revised CMAQ Guidance expected? Will it be coordinated with the proposed metropolitan planning regulations or still be issued separately as guidance?
- Will FHWA/FTA continue to allow the use of CMAQ funds for eligible operating expenses of a new transit line or service and for how long? (Currently, it is allowed for three years.)
- Since CMAQ apportionments under MAP-21, are no longer derived from a formula, how will funds be distributed?

Section 5303 - Metropolitan Transportation Planning:

- MAP-21 refers to states, MPOs, and transit agencies developing performance measures and reporting on progress. What are the national transit performance goals and how will they be managed equitably between rural vs. urban systems?
- Can FTA make the performance reporting simple and part of TEAM & NTD reporting?

5303 Sec. 2005(b) TOD Planning Pilot

- What is the sphere of influence for both passenger rail and bus rapid transit stations for which the TOD pilot planning program can be applied?
- Does an agency need to be a recent or concurrent recipient of a transit grant in the categories listed?
- Are geographic areas and types of land uses to be included in eligible TOD planning?
- What does comprehensive planning mean? Does it mean transportation and land use plan coordination? Eligibility needs to be defined better.

- How can a state be an eligible applicant if it doesn't own or operate a transit system and/or have land use authority.
- What are the match requirements? Federal/local share breakdown?

5310 Merged With New Freedom

- Some MPO's are currently the designated recipients of large urbanized area (UA) New Freedom funds. Will that designation automatically continue into MAP-21, or will there be further discussion about who should be the designated recipient for large UA's for Section 5310 funds?
- If MPO's, RTPA's and designated recipients in large UA's must disseminate these funds, will they be responsible for soliciting applications and monitoring those applicants for federal compliance?
- Large urban areas are now direct recipients of 5310 funds and have no experience soliciting applications; can they elect to have the state administer the funds for the MPO's and RTPA's?
- Can an agency certify there are no non-profits in their region so they do not need to spend the money on non-profits?
- There needs to be clarification - 55% of the 5310 funding must go to non-profits, or are they just eligible for the project.
- What kind of assurances can FTA make to ensure that large urban and small urban agencies do not keep all the 5310/5317 (New Freedom) funds instead of giving to non-profit agencies?
- In the existing New Freedom circular, FTA specifically states that private operators of public transportation are included in the definition of public transit operators. Does FTA plan to include that same language in the MAP-21 regulations?
- Can 100% of 5310 funds be used for capital purchases?
- Are in-kind activities (e.g., volunteer hours) eligible to be used as local match, as was allowed in SAFETEA's New Freedom program?
- The Coordinated Plan language has changed slightly from SAFETEA. In SAFETEA, projects were required to be "derived from" a Coordinated Plan. In MAP-21, the language has been changed to say that projects must be "included in" a Coordinated Plan. Is this meant to have practical implications? For instance, under MAP-21, will projects

need to be specifically named/identified in the Coordinated Plan, rather than simply being consistent with the gaps, needs, and strategies identified in the plan?

5307 & 5311 Merged With 5316 (JARC)

General

- Is there a separate formula for low income projects-calculated on a percentage of the formula, based on low-income populations as part of the 5307 or 5311 formula. Is it/or is it not a program requirement for service? Is this a Title VI process and not a funding process?

5307/JARC

- Will the MPO's role as the designated recipients for large urbanized areas and small urbanized areas for Section 5307 funds automatically continue into MAP-21?
- Must Transit Agencies spend EXACTLY 3% of their 5307 on JARC projects? Or, can they spend more or less than that?
- 10% of 5307 funding is allowed for ADA and preventive maintenance under SAFETEA. Do these continue to be eligible uses for 5307 agencies? Were there any changes in the law?
- In large urbanized areas, can large operators (those with >100 buses) use 5307 funds for Job Access and Reverse Commute (JARC) operations projects? Or does the "special rule" limiting operating funds only to smaller operators (<100 buses) also apply to JARC operations projects?
- Is there a minimum or maximum amount of Section 5307 funds to be used on JARC projects?
- According to FTA's Section 5307 Fact Sheet, "FTA apportions funds to designated recipients, which then sub allocate funds to state and local governmental authorities, including public transportation providers." Are non-profits and/or local governmental authorities that are not FTA grantees eligible to be sub recipients of Section 5307 funds, as they were under the JARC program? In other words, could an FTA grantee pass-through Section 5307 funds to a non-profit and/or local governmental authority (particularly for a JARC project)?
- If non-profits and/or local governmental authorities can be sub recipients of Section 5307, would they be subject to all of the grant recipient requirements in Section 5307(c)(1)? For instance, will sub recipients need to ensure that senior/disabled/Medicare discounts are charged during the non-peak, have a process to solicit and consider public comment before raising a fare or carrying out a service reduction, spend 1% of funds on transportation security projects, be required to participate in NTD reporting, etc.?

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- Pre-award spending authority (“undertaking projects in advance”) seems to be restricted to just capital projects and planning projects (“subparagraph (A) or (B) of subsection (a)(1)”); JARC projects and operating costs (subparagraph (C) and (D) of subsection (a)(1)) do not seem to be eligible for pre-award spending authority. Is that interpretation correct?
- Are in-kind activities (e.g., volunteer hours) eligible to be used as local match, as was allowed in SAFETEA’s JARC program?
- Under SAFETEA, a set-aside of up to 10% was allowed for administration of the JARC program. Will similar set-asides still be allowed now that JARC is merged with 5307? If so, how will a limit be determined?
- Map 21 identifies a set aside of \$30 million for passenger ferry grants, to be allocated through competitive selection. Will FTA be working directly with designated 5307 recipients given authority to do so has been delegated by Caltrans?

5311/JACR

- How will the 5311 formula program work in CA? Does CA have a disproportionately higher or lower percentage of vehicle revenue miles and low income population in rural areas compared with other states? What will the new formula take into consideration with respect to land area, vehicle revenue miles and low income populations of individual counties?
- Will the RTPAs continue to be responsible for programming their regional share?
- Is there a minimum or maximum amount of Section 5311 funds to be used on JARC-like projects?
- How can agencies find guarantees to continue currently funded JARC projects?
- Are there any incentives to spend any formula funds on JARC programs?
- Can state agencies take up to 3% of the 5311 funds off the top for JARC projects?
- Can the state allocate 2013 5311 funds to the transit agencies before the guidance circulars are released?

5311 Tribal Transit Program:

- Due to the increase in tribal transit funds will FTA provide additional technical assistance to tribes to set up transit programs?

5326 - Transit Asset Management:

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- MAP 21 establishes performance measures for state of good repair. How will this be managed?
- Can FTA make the fleet/asset management reporting simple and part of TEAM & NTD reporting?
- Will the fleet/asset management reports be the same reports that 5307 agencies complete in TEAM?
- Will FTA provide training to 5311 agencies on how to set up an asset/fleet Management plan?
- What is the expected process and timeline for agencies to develop Transit Asset Management Plans?
- What opportunities will stakeholders have to work with FTA on developing this program?
- Will there be different requirements for small and large transit operators?

5330 - State Safety Oversight:

- Will all FTA funded agencies be required to have a safety plan or can they adopt a plan created by states?
- Will it be sufficient to use the FTA template and answer the questions for the required plan?
- What agency will be responsible for monitoring the transit agencies safety & security plans?
- How will FTA ensure that the protection of safety security plans is kept secure and away from the public eyes?

5337 - State of Good Repair:

- The Fixed Guideway Modernization Program (Section 5309) has been replaced by a new, larger State of Good Repair (SGR) program (Section 5337). Both programs provide/d funding for replacement and rehabilitation of rail, ferry and bus rapid transit capital assets. The SGR program apportions funds using a new formula based on system age and service levels that provides the region roughly the same share we received under the Fixed Guideway Program (7.9 % vs. 8.0%). Can the proposed focus on fixed mass

transit guideways be modified in the State implementing legislation to provide funding for non-fixed Guideway based bus programs?

- There needs to be a program that provides grants to (small and large) transit providers like the old bus and bus facilities program. Such a program would allow small transit intensive areas to fund bus replacements and/or maintenance centers or bus transfer centers? Will FTA guidance offer States the authority to provide this activity?
- Can State of Good Repair funds that are apportioned by the High Intensity Motorbus formula be used for Fixed Guideway projects? The legislative language is ambiguous. The High Intensity Fixed Guideway section (5337(c)) includes the following: “(5) USE OF FUNDS.—Amounts made available under this subsection shall be available for the exclusive use of fixed guideway projects.” There is no comparable language in the High Intensity Motorbus section (5337(d)).
- Is preventive maintenance an eligible expense for Section 5337 funding?