

### FY 2022 Railroad Crossing Elimination Grant Program Webinar

Presented By:

Doug Gascon, Deborah Kobrin, Sergio Coronado, Lana Lau, Mariam Ouhamou, James Payne





# Welcome: FRA Deputy Administrator Jennifer Mitchell

#### Presenters













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**Mariam Ouhamou** 

**James Payne** 

#### Agenda

- 1. Railroad Crossing Elimination Program Overview
- 2. How to Apply
- 3. Best Practices
  - Project Narrative
  - Statement of Work
  - Environmental Readiness
- 4. Question and Answers



## Railroad Crossing Elimination Program Overview



#### Railroad Crossing Elimination – Program Overview

#### PROGRAM PURPOSE

• To fund highway-rail or pathway-rail grade crossing improvement projects that focus on **improving the** safety and mobility of people and goods.

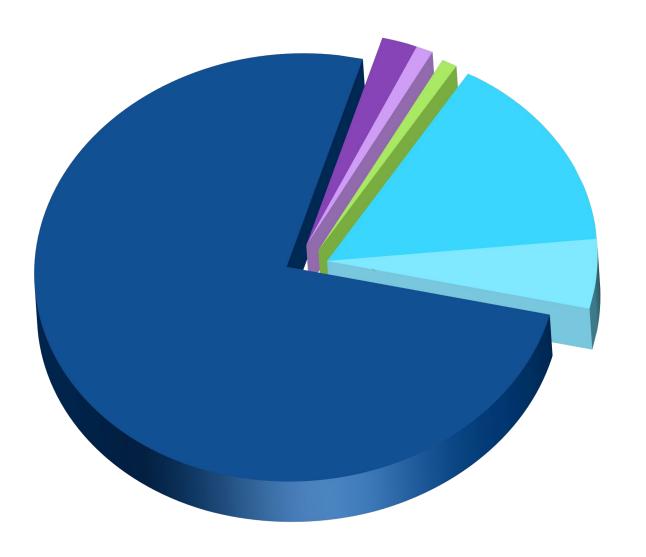
#### Notice of Funding Opportunity (NOFO)

- Published in the Federal Register on July 6, 2022
  - \$573 million available
  - Applications due by 5pm EST on October 4, 2022
- Please read this NOFO carefully and follow all instructions for completing and submitting your application.
- Applications that are incomplete or received after the deadline will not be considered for funding.
   There are no exceptions.

CRISI: Consolidated Rail Infrastructure and Safety Improvements Grant Program RAISE: Rebuilding American Infrastructure with Sustainability and Equity Grants



#### **Program Purpose and Funding Overview**



#### **Planning**

- Not less than 3% of total funding (\$18,000,000) is for planning projects.
  - Not less than 25% of <u>these</u> funds (\$4,500,000) is for planning projects in rural areas or on Tribal lands.

#### **Crossing Safety Information and Education Program**

 At least \$1,500,000 will be made available for highway-rail grade crossing safety information and education programs

#### **Rural and Tribal Set Aside**

- Not less than 20% of total funding (\$114,652,800) is reserved for projects located in rural areas or on Tribal lands.
  - Not less than 5% of <u>these</u> funds (\$5,732,640) are reserved for projects in counties with 20 or fewer residents per square mile.

#### **Grant Conditions**

No grant awarded shall be smaller than \$1M, except for planning grants.

#### **State Limitation**

• No more than 20% of total funding (\$114,652,800) in any fiscal year may be selected for projects in a single State.



#### Railroad Crossing Elimination – Program Conditions

#### Differences with other FRA Programs

#### **Benefit-Cost Analysis (BCA)**

- BCAs are <u>not</u> required, although applicants must at the very least provide sufficient qualitative information on the project's benefits for FRA to evaluate.
- Note that applicants would need to provide a BCA if interested in applying for CRISI for the same project.

#### **Pre-Award Costs**

• Applicants may count costs incurred for preliminary engineering associated with an eligible project <u>if</u> such costs were incurred before project selection for award and no earlier than Nov. 15, 2021 (date of BIL enactment). These costs must also be compliant with 2 CFR part 200 and RCE requirements.

#### **Commuter Rail Projects**

- Commuter rail passenger transportation projects are eligible, but commuter rail authorities are not.
- Selected projects must be transferred to FTA to administer.



#### **Key Program Definitions**

#### **Grade Separation or Closure**

- An underpass or overpass to eliminate level crossings between railroad and highway users at an existing highway-rail or pathway-rail grade crossing.
- The closing of a highway-rail grade crossing to vehicular or pedestrian traffic.

#### Improvement Project

- A project related to an existing highway or pathway-rail crossing including:
  - installation, repair, or improvement of crossings, grade separations, railroad crossing signals, gates, bells, audible warning devices and related technologies;
  - highway traffic signalization, lighting, crossing approach signage, and roadway improvements such as medians or other barriers;
  - o pathway improvements such as bollards; railroad crossing panels and surfaces; and other safety engineering improvements, or highway-rail programs to reduce risk.



#### Railroad Crossing Elimination – Eligible Applicants

#### **ELIGIBLE APPLICANTS**

- States, including the District of Columbia, Puerto Rico, and other U.S. territories and possessions.
- Political subdivision of a State.
- Federally recognized Indian Tribe.
- A unit of local government or a group of local governments.
- A public port authority.
- A metropolitan planning organization.
- A group of the entities described above.



#### Railroad Crossing Elimination – Eligible Projects

#### **ELIGIBLE PROJECT CRITERIA**

- Grade separation or closure including through-use of a bridge, embankment, tunnel or combination thereof.
- Track relocation.
- Improvement or installation of protective devices, signals, signs, or other measures to improve safety, provided that such activities are related to a separation, or relocation project.
- Other means to improve the safety and mobility of people and goods at highway-rail grade crossings (including technological solutions).
- A group of related projects, described above, that would collectively improve the mobility of people and goods.
- The planning, environmental review, and design of an eligible project type.



#### **Evaluation and Selection Criteria**

#### **EVALUATION CRITERIA**

#### **Technical Merit:**

- Quality of statement of work and application materials
- readiness and completion of prerequisites
- applicant past performance, technical capacity, and financial contributions
- private-sector participation
- qualifications and experience of key personnel and organizations
- consistency with planning documents

#### **Project Benefits:**

- improvements to safety at highway-rail or pathway rail grade crossings
- proposals to grade separate, eliminate, or close one or more highway-rail/pathway rail grade crossings
- improvements to the mobility of both people and goods
- reductions in emissions, protects the environment and provides community benefits
- improvements to access emergency services
- improvements to access communities; economic benefits
- contracting incentives to employ local labor, to the extent permissible under Federal law



#### Railroad Crossing Elimination – Selection Criteria

#### DEPARTMENTAL GOALS

- Safety
  - Applicants are strongly encouraged to submit safety justifications for a project that relies on standardized, objective safety metrics and data, if available, including data from sources such as: GradeDec.Net; National Risk Index; safety metrics found in Appendix D of 49 C.F.R. Part 222; the FRA crossing incident dashboard (FRA Safety Data & Reporting | dot.gov); or other relevant safety data or metrics.
- Equitable Economic Strength and Improving Core Assets
- Equity and Barriers to Opportunity
- Climate Change and Sustainability
- Transformation of Our Nation's Transportation Infrastructure

#### **Program Preference**

 Grade separations, closing crossings through track relocation, and corridor-wide grade crossing improvements



#### FRA Buy America

FRA Buy America includes new requirements enacted by the Build America, Buy America (BABA) Act



https://railroads.dot.gov/legislation-regulations/buy-america/buy-america



For FRA-funded Projects - the steel, iron, construction materials, and manufactured goods used in the project must be produced in the United States



FRA Buy America applies to materials purchased with FRA funds and with non-Federal funds



Consider FRA Buy America requirements in project planning, design, and budget



Include FRA Buy America requirements in all procurement documents and obtain any necessary certifications to document compliance



Waivers are granted only in limited circumstances and can result in significant delay



## NOFO Overview and How to Apply



#### What is a NOFO

#### **KEY PARTS OF A NOFO**

#### A Notice of Funding Opportunity (NOFO):

- Announces the grant opportunity
- Contains details about the application requirements and procedures to request Federal funding for eligible projects



#### What information is in a NOFO?

#### **KEY PARTS OF A NOFO**

- Program Summary
- Key Dates
- Required Documents
- Addresses
- FRA Contact Information

- Table of Contents
  - Program Description
  - Federal Award Information
  - Eligibility Information
  - Application and Submission Information
  - Application Review Information
  - Federal Award Administration
  - Federal Awarding Agency Contacts



#### Where Do I Start?

#### Check the FRA Competitive Discretionary Grant Programs webpage

• <a href="https://railroads.dot.gov/grants-loans/competitive-discretionary-grant-programs/competitive-discretionary-grant-programs">https://railroads.dot.gov/grants-loans/competitive-discretionary-grant-programs/competitive-discretionary-grant-programs</a>





#### Where is the FY22 RCE Program NOFO?

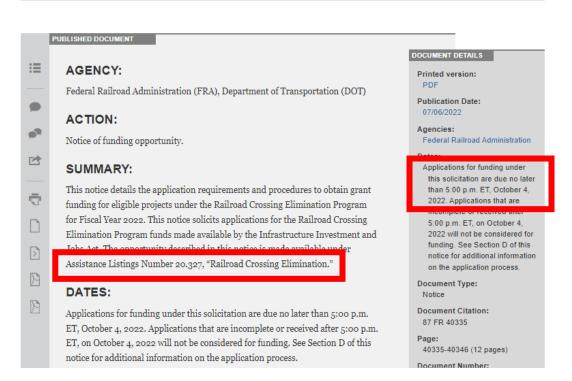




#### Notice of Funding Opportunity for the Railroad Crossing Elimination Program

A Notice by the Federal Railroad Administration on 07/06/2022

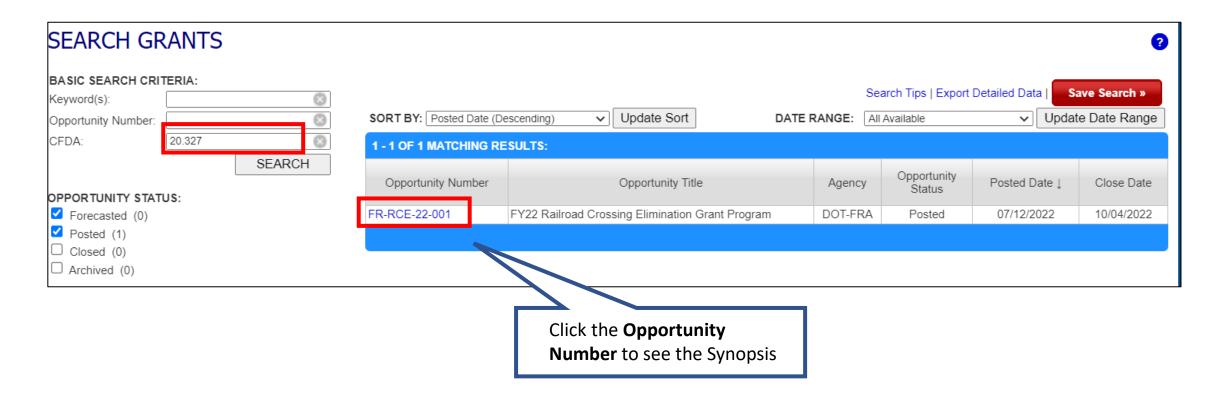






#### Where Do I Find "How to Apply" Information?

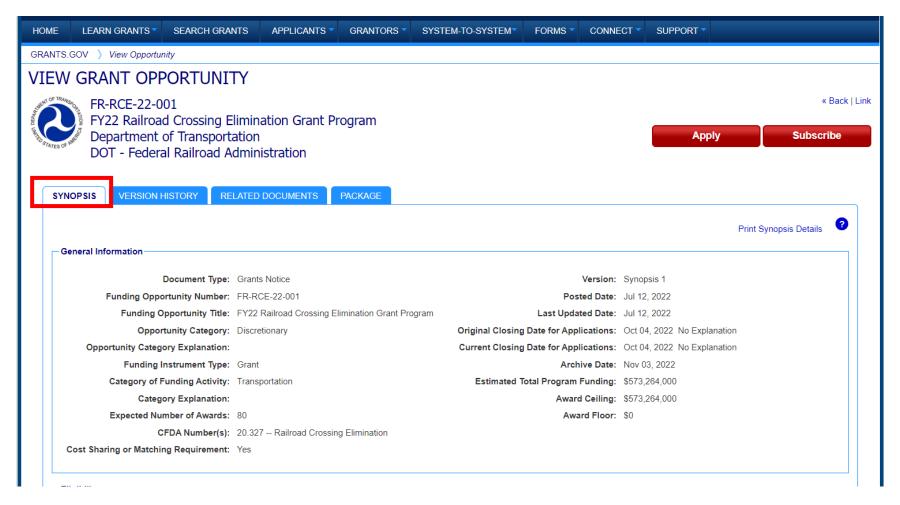
#### Search Grants tab on **Grants.gov**:





#### What is the Synopsis?

#### Summary information about the grant opportunity in Grants.gov:





#### How Do I Apply?

#### **KEY STEPS**

- Obtain a Unique Entity Identifier (UEI)
- Register early in the Federal government's System for Award Management (SAM)
  - NOTE: SAM registration can take up to 2 weeks (longer if you do not have an Employer Identification Number)
- For Grants.gov, complete an **Authorized Organization Representative** profile and create a username and password
- Submit an application addressing all requirements outlined in the NOFO



#### What Do I Include in My Application?

#### REQUIRED DOCUMENTS

- Project Narrative
- Statement of Work
- Environmental Compliance (NEPA) Documentation
  - Note: The Applicant may include a draft document that will require development, review, and approval by FRA, or an existing completed NEPA document approved by FRA or another Federal agency that covers the proposed project scope
- Draft Use/Ownership Agreement (if applicable)
  - Note: FRA requires a written agreement exist between the applicant and the railroad regarding use and ownership consistent with 49 U.S.C. 22905(c)(1) for projects using rights-of-way owned by a railroad that is not the applicant



#### What Forms are Required?

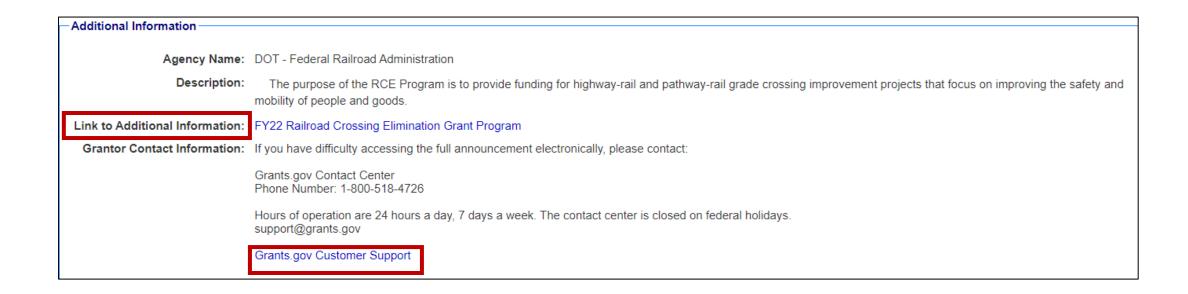
#### REQUIRED FORMS

- SF424 (Application for Federal Assistance)
  - Either: SF 424A or 424C Budget info for Non-Construction OR Construction
  - Either: SF 424B or 424D Assurances for Non-Construction OR for Construction
- FRA's Additional Assurances and Certifications (FRA F 30)
- FRA's Applicant Financial Capability Questionnaire (FRA F 251)
- SF LLL: Disclosure of Lobbying Activities (only required if reportable Lobbying activities exist)



#### Where Do I Find Additional Information and Help?

Find Additional Information about the grant opportunity in Grants.gov at the bottom of the Synopsis page:





#### Application Review and Selection Process

#### 1. Intake and Eligibility

Each application is reviewed for completeness and eligibility to determine which applications move to the evaluation stage



#### 3. Selection

Final funding decisions are made by taking into account the evaluation and selection criteria outlined in the NOFO



#### 2. Evaluation

Each complete and eligible application is evaluated by a panel of DOT subject matter experts using criteria outlined in the NOFO



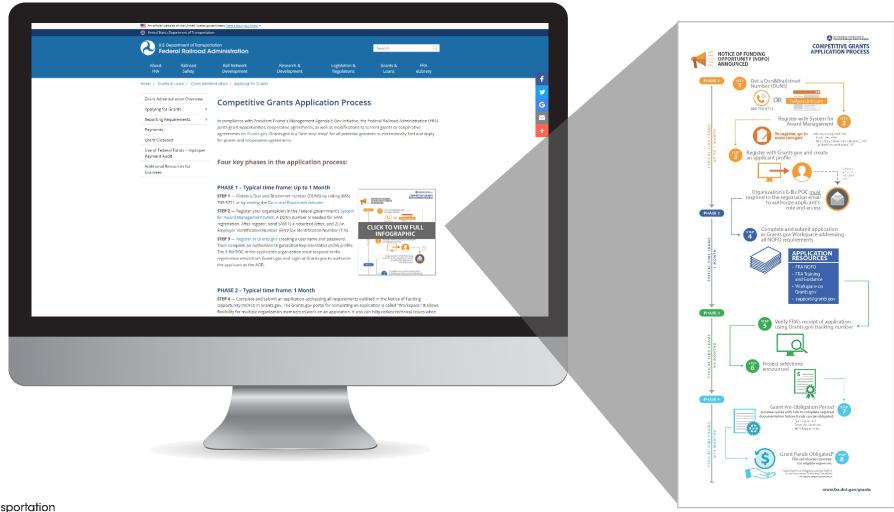
#### 4. Announcement

FRA press release announces selections approximately 4 to 5 months following application due date



#### **Grant Application Process**

#### FRA's Competitive Grants Application Process webpage





### Best Practices



#### Best Practices and Helpful Hints

- ☑ Read the Notice of Funding Opportunity (NOFO) completely and carefully to understand the criteria for eligibility and selection, and what information each application must include
- FRA has identified several focus areas where applications that are not selected often demonstrate deficiencies:
  - Project Narrative
  - Statement of Work
  - Environmental Readiness



Notice

#### Notice of Funding Opportunity for the Railroad Crossing Elimination Program

A Notice by the Federal Railroad Administration on 07/06/2022





This notice details the application requirements and procedures to obtain grant funding for eligible projects under the Railroad Crossing Elimination Program for Fiscal Year 2022. This notice solicits applications for the Railroad Crossing Elimination Program funds made available by the Infrastructure Investment and Jobs Act. The opportunity described in this notice is made available under Assistance Listings Number 20.327, "Railroad Crossing Elimination."

#### DATES:

Applications for funding under this solicitation are due no later than 5:00 p.m. ET, October 4, 2022. Applications that are incomplete or received after 5:00 p.m. ET, on October 4, 2022 will not be considered for funding. See Section D of this notice for additional information on the application process.

#### DOCUMENT DETAILS

Printed version:

Publication Date: 07/06/2022

#### Agencies:

Federal Railroad Administration

#### Dates:

Applications for funding under this solicitation are due no later than 5:00 p.m. ET, October 4, 2022. Applications that are incomplete or received after 5:00 p.m. ET, on October 4, 2022 will not be considered for funding. See Section D of this notice for additional information on the application process.

Document Type: Notice

Document Citation: 87 FR 40335

#### Page:

40335-40346 (12 pages)

Document Number:





- I. Cover Page
- II. Project Summary
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- IX. Safety Benefit
- X. Project Implementation & Management
- XI. Environmental Readiness

- ✓ Structure your project narrative in accordance with the outline specified in the NOFO
- ✓ Include all elements identified in the outline
- ✓ Follow the instructions for each element
- ✓ Adhere to 25-page limit



#### **Project Narrative Outline**

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✓ Indicate if an application for the project has been submitted previously to another Federal grant program – include the program and year



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- ☑ Briefly describe the project in 4 to 6 sentences, its anticipated benefits, and the transportation challenges the project will address
- ✓ Think of this section of the application as your elevator pitch for the project to the DOT Secretary and FRA Administrator



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- ✓ Only include eligible costs
- ✓ Specify each source of non-Federal match
- ✓ Provide details about in-kind match
- ✓ Indicate public- vs. private-sector match
- Describe the non-Federal funding arrangements
- Attach funding commitment letters
- ✓ Identify if the proposed match will not be available until a certain date or if funds must be spent by a deadline



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- ✓ Thoroughly discuss the transportation challenges and benefits
- ✓ Include data to support project benefits
- Describe how project components are related and will be sequenced
- ✓ Include photographs or diagrams
- Identify all host railroads, operators, and beneficiaries



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- ✓ Identify cities, counties, and states where project is located
- ✓ Include a map of the project
- ✓ Identify railroad mileposts
- ✓ Geospatial data longitude and latitude



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- ✓ Cite specific DOT National Grade Crossing Inventory information, including:
- Railroad that owns infrastructure
- Primary railroad operator
- DOT crossing inventory number
- Roadway at the crossing



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- ✓ Include a separate section in the project narrative focused on how the project meets each of the evaluation and selection criteria
- ✓ DO NOT rely solely on the contents of the "detailed project description" section to satisfy this requirement it is OK to repeat key points in this section
- Quantify benefits whenever possible



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Strongly encouraged to submit safety justifications for the project that rely on standardized, objective safety metrics and data



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- ✓ Highlight applicant's past experiences managing and overseeing similar projects, including FRA- or DOT-funded projects
- ✓ Describe expected arrangements for project contracting, contract oversight, change-order management, risk management, and conformance with Federal requirements for progress reporting



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\*For more information on the NEPA process, access FRA's recent webinar, *Introduction* to NEPA and FRA's Categorical Exclusions Webinar, on FRA's Webinars webpage.

- ✓ For FD/Construction Grant Application:
- If NEPA is complete: Provide copy of NEPA document or link.
- If NEPA is not started: Provide detailed project description and description of setting/land use, with visuals.
- If NEPA is underway: Provide current status, expected completion date, and type of document.



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\*For more information on the NEPA process, access FRA's recent webinar, *Introduction* to NEPA and FRA's Categorical Exclusions Webinar, on FRA's Webinars webpage.

- ✓ For FD/Construction Grant Application:
- Identify any other environmental permits or approvals that may be needed.
- Provide current status, expected completion date, and/or copy of permit or approval.

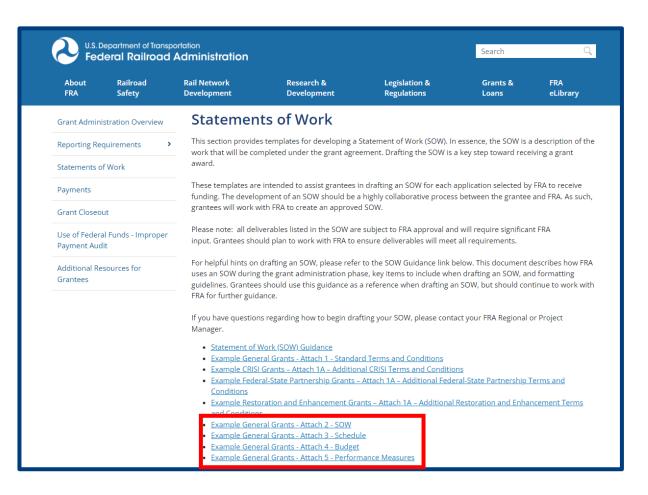


# Best Practices – Statement of Work

☑ See FRA's Statements of Work webpage:

https://railroads.dot.gov/grants-loans/
grant-administration/statements-work

- ☑ Use templates for the
  - SOW (Attachment 2)
  - Schedule (Attachment 3)
  - Budget (Attachment 4)
  - Performance Measures (Attachment 5)





# Best Practices – Statement of Work

- ☑ Organize the scope of work into discrete and logically sequenced tasks
- ✓ Provide appropriate timing for tasks
- ☑ Identify the deliverables required to communicate progress and completion of tasks to FRA
- ☑ Check the budget to ensure numbers are consistent with cost information submitted in forms and other areas of the application

### ATTACHMENT 2

### STATEMENT OF WORK

[insert applicant/grantee name] [insert project name] [insert grant program name and fiscal year

### I. AUTHORITY

Authorization	E.g. 49 U.S.C. § 24407 For CRISI Program Insert eligibility citation (e.g. 49 U.S.C. 24407(c)(1))
Funding Authority/Appropriation	E.g. Contract authority in the FAST Act Sec. 1101(a)(5), Pub. L. 114-94 (December 4, 2015) E.g. Consolidated Appropriations Act, 2018, Division L, Titlel (Pub. L. 115-141 (March 23, 2018))
Notice of Funding Opportunity	[NOFO Title] for Fiscal Year 20XX, [Federal Register citation], [Month, date, year] [volume #] FR [publication date]

### II. BACKGROUND

<u>Instructions</u>: This section also provides high-level overview information regarding the project and applicant/grantee, and defines the term "Project" as that term is used throughout the Agreement. Approximately 3-4 paragraph in length.

### ATTACHMENT 3

### DELIVERABLES AND APPROVED PROJECT SCHEDULE

[insert applicant/grantee name]

### I. DELIVERABLES AND APPROVED PROJECT SCHEDULE

Instructions: The "Project Schedule and Deliverables" section outlines the Project Performance Period for the Agreement and provides a concise table listing all of the deliverables required for the applicable tasks covered under the Agreement and their submission due date to FRA. The Grantee must list every deliverable required for each applicable task, as well as any other deliverables FRA may require. Use the guidance below to develop this section.

The deliverables associated with this Agreement are listed below. The Grantee must complete these deliverables to FRA's satisfaction to be authorized for funding reimbursement and for the Project to be considered complete.

Unless otherwise approved, requests for extensions of the Project Performance Period must be submitted not later than 90 days before the end of the Project Performance Period, consistent with Section 4(b) of Attachment 1

### Deliverables

Task#	Deliverable Name	Due Date
1 ask #	Denverable Name	Due Date
2.000	211.11	2.44.2.4

### ATTACHMENT 4

### APPROVED PROJECT BUDGET

[insert applicant/grantee name] [insert project name]

### I. APPROVED PROJECT BUDGET

Instructions: The "Approved Project Budget" section outlines the initial cost estimate for the project by task and by funding source. Both methods are required and necessary to assess project costs. The "funding source" budget should list all funding sources contributing to the project (e.g. the FRA grant subject to this SOW, other FRA or Federal grants, the grantee's contribution, and contributions from all other project partners). Use the text and table below to develou his section.

The total estimated cost of the Project is \$[amount]\$, for which the FRA grant will contribute up to [percent amount] % of the total Project cost, not to exceed \$[amount]\$. The Grantee's Non-Federal Contribution is comprised of [eash contributions only/eash in the amount of \$XX\$ and [insert description of in-kind contribution] valued at \$XXI\$. Any additional expense required beyond that provided in this Aerement to complete the Project will be borne by the Grantee.

### Project Budget by Task

Task #	Task Name	Federal (FRA) Contribution	Non-Federal Contribution	Total Cost
1		\$	\$	\$

### ATTACHMENT 5

### PERFORMANCE MEASUREMENTS

[insert applicant/grantee name] [insert project name]

### I. PERFORMANCE MEASUREMENTS

The table below contains the performance measures that this Project is expected to achieve. These performance measures will enable FRA to assess Grantee's progress in achieving strategic goals and objectives. The Grantee will report on these performance measures per the frequency and duration specified in the table.

Upon Project completion, Grantee will submit reports comparing the Actual Project Performance of the new and or improved asset(s) against the Pre-Project (Baseline) Performance and Expected Post-Project Performance and described in Table 1 below. Grantee need not include any analysis in addition to the described data; however, Grantee is welcome to provide information explaining the reported data. Grantee will submit the performance measures report to the Regional Manager in accordance with Table 1 below.

### Table 1: Performance Measurement Table

Performanc e Measure	Description of Measure	Measurement	Reporting	
		Pre-Project (Baseline) Performance as of [Insert Date]:	Actual Project Performance After Project Completion:	
		[Insert the performance of	Comparison of actual	



# Best Practices – Environmental Readiness



# Environmental review is required for all FRA grant-funded projects, including:

- National Environmental Policy Act (NEPA)
- National Historic Preservation Act (NHPA) Section 106
- Section 4(f)
- Endangered Species Act (ESA) Section 7
- Environmental Justice
- Others, as applicable



- FRA reviewers will determine environmental readiness based only on the information provided with the application.
- Provide as much known project information/documentation as possible in the grant application:
  - Project Description
  - Location
  - Project planning done to date
  - Past/present environmental studies (e.g., NEPA documentation)
  - Past or anticipated public outreach or agency meetings
  - Anticipated environmental impacts
  - Anticipated local/state/federal permits and/or coordination/consultation



- Consider providing a draft categorical exclusion (CE) with your grant application
- If unable to complete a draft CE worksheet, FRA recommends, at a minimum, identifying the anticipated CE category that the project may fall under (FRA's CEs are found at 23 CFR 771.116)
- For certain proposals not requiring ground disturbance (e.g. training and research) simplified CE documentation may be considered



- If your project does not fit clearly within a CE category, an EA or EIS might be needed depending on potential for significant environmental impacts.
- FRA will make the final class of action determination. We can provide assistance to grantees on determining NEPA class of action – contact our experts at FRAenvironment@dot.gov



FRA NEPA Procedures

https://railroads.dot.gov/rail-network-development/environment/fra-legislation-regulations

FRA's Categorical Exclusion Worksheet
 https://railroads.dot.gov/elibrary/categorical-exclusion-worksheet-0

• FRA CE Companion Guide https://railroads.dot.gov/elibrary/fra-categorical-exclusion-companion-guide

U.S.DOT NEPA Resources

https://www.transportation.gov/policy/transportation-policy/environment

 Council on Environmental Quality Website <a href="https://ceq.doe.gov">https://ceq.doe.gov</a>

- A Citizen's Guide to the NEPA
- AASHTO Center for Environmental Excellence Practitioner's Handbook
   https://environment.transportation.org/resources/practitioners-handbooks/



• Section 106 Regulations (36 CFR Part 800)

https://www.govinfo.gov/content/pkg/CFR-2021-title36-vol3/pdf/CFR-2021-title36-vol3-part800.pdf

Section 106 Review Process
 https://www.achp.gov/sites/default/files/2018-05/Section%20106%20Review%20Process.Handout.2017.jpg

A Citizen's Guide to Section 106 Review
 https://www.achp.gov/sites/default/files/documents/2019-04/CitizenGuide2015v4-spreads%20layout.pdf

Section 106 and Infrastructure Projects
 https://www.achp.gov/section-106-and-Infrastructure-Projects

• Program Comment

https://railroads.dot.gov/rail-network-development/environment/final-section-106-program-comment-rail-rights-way



# Additional Resources

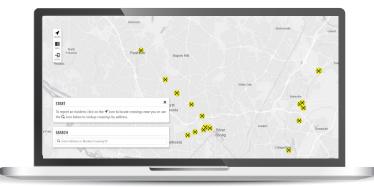


# **FRA Blocked Crossing Portal**

- Blocked crossings pose potential safety risks, specifically in locations where trains routinely hinder roadway and pedestrian movement for extended periods.
- To address this potential safety risk,
   FRA established the Blocked Crossing
   Portal in 2019.
- Portal requests specific information from users reporting blocked crossings— including date, time, location and duration that crossing is blocked.

- Report a Blocked Crossing: <a href="http://www.fra.dot.gov/blockedcrossings">http://www.fra.dot.gov/blockedcrossings</a>
- Provide Feedback on the Portal: <a href="https://www.federalregister.gov/documents/2022/06/14/">https://www.federalregister.gov/documents/2022/06/14/</a>

2022-12785/request-for-information-regarding-fraspublic-blocked-crossing-portal





# Recap and Reminders



# **Recap and Reminders**

- Always read the NOFO carefully
- Determine what a successful project looks like
- Ensure you submit all required documents
- Address all of the evaluation and selection criteria on which you will be rated
  - Be clear and direct in responding to criteria
  - Make your application easy to read and evaluate
  - On't bury key points!





# Recap and Reminders

- Verify funding and budget amounts for consistency!
  - Ensure amounts match in different parts of your application package (e.g., cover sheet, SOW, Project Narrative, SF-424)
  - Numbers in columns and rows should add up properly in budget tables
  - Only include project costs that are expected to be incurred after grant selection
- Name key partners, indicate in-place agreements, and include letters of support
- Have an objective "cold reader" i.e., an individual unfamiliar with the grant application review your final document before submission



# Grant Lifecycle and Approximate Time Frames





# Contact Us

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FRA Competitive Discretionary Grant Programs
Webpage https://www.fra.dot.gov/grants