



Federal Register

**Tuesday,
February 16, 2010**

Part II

Department of Transportation

**Federal Transit Administration
FTA Fiscal Year 2010 Apportionments,
Allocations, and Program Information;
Notice**

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****FTA Fiscal Year 2010 Apportionments, Allocations, and Program Information**

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: The Federal Transit Administration (FTA) annually publishes one or more notices apportioning funds appropriated by law. In some cases, if less than a full year of funds is available, FTA publishes multiple partial apportionment notices. This notice is the first notice announcing partial apportionment of Fiscal Year (FY) 2010 formula and discretionary funds. It also provides program guidance and requirements; and provides information on several program issues important in the current fiscal year. The notice also includes tables that show certain discretionary programs unobligated (carryover) funding from previous years that will be available for obligation during FY 2010.

FOR FURTHER INFORMATION CONTACT: For general information about this notice contact Henrika Buchanan-Smith, Director, Office of Transit Programs, at (202) 366-2053. Please contact the appropriate FTA regional office for any specific requests for information or technical assistance. The Appendix at the end of this notice includes contact information for FTA regional offices. An FTA headquarters contact for each major program area is included in the discussion of that program in the text of the notice.

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Appendix**I. Overview**

FTA's current authorization, the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), expired September 30, 2009. Since that time, Congress has enacted short term extensions allowing FTA to continue its current programs. The Continuing Appropriations Resolution, 2010, *as amended*, (Pub. L. 111-68, Div. B), continues the authorization of the Federal transit programs of the U.S. Department of Transportation (DOT) through February 28, 2010. It extends contract authority for the Formula and Bus Grants programs at the same levels that were available under the Omnibus Appropriations, 2009 (Pub. L. 111-8, Div. I) until February 28, 2010, *i.e.*, approximately $\frac{5}{12}$ th of the contract authority available in fiscal year (FY) 2009. Additionally, Division A of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act 2010 (Pub. L. 111-68), which was signed into law by President Obama on December 16, 2009, appropriated funds for FTA general-funded programs for FY 2010. This notice provides information on funding amounts that are currently available for FTA assistance programs.

This document apportions or allocates available FY 2010 funds that were made available under Division A of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act 2010 hereinafter, ("Appropriations Act, 2010") and the Continuing Appropriations Resolution, 2010, *as amended*, hereinafter, ("CR, 2010") among potential program recipients according to statutory formulas in 49 U.S.C. Chapter 53 and existing Full Funding Grant Agreements. The notice includes FY 2010 formula and section 5309 bus category funds that are currently available, which is approximately $\frac{5}{12}$ or 41% of the amounts that were available under the Omnibus Appropriations Act, 2009. The notice does not include any extension or reprogramming of any discretionary funds that lapsed to the designated project as of September 30, 2009. FTA will issue a supplemental notice at a later date for any additional increments of formula and discretionary funds that become available.

For each FTA program included in this notice, we have provided relevant information on the FY 2010 funding currently available, program requirements, period of availability, and other related program information and highlights, as appropriate. A separate section of the document provides information on program requirements and guidance that are applicable to all FTA programs.

II. FY 2010 Funding for FTA Programs

A. Funding Based on the Appropriations Act, 2010 (Pub. L.) and CR, 2010

The Appropriations Act, 2010 provide general funds and obligation authority trust funds from the Mass Transit Account (MTA) of the Highway trust fund that total \$4.1 billion for FTA programs. The CR 2010 makes available $\frac{5}{12}$ ths of the contract authority level provided in FY 2009 for the Formula and Section 5309 Bus programs. Table 1 of this document shows the funding that is currently available for the FTA programs. All Formula Programs and the Section 5309 Bus and Bus-Related Facilities Program are funded entirely from MTA of the Highway Trust Fund in FY 2010. The Section 5309 New Starts Program, the Research Program, Washington Metropolitan Transit Authority, Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) Program and FTA administrative expenses are funded by appropriations from the General Fund of the Treasury.

This **Federal Register** notice includes tables of apportionments and allocations for FTA formula programs based on the Appropriations Act, 2010 and the CR, 2010. Additionally, discretionary funding under the New Starts, Bus and Bus facilities, Alternative Analysis and the Washington Metropolitan Transit Authority Programs that were allocated in the Appropriations Act, 2010 are also included.

B. Program Funds Set-Aside for Project Management Oversight

As background, Section 5327 of title 49 U.S.C., authorizes the takedown of funds from FTA programs for project management oversight. Section 5327 provides oversight takedowns at the following levels: 0.5 percent of Planning funds, 0.75 percent of Urbanized Area Formula funds, 1 percent of Capital Investment funds, 0.5 percent of Special Needs of Elderly Individuals and Individuals with Disabilities formula funds, 0.5 percent of Non-urbanized Area Formula funds, and 0.5 percent of the Paul S. Sarbanes Transit in the Parks Program funds (formerly the Alternative Transportation in the Parks and Public Lands Program).

The funds are used to provide necessary oversight activities, including oversight of the construction of any major capital project under these statutory programs; to conduct State Safety Oversight, drug and alcohol, civil rights, procurement systems, management, planning certification and, financial reviews and audits, as well as evaluations and analyses of grantee specific problems and issues; and to provide technical assistance to correct deficiencies identified in compliance reviews and audits.

III. FY 2010 FTA Program Initiatives and Changes

A. Binding Guidance or Policy Documents

Before any requirements placing binding obligations on grantees are finalized, FTA will publish and make them available for public comment. We encourage grantees to regularly check the FTA Web site at <http://www.fta.dot.gov> and the U.S. Government docket management Web site at <http://regulations.gov> for new issuances and to comment to the docket established for each document on relevant issues.

B. Planning Emphasis Areas—Planning for Sustainable Communities

FTA and the Federal Highway Administration (FHWA) periodically identify Planning Emphasis Areas

(PEAs) to promote priority themes for consideration, as appropriate, in metropolitan and statewide transportation planning processes. For FY 2010, "planning for sustainable communities" has been identified as the emphasis area. To support effective practice and capacity-building on this topic, FTA and FHWA will prepare and distribute an inventory of current practice, guidance, and training and offer targeted technical assistance. Opportunities for peer exchange of ideas and experiences on innovative practice on the topic will be provided throughout the year.

For further information on this emphasis area, contact Jeff Price, FTA Office of Systems Planning, (202) 366-4280.

C. Livability

FTA fosters livable communities and sustainable development through its various transit programs and activities. Public transportation supports the development of communities, providing effective and reliable transportation alternatives that increase access to jobs, health and social services, entertainment, educational opportunities, and other activities of daily life, while also improving mobility within and among these communities. Through various initiatives and legislative changes over the last fifteen years, FTA has allowed and encouraged projects that help integrate transit into a community through neighborhood improvements and enhancements to transit facilities or services, or make improvements to areas adjacent to public transit facilities that may facilitate mobility demands of transit users or support other infrastructure investments that enhance the use of transit for the community.

On June 16, 2009, U.S. Department of Transportation (DOT) Secretary Ray LaHood, U.S. Department of Housing and Urban Development (HUD) Secretary Shaun Donovan, and U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson announced a new interagency partnership to help improve access to affordable housing, more transportation options, and lower transportation costs, while protecting the environment. The three agencies are coordinating Federal transportation, environmental protection, and housing investments at their respective agencies to support sustainable communities for American families in rural, suburban and urban areas.

During FY 2010, FTA will implement the Livability Bus and Urban Circulator Programs, which will result in a minimum of \$280 million in funding for

projects that demonstrate livability principles by providing more transportation choices; enhancing economic competitiveness; enhancing existing communities; coordinating policies and leveraging investments; and valuing communities and neighborhoods.

D. Flexible Funding Procedures

Flexible funding was one of the hallmarks of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) that was continued to the present day. Flexible funding provisions enable State and local governments, transit operators, and metropolitan planning organizations to more effectively meet their unique needs, and facilitate a multimodal approach to meeting transportation needs at both the statewide and metropolitan levels. The statutory flexibility provisions include:

1. Broad highway/transit spending eligibility within selected categories of major highway and transit programs;
2. Allowance of the transfer of funds within the Federal-aid highway program to other programs with broader highway/transit eligibility; and
3. Allowance of the transfer of funds from FHWA to FTA, and vice versa.

Obligation authority for flexible funds, high priority projects and other transit projects in Title 23 U.S.C., is transferred to FTA when States and local agencies determine that FTA will administer the public transportation project. The liquidating cash, however, is transferred between Federal accounts only as needed to ensure that adequate funds are available for disbursement on a timely basis. In order to track the cash flow more closely, FTA no longer combines funds transferred from FHWA into a single grant with FTA funds in the program to which they are transferred. FTA has established codes and procedures for grants involving funds transferred from FHWA. Grantees can contact the appropriate regional office for funding assistance.

E. Changes in Match for Biodiesel Vehicles and Hybrid Retrofits

Section 164 of the Appropriations Act 2010, provides that any grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded at 90 percent Federal share for the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system. This increased Federal share is a cross-cutting provision and is applicable across FTA programs for any grants awarded during FY 2010 regardless of

what fiscal year funding is used. Grantees may apply for a 90 percent Federal share for the entire cost of a biodiesel bus, but only for the cost of the propulsion system and related equipment in the case of the hybrid electric systems, not for 90 percent of the cost of the entire vehicle. In lieu of calculating the costs of the hybrid electric propulsion system separately, grantees may apply for 83 percent of the cost of the vehicle.

IV. FTA Programs

This section of the notice provides the available FY 2010 funding to date and/or other important program-related information for 19 separate FTA programs that are contained in this notice. Funding for eleven programs is apportioned by statutory or administrative formula. Funding for the other eight programs will be allocated on a discretionary or competitive basis.

Funding and/or other important information for each of the 19 programs is presented immediately below. This includes program apportionments or allocations, certain program requirements, length of time FY 2010 funding is available for obligation and other significant program information pertaining to FY 2010.

A. Metropolitan Planning Program (49 U.S.C. 5305(d))

Section 5305(d) authorizes Federal funding to support a cooperative, continuous, and comprehensive planning program for transportation investment decision-making at the metropolitan area level. The specific requirements of metropolitan transportation planning are set forth in 49 U.S.C. 5303 and further explained in 23 CFR part 450, as incorporated by reference in 49 CFR part 613, *Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule*. State Departments of Transportation are direct recipients of funds allocated by FTA, which are then suballocated to Metropolitan Planning Organizations (MPOs) by formula, for planning activities that support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency; increasing the safety and security of the transportation system for motorized and non-motorized users; increasing the accessibility and mobility options available to people and for freight; protecting and enhancing the environment, promoting energy conservation, and improving quality of life; enhancing the integration and connectivity of the transportation system, across and between modes, for

people and freight; promoting efficient transportation system management and operation; and emphasizing the preservation of the existing transportation system. This funding must support work elements and activities resulting in balanced and comprehensive intermodal transportation planning for the movement of people and goods in the metropolitan area. Comprehensive transportation planning is not limited to transit planning or surface transportation planning, but also encompasses the relationships among land use and all transportation modes, without regard to the programmatic source of Federal assistance. Eligible work elements or activities include, but are not limited to studies relating to management, mobility management, planning, operations, capital requirements, and economic feasibility; evaluation of previously funded projects; peer reviews and exchanges of technical data, information, assistance, and related activities in support of planning and environmental analysis among MPOs and other transportation planners; work elements and related activities preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and equipment; development of coordinated public transit human services transportation plans. An exhaustive list of eligible work activities is provided in FTA Circular 8100.1C, Program Guidance for Metropolitan Planning and State Planning and Research Program Grants, dated September 1, 2008. For more about the Metropolitan Planning Program and the FTA Circular 8100.1C, contact James Garland, Office of Planning and Environment at (202) 366-0526.

1. FY 2010 Funding Availability

CR 2010 provides \$38,841,000 to the Metropolitan Planning Program (49 U.S.C. 5305(d)) to support metropolitan transportation planning activities set forth in 49 U.S.C. 5303. The total amount apportioned for the Metropolitan Planning Program to States for MPOs' use in urbanized areas (UZAs) is \$38,646,795, as shown in the table below, after the deduction for oversight.

METROPOLITAN PLANNING PROGRAM

Total Appropriation	\$38,841,000
Oversight Deduction	– \$194,205
Total Apportioned	\$38,646,795

States' apportionments for this program are displayed in Table 2

2. Basis for Formula Apportionments.

As specified in law, 82.72 percent of the amounts authorized for Section 5305 are allocated to the Metropolitan Planning program. FTA allocates Metropolitan Planning funds to the States according to a statutory formula. Eighty percent of the funds are distributed to the States as a basic allocation based on each State's UZA population, based on the most recent decennial Census. The remaining 20 percent is provided to the States as a supplemental allocation based on an FTA administrative formula to address planning needs in the larger, more complex UZAs. The amount published for each State is a combined total of both the basic and supplemental allocation.

3. Program Requirements

The State allocates Metropolitan Planning funds to MPOs in UZAs or portions thereof to provide funds for projects included in an annual work program (the Unified Planning Work Program, or UPWP) that includes both highway and transit planning projects. Each State has either reaffirmed or developed, in consultation with their MPOs, an allocation formula, based on the 2000 Census. The State allocation formula may be changed annually, but any change requires approval by the FTA regional office before grant approval. Program guidance for the Metropolitan Planning Program is found in FTA Circular 8100.1C, Program Guidance for Metropolitan Planning and State Planning and Research Program Grants, dated September 1, 2008. For more about the Metropolitan Planning Program and the FTA Circular 8100.1C, contact James Garland of the Office of Planning and Environment at (202) 366-0526.

4. Period of Availability

The funds apportioned under the Metropolitan Planning program to each State remain available for obligation by FTA to recipients for four fiscal years—which includes the year of apportionment plus three additional years. Any apportioned funds that remain unobligated at the close of business on September 30, 2013, will revert to FTA for reapportionment under the Metropolitan Planning Program.

5. Consolidated Planning Grants

FTA and FHWA planning funds under both the Metropolitan Planning and State Planning and Research Programs can be consolidated into a single consolidated planning grant (CPG), awarded by either FTA or

FHWA. The CPG eliminates the need to monitor individual fund sources, if several have been used, and ensures that the oldest funds will always be used first. Unlike "flex funds" for capital programs, planning funds from FHWA may be combined with FTA planning funds in a single grant. Alternatively, FTA planning funds may be transferred to FHWA to be administered as combined grants.

Under the CPG, States can report metropolitan planning program expenditures (to comply with the Single Audit Act) for both FTA and FHWA under the Catalogue of Federal Domestic Assistance number for FTA's Metropolitan Planning Program (20.505). Additionally, for States with an FHWA Metropolitan Planning (PL) fund-matching ratio greater than 80 percent, the State can waive the 20 percent local share requirement, with FTA's concurrence, to allow FTA funds used for metropolitan planning in a CPG to be granted at the higher FHWA rate. For some States, this Federal match rate can exceed 90 percent.

States interested in transferring planning funds between FTA and FHWA should contact the FTA Regional Office or FHWA Division Office for more detailed procedures. Current guidelines are included in Federal Highway Administration Memorandum dated July 12, 2007, "Information: Final Transfers to Other Agencies that Administer Title 23 Programs."

For further information on CPGs, contact Nancy Grubb, Office of Budget and Policy, FTA, at (202) 366-1635.

B. State Planning and Research Program (49 U.S.C. 5305(e))

This program provides financial assistance to States for Statewide transportation planning and other technical assistance activities, including supplementing the technical assistance program provided through the Metropolitan Planning program. The specific requirements of Statewide transportation planning are set forth in 49 U.S.C. 5304 and further explained in 23 CFR part 450 as referenced in 49 CFR part 613, *Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule*. This funding must support work elements and activities resulting in balanced and comprehensive intermodal transportation planning for the movement of people and goods. Comprehensive transportation planning is not limited to transit planning or surface transportation planning, but also encompasses the relationships among land use and all transportation modes, without regard to the programmatic

source of Federal assistance. For more information, contact James Garland of the Office of Planning and Environment at (202) 366-0526.

1. FY 2010 Funding Availability

CR 2010 provides \$8,114,000 to the State Planning and Research Program (49 U.S.C. 5305). The total amount apportioned for the State Planning and Research Program (SPRP) is \$8,073,430 as shown in the table below, after the deduction for oversight (authorized by 49 U.S.C. 5327).

STATE PLANNING AND RESEARCH PROGRAM

Total Appropriation	\$8,114,000
Oversight Deduction	–\$40,570
Total Apportioned	\$8,073,430

State apportionments for this program are displayed in Table 2.

2. Basis for Apportionment Formula

As specified in law, 17.28 percent of the amounts authorized for Section 5305 are allocated to the State Planning and Research program. FTA apportions funds to States by a statutory formula that is based on the most recent decennial Census, and the State's UZA population as compared to the UZA population of all States.

3. Requirements

Funds are provided to States for Statewide transportation planning programs. These funds may be used for a variety of purposes such as planning, technical studies and assistance, demonstrations, and management training. In addition, a State may authorize a portion of these funds to be used to supplement Metropolitan Planning funds allocated by the State to its UZAs, as the State deems appropriate. Program guidance for the State Planning and Research program is found in FTA Circular 8100.1C. This funding must support work elements and activities resulting in balanced and comprehensive intermodal transportation planning for the movement of people and goods. Comprehensive transportation planning is not limited to transit planning or surface transportation planning, but also encompasses the relationships among land use and all transportation modes, without regard to the programmatic source of Federal assistance. Eligible work elements or activities include, but are not limited to studies relating to management, planning, operations, capital requirements, and economic feasibility; evaluation of previously

funded projects; peer reviews and exchanges of technical data, information, assistance, and related activities in support of planning and environmental analysis; work elements and related activities preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and equipment. An exhaustive list of eligible work activities is provided in FTA Circular 8100.1C, Program Guidance for Metropolitan Planning and State Planning and Research Program Grants, dated September 1, 2008. For more information, contact James Garland of the Office of Planning and Environment at (202) 366–0526.

4. Period of Availability

The funds apportioned under the State Planning and Research program to each State remain available for obligation for four fiscal years—which include the year of apportionment plus three additional fiscal years. Any apportioned funds that remain unobligated at the close of business on September 30, 2013, will revert to FTA for reapportionment under the State Planning and Research Program.

5. Other Program or Apportionment Related Information and Highlights

See Section A.5 of this notice for information about Planning Emphasis Areas and Consolidated Planning Grants.

C. Urbanized Area Formula Program (49 U.S.C. 5307)

Section 5307 authorizes Federal capital assistance, and in some cases, operating assistance for public transportation in UZAs. A UZA is an area with a population of 50,000 or more that has been defined and designated as such in the 2000 Census by the U.S. Census Bureau. The Urbanized Area Formula Program funds may also be used to support planning activities, and may supplement planning projects funded under the Metropolitan Planning program. Urbanized Areas Formula Program funds used for planning must be shown in the Unified Planning Work Program (UPWP) for MPO(s) with responsibility for that area. Funding is apportioned directly to each UZA with a population of 200,000 or more, and to the State Governors for UZAs with populations between 50,000 and 200,000. Eligible applicants are limited to entities designated as recipients in accordance with 49 U.S.C. 5307(a)(2) and other public entities with the consent of the Designated Recipient. Generally, operating assistance is not an eligible

expense for UZAs with populations of 200,000 or more. However, there are several exceptions to this restriction. The exceptions are described in section 3(d)(5) below.

For more information about the Urbanized Area Formula Program contact Kimberly Sledge, Office of Transit Programs, at (202) 366–1660.

1. FY 2010 Funding Availability

CR 2010 provides \$1,721,140,000 to the Urbanized Area Formula Program (49 U.S.C. 5307). The total amount apportioned for the Urbanized Area Formula Program is \$1,870,317,082 as shown in the table below, after the 0.75 percent deduction for oversight (authorized by 49 U.S.C. 5327) and including funds apportioned to UZAs from the appropriation for Section 5340 for Growing States and High Density States.

URBANIZED AREA FORMULA PROGRAM

Total Appropriation	^a \$1,721,140,000
Oversight Deduction	– \$12,908,550
Section 5340 Funds Added	\$162,085,632
Total Apportioned	\$1,870,317,082

^aOne percent set-aside for Small Transit Intensive Cities Formula.

Table 3 displays the amounts apportioned under the Urbanized Area Formula Program.

2. Basis for Formula Apportionment

FTA apportions Urbanized Area Formula Program funds based on legislative formulas. Different formulas apply to UZAs with populations of 200,000 or more and to UZAs with populations less than 200,000. For UZAs with 50,000 to 199,999 in population, the formula is based solely on population and population density. For UZAs with populations of 200,000 and more, the formula is based on a combination of bus revenue vehicle miles, bus passenger miles, fixed guideway revenue vehicle miles, and fixed guideway route miles, as well as population and population density. Table 4 includes detailed information about the formulas.

To calculate a UZA's FY 2010 apportionment, FTA used population and population density statistics from the 2000 Census and (when applicable) validated mileage and transit service data from transit providers' 2008 National Transit Database (NTD) Report Year. Consistent with 49 U.S.C. 5336(b), FTA used 60 percent of the directional route miles attributable to the Alaska Railroad passenger operations system to

calculate the apportionment for the Anchorage, Alaska UZA.

FTA has calculated dollar unit values for the formula factors used in the Urbanized Area Formula Program apportionment calculations. These values represent the amount of money each unit of a factor is worth in this year's apportionment. The unit values change each year, based on all of the data used to calculate the apportionments. The dollar unit values for FY 2010 are displayed in Table 5. To replicate the basic formula component of a UZA's apportionment, multiply the dollar unit value by the appropriate formula factor (*i.e.*, the population, population × population density), and when applicable, data from the NTD (*i.e.*, route miles, vehicle revenue miles, passenger miles, and operating cost).

In FY 2010, one percent of funds appropriated for Section 5307, or \$17,211,000 based on CR 2010 is set aside for Small Transit Intensive Cities (STIC). FTA apportions these funds to UZAs under 200,000 in population that operate at a level of service equal to or above the industry average level of service for all UZAs with a population of at least 200,000, but not more than 999,999, in one or more of six performance categories: passenger miles traveled per vehicle revenue mile, passenger miles traveled per vehicle revenue hour, vehicle revenue miles per capita, vehicle revenue hours per capita, passenger miles traveled per capita, and passengers per capita.

The data for these categories for the purpose of FY 2010 apportionments comes from the NTD reports for the 2008 reporting year. This data is used to determine a UZA's eligibility under the STIC formula, and is also used in the STIC apportionment calculations. Because these performance data change with each year's NTD reports, the UZAs eligible for STIC funds and the amount each receives may vary each year. In FY 2010, FTA apportioned \$56,826 for each performance factor/category for which the urbanized area exceeded the national average for UZAs with a population of at least 200,000 but not more than 999,999.

In addition to the funds apportioned to UZAs, according to the Section 5307 formula factors contained in 49 U.S.C. 5336, FTA also apportions funds to urbanized areas under Section 5340 Growing States and High Density States formula factors. In FY 2010, FTA apportions \$65,900,632 to UZAs in growing States and \$96,185,000 to UZAs in High Density States. Half of the funds appropriated for Section 5340 are available to Growing States and half to High Density States. FTA apportions

Growing States funds by a formula based on State population forecasts for 15 years beyond the most recent Census. FTA distributes the amounts apportioned for each State between UZAs and nonurbanized areas based on the ratio of urbanized/nonurbanized population within each State in the 2000 census, and to UZAs proportionately based on UZA population in the 2000 census (because population estimates are not available at the UZA level). FTA apportions the High Density States funds to States with population densities in excess of 370 persons per square mile. These funds are apportioned only to UZAs within those States. FTA pro-rates each UZA's share of the High Density funds based on the population of the UZAs in the State in the 2000 census.

FTA cannot provide unit values for the Growing States or High Density formulas because the allocations to individual States and urbanized areas are based on their relative population data, rather than on a national per capita basis.

Based on language in the conference report accompanying SAFETEA-LU, FTA is to show a single apportionment amount for Section 5307, STIC and Section 5340. FTA shows a single Section 5307 apportionment amount for each UZA in Table 3, the Urbanized Area Formula apportionments. The amount includes funds apportioned based on the Section 5307 formula factors, any STIC funds, and any Growing States and High Density States funding allocated to the area. FTA uses separate formulas to calculate and generate the respective apportionment amounts for the Section 5307, STIC and Section 5340. For technical assistance purposes, the UZAs that received STIC funds are listed in Table 6. FTA will make available breakouts of the funding allocated to each UZA under these formulas, upon request to the regional office.

3. Program Requirements

Program guidance for the Urbanized Area Formula Program is currently found in FTA Circular 9030.1C, Urbanized Area Formula Program: Grant Application Instructions, dated October 1, 1998, and supplemented by additional information or changes provided in this document. FTA is in the process of updating the circular. The public comment period on the proposed circular closed on November 30, 2009. FTA anticipates publishing the final circular by March 31, 2010. Several important program requirements are highlighted below.

a. Urbanized Area Formula Apportionments to Governors

For small UZAs, those with a population of less than 200,000, FTA apportions funds to the Governor of each State for distribution. A single total Governor's apportionment amount for the Urbanized Area Formula, STIC, and Growing States and High Density States is shown in the Urbanized Area Formula Apportionment Table 3. The table also shows the apportionment amount attributable by formula to each small UZA within the State for information purposes only unless the small UZA is located within the planning boundaries of a Transportation Management Area (TMA). The Governor is not bound by the small UZA amounts published in this notice and shall determine the sub-allocation of funds among the small UZAs. The Governor's sub-allocation should be sent to the appropriate FTA Regional Office before grants being awarded. In the case of a small UZA that is located within the planning boundaries of TMA, the Governor must allocate to that small UZA, as discussed in subsection f below.

b. Transit Enhancements

Section 5307(d)(1)(K) requires that one percent of Section 5307 funds apportioned to UZAs with populations of 200,000 or more be spent on eligible transit enhancement activities or projects. This requirement is now treated as a certification, rather than as a set-aside as was the case under the Transportation Equity Act for the 21st Century (TEA-21). Designated recipients in UZAs with populations of 200,000 or more certify they are spending not less than one percent of Section 5307 funds for transit enhancements. In addition, Designated Recipients must submit an annual report on how they spent the money with the Federal fiscal year's final quarterly progress report in TEAM-Web. The report should include the following elements: (1) Grantee name; (2) UZA name and number; (3) FTA project number; (4) transit enhancement category; (5) brief description of enhancement and progress towards project implementation; (6) activity line item code from the approved budget; and (7) amount awarded by FTA for the enhancement. The list of transit enhancement categories and activity line item (ALI) codes may be found in the table of Scope and ALI codes on TEAM-Web, which can be accessed at <http://FTATEAMWeb.fta.dot.gov>.

The term "transit enhancement" includes projects or project elements

that are designed to enhance public transportation service or use and are physically or functionally related to transit facilities. Eligible enhancements include the following: (1) Historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities); (2) bus shelters; (3) landscaping and other scenic beautification, including tables, benches, trash receptacles, and street lights; (4) public art; (5) pedestrian access and walkways; (6) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles; (7) transit connections to parks within the recipient's transit service area; (8) signage; and (9) enhanced access for persons with disabilities to mass transportation.

It is the responsibility of the MPO to determine how the one-percent for transit enhancements will be allotted to transit projects. The one percent minimum requirement does not preclude more than one percent from being expended in a UZA for transit enhancements. However, activities that are only eligible as enhancements—in particular, operating costs for historic facilities—may be assisted only within the one-percent funding level.

c. Transit Security Projects

Consistent with section 5307(d)(1)(J), each recipient of Urbanized Area Formula funds must certify that of the amount received each fiscal year, it will expend at least one percent on "public transportation security projects" or must certify that it has decided the expenditure is not necessary. For applicants not eligible to receive Section 5307 funds for operating assistance, only capital security projects may be funded with the one percent. SAFETEA-LU, however, expanded the definition of eligible "capital" projects to include specific crime prevention and security activities, including: (1) Projects to refine and develop security and emergency response plans; (2) projects aimed at detecting chemical and biological agents in public transportation; (3) the conduct of emergency response drills with public transportation agencies and local first response agencies; and (4) security training for public transportation employees, but excluding all expenses related to operations, other than such expenses incurred in conducting emergency drills and training. Activity Line Item (ALI) codes have been established for these four new capital activities and will be used to track the

use of this provision. The one percent may also include security expenditures included within other capital activities, and, where the recipient is eligible, operating assistance.

FTA is often called upon to report to Congress and others on how grantees are expending Federal funds for security enhancements. To facilitate tracking of grantees' security expenditures, which are not always evident when included within larger capital or operating activity line items in the grant budget, we have established a non-additive ("non-add") scope code for security expenditures—Scope 991. The non-add scope is to be used to aggregate activities included in other scopes, and it does not increase the budget total. Section 5307 grantees should include this non-add scope in the project budget for each new Section 5307 grant application or amendment. Under this non-add scope, the applicant should repeat the full amount of any of the line items in the budget that are exclusively for security and include the portion of any other line item in the project budget that is attributable to security, using under the non-add scope the same line item used in the project budget. The grantee can modify the ALI description or use the extended text feature, if necessary, to describe the security expenditures.

The grantee must provide information regarding its use of the one percent for security as part of each Section 5307 grant application, using a special screen in TEAM-Web. If the grantee has certified that it is not necessary to expend one percent for security, the Section 5307 grant application must include information to support that certification. FTA will not process an application for a Section 5307 grant until the security information is complete.

d. FY 2010 Operating Assistance

UZAs under 200,000 in population may use Section 5307 funds for operating assistance. In addition, Section 5307, as amended, allows some UZAs with a population of 200,000 or more to use Urbanized Area Formula funds for operating assistance under certain conditions. CR, 2010 extends that eligibility until February 28, 2010. The specific provisions allowing the limited use of operating assistance in large UZAs follow:

(1) Section 5307(b)(1)(E) provides for grants for the operating costs of equipment and facilities for use in public transportation in the Evansville, IN-KY urbanized area, for a portion or portions of the UZA if "the portion" of

the UZA includes only one State, the population of "the portion" is less than 30,000, and the grants will be not used to provide public transportation outside of "the portion" of the UZA.

(2) Section 5307(b)(1)(F) provides operating costs of equipment and facilities for use in public transportation for local governmental authorities in areas which adopted transit operating and financing plans that became a part of the Houston, Texas, UZA as a result of the 2000 decennial census of population, but lie outside the service area of the principal public transportation agency that serves the Houston UZA.

(3) Section 5336(a)(2) prescribes the formula to be used to apportion Section 5307 funds to UZAs with population of 200,000 or more. SAFETEA-LU amended 5336(a)(2) to add language that stated, "* * * except that the amount apportioned to the Anchorage urbanized area under subsection (b) shall be available to the Alaska Railroad for any costs related to its passenger operations." This language has the effect of directing that funds apportioned to the Anchorage urbanized area, under the fixed guideway tiers of the Section 5307 apportionment formula, be made available to the Alaska Railroad, and that these funds may be used for any capital or operating costs related to its passenger operations.

(4) Section 3027(c)(3) of TEA-21, as amended (49 U.S.C. 5307 note), provides an exception to the restriction on the use of operating assistance in a UZA with a population of 200,000 or more, by allowing transit providers/grantees that provide service exclusively to elderly persons and persons with disabilities and that operate 20 or fewer vehicles to use Section 5307 funds apportioned to the UZA for operating assistance. The total amount of funding made available for this purpose under Section 3027(c)(3) is \$1.4 million. Transit providers/grantees eligible under this provision have already been identified and notified.

(5) Consistent with the SAFETEA-LU Technical Corrections Act, 2008, in FY 2009, section 5307(b)(2) allowed (1) UZAs that grew in population from under 200,000 to over 200,000 or that were under 200,000 but merged into another urbanized area and the population is over 200,000, as a result of the 2000 Census to use Section 5307 funds for operating assistance in an amount up to 50 percent of the grandfathered amount for FY 2002 funds; (2) Areas that were nonurbanized under the 1990 Census and became urbanized, as a result of the 2000

Census, to use no more than 50 percent of the amount apportioned to the area for FY 2003 for operating assistance; and (3) nonurbanized areas under the 1990 Census that merged into urbanized areas over 200,000, as a result of the 2000 Census, to use 50 percent of the amount the area received in FY 2002 Section 5311 funding for operating assistance. CR 2010 continued these special rules for the period October 1, 2009 through February 28, 2010.

e. Sources of Local Match

Consistent with to Section 5307(e), the Federal share of an urbanized area formula grant is 80 percent of net project cost for a capital project and 50 percent of net project cost for operating assistance unless the recipient indicates a greater local share. The remainder of the net project cost (*i.e.*, 20 percent and 50 percent, respectively) shall be provided from the following sources:

1. From non-Government sources other than revenues from providing public transportation services;
2. From revenues derived from the sale of advertising and concessions;
3. From an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;
4. From amounts received under a service agreement with a State or local social service agency or private social service organization; and
5. Proceeds from the issuance of revenue bonds.

6. Funds from Section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) can be used to match Urbanized Area Formula funds.

f. Designated Transportation Management Areas (TMA)

Guidance for setting the boundaries of TMAs is in the joint transportation planning regulations codified at 23 CFR part 450 as referenced in 49 CFR part 613. In some cases, the TMA planning boundaries established by the MPO for the designated TMA includes one or more small UZAs. In addition, one small UZA (Santa Barbara, CA) has been designated as a TMA. In either of these situations, the Governor cannot allocate "Governor's Apportionment" funds attributed to the small UZAs to other areas; that is, the Governor only has discretion to allocate Governor's Apportionment funds attributable to areas that are outside of designated TMA planning boundaries.

The list of small UZAs included within the planning boundaries of designated TMAs is provided in the table below.

Designated TMA	Small urbanized area included in TMA planning boundary
Albany, NY	Saratoga Springs, NY.
Houston, TX	Galveston, TX; Lake Jackson-Angleton, TX; Texas City, TX; The Woodlands, TX.
Jacksonville, FL	St. Augustine, FL.
Orlando, FL	Kissimmee, FL.
Palm Bay-Melbourne, FL	Titusville, FL.
Philadelphia, PA-NJ-DE-MD	Pottstown, PA.
Pittsburg, PA	Monessen, PA; Weirton, WV-Steubenville, OH-PA (PA portion); Uniontown-Connellsville, PA.
Seattle, WA	Bremerton, WA.
Washington, DC-VA-MD	Frederick, MD.

The MPO must notify the Associate Administrator for Program Management, Federal Transit Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590, in writing, no later than July 1 of each year of the identity of any small UZA within the planning boundaries of a TMA.

g. Urbanized Area Formula Funds Used for Highway Purposes

Funds apportioned to a TMA are eligible for transfer to FHWA for highway projects, if the Designated Recipient has allocated a portion of the area's Section 5307 funding for such use. However, before funds can be transferred, the following conditions must be met: (1) approval by the MPO in writing, after appropriate notice and opportunity for comment and appeal are provided to affected transit providers; (2) a determination of the Secretary that funds are not needed for investments required by the Americans with Disabilities Act of 1990 (ADA); and (3) the MPO determines that local transit needs are being addressed.

The MPO should notify the appropriate FTA Regional Administrator of its intent to use FTA funds for highway purposes, as prescribed in section V.D below. Urbanized Area Formula funds that are designated by the MPO for highway projects and meet the conditions cited in the previous paragraph will be transferred to and administered by FHWA.

4. Period of Availability

The Urbanized Area Formula Program funds apportioned in this notice are available for obligation during the year of appropriation plus three additional years. Accordingly, these funds must be obligated in grants by September 30, 2013. Any apportioned funds that remain unobligated at the close of business on September 30, 2013, will revert to FTA for reappropriation under the Urbanized Area Formula Program.

5. Other Program or Apportionment Related Information and Highlights

In each UZA with a population of 200,000 or more, the Governor, in consultation with responsible local officials and publicly owned operators of public transportation, has designated one or more entities to be the Designated Recipient for Section 5307 funds apportioned to the UZA. The same entity(s) may or may not be the Designated Recipient for the Job Access and Reverse Commute (JARC) and New Freedom program funds apportioned to the UZA. In UZAs under 200,000 in population, the State is the Designated Recipient for Section 5307 as well as JARC and New Freedom programs. The Designated Recipient for Section 5307 may authorize other entities to apply directly to FTA for Section 5307 grants pursuant to a supplemental agreement. While the requirement that projects selected for funding be included in a locally developed coordinated public transit/human service transportation plan is not included in Section 5307 as it is in Sections 5310, 5316 (JARC) and 5317 (New Freedom), FTA expects that in their role as public transit providers, recipients of Section 5307 funds will be participants in the local planning process for these programs.

D. Clean Fuels Grant Program (49 U.S.C. 5308)

The Clean Fuels Grant program is a discretionary grant program that supports the use of alternative fuels in air quality maintenance or nonattainment areas for ozone or carbon monoxide through capital grants to urbanized areas for clean fuel vehicles and facilities. For more information about this program contact Juan Morrison, Office of Program Management, at (202) 366-2053.

1. FY 2010 Funding Availability

CR 2010 provides \$21,306,000 to the Clean Fuels Grant program (49 U.S.C. 5308). FTA will publish allocations at a later date.

CLEAN FUEL GRANT PROGRAM

Total Apportioned	\$21,306,000
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2. Requirements

Clean Fuels Grant program funds may be made available to any grantee in a UZA that is designated as maintenance or nonattainment area for ozone or carbon monoxide as defined in the Clean Air Act. Eligible recipients include section 5307 Designated Recipients as well as recipients in small UZAs. The State in which a small UZA is located will act as the recipient of funds. Eligible projects include the purchase or lease of clean fuel buses, the construction or lease of clean fuel or electrical recharging facilities and related equipment for such buses, and construction or improvement of public transportation facilities to accommodate clean fuel buses.

3. Period of Availability

Funds designated for specific Clean Fuels Grant program projects are available for obligation for three fiscal years, which includes the year of availability plus two additional fiscal years. FY 2010 Clean Fuels funds not obligated in an FTA grant for eligible purposes by September 30, 2012, may be made available for other section 5308 projects during the next fiscal year.

4. Other Program or Apportionment Related Information and Highlights

Table 20 lists prior year carryover of \$56,812,150 for Clean Fuels Grant program projects allocated project funding in FY 2008 and FY 2009. This amount includes \$15,668,667 for FY 2008 and \$41,143,483 for FY 2009. The carryover amount for FY 2009 includes \$29,868,000 in unallocated funds.

E. Capital Investment Program (49 U.S.C. 5309)—Fixed Guideway Modernization

This program provides capital assistance for the maintenance, recapitalization, and modernization of existing fixed guideway systems. Funds

are apportioned by a statutory formula to UZAs with fixed guideway systems that have been in operation for at least seven years. A "fixed guideway" refers to any transit service that uses exclusive or controlled rights-of-way or rails, entirely or in part. The term includes heavy rail, commuter rail, light rail, monorail, trolleybus, aerial tramway, inclined plane, cable car, automated guideway transit, ferryboats, that portion of motor bus service operated on exclusive or controlled rights-of-way, and high-occupancy-vehicle (HOV) lanes. Eligible applicants are the public transit authorities in those urbanized areas to which the funds are apportioned. For more information about Fixed Guideway Modernization contact Kimberly Sledge, Office of Transit Programs, at (202) 366-2053.

1. FY 2010 Funding Availability

CR 2010 provides \$689,431,000 to the Fixed Guideway Modernization Program. The total amount apportioned for the Fixed Guideway Modernization Program is \$682,536,690, after the deduction for oversight, as shown in the table below.

FIXED GUIDEWAY MODERNIZATION PROGRAM

Total Appropriation	\$689,431,000
Oversight Deduction	– \$6,894,310
Total Apportioned	\$682,536,690

The FY 2010 Fixed Guideway Modernization Program apportionments to eligible areas are displayed in Table 8.

2. Basis for Formula Apportionment

The formula for allocating the Fixed Guideway Modernization funds contains seven tiers. The apportionment of funding under the first four tiers is based on amounts specified in law and NTD data used to apportion funds in FY 1997. Funding under the last three tiers is apportioned based on the latest available data on route miles and revenue vehicle miles on segments at least seven years old, as reported to the NTD. Section 5337(f) of title 49, U.S.C. provides for the inclusion of Morgantown, West Virginia (population 55,997) as an eligible UZA for purposes of apportioning fixed guideway modernization funds. Also, consistent to 49 U.S.C. 5336(b), FTA uses 60 percent of the directional route miles attributable to the Alaska Railroad passenger operations system to calculate the apportionment for the Anchorage, Alaska UZA under the Section 5309

Fixed Guideway Modernization formula.

FY 2010 Formula apportionments are based on data grantees provided to the NTD for the 2008 reporting year. Table 9 provides additional information and details on the formula. Dollar unit values for the formula factors used in the Fixed Guideway Modernization Program are displayed in Table 5. To replicate an area's apportionment, multiply the dollar unit value by the appropriate formula factor, *i.e.*, route miles and revenue vehicle miles.

3. Program Requirements

Fixed Guideway Modernization funds must be used for capital projects to maintain, modernize, or improve fixed guideway systems. Eligible UZAs (those with a population of 200,000 or more) with fixed guideway systems that are at least seven years old are entitled to receive Fixed Guideway Modernization funds. A threshold level of more than one mile of fixed guideway is required in order to receive Fixed Guideway Modernization funds. Therefore, UZAs reporting one mile or less of fixed guideway mileage under the NTD are not included. However, funds apportioned to an urbanized area may be used on any fixed guideway segment in the UZA. Program guidance for Fixed Guideway Modernization is presently found in FTA Circular C9300.1B, Capital Facilities and Formula Grant Programs, dated November 1, 2008.

4. Period of Availability

The funds apportioned in this notice under the Fixed Guideway Modernization Program remain available to recipients to be obligated in a grant during the year of appropriation plus three additional years. FY 2010 Fixed Guideway Modernization funds that remain unobligated at the close of business on September 30, 2013, will revert to FTA for reapportionment under the Fixed Guideway Modernization Program.

F. Capital Investment Program (49 U.S.C. 5309)—Bus and Bus-Related Facilities

This program provides capital assistance for new and replacement buses, and related equipment and facilities. Funds are allocated on a discretionary basis. Eligible purposes are acquisition of buses for fleet and service expansion, bus maintenance and administrative facilities, transfer facilities, bus malls, transportation centers, intermodal terminals, park-and-ride stations, acquisition of replacement vehicles, bus rebuilds, bus preventive maintenance, passenger amenities such

as passenger shelters and bus stop signs, accessory and miscellaneous equipment such as mobile radio units, supervisory vehicles, fare boxes, computers, and shop and garage equipment. Eligible applicants are State and local governmental authorities. Eligible subrecipients include other public agencies, private companies engaged in public transportation and private non-profit organizations. For more information about Bus and Bus Related Facilities contact Juan Morrison, Office of Transit Programs, at (202) 366-2053.

1. FY 2010 Funding Availability

CR 2010 provides \$365,711,000 for the Bus and Bus Related Facilities program. After deduction of one percent for program management oversight, \$362,053,890 remains available.

BUS AND BUS RELATED FACILITIES

Total Appropriation	\$365,711,000
Oversight Deduction	– \$3,657,110
Total Apportioned	\$362,053,890

2. Requirements

Grants made under the Bus and Bus Related Facilities program must meet all eligibility requirements as outlined in Section 5309 unless otherwise specified in law.

Program guidance for Bus and Bus Related Facilities is found in FTA Circular C9300.1B, "Capital Investment Program Guidance and Application Instructions," (November 1, 2008).

3. Period of Availability

The FY 2010 Bus and Bus Related Facilities funds not obligated in a grant for eligible purposes as of September 30, 2012, may be made available for other bus and bus facility projects under 49 U.S.C. 5309.

4. Other Program or Allocation Related Information and Highlights

Prior year unobligated balances for Bus and Bus-Related allocations in the amount of \$852,519,277 remain available for obligation in FY 2010. This includes \$242,431,083 in FY 2008 and \$610,088,195 for FY 2009. The prior year carryover amounts are displayed in Table 10. The carryover amount for FY 2009 includes \$114,095,771 in unallocated funds which may be awarded competitively under the Livability Bus Program Notice of Funding Availability published on December 8, 2009.

G. Capital Investment Program (49 U.S.C. 5309)—New Starts and Small Starts

The New and Small Starts program provides funds for construction of new fixed guideway systems, or extensions to existing fixed guideway systems, or corridor based bus systems. Eligible purposes for the New Starts program are light rail, rapid rail (heavy rail), commuter rail, monorail, automated fixed guideway system (such as a "people mover"), or a busway/high occupancy vehicle (HOV) facility, Bus Rapid Transit that is fixed guideway, or an extension of any of these. Eligible purposes for the Small Starts program are those mentioned for the New Starts program, as well as corridor based bus systems that do not operate on a fixed guideway but include elements such as substantial transit stations, signal priority or pre-emption, branding of vehicles, and service frequencies of 10 minutes during peak periods and 15 minutes during off peak periods for at least 14 hours per day.

Projects become candidates for funding under this program by successfully completing the appropriate steps in the major capital investment planning and project development process. Major new fixed guideway projects, or extensions to existing systems, financed with New Starts funds typically receive these funds through a full funding grant agreement (FFGA) that defines the scope of the project and specifies the total multi-year Federal commitment to the project. Projects funded with Small Starts funds typically receive these funds through a project construction grant agreement (PCGA) that defines the scope of the project and specifies the total multi-year Federal commitment to the project. However, Small Starts projects that request less than \$25 million in total Small Starts funding or whose request can be met with a single year appropriation or with existing appropriations are generally funded under a one-year capital grant rather than a PCGA.

As of FY 2007, up to \$200,000,000 each year is designated for "Small Starts" (Section 5309(e)) projects with a New Starts share of less than \$75,000,000 and a net project cost of less than \$250,000,000.

For more information about New Starts project development contact Elizabeth Day, Office of Planning and Environment, at (202) 366-4033, or for information about published allocations contact Kimberly Sledge, Office of Transit Programs, at (202) 366-2053.

1. FY 2010 Funding Availability

The Appropriations Act, 2010, provides \$2,000,000,000 to New Starts. After a one percent oversight takedown, the total amount allocated for New Starts and Small Starts is \$1,980,000,000, as shown in the table below.

CAPITAL INVESTMENT PROGRAM (NEW STARTS AND SMALL STARTS)

Total Appropriation	\$2,000,000,000
Oversight (one percent)	– \$20,000,000
Total Available	\$1,980,000,000

2. Basis for Allocation

Congress included authorizations for specific New Starts projects with FFGA in SAFETEA-LU. Under the Appropriations Act, 2010, the one percent statutory project management oversight takedown has been applied. Funds allocated to specific projects are shown in Table 11.

3. Requirements

FTA has published a number of policy guidance documents related to the New Starts program since the passage of SAFETEA-LU. Grantees should reference the FTA Web site at <http://www.fta.dot.gov> for the most current program guidance about project developments and management. Grant related guidance for New Starts is found in FTA Circular 9300.1B, "Capital Investment Program Guidance and Application Instructions," dated November 1, 2008; and FTA Circular 5200.1A, "Full Funding Grant Agreement Guidance," dated December 5, 2002.

4. Period of Availability

New Starts funds remain available for three fiscal years (including the fiscal year the funds are made available or appropriated plus two additional years). FY 2010 funds remain available for obligation to identified projects through September 30, 2012. Funds may be made available for other section 5309 New Starts projects after the period of availability has expired.

5. Other Program or Apportionment Related Information and Highlights

Prior year unobligated allocations (carryover) for New Starts in the amount of \$1,179,391,814 remain available for obligation in FY 2010. This amount includes \$138,969,867 in FY 2008, \$1,040,421,947 in FY 2009 unobligated allocations, and \$12,207 in unallocated FY 2009 funds, which will be allocated through the competitive Urban

Circulator NOFA published on December 8, 2009. These unobligated amounts are displayed in Table 12.

H. Special Needs of Elderly Individuals and Individuals With Disabilities Program (49 U.S.C. 5310)

This program provides formula funding to States for capital projects to assist private nonprofit groups in meeting the transportation needs of the elderly and individuals with disabilities when the public transportation service provided in the area is unavailable, insufficient, or inappropriate to meet these needs. A State agency designated by the Governor administers the Section 5310 program. The State's responsibilities include: notifying eligible local entities of funding availability; developing project selection criteria; determining applicant eligibility; selecting projects for funding; and ensuring that all subrecipients comply with Federal requirements. Eligible nonprofit organizations or public bodies must apply directly to the designated State agency for assistance under this program. For more information about the Elderly and Individuals with Disabilities Program contact Gil Williams, Office of Transit Programs, at (202) 366-2053.

1. FY 2010 Funding Availability

CR 2010 provides \$55,229,000 to the Elderly and Individuals with Disabilities Program (49 U.S.C. 5310). After deduction of 0.5 percent for oversight, and the addition of reappropriated prior year funds, \$54,952,855 remains available for allocation to the States.

ELDERLY AND INDIVIDUALS WITH DISABILITIES PROGRAM

Total Appropriation	\$55,229,000
Oversight Deduction	– \$276,145
Total Apportioned	\$54,952,855

The FY 2010 Elderly and Individuals with Disabilities Program apportionments to the States are displayed in Table 13.

2. Basis for Apportionment

FTA allocates funds to the States by an administrative formula consisting of a \$125,000 floor for each State (\$50,000 for smaller territories) with the balance allocated based on 2000 Census population data for persons aged 65 and over and for persons with disabilities.

3. Requirements

Funds are available to support the capital costs of transportation services

for older adults and people with disabilities. Uniquely under this program, eligible capital costs include the acquisition of service. Seven specified States (Alaska, Louisiana, Minnesota, North Carolina, Oregon, South Carolina, and Wisconsin) may use up to 33 percent of their apportionment for operating assistance under the terms of the SAFETEA-LU Section 3012(b) pilot program.

Capital assistance is provided on an 80 percent Federal, 20 percent local matching basis except that Section 5310(c) allows States eligible for a higher match under the sliding scale for FHWA programs to use that match ratio for Section 5310 capital projects. Operating assistance is 50 percent Federal, 50 percent local. Funds provided under other Federal programs (other than those of the DOT, with the exception of the Federal Lands Highway Program established by 23 U.S.C. 204) may be used as match. Revenue from service contracts may also be used as local match.

While the assistance is intended primarily for private non-profit organizations, public bodies approved by the State to coordinate services for the elderly and individuals with disabilities, or any public body that certifies to the State that there are no non-profit organizations in the area that are readily available to carry out the service, may receive these funds.

States may use up to ten percent of their annual apportionment to administer, plan, and provide technical assistance for a funded project. No local share is required for these program administrative funds. Funds used under this program for planning must be shown in the United Planning Work Program (UPWP) for MPO(s) with responsibility for that area.

The State recipient must certify that: the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and, the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public. The locally developed, coordinated public transit-human services transportation planning process must be coordinated and consistent with the metropolitan and statewide planning processes and funding for the program must be included in the metropolitan and statewide Transportation Improvement Program (TIP and STIP) at a level of specificity or aggregation consistent with State and local policies and procedures. Finally, the State must certify that allocations to

subrecipients are made on a fair and equitable basis.

The coordinated planning requirement is a requirement in two additional programs. Projects selected for funding under the Job Access Reverse Commute program and the New Freedom program also are required to be derived from a locally developed coordinated public transit/human service transportation plan. FTA anticipates that most areas will develop one consolidated plan for all the programs, which may include separate elements and other human service transportation programs.

The Section 5310 program is subject to the requirements of Section 5307 formula program to the extent the Secretary determines appropriate. Program guidance is found in FTA Circular 9070.1F, dated May 1, 2007. The circular is posted on the FTA Web site at <http://www.fta.dot.gov>.

4. Period of Availability

FTA has administratively established a three-year period of availability for Section 5310 funds. Funds allocated to States under the Elderly and Individuals with Disabilities Program in this notice must be obligated by September 30, 2012. Any funding that remains unobligated as of that date will revert to FTA for reapportionment among the States under the Elderly and Individuals with Disabilities Program.

5. Other Program or Apportionment Related Information and Highlights

States may transfer Section 5310 funds to Section 5307 or Section 5311, but only for projects selected under the Section 5310 program, not as a general supplement for those programs. FTA anticipates that the States would use this flexibility primarily for projects to be implemented by a Section 5307 recipient in a small urbanized area, or for Federally recognized Indian Tribes that elect to receive funds as a direct recipient from FTA under Section 5311. A State that transfers Section 5310 funds to Section 5307 must certify that each project for which the funds are transferred has been coordinated with private nonprofit providers of services. FTA has established a scope code (641) in the TEAM grant system to track Section 5310 projects included within a Section 5307 or 5311 grant. Transfer to Section 5307 or 5311 is permitted, but not required. FTA expects primarily to award stand-alone Section 5310 grants to the State for any and all subrecipients.

6. Performance Measure

To support the evaluation of the program, FTA has established performance measures for the Section 5310 program, which should be submitted with the State's annual program of projects status report on October 31, 2010. States should submit performance measures on behalf of their subrecipients.

I. Nonurbanized Area Formula Program (49 U.S.C. 5311)

This program provides formula funding to States and Indian Tribes for the purpose of supporting public transportation in areas with a population of less than 50,000. Funding may be used for capital, operating, State administration, and project administration expenses. Eligible subrecipients include State and local governmental authority, Indian Tribes, private non-profit organizations, and private operators of public transportation services, including intercity bus companies. Indian Tribes are also eligible direct recipients under Section 5311, both for funds apportioned to the States and for projects selected to be funded with funds set aside for a separate Tribal Transit Program.

For more information about the Nonurbanized Area Formula Program contact Lorna Wilson, Office of Transit Programs, at (202) 366-2053.

1. FY 2010 Funding Availability

CR 2010 provides \$192,371,000 to the Nonurbanized Area Formula Program (49 U.S.C. 5311). The total amount apportioned for the Nonurbanized Area Formula Program is \$ \$211,640,513 after take-downs of two percent for the Rural Transportation Assistance Program (RTAP), 0.5 percent for oversight, and \$6,206,000 for the Tribal Transit Program, and the addition of Section 5340 funding for Growing States, as shown in the table below.

NONURBANIZED AREA FORMULA PROGRAM

Total Appropriation	\$192,371,000
Oversight Deduction	– \$961,855
Tribal Takedown	– \$6,206,000
RTAP Takedown	– \$3,847,000
Section 5340 Funds Added ..	\$30,284,368
Total Apportioned	\$211,640,513

The FY 2010 Nonurbanized Area Formula apportionments to the States are displayed in Table 14.

2. Basis for Apportionments

FTA apportions the funds after take-down for oversight, the Tribal Transit Program, and RTAP according to a statutory formula. FTA apportions the first twenty percent to the States based on land area in nonurbanized areas with no state receiving more than 5 percent of the amount apportioned. FTA apportions the remaining eighty percent based on nonurbanized population of each State relative to the national nonurbanized population. FTA does not apportion Section 5311 funds to the Virgin Islands, which by a statutory exception are treated as an urbanized area for purposes of the Section 5307 formula program.

FTA is allocating \$191,409,145 to the States and territories for nonurbanized areas from the Growing States portion of Section 5340. FTA apportions Growing States funds by a formula based on State population forecasts for 15 years beyond the most recent census. FTA distributes the amounts apportioned for each State between UZAs and nonurbanized areas based on the ratio of urbanized/nonurbanized population within each State in the 2000 census.

3. Program Requirements

The Nonurbanized Area Formula Program provides capital, operating and administrative assistance for public transit service in nonurbanized areas under 50,000 in population.

The Federal share for capital assistance is 80 percent and for operating assistance is 50 percent, except that States eligible for the sliding scale match under FHWA programs may use that match ratio for Section 5311 capital projects and 62.5 percent of the sliding scale capital match ratio for operating projects.

Each State must spend no less than 15 percent of its FY 2010 Nonurbanized Area Formula apportionment for the development and support of intercity bus transportation, unless the State certifies, after consultation with affected intercity bus service providers, that the intercity bus service needs of the State are being adequately met. FTA also encourages consultation with other stakeholders, such as communities affected by loss of intercity service.

Each State prepares an annual program of projects, which must provide for fair and equitable distribution of funds within the States, including Indian reservations, and must provide for maximum feasible coordination with transportation services assisted by other Federal sources.

To retain eligibility for funding, recipients of Section 5311 funding must

report data annually to the NTD. Additional information on NTD reporting is contained in paragraph 5 of this section, below.

Program guidance for the Nonurbanized Area Formula Program is found in FTA Circular 9040.1F, "Nonurbanized Area Formula Program Guidance and Grant Application Instructions," dated April 1, 2007. The circular is posted at <http://www.fta.dot.gov>.

4. Period of Availability

It was administratively determined that funds apportioned to nonurbanized areas under the Nonurbanized Area Formula Program during FY 2010 will remain available for obligation for two additional fiscal years after the year of apportionment. Any funds that remain unobligated at the close of business on September 30, 2012, will revert to FTA for reapportionment among the States under the Nonurbanized Area Formula Program.

5. Other Program or Apportionment Related Information and Highlights

a. NTD Reporting. By law, FTA requires that each recipient under the Section 5311 program submit an annual report to the NTD containing information on capital investments, operations, and service provided with funds received under the Section 5311 program. Section 5311(b)(4), as amended by SAFETEA-LU, specifies that the report shall include information on total annual revenue, sources of revenue, total annual operating costs, total annual capital costs, fleet size and type, and related facilities, revenue vehicle miles, and ridership. State or Territorial DOT 5311 grant recipients must complete a one-page form of basic data for each 5311 subrecipient, unless the subrecipient is already providing a full report to the NTD as a Tribal Transit direct recipient or as an urbanized area reporter (without receiving a Nine or Fewer Vehicles Waiver). For the 2009 Report Year State or Territorial DOTs must report on behalf of any subrecipient receiving Section 5311 grants in 2009, or that continued to benefit in 2009 from capital assets purchased using Section 5311 grants. Tribal Transit direct recipients must report if they received an obligation or an outlay for a Section 5311 grant in 2009, or if they continued to benefit in 2009 from capital assets using Section 5311 Grants, unless the Tribe is already filing a full NTD Report as an urbanized area reporter or unless the Tribe only received \$50,000 or less in planning grants. The NTD Rural Reporting Manual contains detailed reporting

instructions and is posted on the NTD Web site, <http://www.ntdprogram.gov>.

b. Extension of Intercity Bus Pilot of In-Kind Match. Beginning in FY 2007, FTA implemented a two year pilot program of in-kind match for intercity bus service. The initial program was set to expire after FY 2008; however, FTA decided to extend the program through FY 2009. Through this notice FTA extends the In-Kind Match program through FY 2010. FTA published guidance on the in-kind match pilot in the **Federal Register** on February 28, 2007, as Appendix 1 of the Notice announcing the final revised circular 9040.1F, which is available at <http://www.fta.dot.gov>.

J. Rural Transportation Assistance Program (49 U.S.C. 5311(b)(3))

This program provides funding to assist in the design and implementation of training and technical assistance projects, research, and other support services tailored to meet the needs of transit operators in nonurbanized areas. For more information about Rural Transportation Assistance Program (RTAP) contact Lorna Wilson, Office of Transit Programs, at (202) 366-2053.

1. FY 2010 Funding Availability

CR 2010 provides \$3,847,000 to RTAP (49 U.S.C. 5311(b)(2)), as a two percent takedown from the funds appropriated for Section 5311. FTA has reserved 15 percent for the National RTAP program. A total of \$3,269,950 is available for allocations to the States, as shown in the table below.

RURAL TRANSIT ASSISTANCE PROGRAM

Total Appropriation	\$3,847,000
National RTAP Takedown	–\$577,050
Total Apportioned	\$3,269,950

Table 14 shows the FY 2010 RTAP allocations to the States.

2. Basis for Allocation

FTA allocates funds to the States by an administrative formula. First FTA allocates \$65,000 to each State (\$10,000 to territories), and then allocates the balance based on nonurbanized population in the 2000 census.

3. Program Requirements

States may use the funds to undertake research, training, technical assistance, and other support services to meet the needs of transit operators in nonurbanized areas. These funds are to be used in conjunction with a State's administration of the Nonurbanized

Area Formula Program, but also may support the rural components of the Section 5310, JARC, and New Freedom programs.

4. Period of Availability

FTA administratively established that funds apportioned to States under RTAP remain available for obligation two fiscal years following FY 2010. Any funds that remain unobligated at the close of business on September 30, 2012, will revert to FTA for allocation among the States under the RTAP.

5. Other Program or Apportionment Related Information and Highlights

The National RTAP project is administered by cooperative agreement and re-competed at five-year intervals. In FY 2008, FTA awarded the cooperative agreement to the Neponset Valley Transportation Management Association (NVTMA) located in Waltham, Massachusetts through a competitive process. The National RTAP projects are guided by a project review board that consists of managers of rural transit systems and State DOT RTAP programs. National RTAP resources also support the biennial TRB National Conference on Rural Public and Intercity Bus Transportation and other research and technical assistance projects of a national scope.

K. Public Transportation on Indian Reservations Program (49 U.S.C. 5311(c)(1))

FTA refers to this program as the Tribal Transit Program. It is funded as a takedown from funds appropriated for the Section 5311 program. Eligible direct recipients are Federally recognized Indian Tribes. The funds are to be allocated for grants to Indian Tribes for any purpose eligible under Section 5311, which includes capital, operating, planning, and administrative assistance for rural public transit services and rural intercity bus service. For more information about the Tribal Transit Program contact Lorna Wilson, Office of Transit Programs, at (202) 366-2053.

1. Funding Availability in FY 2010

Under CR 2010 the amount allocated to the program in FY 2010 is \$6,206,000, as authorized in Section 5311(c)(1)(C).

2. Basis for Allocation

Based on procedures developed in consultation with the Tribes, FTA will issue a Notice of Funding Availability (NOFA) soliciting applications for FY 2010 funds. Projects funded under the Tribal Transit Program are not required to have local match.

3. Requirements

FTA developed streamlined program requirements based on statutory authority allowing the Secretary to determine the terms and conditions appropriate to the program. These conditions are contained in the annual NOFA. Beginning with grants awarded in FY 2009, the grant agreement has incorporated the statement of warranty for labor protective arrangements, and tribal grants will be submitted to the Department of Labor (DOL) for information upon FTA approval.

4. Period of Availability

Funds remain available for three fiscal years, which includes the fiscal year the funds were apportioned or appropriated plus two additional years. Funds appropriated in FY 2010 will remain available for obligation to the tribes competitively selected to receive the funds through September 30, 2012. Any funds that remain unobligated after September 30, 2012, will revert to FTA for reallocation among the Tribes.

5. Other Program Changes and Highlights

The funds set aside for the Tribal Transit Program are not meant to replace or reduce funds that Indian Tribes receive from states through the Section 5311 program but are to be used to enhance public transportation on Indian reservations and transit serving tribal communities. Funds allocated to Tribes by the States may be included in the State's Section 5311 application or awarded by FTA in a grant directly to the Tribe. We encourage Tribes intending to apply to FTA as direct recipients to contact the appropriate FTA regional office at the earliest opportunity.

Technical assistance for Tribes may be available from the State DOT using the State's allocation of RTAP or funds available for State administration under Section 5311, from the Tribal Transportation Assistance Program (TTAP) Centers supported by FHWA, and from the Community Transportation Association of America under a program funded by the United States Department of Agriculture (USDA). The National RTAP will also be developing new resources for Tribal Transit.

L. National Research Programs (49 U.S.C. 5314)

FTA's National Research Programs (NRPs) include the National Research and Technology Program (NRTP), the Transit Cooperative Research Program (TCRP), the National Transit Institute

(NTI), and the University Transportation Centers Program (UTC).

Through funding under these programs, FTA seeks to deliver solutions that improve public transportation. FTA's Strategic Research Goals are to provide transit research leadership, increase transit ridership, improve capital and operating efficiencies, improve safety and emergency preparedness, and to protect the environment and promote energy independence. For more information contact Linda Wolfe, Office of Research, Demonstration and Innovation, at (202) 366-8511.

1. Funding Availability in FY 2010

The Appropriations Act 2010 provides \$65,670,000 for the Research and University Research Centers Programs. Of this amount \$10,000,000 is allocated for TCRP, \$4,300,000 for NTI, \$7,000,000 for the UTC, and \$44,370,000 for NRTP. Within the NRTP-\$4,000,000 is allocated for specific activities under 49 U.S.C. 5338(d). The Appropriations Act, 2010 also provides \$1,500,000 for specific projects and \$5,000,000 for asset management activities. All research and research and development projects, as defined by the Office of Management and Budget, are subject to a 2.6% reduction for the Small Business Innovative Research Program (SBIR). A project allocation table with the entire year's funding will be published in a subsequent notice.

2. Program Requirements

Application Instructions and Program Management Guidelines are set forth in FTA Circular 6100.1C published on May 2, 2003 and available at www.fta.dot.gov. Research projects must support FTA's Strategic Research Goals and meet the Office of Management and Budget's Research and Development Investment Criteria. All research recipients are required to work with FTA to develop approved Statements of Work and plans to evaluate research results before award.

Eligible activities under the NRTP include research, development, demonstration and deployment projects as described in 49 U.S.C. 5312(a); Joint Partnership projects for deployment of innovation as described in 49 U.S.C. 5312(b); International Mass Transportation Projects as described in 49 U.S.C. 5312(c); and, human resource programs as defined by 49 U.S.C. 5322. Unless otherwise specified in law, all projects must meet one of these eligibility requirements.

Problem Statements for TCRP can be submitted on TCRP's Web site: <http://>

www.tcrponline.org. Information about NTI courses can be found at <http://www.ntionline.com>. UTC funds are transferred to the Research and Innovative Technology Administration to make awards.

3. Period of Availability

Funds are available until expended.

4. Other Program or Apportionment Related Information and Highlights

Funds not designated by Congress for specific projects and activities will be programmed by FTA based on national priorities. Opportunities are posted in <http://www.grants.gov> under Catalogue of Federal Domestic Assistance Number 20.514.

M. Job Access and Reverse Commute Program (49 U.S.C. 5316)

The Job Access and Reverse Commute (JARC) program provides formula funding to States and Designated Recipients to support the development and maintenance of job access projects designed to transport welfare recipients and low-income individuals to and from jobs and activities related to their employment, and for reverse commute projects designed to transport residents of UZAs and other than urbanized areas to suburban employment opportunities. For more information about the JARC program contact Gil Williams, Office of Transit Programs, at (202) 366-2053.

1. Funding Availability in FY 2010

CR 2010 provides \$68,054,000 for the JARC Program. The total amount apportioned by formula is shown in the table below.

JOB ACCESS AND REVERSE COMMUTE PROGRAM

Total Apportioned	\$68,054,000
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Table 16 shows the FY 2010 JARC apportionments.

2. Basis for Formula Apportionment

By law, FTA allocates 60 percent of funds available to UZAs with populations of 200,000 or more persons (large UZAs); 20 percent to the States for urbanized areas with populations ranging from 50,000 to 199,999 persons (small UZAs), and 20 percent to the States for rural and small urban areas with populations of less than 50,000 persons. FTA apportions funds based upon the number of low income individuals residing in a State or large urbanized area, using data from the 2000 Census for individuals with incomes below 150 percent of the poverty level. FTA publishes

apportionments to each State for small UZAs and for rural and small urban areas and a single apportionment for each large UZA.

The Designated Recipient, either for the State or for a large UZA, is responsible for further allocating the funds to specific projects and subrecipients through a competitive selection process. If the Governor has designated more than one recipient of JARC funds in a large UZA, the Designated Recipients may agree to conduct a single competitive selection process or sub-allocate funds to each Designated Recipient, based upon a percentage split agreed upon locally, and conduct separate competitions.

States may transfer funds between the small UZA and the nonurbanized apportionments, if all of the objectives of JARC are met in the size area the funds are taken from. States may also use funds apportioned to the small UZA and nonurbanized area apportionments for projects anywhere in the State (including large UZAs) if the State has established a statewide program for meeting the objectives of JARC. A State that is planning to transfer funds under either of these provisions should submit a request to the FTA regional office. FTA will assign new accounting codes to the funds before obligating them in a grant.

3. Requirements

States and Designated Recipients must solicit grant applications and select projects competitively, based on application procedures and requirements established by the Designated Recipient, consistent with the Federal JARC program objectives. In the case of large UZAs, the area-wide solicitation shall be conducted in cooperation with the appropriate MPO(s).

Funds are available to support the planning, capital, and operating costs of transportation services that are eligible for funding under the program. Assistance may be provided for a variety of transportation services and strategies directed at assisting welfare recipients and eligible low-income individuals to address unmet transportation needs, and to provide reverse commute services. The transportation services may be provided by public, non-profit, or private-for-profit operators. The Federal share is 80 percent of capital and planning expenses and 50 percent of operating expenses. Funds provided under other Federal programs (other than those of the DOT, with the exception of the Federal Lands Highway Program established by 23 U.S.C. 204) may be used for local/State match for

funds provided under Section 5316, and revenue from service contracts may be used as local match.

States and Designated Recipients may use up to ten percent of their annual apportionment for administration, planning, and to provide technical assistance. No local share is required for these program administrative funds. Funds used under this program for planning in urbanized areas must be shown in the UPWP for MPO(s) with responsibility for that area.

The Designated Recipient must certify that: the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and, the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public, including those representing the needs of welfare recipients and eligible low-income individuals. The locally developed, coordinated public transit-human services transportation planning process must be coordinated and consistent with the metropolitan and statewide planning processes and funding for the program must be included in the metropolitan and statewide Transportation Improvement Program (TIP and STIP) at a level of specificity or aggregation consistent with State and local policies and procedures. Finally, the State must certify that allocations of the grant to subrecipients are made on a fair and equitable basis.

The coordinated planning requirement is also a requirement in two additional programs. Projects selected for funding under the Elderly and Individuals with Disabilities Program (Section 5310) and the New Freedom program (Section 5317) also are required to be derived from a locally developed coordinated public transit-human service transportation plan. FTA anticipates that most areas will develop one consolidated plan for all the programs, which may include separate elements and other human service transportation programs. The goal of the coordinated planning process is not to be an exhaustive document, but to serve as a tool for planning and implementing beneficial projects. The level of effort required to develop the plan will vary among communities based on factors such as the availability of resources. FTA does not approve coordinated plans.

The JARC program is subject to the relevant requirements of Section 5307, including the requirement for certification of labor protections. JARC program requirements are published in

FTA Circular 9050.1, dated April 1, 2007. The circular and other guidance including frequently asked questions are posted on the FTA Web site at <http://www.fta.dot.gov>.

4. Period of Availability

FTA has established a consistent three-year period of availability for JARC, New Freedom, and the Section 5310 program, which includes the year of apportionment plus two additional years. FY 2010 funding is available for obligation through FY 2012. Any funding that remains unobligated on September 30, 2012 will revert to FTA for reapportionment among the States and large UZAs under the JARC program.

5. Other Program or Apportionment Related Information and Highlights

a. *Carryover Earmarks.* Table 17 lists prior year carryover of \$5,215,394 for JARC projects designated by Congress in FYs 2002–2005. JARC earmarks carried over from TEA–21 are subject to the terms and conditions under which they were originally appropriated, including the requirement for a 50 percent local share for both capital and operating assistance. All projects should be in a regional JARC Plan as required under TEA–21 or in the new local coordinated plan required by the new formula JARC program. FTA will award a grant for a designated project upon receipt of a complete application, but can honor changes to the original designation only if so directed by the Appropriations Committee chairs. Grantees intending to use their remaining discretionary JARC funds should obligate funds before September 30, 2010.

b. *Designated Recipient.* FTA must have received formal notification from the Governor or Governor's designee of the Designated Recipient for JARC funds apportioned to a State or large UZA before awarding a grant to that area for JARC projects.

c. *Transfers to Section 5307 or Section 5311.* States may transfer JARC funds to Section 5307 or Section 5311, but only for projects competitively selected under the JARC program, not as a general supplement for those programs. FTA anticipates that the States would use this flexibility primarily for projects to be implemented by a Section 5307 recipient in a small urbanized area or for Federally recognized Indian Tribes that elect to receive funds as a direct recipient from FTA under Section 5311. FTA has established a scope code (646) to track JARC projects included within a Section 5307 or 5311 grant. All activities within a Section 5307 or Section 5311 grant application that are

funded with JARC resources should be listed under the 646–00 scope code. Transfer to Section 5307 or 5311 is permitted but not required. FTA also will award stand-alone JARC grants to the State for any and all subrecipients. To track disbursements accurately against the appropriate program, FTA will not combine JARC funds with Section 5307 funds in a single Section 5307 grant, nor will FTA combine JARC with New Freedom funds in a single Section 5307 grant.

N. New Freedom Program (49 U.S.C. 5317)

SAFETEA–LU established the New Freedom Program under 49 U.S.C. 5317. The program purpose is to provide new public transportation services and public transportation alternatives beyond those currently required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services. For more information about the New Freedom program contact Gil Williams, Office of Transit Programs, at (202) 366–2053.

1. Funding Availability in FY 2010

CR 2010 provides \$38,267,000 for the New Freedom Program. The entire amount is apportioned by formula, as shown in the table below.

NEW FREEDOM PROGRAM

Total Apportioned	\$38,267,000
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Table 18 shows the FY 2010 New Freedom apportionments.

2. Basis for Formula Apportionment

By law, FTA allocates 60 percent of funds available to UZAs with populations of 200,000 or more persons (large UZAs); 20 percent to the States for urbanized areas with populations ranging from 50,000 to 199,999 persons (small UZAs), and 20 percent to the States for rural and small urban areas with populations of less than 50,000 persons. FTA apportions funds based upon the number of persons with disabilities over the age of five residing in a State or large urbanized area, using data from the 2000 Census. FTA publishes apportionments to each State for small UZAs and for rural and small urban areas and a single apportionment for each large UZA.

The Designated Recipient, either for the State or for a large UZA, is responsible for further allocating the funds to specific projects and subrecipients through a competitive

selection process. If the Governor has designated more than one recipient of New Freedom funds in a large UZA, the Designated Recipients may agree to conduct a single competitive selection process or sub-allocate funds to each Designated Recipient, based upon a percentage split agreed on locally and conduct separate competitions.

3. Requirements

States and Designated Recipients must solicit grant applications and select projects competitively, based on application procedures and requirements established by the Designated Recipient, consistent with the Federal New Freedom program objectives. In the case of large UZAs, the area-wide solicitation shall be conducted in cooperation with the appropriate MPO(s).

Funds are available to support the capital and operating costs of new public transportation services and public transportation alternatives that are beyond those required by the Americans with Disabilities Act (ADA). Funds provided under other Federal programs (other than those of the DOT, with the exception of the Federal Lands Highway Program established by 23 U.S.C. 204) may be used as match for capital funds provided under Section 5317, and revenue from contract services may be used as local match.

Funding is available for transportation services provided by public, non-profit, or private-for-profit operators. Assistance may be provided for a variety of transportation services and strategies directed at assisting persons with disabilities to address unmet transportation needs. Eligible public transportation services and public transportation alternatives funded under the New Freedom program must be both new and beyond the ADA. (In FY 2007, FTA published interim guidance holding Designated Recipients harmless for project selections conducted in good faith based on FTA's earlier preliminary determination that eligible services could be either new or beyond the ADA. Grants awarded in FY 2010 are now subject to the requirements of the final guidance which was published April 1, 2007).

In a notice of policy change published on April 29, 2009, (**Federal Register** Volume 74 Number 81, April 29, 2009) FTA expanded the type of projects it considers to be "beyond the ADA" and thus increase the types of projects eligible for funding under the New Freedom program. Under interpretation published in the **Federal Register**, new and expanded fixed route and demand responsive transit service planned for

and designed to meet the needs of individuals with disabilities are eligible projects.

The Federal share is 80 percent of capital expenses and 50 percent of operating expenses. Funds provided under other Federal programs (other than those of the DOT) may be used for local/state match for funds provided under Section 5317, and revenue from service contracts may be used as local match.

States and Designated Recipients may use up to ten percent of their annual apportionment to administer, plan, and provide technical assistance for a funded project. No local share is required for these program administrative funds. Funds used under this program for planning must be shown in the UPWP for MPO(s) with responsibility for that area.

The Designated Recipient must certify that: the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan; and, the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public, including those representing the needs of welfare recipients and eligible low-income individuals. The locally developed, coordinated public transit-human services transportation planning process must be coordinated and consistent with the metropolitan and statewide planning processes and funding for the program must included in the metropolitan and statewide Transportation Improvement Program (TIP and STIP) at a level of specificity or aggregation consistent with State and local policies and procedures. Finally, the State must certify that allocations of the grant to subrecipients are made on a fair and equitable basis.

The coordinated planning requirement is also a requirement in two additional programs. Projects selected for funding under the Section 5310 program and the JARC program are also required to be derived from a locally developed coordinated public transit-human service transportation plan. FTA anticipates that most areas will develop one consolidated plan for all the programs, which may include separate elements and other human service transportation programs.

The New Freedom program is subject to the relevant requirements of Section 5307, but certification of labor protections is not required. New Freedom Program requirements are published in FTA Circular 9045.1, which was effective May 1, 2007. The

circular and other guidance including frequently asked questions are posted on the FTA Web site at <http://www.fta.dot.gov>.

4. Period of Availability

FTA has established a consistent three-year period of availability for New Freedom, JARC, and the Section 5310 program funds, which includes the year of apportionment plus two additional years. FY 2010 funding is available for obligation through FY 2012. Any funding that remains unobligated on September 30, 2012 will revert to FTA for reapportionment among the States and large UZAs to be used for New Freedom program purposes.

5. Other Program or Apportionment Related Information and Highlights

a. *Designated Recipient.* FTA must have received formal notification from the Governor or Governor's designee of the Designated Recipient for New Freedom funds apportioned to a State or large UZA before awarding a grant to that area for New Freedom projects.

b. *Transfers to Section 5307 or 5311.* States may transfer New Freedom funds to Section 5307 or Section 5311, but only for projects competitively selected under the New Freedom program, not as a general supplement for those programs. FTA anticipates that the States would use this flexibility for projects to be implemented by a Section 5307 recipient in a small urbanized area or for Federally recognized Indian Tribes that elect to receive funds as a direct recipient from FTA under Section 5311. FTA has established a scope code (647) to track New Freedom projects included within a Section 5307 or 5311 grant. All activities within a Section 5307 or Section 5311 grant application that are funded with New Freedom resources should be listed under the 647-00 scope code. Transfer to Section 5307 or 5311 is permitted but not required. FTA also will award stand-alone New Freedom Program grants to the State for any and all subrecipients. In order to track disbursements accurately against the appropriate program, FTA will not combine New Freedom funds with Section 5307 funds in a single Section 5307 grant, nor will FTA combine New Freedom with JARC funds in a single Section 5307 grant.

O. Paul S. Sarbanes Transit in Parks Program (49 U.S.C. 5320)

The Paul S. Sarbanes Transit in Parks Program (Transit in Parks), formally the Alternative Transportation in Parks and Public Lands (ATPPL) Program, is administered by FTA in partnership with the Department of the Interior

(DOI) and the U.S. Department of Agriculture's Forest Service. The purpose of the program is to enhance the protection of national parks and Federal lands, and increase the enjoyment of those visiting them. The Program funds capital and planning expenses for alternative transportation systems such as buses and trams in Federally-managed parks and public lands. Federal land management agencies and State, tribal and local governments acting with the consent of a Federal land management agency are eligible to apply.

1. FY 2010 Funding Availability

CR 2010 makes \$11,129,000 available for the program in FY 2010. After deduction of 0.5 percent for program management oversight, \$11,073,355 remains available for project allocations. Up to ten percent of the funds may be reserved for planning, research, and technical assistance. FTA will publish a Notice of Funding Availability (NOFA) in the **Federal Register** inviting applications for projects to be funded in FY 2010.

PAUL S. SARBANES TRANSIT IN PARKS

Total Appropriation	\$11,129,000
Oversight (0.5 percent)	– \$55,645
Total Available	\$11,073,355

2. Program Requirements

Projects are competitively selected based on criteria specified in the Notice of Funding Availability. The terms and conditions applicable to the program are also specified in the NOFA. Projects must conserve natural, historical, and cultural resources, reduce congestion and pollution, and improve visitor mobility and accessibility. By statute, no more than 25 percent of the amount provided may be allocated for any one project.

3. Period of Availability

The funds under the Transit in Parks Program remain available until expended.

P. Alternatives Analysis Program (49 U.S.C. 5339)

The Alternatives Analysis Program provides grants to States, authorities of the States, metropolitan planning organizations, and local government authorities to develop studies as part of the transportation planning process. These studies include an assessment of a wide range of public transportation alternatives designed to address a transportation problem in a corridor or subarea; sufficient information to enable

the Secretary to make the findings of project justification and local financial commitment required under the Major Capital Investment Program; the selection of a locally preferred alternative; and the adoption of the locally preferred alternative as part of the state or regional long-range transportation plan. For more information about this program contact Sherry Riklin, Office of Planning and Environment, at (202) 366-4033.

1. FY 2010 Funding Availability

CR 2010 provides \$10,343,000 to the Alternatives Analysis Program (49 U.S.C. 5339). FY 2010 available project allocations are shown in Table 19.

ALTERNATIVES ANALYSIS PROGRAM

Total Apportioned	\$10,343,000
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2. Requirements

Alternatives Analysis program funds may be made available to States, authorities of the States, metropolitan planning organizations, and local governmental authorities. The Government's share of the cost of an activity funded may not exceed 80 percent of the cost of the activity. The funds will be awarded as separate Section 5339 grants. The grant requirements will be comparable to those for Section 5309 grants. Eligible projects include planning and corridor studies, which lay the foundation for the adoption of locally preferred alternatives within the fiscally constrained Metropolitan Transportation Plan for that area. Funds awarded under the Alternatives Analysis Program must be shown in the UPWP for MPO(s) with responsibility for that area. Pre-award authority for Section 5339 funds applies to projects only after Congress appropriates funds for these projects and the allocations are published in an FTA notice of apportionments and allocations. For more information on preaward authority see Section V of this notice.

Unless otherwise specified in law, grants made under the Alternatives Analysis program must meet all other eligibility requirements as outlined in Section 5309.

3. Period of Availability

By statute, funds designated for specific Alternatives Analysis Program projects remain available for obligation for three fiscal years, which includes the year of allocation plus two additional fiscal years. FY 2010 Alternatives Analysis funds not obligated in an FTA

grant for eligible purposes by September 30, 2012 will be redistributed.

4. Other Program or Apportionment Related Information and Highlights

Table 20 lists prior year carryover of \$32,600,250 for Alternatives Analysis projects allocated project funding in FY 2008 and FY 2009. This amount includes \$10,094,000 for FY 2008 and \$22,506,250 for FY 2009. The carryover amount for FY 2009 includes \$9,811,875 in unallocated funds. Decisions regarding the distribution of unallocated Section 5339 funding will be made by FTA at a later date.

Q. Growing States and High Density States Formula Factors (49 U.S.C. 5340)

CR 2010 makes \$192,371,000 available for apportionment in accordance with the formula factors prescribed for Growing States and High Density States set forth in 49 U.S.C. 5340. Fifty percent of this amount (\$96,185,000) is apportioned to eligible States and urbanized areas using the Growing State formula factors. The other 50 percent (\$96,185,000) is apportioned to eligible States and urbanized areas using the High Density States formula factors.

The term "State" is defined only to mean the 50 States. For the Growing State portion of the program, funds are allocated based on the population forecasts for fifteen years after the date of that census. Forecasts are based on the trend between the most recent decennial census and Census Bureau population estimates for the most current year. Census population estimates as of December 27, 2007 were used in the FY 2010 apportionments. Funds allocated to the States are then sub-allocated to urbanized and non-urbanized areas based on forecast population, where available. If forecasted population data at the urbanized level is not available, as is currently the case, funds are allocated to current urbanized and non-urbanized areas on the basis of current population in the 2000 Census. Funds allocated to urbanized areas are included in their Section 5307 apportionment. Funds allocated for non-urbanized areas are included in the states' Section 5311 apportionments.

R. Over-the-Road Bus Accessibility Program (49 U.S.C. 5310 Note)

The Over-the-Road Bus Accessibility (OTRB) Program authorizes FTA to make grants to operators of over-the-road buses to help finance the incremental capital and training costs of complying with the DOT over-the-road bus accessibility final rule, 49 CFR part

37, published on September 28, 1998 (63 FR 51670). FTA conducts a national solicitation of applications, and grantees are selected on a competitive basis. For more information about the OTRB program contact Blenda Younger, Office of Transit Programs, at (202) 366-2053.

1. Funding Availability in FY 2010

CR 2010 provides \$3,641,000 for the Over-the-Road Bus Accessibility (OTRB) Program, which is the total amount allocable for OTRB, as shown in the table below.

OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM

Total Apportioned	\$3,641,000
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Of this amount, \$2,730,750 is allocable to providers of intercity fixed-route service, and \$910,250 to other providers of over-the-road bus services, including local fixed-route service, commuter service, and charter and tour service.

2. Program Requirements

Projects are competitively selected. The Federal share of the project is 90 percent of net project cost. Program guidance is provided in the **Federal Register** notice soliciting applications. Assistance under the program is available to private operators of over-the-road buses that are used substantially or exclusively in intercity, fixed route and over-the-road bus service. Assistance is also available to private operators of over-the-road buses in other services, such as charter, tour, and commuter service. Capital projects eligible for funding include projects to add lifts and other accessibility components to new vehicle purchases and to purchase lifts to retrofit existing vehicles. Eligible training costs include developing training materials or providing training for local providers of over-the-road bus services. A comprehensive listing of program requirements is published annually in the OTRB Program Notice of Funding Availability (NOFA).

3. Period of Availability

FTA has observed that some private operators selected to receive funding under this program have not acted promptly to obligate the funds in a grant and request reimbursement for expenditures. While the program does not have a statutory period of availability, in the FY 2008 Apportionment Notice, FTA published its intention to limit the period of availability to a selected operator to three years, which includes the year of

allocation plus two additional years. Accordingly, funds for projects selected in FY 2006 or prior years are no longer available for obligation in a grant and will be reallocated in the competition for FY 2009 funds. FY 2007 and FY 2008 funds were allocated on August 22, 2008 and will be reallocated if not obligated in a grant by September 30, 2010. Funds for project selections announced in FY 2010 will be reallocated if not obligated in a grant by September 30, 2012.

4. Other Program or Apportionment Related Information and Highlights

FTA will publish a NOFA soliciting applications for FY 2010 in a subsequent notice once the full funding level is made available to the program. The notice will be available at http://www.fta.dot.gov/laws/leg_reg_federal_register.html.

S. Transit Investments for Greenhouse Gas and Energy Reduction

The Appropriations Act 2010 provides \$75,000,000 to continue the Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) program. TIGGER, initially funded under the American Recovery and Reinvestment Act of 2009, provides grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems. As required by the Appropriations Act 2010, FTA will publish a Notice of Funding Availability in the **Federal Register** on or after March 18, 2010, announcing program requirements and soliciting project proposals. FTA will announce project selections on or after September 15, 2010.

T. Washington Metropolitan Area Transit Authority Grants

Section 601 of the Passenger Rail Investment and Improvement Act of 2008 provides \$150,000,000 in funding for grants to the Washington Metropolitan Transit Authority, WMATA. *See*, Public Law 110-432, Division B, Title VI., Grants may be provided for capital and preventive maintenance expenditures for WMATA after it has been determined that WMATA has placed the highest priority on investments that will improve the safety of the system, including but not limited to fixing the track signal system, replacing 1000 series cars, installing guarded turnouts, buying equipment for wayside worker protection, and installing rollback protection on cars that are not equipped with the safety feature. FTA will communicate further

program requirements directly to WMATA.

V. FTA Policy and Procedures for FY 2010 Grants

A. Automatic Pre-Award Authority To Incur Project Costs

1. Caution to New Grantees and Grantees Using Innovative Financing

While we provide pre-award authority to incur expenses before grant award for many projects, we recommend that first-time grant recipients not utilize this automatic pre-award authority and wait until the grant is actually awarded by FTA before incurring costs. As a new grantee, it is easy to misunderstand pre-award authority conditions and not be aware of all of the applicable FTA requirements that must be met in order to be reimbursed for project expenditures incurred in advance of grant award. FTA programs have specific statutory requirements that are often different from those for other Federal grant programs with which new grantees may be familiar. If funds are expended for an ineligible project or activity, FTA will be unable to reimburse the project sponsor and, in certain cases, the entire project may be rendered ineligible for FTA assistance.

Grantees proposing to use innovative financing techniques or capital leasing are required to consult with the applicable FTA Regional Office (see Appendix A) before entering into the financial agreement—especially where the grantee expects to use Federal funds for debt service or capital lease payments. Consulting with FTA before entering into the agreement allows FTA to advise the project sponsor of any applicable Federal regulations, such as the Capital Leasing Regulation, and will minimize the risk of the costs being ineligible for reimbursement at a later date.

2. Policy

FTA provides pre-award authority to incur expenses before grant award for certain program areas described below. This pre-award authority allows grantees to incur certain project costs before grant approval and retain the eligibility of those costs for subsequent reimbursement after grant approval. The grantee assumes all risk and is responsible for ensuring that all conditions are met to retain eligibility. This pre-award spending authority permits a grantee to incur costs on an eligible transit capital, operating, planning, or administrative project without prejudice to possible future Federal participation in the cost of the project. In the **Federal Register** Notice

of November 30, 2006, FTA extended pre-award authority for capital assistance under all formula programs through FY 2009, the duration of SAFETEA-LU. In the FY 2009 Apportionment notice, FTA extended pre-award authority for formula funds through FY 2010. In this notice, FTA extends pre-award authority through FY 2011 for capital assistance under all formula programs. FTA provides pre-award authority for planning and operating assistance under the formula programs without regard to the period of the authorization. In addition, we extend pre-award authority for certain discretionary programs based on the annual Appropriations Act each year. All pre-award authority is subject to conditions and triggers stated below:

a. FTA does not impose additional conditions on pre-award authority for operating, planning, or administrative assistance under the formula grant programs. Grantees may be reimbursed for expenses incurred before grant award so long as funds have been expended in accordance with all Federal requirements. In addition to cross-cutting Federal grant requirements, program specific requirements must be met. For example, a planning project must have been included in a Unified Planning Work Program (UPWP); a New Freedom operating assistance project or a JARC planning or operating project must have been derived from a coordinated public transit-human services transportation plan (coordinated plan) and competitively selected by the Designated Recipient before incurring expenses; expenditure on State Administration expenses under State Administered programs must be consistent with the State Management Plan. Designated Recipients for JARC and New Freedom have pre-award authority for the ten percent of the apportionment they may use for program administration, if the use is consistent with their Program Management Plan.

b. Pre-Award authority for Alternatives Analysis planning projects under 49 U.S.C. 5339 is triggered by the publication of the allocation in FTA's **Federal Register** Notice of Apportionments and Allocations following the annual Appropriations Act, or announcement of additional discretionary allocations. The projects must be included in the UPWP of the MPO for that metropolitan area.

c. Pre-award authority for design and environmental work on a capital project is triggered by the authorization of formula funds, or the appropriation of funds for a discretionary project.

d. Following authorization of formula funds or appropriation and publication of discretionary projects, pre-award authority for capital project implementation activities, such as property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials, may be exercised only after FTA concurs that all applicable environmental requirements have been satisfied, including those for actions classified as normally requiring preparation of environmental impact statements, environmental assessments, and categorical exclusions found in 23 CFR 771.117(d). Other conditions and requirements set forth in paragraph 3, below, must also be satisfied. Before exercising pre-award authority, grantees must comply with the conditions and Federal requirements outlined in paragraph 3 below. Failure to do so will render an otherwise eligible project ineligible for FTA financial assistance. Capital projects under the Section 5310, JARC, and New Freedom programs must comply with specific program requirements, including coordinated planning and competitive selection. In addition, before incurring costs, grantees are strongly encouraged to consult with the appropriate FTA regional office regarding the eligibility of the project for future FTA funds and the applicability of the conditions and Federal requirements.

e. As a general rule, pre-award authority applies to the Section 5309 Capital Investment Bus and Bus-Related Facilities, the Clean Fuels Bus program, high priority project designations, and any other transit discretionary projects designated in SAFETEA-LU only AFTER funds have been appropriated. Pre-award authority is currently extended for FY 2008 and FY 2009 discretionary project funding and to discretionary allocations extended or reprogrammed under the SAFETEA-LU Technical Corrections Act of 2008, as of June 6, 2008. For Section 5309 Capital Investment Bus and Bus-Related Facilities, Clean Fuels Program, or other transit capital discretionary projects such as those designated in an annual Appropriations Act, the date that costs may be incurred is: (1) For design and environmental review, the appropriations bill which funds the project was enacted; and (2) for property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials, the date that FTA approves the document (ROD, FONSI, or CE determination) that completes the environmental review process required by the National

Environmental Policy Act (NEPA) and its implementing regulations. FTA introduced this new trigger for pre-award authority in FY 2006 in recognition of the growing prevalence of new grantees unfamiliar with Federal and FTA requirements to ensure FTA's continued ability to comply with NEPA and related environmental laws. Because FTA does not sign a final NEPA document until MPO and statewide planning requirements (including air quality conformity requirements, if applicable) have been satisfied, this new trigger for pre-award will ensure compliance with both planning and environmental requirements before irreversible action by the grantee.

f. In previous notices, FTA extended pre-award authority to Section 330 projects referenced in the DOT Appropriation Act, 2002, and the Consolidated Appropriations Resolution, 2003 and to those surface transportation projects commonly referred to as Section 115 projects administered by FTA, for which amounts were provided in the Consolidated Appropriations Act, 2004, Section 117 projects in the 2005 Appropriations Act, and Section 112 of the 2006 Appropriations Act that are to be administered by FTA. FTA, in the FY 2008 Apportionment Notice, extended pre-award authority to high priority projects in SAFETEA-LU, as of the date they were transferred or allotted to FTA for administration. The same conditions described for bus projects apply to these projects. We strongly encourage any prospective applicant that does not have a previous relationship with FTA to review Federal grant requirements with the FTA regional office before incurring costs.

g. Blanket pre-award authority does not apply to Section 5309 Capital Investment New Starts funds. Specific instances of pre-award authority for Capital Investment New Starts projects are described in paragraph 4 below. Pre-award authority does not apply to Capital Investment Bus and Bus-Related Facilities or Clean Fuels projects authorized for funding beyond this fiscal year. Before an applicant may incur costs for Capital Investment New Starts projects, Bus and Bus-Related Facilities projects, or any other projects not yet published in a notice of apportionments and allocations, it must first obtain a written Letter of No Prejudice (LONP) from FTA. To obtain an LONP, a grantee must submit a written request accompanied by adequate information and justification to the appropriate FTA regional office, as described below.

h. Blanket pre-award authority does not apply to Section 5314 National Research Programs. Before an applicant may incur costs for National Research Programs, it must first obtain a written Letter of No Prejudice (LONP) from FTA. To obtain an LONP, a grantee must submit a written request accompanied by adequate information and justification to the appropriate FTA headquarters office. Information about LONP procedures may be obtained from the appropriate headquarters office.

3. Conditions

The conditions under which pre-award authority may be utilized are specified below:

a. Pre-award authority is not a legal or implied commitment that the subject project will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or implied commitment that all items undertaken by the applicant will be eligible for inclusion in the project.

b. All FTA statutory, procedural, and contractual requirements must be met.

c. No action will be taken by the grantee that prejudices the legal and administrative findings that the Federal Transit Administrator must make in order to approve a project.

d. Local funds expended by the grantee pursuant to and after the date of the pre-award authority will be eligible for credit toward local match or reimbursement if FTA later makes a grant or grant amendment for the project. Local funds expended by the grantee before the date of the pre-award authority will not be eligible for credit toward local match or reimbursement. Furthermore, the expenditure of local funds on activities such as land acquisition, demolition, or construction before the date of pre-award authority for those activities (*i.e.*, the completion of the NEPA process) would compromise FTA's ability to comply with Federal environmental laws and may render the project ineligible for FTA funding.

e. The Federal amount of any future FTA assistance awarded to the grantee for the project will be determined on the basis of the overall scope of activities and the prevailing statutory provisions with respect to the Federal/local match ratio at the time the funds are obligated.

f. For funds to which the pre-award authority applies, the authority expires with the lapsing of the fiscal year funds.

g. When a grant for the project is subsequently awarded, the Financial Status Report, in TEAM-Web, must indicate the use of pre-award authority.

h. Environmental, Planning, and Other Federal Requirements.

All Federal grant requirements must be met at the appropriate time for the project to remain eligible for Federal funding. The growth of the Federal transit program has resulted in a growing number of inexperienced grantees who make compliance with Federal planning and environmental laws increasingly challenging. FTA has therefore modified its approach to pre-award authority to use the completion of the NEPA process, which has as a prerequisite the completion of planning and air quality requirements, as the trigger for pre-award authority for all activities except design and environmental review.

i. The requirement that a project be included in a locally adopted metropolitan transportation plan, the metropolitan transportation improvement program and Federally-approved statewide transportation improvement program (23 CFR part 450) must be satisfied before the grantee may advance the project beyond planning and preliminary design with non-Federal funds under pre-award authority. If the project is located within an EPA-designated non-attainment area for air quality, the conformity requirements of the Clean Air Act, 40 CFR part 93, must also be met before the project may be advanced into implementation-related activities under pre-award authority. Compliance with NEPA and other environmental laws and executive orders (*e.g.*, protection of parklands, wetlands, and historic properties) must be completed before State or local funds are spent on implementation activities, such as site preparation, construction, and acquisition, for a project that is expected to be subsequently funded with FTA funds. The grantee may not advance the project beyond planning and preliminary design before FTA has determined the project to be a categorical exclusion, or has issued a Finding of No Significant Impact (FONSI) or an environmental Record of Decision (ROD), in accordance with FTA environmental regulations, 23 CFR part 771. For planning projects, the project must be included in a locally-approved Unified Planning Work Program (UPWP) that has been coordinated with the State.

j. In addition, Federal procurement procedures, as well as the whole range of applicable Federal requirements (*e.g.*, Buy America, Davis-Bacon Act, Disadvantaged Business Enterprise) must be followed for projects in which Federal funding will be sought in the future. Failure to follow any such requirements could make the project

ineligible for Federal funding. In short, this increased administrative flexibility requires a grantee to make certain that no Federal requirements are circumvented through the use of pre-award authority. If a grantee has questions or concerns regarding the environmental requirements, or any other Federal requirements that must be met before incurring costs, it should contact the appropriate regional office.

4. Pre-Award Authority for New Starts Projects

a. Preliminary Engineering (PE) and Final Design (FD). Projects proposed for Section 5309 New Starts funds are required to follow a Federally defined New Starts project development process. This New Starts process includes, among other things, FTA approval of the entry of the project into PE and into FD. In accordance with Section 5309(d), FTA considers the merits of the project, the strength of its financial plan, and its readiness to enter the next phase in deciding whether or not to approve entry into PE or FD. Upon FTA approval to enter PE, FTA extends pre-award authority to incur costs for PE activities. Upon completion of NEPA, FTA extends pre-award authority to incur costs for utility relocation, as well as real property acquisition and vehicle purchases, which are further addressed below. Upon FTA approval to enter FD, FTA extends pre-award authority to incur costs for FD activities, demolition, and non-construction activities such as procurement of long-lead time items or items for which market conditions play a significant role in the acquisition price. This includes, but is not limited to procurement of rails, ties, and other specialized equipment, and commodities. Please contact the FTA Regional Office for a determination of activities not listed here, but which meet the intent described above. Upon FTA approval to enter FD, FTA extends pre-award authority to incur costs for FD activities. The pre-award authority for each phase is automatic upon FTA's signing of a letter to the project sponsor approving entry into that phase. PE and FD are defined in the New Starts regulation entitled Major Capital Investment Projects, found at 49 CFR part 611.

b. Real Property Acquisition Activities and Vehicle Purchases. FTA extends automatic pre-award authority for the acquisition of real property, real property rights and acquisition of vehicles for a New Starts project upon completion of the NEPA process for that project. The NEPA process is completed when FTA signs an environmental

Record of Decision (ROD) or Finding of No Significant Impact (FONSI), or makes a Categorical Exclusion (CE) determination. With the limitations and caveats described below, real estate acquisition and vehicle purchases for a New Starts project may commence, at the project sponsor's risk, upon completion of the NEPA process.

For FTA-assisted projects, any acquisition of real property or real property rights must be conducted in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) and its implementing regulations, 49 CFR part 24. This pre-award authority is strictly limited to costs incurred: (i) to acquire real property and real property rights in accordance with the URA regulation, and (ii) to provide relocation assistance in accordance with the URA regulation. This pre-award authority is limited to the acquisition of real property and real property rights that are explicitly identified in the final environmental impact statement (FEIS), environmental assessment (EA), or CE document, as needed for the selected alternative that is the subject of the FTA-signed ROD or FONSI, or CE determination. This pre-award authority regarding property acquisition that is granted at the completion of NEPA does not cover site preparation, demolition, or any other activity that is not strictly necessary to comply with the URA, with one exception. That exception is when a building that has been acquired, has been emptied of its occupants, and awaits demolition poses a potential fire-safety hazard or other hazard to the community in which it is located, or is susceptible to reoccupation by vagrants. Demolition of the building is also covered by this pre-award authority upon FTA's written agreement that the adverse condition exists.

Pre-award authority for property acquisition is also provided when FTA makes a CE determination for a protective buy or hardship acquisition in accordance with 23 CFR 771.117(d)(12), and when FTA makes a CE determination for the acquisition of a pre-existing railroad right-of-way in accordance with 49 U.S.C. 5324(c). When a tiered environmental review in accordance with 23 CFR 771.111(g) is being used, pre-award authority is NOT provided upon completion of the first-tier environmental document except when the Tier-1 ROD or FONSI signed by FTA explicitly provides such pre-award authority for a particular identified acquisition.

Project sponsors should use pre-award authority for real property acquisition relocation assistance, and

vehicle purchases very carefully, with a clear understanding that it does not constitute a funding commitment by FTA. FTA provides pre-award authority upon completion of the NEPA process for real property acquisition and relocation assistance to maximize the time available to project sponsors to move people out of their homes and places of business, in accordance with the requirements of the Uniform Relocation Act, but also with maximum sensitivity to the plight of the people so affected. FTA provides pre-award authority upon the completion of the NEPA process for vehicles purchases in recognition of the long-lead time and complexity of this activity as well as its relationship to the "critical path" project schedule. FTA cautions grantees that do not currently operate the type of vehicle proposed in the New Starts project about exercising this pre-award authority and encourages these sponsors to wait until later in the project development process when project plans are more fully developed and Federal support for the project is more certain. FTA reminds project sponsors that the procurement of vehicles must comply with all Federal requirements including, but not limited to, competitive procurement practices, the Americans with Disabilities Act, and Buy America. FTA encourages project sponsors to discuss the procurement of vehicles with FTA in regards to Federal requirements before exercising pre-award authority.

Although FTA provides pre-award authority for property acquisition and vehicle purchases upon completion of the NEPA process, FTA will not make a grant to reimburse the sponsor for real estate activities conducted under pre-award authority until the project has been approved into FD. FTA will only reimburse the sponsor for vehicle purchases through an executed Full Funding Grant Agreement. This is to ensure that Federal funds are not risked on a project whose advancement beyond PE into FD and construction is still not yet assured.

c. National Environmental Policy Act (NEPA) Activities. NEPA requires that major projects proposed for FTA funding assistance be subjected to a public and interagency review of the need for the project, its environmental and community impacts, and alternatives to avoid and reduce adverse impacts. Projects of more limited scope also need a level of environmental review, either to support an FTA finding of no significant impact (FONSI) or to demonstrate that the action is categorically excluded from the more rigorous level of NEPA review.

FTA's regulation titled "Environmental Impact and Related Procedures," at 23 CFR part 771 states that the costs incurred by a grant applicant for the preparation of environmental documents requested by FTA are eligible for FTA financial assistance (23 CFR 771.105(e)). Accordingly, FTA extends pre-award authority for costs incurred to comply with NEPA regulations and to conduct NEPA-related activities for a proposed New Starts or Small Starts project, effective as of the date of the Federal approval of the relevant STIP or STIP amendment that includes the project or any phase of the project. NEPA-related activities include, but are not limited to, public involvement activities, historic preservation reviews, section 4(f) evaluations, wetlands evaluations, endangered species consultations, and biological assessments. This pre-award authority is strictly limited to costs incurred to conduct the NEPA process, and to prepare environmental, historic preservation and related documents. It does not cover PE activities beyond those necessary for NEPA compliance.

For many FTA programs, costs incurred by a grant applicant exercising pre-award authority in the preparation of environmental documents required by FTA are eligible for FTA reimbursement (See also 23 CFR 771.105(e)). FTA assistance for environmental documents for New Starts and Small Starts projects, however, is subject to certain restrictions. Under SAFETEA-LU, Section 5309 New Starts funds cannot be used for any activity, including a NEPA-related activity that occurs before the approval of a New Starts project into PE or a Small Starts project into Project Development (PD). Section 5339 (Alternatives analysis program), Section 5307 (Urbanized Area Formula Program) and flexible highway funds are available for NEPA work conducted before PE approval (for New Starts) or PD approval (for Small Starts). Section 5309 New Starts funds, however, as well as Section 5307 (Urban Formula program) and flexible highway funds, can be used for NEPA work conducted after PE approval (for New Starts) or PD approval (for Small Starts). NEPA-related activities include, but are not limited to, public involvement activities, historic preservation reviews, section 4(f) evaluations, wetlands evaluations, endangered species consultations, and biological assessments. As with any pre-award authority, FTA reimbursement for costs incurred is not guaranteed.

d. Other New Starts Activities Requiring Letter of No Prejudice

(LONP). Except as discussed in paragraphs a through c above, a grant applicant must obtain a written LONP from FTA before incurring costs for any activity expected to be funded by New Starts funds not yet awarded. To obtain an LONP, an applicant must submit a written request accompanied by adequate information and justification to the appropriate FTA regional office, as described in B below.

5. Pre-Award Authority for Small Starts

When FTA issues a Project Development approval letter for a Small Starts project, FTA grants pre-award authority for the engineering and design activities necessary to complete NEPA. Upon FTA's issuance of a Record of Decision (ROD), a Finding of No Significant Impact (FONSI), or a Categorical Exclusion (CE) determination, pre-award authority is granted to incur costs for all other project engineering activities including right-of-way acquisition, utility relocation, and vehicle purchases. Because Small Starts projects are not subject to approval into a final design phase, they are not granted pre-award authority for procurement of rails, ties, and other specialized equipment; the procurement of commodities; and demolition.

When FTA issues a Project Construction Grant Agreement (PCGA), FTA grants pre-award authority for the construction phase of the project. Pre-award authority for NEPA-related work on a Small Starts project is described in paragraph 4.c above. Pre-award authority for real property acquisition activities and vehicle purchases for a Small Starts project is granted under the same conditions and for the same reasons as for New Starts projects, as described in paragraph 4.b above.

B. Letter of No Prejudice (LONP) Policy

1. Policy

LONP authority allows an applicant to incur costs on a project utilizing non-Federal resources, with the understanding that the costs incurred subsequent to the issuance of the LONP may be reimbursable as eligible expenses or eligible for credit toward the local match should FTA approve the project at a later date. LONPs are applicable to projects and project activities not covered by automatic pre-award authority. The majority of LONPs will be for Section 5309 New Starts or Small Starts projects undertaking activities not covered under automatic pre-award authority, a full funding grant agreement (FFGA) or a PCGA, or for Section 5309 Bus and Bus-Related

projects authorized but not yet appropriated by Congress. LONPs may be issued for formula and discretionary funds beyond the life of the current authorization or FTA's extension of automatic pre-award authority; however, the LONP is limited to a five-year period, unless otherwise authorized.

2. Conditions and Federal Requirements

The conditions for pre-award authority specified in section V.A.2 above apply to all LONPs. The Environmental, Planning and Other Federal Requirements described in section V.A.3 also apply to all LONPs. Because project implementation activities may not be initiated before NEPA completion, FTA will not issue an LONP for such activities until the NEPA process has been completed with a ROD, FONSI, or Categorical Exclusion determination.

3. Request for LONP

Before incurring costs for a project not covered by automatic pre-award authority, the project sponsor must first submit a written request for an LONP, accompanied by adequate information and justification, to the appropriate regional office and obtain written approval from FTA. FTA approval of an LONP for a New Starts or Small Starts project is determined on a case-by-case basis. Federal funding for a New or Small Starts project is not implied or guaranteed by an LONP. Specifically, when requesting an LONP, the applicant shall provide sufficient information to allow FTA to consider the following items:

- a. Description of the activities to be covered by the LONP.
- b. Justification for advancing the identified activities. The justification should include an accurate assessment of the consequences to the project scope, schedule, and budget should the LONP not be approved.
- c. Allocated level of risk and contingency for the activity requested.
- d. Status of procurement progress, including, if appropriate, submittal of bids for the activities covered by the LONP.
- e. Strength of the capital and operating financial plan for the New Starts project and the future transit system.
- f. Adequacy of the Project Management Plan.
- g. Resolution of any readiness issues that would affect the project, such as land acquisition and technical capacity to carry out the project.

FTA will, following the completion of the requirements under NEPA, expedite

the issuance of LONPs for New and Small Starts projects, when appropriate, by no longer performing a detailed review of the cost and scope of the request in every instance. Rather, a limited review will be performed in those cases that are of a more routine nature, especially those involving an experienced sponsor.

C. FTA FY 2010 Annual List of Certifications and Assurances

The full text of the FY 2010 Certifications and Assurances was published in the **Federal Register** on October 19, 2009, and is available on the FTA Web site and in TEAM-Web. The FY 2010 Certifications and Assurances must be used for all grants made in FY 2010, including obligation of carryover funds. All grantees with active grants are required to have signed the FY 2010 Certifications and Assurances within 90 days after publication. Any questions regarding this document may be addressed to the appropriate Regional Office or to Nydia Picayo, in the FTA Office of Program Management, at (202) 366-1662.

D. FHWA Funds Used for Transit Purposes

SAFETEA-LU continues provisions in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and TEA-21 that expanded modal choice in transportation funding by including substantial flexibility to transfer funds between FTA and FHWA formula program funding categories. The provisions also allow for transfer of certain discretionary program funds for administration of highway projects by FHWA and transit projects by FTA. FTA and FHWA execute Flex Funding Transfers between the Formula and Bus Grants Transit programs and the Federal Aid Highway programs. This also includes the transfer of Metropolitan and Statewide planning set-aside funds between FHWA and FTA to be combined with metropolitan and statewide planning resources as Consolidated Planning Grants (CPG). These transfers are based on a State's requests to transfer funding from the Highway and/or Transit programs to fund States and local project priorities, and joint planning needs. This practice can result in transfers to the Federal Transit Program from the Federal Aid Highway Program or vice versa.

1. Transfer Process for Funds

SAFETEA-LU was signed into law on August 10, 2005. With the enactment of SAFETEA-LU, beginning in FY2006, with few exceptions, Federal transit programs were funded solely from

general funds or trust funds. The transit formula and bus grant programs are now funded from Mass Transit Account of the Highway Trust Fund. The Formula and Bus Grant Programs can also receive flex funding transfers from the Federal Aid Highway Program.

As a result of the changes to program funding mechanisms, there is no longer a requirement to transfer budget authority and liquidating cash resources simultaneously upon the execution of a flex funding transfer request by a State. Since the transfers are between trust fund accounts, the only requirement is to transfer budget authority (obligation limitation) between the Federal Aid Program trust fund account and the Federal Transit Formula and Bus Grant Program account. At the point in time that the obligation resulting from the transfer of budgetary authority is expended, a transfer of liquidating cash will be required.

Beginning in FY 2007, the accounting process was changed for transfers of flex funds and other specific programs to allow budget authority to be transferred and the cash to be transferred separately. FTA requires that flexed fund transfers to FTA be in separate and identifiable grants in order to ensure that the draw-down of flexed funds can be tracked, thus securing the internal controls for monitoring these resources from the Federal Highway Administration to avoid deficiencies in FTA's Formula and Bus Grants account.

FTA monitors the expenditures of flexed funded grants and requests the transfer of liquidating cash from FHWA to ensure sufficient funds are available to meet expenditures. To facilitate tracking of grantees' flex funding expenditures, FTA developed codes to provide distinct identification of "flex funds."

The process for transferring flexible funds between FTA and FHWA programs is described below. Note that the new transfer process for "flex funds" that began in FY 2007 does not apply to the transfer of State planning set-aside funds from FHWA to FTA to be combined with metropolitan and statewide planning resources as Consolidated Planning Grants (CPG). These transfers are based on States requests to transfer funding from the Highway and/or Transit programs to fund States and local project priorities, and joint planning needs. Planning funds transferred will be allowed to be merged in a single grant with FTA planning resources using the same process implemented in FY 2006. For information on the process for the transfer of funds between FTA and FHWA planning programs refer to

section IV.A and B. Note also that certain prior year appropriations earmarks (Sections 330, 115, 117, and 112) are allotted annually for administration rather than being transferred. For information regarding these procedures, please contact Nancy Grubb, FTA Budget Office, at (202) 366-1635; or FHWA Budget Division, at (202) 366-2845.

a. Transfer From FHWA to FTA

FHWA funds transferred to FTA are used primarily for transit capital projects and eligible operating activities that have been designated as part of the metropolitan and statewide planning and programming process. The project must be included in an approved STIP before the funds can be transferred. By letter, the State DOT requests the FHWA Division Office to transfer highway funds for a transit project. The letter should specify the project, amount to be transferred, apportionment year, State, urbanized area, Federal aid apportionment category (*i.e.*, Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ) or identification of the earmark and indication of the intended FTA formula program (*i.e.*, Section 5307, 5311 or 5310) and should include a description of the project as contained in the STIP. Note that FTA may also administer certain transfers of statutory earmarks under the Section 5309 bus program, for tracking purposes.

The FHWA Division Office confirms that the apportionment amount is available for transfer and concurs in the transfer, by letter to the State DOT and FTA. The FHWA Office of Budget and Finance then transfers obligation authority. All FHWA CMAQ and STP funds transferred to FTA will be transferred to one of the three FTA formula programs (*i.e.* Urbanized Area Formula (Section 5307), Nonurbanized Area Formula (Section 5311) or Elderly and Persons with Disabilities (Section 5310). High Priority projects in Section 1702 of SAFETEA-LU or Transportation Improvement projects in Section 1934 of SAFETEA-LU and other Congressional earmarks that are transferred to FTA will be aligned with and administered through FTA's discretionary Bus and Bus Related Facilities Program (Section 5309). The most recent guidance on transfers of FHWA funds as allowed under SAFETEA-LU is FHWA Memorandum, dated July 19, 2007, "Information Fund Transfers to Other Agencies and Among Title 23 Programs."

The FTA grantee's application for the project must specify which program the funds will be used for, and the

application must be prepared in accordance with the requirements and procedures governing that program. Upon review and approval of the grantee's application, FTA obligates funds for the project.

Transferred funds are treated as FTA formula or discretionary funds, except for local match purposes as described in c below, but are assigned a distinct identifying code for tracking purposes. The funds may be transferred for any capital purpose eligible under the FTA formula program to which they are transferred and, in the case of CMAQ, for certain operating costs. FHWA issued revised interim guidance on project eligibility under the CMAQ program in a Notice at 71 FR 76038 et seq. (December 19, 2006) incorporating changes made by SAFETEA-LU. In accordance with 23 U.S.C. 104(k), all FTA requirements except local share, which remains the same as required under the FHWA program, are applicable to transferred funds except in certain cases when CMAQ funds are authorized for operating expenses. Earmarks that are transferred to the Section 5309 Bus Program for administration, however, can be used for the congressionally designated transit purposes, and in some cases where the law provides, are not limited to eligibility under the Bus Program.

In the event that transferred formula funds are not obligated for the intended purpose within the period of availability of the formula program to which they were transferred, they become available to the Governor for any eligible capital transit project. Earmarked funds, however, can only be used for the congressionally designated purposes.

b. Transfers From FTA to FHWA

The MPO submits a written request to the FTA regional office for a transfer of FTA Section 5307 formula funds (apportioned to a UZA 200,000 and over in population) to FHWA based on approved use of the funds for highway purposes, as determined by the designated recipient under Section 5307 and contained in the Governor's approved State Transportation Improvement Program. The MPO must certify that: (1) Notice and opportunity for comment and appeal has been provided to affected transit providers; (2) the funds are not needed for capital investments required by the Americans with Disabilities Act, and (3) local transit needs are being addressed. The FTA Regional Administrator reviews and, if he or she concurs in the request, then forwards the approval in written format to FTA Headquarters, where a reduction equal to the dollar amount

being transferred to FHWA is made to the grantee's Urbanized Area Formula Program apportionment.

Transfers of discretionary earmarks for administration by FHWA are handled on a case by case basis, by the FTA regional office, in consultation with the FTA Office of Program Management, Office of Chief Counsel, and Office of Budget and Policy.

c. Matching Share for FHWA Transfers

Section 104(k) of title 23 U.S.C., regarding the non-Federal share, apply to Title 23 funds used for transit projects. Thus, FHWA funds transferred to FTA retain the same matching share that the funds would have if used for highway purposes and administered by FHWA.

There are four instances in which a Federal share higher than 80 percent would be permitted. First, in States with large areas of Indian and certain public domain lands and national forests, parks and monuments, the local share for highway projects is determined by a sliding scale rate, calculated based on the percentage of public lands within that State. This sliding scale, which permits a greater Federal share, but not to exceed 95 percent, is applicable to transfers used to fund transit projects in these public land States. FHWA develops the sliding scale matching ratios for the increased Federal share.

Second, commuter carpooling and vanpooling projects and transit safety projects using FHWA transfers administered by FTA may retain the same 100 percent Federal share that would be allowed for ride-sharing or safety projects administered by FHWA.

The third instance is the 100 percent Federally-funded safety projects; however, these are subject to a nationwide 10 percent program limitation.

The fourth instance occurs with CMAQ funds. Section 1131 of, The Energy Independence and Security Act, 2007 (P.L. 11-140) amended 23 U.S.C. 120 increased the Federal share of CMAQ projects to 100% at the State's discretion. FTA will honor this increased match for CMAQ funds transferred to FTA for implementation if the state chooses to fund the project at a higher Federal share than 80 percent. The Federal share for CMAQ projects cannot be lower than 80 percent.

d. Miscellaneous Transit Earmarks in FHWA Programs

The FY 2002 and FY 2003 Appropriations Acts and accompanying reports included Section 330, which identified a number of transit projects among projects designated to receive

funding from certain FHWA funding sources. The FY 2004 Appropriations Act similarly included transit projects among projects designated to receive funding from certain FHWA sources in Section 115, the FY 2005 Appropriations Act included a set of designations under Section 117, and the FY 2006 Appropriations Act included designations under Section 112, which may include some projects that FHWA will identify to be administered by FTA. For those projects identified by FHWA as transit in nature, FHWA allots the funds to FTA to administer. The funds are available for the designated project until obligated and expended. Some of these FY 2002–2006 designations for transit projects have not yet been obligated. However, because these are FHWA funds, funds for projects unobligated at the end of the FY are not automatically available as carry over in the following fiscal year. Instead, FHWA re-allots obligation authority to FTA annually, after reconciling account balances. Because the requirements and procedures associated with these projects differ in some cases from those for the FTA programs that FTA grantees are familiar with, and the availability of funds for obligation by FTA depends on allotments from FHWA, transit applicants seeking funding under these miscellaneous FHWA designations must work closely with the appropriate FTA regional office and FHWA Division Office when applying for a grant under these designations.

E. Grant Application Procedures

1. Grantees must provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number for inclusion in all applications for a Federal grant or cooperative agreement. The DUNS number should be entered into the grantee profile in TEAM–Web. Additional information about this and other Federal grant streamlining initiatives mandated by the Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106–107) can be accessed on OMB's Web site at <http://www.whitehouse.gov/omb/grants/reform.html>.

2. All applications for FTA funds should be submitted electronically to the appropriate FTA regional office through TEAM–Web, an Internet-accessible electronic grant application system. FTA has provided limited exceptions to the requirement for electronic filing of applications.

3. In FY 2010, FTA remains committed to processing applications promptly upon receipt of a completed application by the appropriate regional office. In order for an application to be

considered complete, with the exception of Recovery Act grants, and for FTA to assign a grant number, enabling submission in TEAM–Web, the following requirements must be met:

a. The project is listed in a currently approved Metropolitan Transportation Plan, Metropolitan Transportation Improvement Program (TIP); FTA approved Statewide Transportation Improvement Program (STIP), or Unified Planning Work Program (UPWP).

b. All eligibility issues have been resolved.

c. Required environmental findings have been made.

d. The project budget's Activity Line Items (ALI), scope, and project description meet FTA requirements.

e. Local share funding source(s) have been identified.

f. The grantee's required Civil Rights submissions are current.

g. Certifications and assurances are current and properly submitted.

h. Funding is available, including any flexible funds included in the budget.

i. For projects involving new construction (using at least \$100 million in New Starts or formula funds), FTA engineering staff has reviewed the project management plan and given approval.

j. When required for grants related to New Starts projects, entry into PE and/or FD has been approved.

k. Milestone information is complete, or FTA determines that milestone information can be finalized before the grant is ready for award. The grant must include sufficient milestones appropriate to the scale of the project to allow adequate oversight to monitor the progress of projects from the start through completion and closeout.

4. Under most FTA programs, grants involving funding related to transit capital and operations must be submitted to the Department of Labor (DOL) for certification of labor protective arrangements before grant award. Grants under the Nonurbanized Area Formula Program, Tribal Transit Program, and Over-the-Road Bus Program are covered under the special warranty provision and do not require certification.

In addition, before FTA can award grants for discretionary projects and activities designated by Congress using FY 2010 or prior funds, notification must be given to members of Congress. FTA must give the House and Senate authorizing and appropriations committees three days notice before issuing letters of intent, discretionary grants, or full funding grant agreements totaling \$500,000 in FY 2009 and FY

2008 funds or totaling \$1 million or more in FY 2010 funds.

5. Other important issues that impact FTA grant processing activities are discussed below.

a. Change in Budget Structure

Because SAFETEA–LU restructured FTA's accounts from split funded accounts to one solely trust funded account and three general funded accounts, FTA does not mix funds from years before FY 2006 in the same grant with funds appropriated in FY 2006 and beyond (except for New Starts and research grants). Before FY 2006, all programs were funded approximately 80 percent from MTA of the Highway Trust Fund and 20 percent from the General Funds U.S. Treasury. The trust funds were transferred into the general funded accounts at the beginning of the year. Under SAFETEA–LU most programs are funded entirely from trust funds derived from the MTA, while the New Starts and Research programs are funded with general funds. For a New Starts or research project, any prior year funds currently available for obligation and FY 2010 funds may be included in an amendment to an existing grant.

For formula programs funded solely from trust funds beginning in FY 2006, grantees may not combine funds appropriated since FY 2006 in the same grant with FY 2005 and prior year funds. Grant amendments cannot be made to add FY 2006 and later year funds to a grant that includes FY 2005 or prior funds. However, grantees are able to amend new grants established with FY 2006 or later year funds to add funds made available after FY 2006. We regret any inconvenience this accounting change may cause as we implement new statutory requirements under SAFETEA–LU. We encourage grantees to spend down and close out old grants as quickly as possible to minimize the inconvenience.

b. Grant Budgets—SCOPE and Activity Line Item (ALI) Codes

FTA uses the SCOPE and Activity Line Item (ALI) Codes in the grant budgets to track program trends, to report to Congress, and to respond to requests from the Inspector General and the Government Accountability Office (GAO), as well as to manage grants. The accuracy of the data is dependent on the careful and correct use of codes. As needed, we revise the SCOPE and ALI table to include new codes for newly eligible capital items, to better track certain expenditures, and to accommodate new or modified programs. We encourage grantees to review the table before selecting codes

from the drop-down menus in TEAM-Web while creating a grant budget and to consult with the regional office in the correct use of codes.

c. Earmark and Discretionary Program Tracking

FTA has implemented procedures in TEAM-Web for matching grants to earmarks or projects selected by FTA under discretionary programs. Each earmark or selected discretionary project published in the **Federal Register** is associated with a unique identifier. Tables of earmarks and selected discretionary projects have also been established in TEAM-Web. When applying for a grant using funding designated by Congress or FTA for a particular project, grantees are asked to identify the amount of funding associated with each specific earmark or discretionary project used in the grant. Further instructions are posted on the TEAM-Web site and regional staff can provide additional assistance.

F. Payments

Once a grant has been awarded and executed, requests for payment can be processed. To process payments FTA uses ECHO-Web, an Internet accessible system that provides grantees the capability to submit payment requests on-line, as well as receive user-IDs and

passwords via e-mail. New applicants should contact the appropriate FTA regional office to obtain and submit the registration package necessary for set-up under ECHO-Web.

G. Oversight

FTA conducts periodic oversight reviews to assess grantee compliance with Federal requirements. Each urbanized area grantee is reviewed every three years (a Triennial Review). Triennial reviews have been modified to look at the grantee's involvement in the coordinated planning for transportation for the populations targeted by the JARC and New Freedom programs and participation in delivery of specialized services under those programs in the urbanized area. In addition, FY 2010 reviews will examine implementation of American Recovery and Reinvestment Act, ARRA, grants. States are reviewed periodically for their management of the Section 5310, 5311, JARC, and New Freedom programs. Other more detailed reviews are scheduled based on an annual grantee risk assessment, for example, reviews in the areas of Procurement, Financial Management, Safety and Civil Rights.

H. Technical Assistance

FTA headquarters and regional staff will be pleased to answer your

questions and provide any technical assistance you may need to apply for FTA program funds and manage the grants you receive. This notice and the program guidance circulars previously identified in this document may be accessed via the FTA Web site at <http://www.fta.dot.gov>.

In addition, copies of the following circulars and other useful information are available on the FTA Web site and may be obtained from FTA regional offices; Circular 4220.1F, "Third Party Contracting Guidance," and Circular 5010.1D, "Grant Management Guidelines." Both circulars were recently revised and can be found at http://www.fta.dot.gov/laws/leg_reg_circulars_guidance.html. The FY 2010 Annual List of Certifications and Assurances and Master Agreement are also posted on the FTA Web site. The DOT final rule on "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," which was effective July 16, 2003, can be found at http://www.access.gpo.gov/nara/cfr/waisidx_04/49cfr26_04.html

Peter Rogoff,

Administrator.

Appendix A

FTA REGIONAL OFFICES

Richard H. Doyle Regional Administrator, Region 1—Boston, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, Tel. 617-494-2055.
States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Brigid Hynes-Cherin, Regional Administrator, Region 2—New York, One Bowling Green, Room 429, New York, NY 10004-1415, Tel. 212-668-2170.
States served: New Jersey, New York

New York Metropolitan Office, Region 2—New York, One Bowling Green, Room 428 New York, NY 10004-1415, Tel. 212-668-2202

Letitia Thompson, Regional Administrator, Region 3—Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Tel. 215-656-7100.
States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia.

Philadelphia Metropolitan Office, Region 3—Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Tel. 215-656-7070

Washington, D.C. Metropolitan Office, 1990 K Street, NW., Room 510, Washington, DC 20006, Tel. 202-219-3562

Yvette Taylor, Regional Administrator, Region 4—Atlanta, 230 Peachtree Street, NW, Suite 800, Atlanta, GA 30303, Tel. 404-865-5600.

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.

Marisol Simon, Regional Administrator, Region 5—Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312-353-2789.

States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin
Chicago Metropolitan Office, Region 5—Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312-353-2789

Robert C. Patrick, Regional Administrator, Region 6—Ft. Worth, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Tel. 817-978-0550.

States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas.

Mokhtee Ahmad Regional Administrator, Region 7—Kansas City, MO, 901 Locust Street, Room 404, Kansas City, MO 64106, Tel. 816-329-3920.

States served: Iowa, Kansas, Missouri, and Nebraska.

Terry Rosapep, Regional Administrator, Region 8—Denver, 12300 West Dakota Ave., Suite 310, Lakewood, CO 80228-2583, Tel. 720-963-3300.

States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Leslie T. Rogers Regional Administrator, Region 9—San Francisco, 201 Mission Street, Room 1650, San Francisco, CA 94105-1926, Tel. 415-744-3133

States served: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands.

Los Angeles Metropolitan Office, Region 9—Los Angeles, 888 S. Figueroa Street, Suite 1850, Los Angeles, CA 90017-1850, Tel. 213-202-3952

Rick Krochalis, Regional Administrator, Region 10—Seattle, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, Tel. 206-220-7954

States served: Alaska, Idaho, Oregon, and Washington.

FEDERAL TRANSIT ADMINISTRATION

TABLE 1

FY 2010 AVAILABLE FUNDING AND APPORTIONMENTS FOR GRANT PROGRAMS

(Apportionment amount is based on funding made available under the
Continuing Appropriations Resolution, 2010 - P.L. 111-117)

FORMULA AND BUS GRANTS

Section 5303 Metropolitan Transportation Planning Program

Total Available	\$38,841,000
Less Oversight (one-half percent)	(194,205)
Total Apportioned	\$38,646,795

Section 5304 Statewide Transportation Planning Program

Total Available	\$8,114,000
Less Oversight (one-half percent)	(40,570)
Total Apportioned	\$8,073,430

Section 5307 Urbanized Area Formula Program

Total Available	\$1,721,140,000
Less Oversight (three-fourths percent)	(12,908,550)
Total Apportioned	\$1,708,231,450

Section 5308 Clean Fuels Program

\$21,306,000

Section 5309 Bus and Bus Related Equipment and Facilities Program

Total Available	\$365,711,000
Less Oversight (one percent)	(3,657,110)
Funds Available for Allocation	\$362,053,890

Section 5309 Fixed Guideway Modernization

Total Available	\$689,431,000
Less Oversight (one percent)	(6,894,310)
Total Apportioned	\$682,536,690

**Section 5310 Special Needs of Elderly Individuals and
Individuals with Disabilities Program**

Total Available	\$55,229,000
Less Oversight (one-half percent)	(276,145)
Total Apportioned	\$54,952,855

Section 5311 Nonurbanized Area Formula Program

Total Available	\$192,371,000
Less Oversight (one-half percent)	(961,855)
Total Apportioned	\$191,409,145

Section 5311(b)(3) Rural Transit Assistance Program (RTAP)

Total Available	\$3,847,000
Less Amount Reserved for National RTAP	(577,050)
Total Apportioned	\$3,269,950

Section 5311(c) Public Transportation on Indian Reservations

\$6,206,000

Section 5316 Job Access and Reverse Commute Program

Total Available	\$68,054,000
Total Apportioned	\$68,054,000

Section 5317 New Freedom Program

Total Available	\$38,267,000
Total Apportioned	\$38,267,000

FEDERAL TRANSIT ADMINISTRATION

TABLE 1

FY 2010 AVAILABLE FUNDING AND APPORTIONMENTS FOR GRANT PROGRAMS

(Apportionment amount is based on funding made available under the
Continuing Appropriations Resolution, 2010 - P.L. 111-117)

FORMULA AND BUS GRANTS	
<u>Section 5320 Paul S. Sarbanes Transit in Parks Program</u>	
Total Available	\$11,129,000
Less Oversight (one-half percent)	(55,645)
Funds Available for Allocation	\$11,073,355
<u>Section 5339 Alternative Analysis Program</u>	
Total Available	\$10,343,000
Funds Available for Allocation	\$10,343,000
<u>Section 5340 Growing States and High Density States Formula</u>	
Total Available	\$192,371,000 ^{1/}
Total Apportioned	\$192,371,000
<u>Over-the-Road Bus Accessibility Program (Pub. L. 105-85, Section 3038)</u>	\$3,641,000
CAPITAL INVESTMENT GRANTS	
<u>Section 5309 New Starts</u>	
Total Available	\$2,000,000,000
Less Oversight (one percent)	(20,000,000)
Funds Available for Allocation	\$1,980,000,000
RESEARCH	
<u>Section 5314 National Research Program</u>	\$65,670,000
TOTAL APPROPRIATION (Above Grant Programs)	\$5,491,671,000
TOTAL APPORTIONMENT/ALLOCATION (Above Grant Programs)	\$5,446,105,560

^{1/} Apportionments derived from the Section 5340 formula are combined with the Section 5307 or Section 5311 apportionments, as appropriate, in accordance with language in the SAFETEA-LU conference report.

FEDERAL TRANSIT ADMINISTRATION

TABLE 2

**FY 2010 SECTION 5303 METROPOLITAN TRANSPORTATION PLANNING PROGRAM
AND SECTION 5304 STATEWIDE TRANSPORTATION PLANNING PROGRAM APPORTIONMENTS**

*(Apportionment amount is based on funding made available under the
Continuing Appropriations Resolution, 2010 - P.L. 111-117)*

STATE	SECTION 5303 APPORTIONMENT	SECTION 5304 APPORTIONMENT
Alabama	\$292,541	\$76,391
Alaska	154,587	40,367
Arizona	772,897	153,795
Arkansas	154,587	40,367
California	6,079,820	1,181,340
Colorado	579,188	126,438
Connecticut	429,293	112,095
Delaware	154,587	40,367
District of Columbia	154,587	40,367
Florida	2,525,586	530,078
Georgia	996,135	197,159
Hawaii	154,587	40,367
Idaho	154,587	40,367
Illinois	2,143,218	383,191
Indiana	582,240	134,228
Iowa	167,999	43,869
Kansas	196,432	47,531
Kentucky	245,163	61,655
Louisiana	383,013	99,782
Maine	154,587	40,367
Maryland	866,287	169,114
Massachusetts	1,138,195	221,755
Michigan	1,271,424	258,881
Minnesota	542,592	106,713
Mississippi	154,587	40,367
Missouri	572,301	121,624
Montana	154,587	40,367
Nebraska	154,587	40,367
Nevada	282,940	65,966
New Hampshire	154,587	40,367
New Jersey	1,792,820	305,129
New Mexico	154,587	40,367
New York	3,417,171	610,142
North Carolina	566,765	147,999
North Dakota	154,587	40,367
Ohio	1,229,874	287,715
Oklahoma	223,585	58,384
Oregon	343,941	77,765
Pennsylvania	1,587,778	323,121
Puerto Rico	641,281	136,815
Rhode Island	159,732	40,367
South Carolina	282,385	73,739
South Dakota	154,587	40,367
Tennessee	446,785	116,668
Texas	2,836,964	582,250
Utah	263,436	68,791
Vermont	154,587	40,367
Virginia	877,043	185,479
Washington	823,832	169,364
West Virginia	154,587	40,367
Wisconsin	458,160	111,858
Wyoming	154,587	40,367
TOTAL	\$38,646,795	\$8,073,430

FEDERAL TRANSIT ADMINISTRATION

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Apportionment amount is based on funding made available under the
Continuing Appropriations Resolution, 2010 - P.L. 111-117)

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
1,000,000 or more in Population	\$1,331,073,388
200,000 - 999,999 in Population	344,267,703
50,000 - 199,999 in Population	194,975,991
National Total	\$1,870,317,082

Amounts Apportioned to Urbanized Areas 1,000,000 or more in Population:

Atlanta, GA	\$28,449,692
Baltimore, MD	24,062,855
Boston, MA--NH--RI	61,293,427
Chicago, IL--IN	102,055,838
Cincinnati, OH--KY--IN	7,753,387
Cleveland, OH	11,825,673
Columbus, OH	5,114,670
Dallas--Fort Worth--Arlington, TX	27,136,960
Denver--Aurora, CO	20,727,277
Detroit, MI	17,858,927
Houston, TX	28,214,660
Indianapolis, IN	5,042,040
Kansas City, MO--KS	6,295,431
Las Vegas, NV	10,191,691
Los Angeles--Long Beach--Santa Ana, CA	122,240,961
Miami, FL	42,606,990
Milwaukee, WI	8,824,505
Minneapolis--St. Paul, MN	21,100,671
New Orleans, LA	7,434,315
New York--Newark, NY--NJ--CT	363,611,065
Orlando, FL	8,213,604
Philadelphia, PA--NJ--DE--MD	58,307,198
Phoenix--Mesa, AZ	20,656,540
Pittsburgh, PA	13,860,008
Portland, OR--WA	15,355,542
Providence, RI--MA	14,177,643
Riverside--San Bernardino, CA	11,678,722
Sacramento, CA	9,395,379
San Antonio, TX	10,268,046
San Diego, CA	23,937,504
San Francisco--Oakland, CA	53,709,282
San Jose, CA	17,302,456
San Juan, PR	12,713,006
Seattle, WA	39,744,625
St. Louis, MO--IL	14,271,299
Tampa--St. Petersburg, FL	10,345,402
Virginia Beach, VA	8,319,052
Washington, DC--VA--MD	66,977,045
Total	\$1,331,073,388

FEDERAL TRANSIT ADMINISTRATION

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Apportionment amount is based on funding made available under the
Continuing Appropriations Resolution, 2010 - P.L. 111-117)

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE

APPORTIONMENT

Amounts Apportioned to Urbanized Areas 200,000 to
999,999 in Population

Aguadilla--Isabela--San Sebastian, PR	\$1,547,143
Akron, OH	2,715,636
Albany, NY	4,694,352
Albuquerque, NM	3,581,212
Allentown--Bethlehem, PA--NJ	3,117,241
Anchorage, AK	9,716,403
Ann Arbor, MI	1,991,854
Antioch, CA	2,657,119
Asheville, NC	796,071
Atlantic City, NJ	4,428,537
Augusta-Richmond County, GA--SC	1,023,866
Austin, TX	8,253,521
Bakersfield, CA	2,468,996
Barnstable Town, MA	2,342,484
Baton Rouge, LA	1,954,045
Birmingham, AL	2,826,361
Boise City, ID	1,114,452
Bonita Springs--Naples, FL	1,194,083
Bridgeport--Stamford, CT--NY	10,847,903
Buffalo, NY	7,596,692
Canton, OH	1,580,522
Cape Coral, FL	1,756,007
Charleston--North Charleston, SC	1,973,568
Charlotte, NC--SC	6,832,945
Chattanooga, TN--GA	1,416,819
Colorado Springs, CO	2,730,094
Columbia, SC	1,622,253
Columbus, GA--AL	920,359
Concord, CA	8,884,928
Corpus Christi, TX	1,975,711
Davenport, IA--IL	1,606,989
Dayton, OH	6,252,144
Daytona Beach--Port Orange, FL	1,760,042
Denton--Lewisville, TX	1,329,793
Des Moines, IA	2,575,943
Durham, NC	2,707,004
El Paso, TX--NM	4,666,328
Eugene, OR	2,031,002
Evansville, IN--KY	917,392
Fayetteville, NC	1,005,803
Flint, MI	2,806,624
Fort Collins, CO	1,102,895
Fort Wayne, IN	1,248,784
Fresno, CA	3,639,972
Grand Rapids, MI	3,291,619
Greensboro, NC	1,980,746
Greenville, SC	895,369
Gulfport--Biloxi, MS	774,198

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Apportionment amount is based on funding made available under the
Continuing Appropriations Resolution, 2010 - P.L. 111-117)

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
Harrisburg, PA	2,185,310
Hartford, CT	8,620,251
Honolulu, HI	11,938,058
Huntsville, AL	755,781
Indio--Cathedral City--Palm Springs, CA	1,463,602
Jackson, MS	1,056,182
Jacksonville, FL	5,717,032
Knoxville, TN	1,776,767
Lancaster, PA	3,068,567
Lancaster--Palmdale, CA	3,713,456
Lansing, MI	2,274,079
Lexington-Fayette, KY	1,718,045
Lincoln, NE	1,175,957
Little Rock, AR	1,707,164
Louisville, KY--IN	5,462,771
Lubbock, TX	1,169,374
Madison, WI	2,925,741
McAllen, TX	1,476,644
Memphis, TN--MS--AR	5,372,042
Mission Viejo, CA	4,297,117
Mobile, AL	1,317,638
Modesto, CA	1,725,820
Nashville-Davidson, TN	4,695,764
New Haven, CT	8,042,925
Ogden--Layton, UT	4,112,287
Oklahoma City, OK	3,007,610
Omaha, NE--IA	3,086,900
Oxnard, CA	3,162,978
Palm Bay--Melbourne, FL	1,800,945
Pensacola, FL--AL	1,213,555
Peoria, IL	1,293,224
Port St. Lucie, FL	963,548
Poughkeepsie--Newburgh, NY	7,174,566
Provo--Orem, UT	2,202,313
Raleigh, NC	2,856,023
Reading, PA	1,326,124
Reno, NV	2,237,518
Richmond, VA	4,360,398
Rochester, NY	4,832,732
Rockford, IL	1,176,202
Round Lake Beach--McHenry--Grayslake, IL--WI	1,695,813
Salem, OR	2,021,159
Salt Lake City, UT	11,514,002
Santa Rosa, CA	1,919,306
Sarasota--Bradenton, FL	2,952,348
Savannah, GA	1,371,795
Scranton, PA	1,764,491
Shreveport, LA	1,437,742
South Bend, IN--MI	1,664,739
Spokane, WA--ID	3,306,217
Springfield, MA--CT	5,300,944
Springfield, MO	876,726

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TABLE 3

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FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

*(Apportionment amount is based on funding made available under the
Continuing Appropriations Resolution, 2010 - P.L. 111-117)*

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
Stockton, CA	3,270,289
Syracuse, NY	3,087,457
Tallahassee, FL	1,111,149
Temecula--Murrieta, CA	1,282,567
Thousand Oaks, CA	1,251,922
Toledo, OH--MI	2,746,155
Trenton, NJ	4,802,006
Tucson, AZ	5,017,156
Tulsa, OK	2,675,628
Victorville--Hesperia--Apple Valley, CA	1,026,750
Wichita, KS	2,137,872
Winston-Salem, NC	1,161,537
Worcester, MA--CT	3,737,816
Youngstown, OH--PA	1,517,283
Total	\$344,267,703

FEDERAL TRANSIT ADMINISTRATION

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Apportionment amount is based on funding made available under the
Continuing Appropriations Resolution, 2010 - P.L. 111-117)

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE

APPORTIONMENT

*Amounts Apportioned to State Governors for Urbanized
Areas 50,000 to 199,999 in Population*

ALABAMA	\$3,458,164
Anniston, AL	321,062
Auburn, AL	296,876
Decatur, AL	282,354
Dothan, AL	270,757
Florence, AL	340,285
Gadsden, AL	266,421
Montgomery, AL	1,098,312
Tuscaloosa, AL	582,097
ALASKA	\$237,246
Fairbanks, AK	237,246
ARIZONA	\$1,646,195
Avondale, AZ	414,687
Flagstaff, AZ	307,532
Prescott, AZ	320,486
Yuma, AZ--CA	603,490
ARKANSAS	\$2,337,175
Fayetteville--Springdale, AR	872,239
Fort Smith, AR--OK	574,687
Hot Springs, AR	231,454
Jonesboro, AR	242,241
Pine Bluff, AR	301,078
Texarkana, TX--Texarkana, AR	115,476
CALIFORNIA	\$27,013,228
Atascadero--El Paso de Robles (Paso Robles), CA	291,155
Camarillo, CA	429,951
Chico, CA	691,640
Davis, CA	996,273
El Centro, CA	380,895
Fairfield, CA	1,041,315
Gilroy--Morgan Hill, CA	497,754
Hanford, CA	773,895
Hemet, CA	780,582
Livermore, CA	579,799
Lodi, CA	703,920
Lompoc, CA	423,498
Madera, CA	368,431
Manteca, CA	405,103
Merced, CA	774,838
Napa, CA	593,970
Petaluma, CA	434,185
Porterville, CA	405,623
Redding, CA	519,761
Salinas, CA	1,599,169
San Luis Obispo, CA	792,409
Santa Barbara, CA	1,810,427
Santa Clarita, CA	1,526,764
Santa Cruz, CA	1,440,648
Santa Maria, CA	892,911
Seaside--Monterey--Marina, CA	1,262,475
Simi Valley, CA	946,648
Tracy, CA	533,945
Turlock, CA	736,849

FEDERAL TRANSIT ADMINISTRATION

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Apportionment amount is based on funding made available under the
Continuing Appropriations Resolution, 2010 - P.L. 111-117)

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URBANIZED AREA/STATE	APPORTIONMENT
Vacaville, CA	754,583
Vallejo, CA	1,450,664
Visalia, CA	895,088
Watsonville, CA	628,442
Yuba City, CA	644,960
Yuma, AZ--CA	4,658
COLORADO	<u>\$4,060,427</u>
Boulder, CO	1,095,328
Grand Junction, CO	478,446
Greeley, CO	626,105
Lafayette--Louisville, CO	398,511
Longmont, CO	718,030
Pueblo, CO	744,007
CONNECTICUT	<u>\$8,735,779</u>
Danbury, CT--NY	3,392,532
Norwich--New London, CT	1,461,627
Waterbury, CT	3,881,620
DELAWARE	<u>\$642,333</u>
Dover, DE	625,675
Salisbury, MD--DE	16,658
FLORIDA	<u>\$10,154,275</u>
Brooksville, FL	472,028
Deltona, FL	765,426
Fort Walton Beach, FL	777,853
Gainesville, FL	1,228,528
Kissimmee, FL	999,609
Lady Lake, FL	220,571
Lakeland, FL	1,098,035
Leesburg--Eustis, FL	469,781
North Port--Punta Gorda, FL	589,393
Ocala, FL	488,900
Panama City, FL	625,714
St. Augustine, FL	270,024
Titusville, FL	529,357
Vero Beach--Sebastian, FL	600,620
Winter Haven, FL	762,875
Zephyrhills, FL	255,561
GEORGIA	<u>\$3,891,836</u>
Albany, GA	471,372
Athens-Clarke County, GA	510,344
Brunswick, GA	238,277
Dalton, GA	255,346
Gainesville, GA	383,486
Hinesville, GA	275,458
Macon, GA	708,316
Rome, GA	349,440
Valdosta, GA	290,055
Warner Robins, GA	409,742

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Apportionment amount is based on funding made available under the
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URBANIZED AREA/STATE	APPORTIONMENT
HAWAII	\$1,033,881
Kailua (Honolulu County)--Kaneohe, HI	1,033,881
IDAHO	\$1,878,535
Coeur d'Alene, ID	401,158
Idaho Falls, ID	393,187
Lewiston, ID--WA	170,093
Nampa, ID	553,250
Pocatello, ID	360,847
ILLINOIS	\$5,122,987
Alton, IL	434,015
Beloit, WI--IL	67,656
Bloomington--Normal, IL	841,679
Champaign, IL	1,237,205
Danville, IL	340,823
Decatur, IL	591,826
DeKalb, IL	393,516
Dubuque, IA--IL	13,731
Kankakee, IL	393,727
Springfield, IL	808,809
INDIANA	\$5,001,980
Anderson, IN	482,505
Bloomington, IN	724,520
Columbus, IN	276,763
Elkhart, IN--MI	671,859
Kokomo, IN	402,369
Lafayette, IN	941,577
Michigan City, IN--MI	366,713
Muncie, IN	709,331
Terre Haute, IN	426,343
IOWA	\$3,889,013
Ames, IA	616,505
Cedar Rapids, IA	991,736
Dubuque, IA--IL	363,591
Iowa City, IA	771,200
Sioux City, IA--NE--SD	534,829
Waterloo, IA	611,152
KANSAS	\$1,471,838
Lawrence, KS	665,513
St. Joseph, MO--KS	5,859
Topeka, KS	800,466
KENTUCKY	\$1,362,616
Bowling Green, KY	295,404
Clarksville, TN--KY	127,719
Huntington, WV--KY--OH	266,010
Owensboro, KY	356,624
Radcliff--Elizabethtown, KY	316,859
LOUISIANA	\$4,050,780
Alexandria, LA	368,485
Houma, LA	639,170
Lafayette, LA	981,820
Lake Charles, LA	642,491
Mandeville--Covington, LA	295,825
Monroe, LA	739,755
Slidell, LA	383,234

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Apportionment amount is based on funding made available under the
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URBANIZED AREA/STATE	APPORTIONMENT
MAINE	\$1,605,264
Bangor, ME	292,054
Dover--Rochester, NH--ME	31,016
Lewiston, ME	311,885
Portland, ME	930,292
Portsmouth, NH--ME	40,017
MARYLAND	\$5,036,589
Aberdeen--Havre de Grace--Bel Air, MD	1,380,841
Cumberland, MD--WV--PA	385,999
Frederick, MD	911,634
Hagerstown, MD--WV--PA	686,041
Salisbury, MD--DE	554,445
St. Charles, MD	582,170
Westminster, MD	535,459
MASSACHUSETTS	\$2,900,342
Leominster--Fitchburg, MA	1,097,364
Nashua, NH--MA	240
New Bedford, MA	1,365,957
Pittsfield, MA	436,781
MICHIGAN	\$6,004,681
Battle Creek, MI	393,179
Bay City, MI	524,965
Benton Harbor--St. Joseph, MI	291,628
Elkhart, IN--MI	8,351
Holland, MI	501,329
Jackson, MI	455,841
Kalamazoo, MI	982,707
Michigan City, IN--MI	2,390
Monroe, MI	281,453
Muskegon, MI	769,984
Port Huron, MI	557,391
Saginaw, MI	767,996
South Lyon--Howell--Brighton, MI	467,467
MINNESOTA	\$2,518,307
Duluth, MN--WI	719,681
Fargo, ND--MN	233,359
Grand Forks, ND--MN	58,013
La Crosse, WI--MN	36,920
Rochester, MN	732,311
St. Cloud, MN	738,023
MISSISSIPPI	\$708,439
Hattiesburg, MS	308,714
Pascagoula, MS	399,725
MISSOURI	\$2,025,566
Columbia, MO	604,766
Jefferson City, MO	258,579
Joplin, MO	332,848
Lee's Summit, MO	340,491
St. Joseph, MO--KS	488,882
MONTANA	\$1,349,057
Billings, MT	586,997
Great Falls, MT	381,149
Missoula, MT	380,911

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

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URBANIZED AREA/STATE	APPORTIONMENT
N. MARIANA ISLANDS	\$332,548
Saipan, MP	332,548
NEBRASKA	\$103,527
Sioux City, IA--NE--SD	103,527
NEVADA	\$339,418
Carson City, NV	339,418
NEW HAMPSHIRE	\$2,295,023
Dover--Rochester, NH--ME	341,650
Manchester, NH	806,966
Nashua, NH--MA	956,090
Portsmouth, NH--ME	190,317
NEW JERSEY	\$1,885,359
Hightstown, NJ	681,627
Vineland, NJ	759,701
Wildwood--North Wildwood--Cape May, NJ	444,031
NEW MEXICO	\$1,331,891
Farmington, NM	245,691
Las Cruces, NM	533,209
Santa Fe, NM	552,991
NEW YORK	\$4,687,728
Binghamton, NY--PA	1,301,943
Danbury, CT--NY	39,655
Elmira, NY	532,259
Glens Falls, NY	378,903
Ithaca, NY	617,141
Kingston, NY	348,547
Middletown, NY	338,880
Saratoga Springs, NY	320,146
Utica, NY	810,254
NORTH CAROLINA	\$5,499,572
Burlington, NC	464,334
Concord, NC	537,569
Gastonia, NC	647,323
Goldensboro, NC	275,301
Greenville, NC	459,905
Hickory, NC	786,057
High Point, NC	646,818
Jacksonville, NC	474,832
Rocky Mount, NC	308,297
Wilmington, NC	899,136
NORTH DAKOTA	\$1,753,624
Bismarck, ND	564,156
Fargo, ND--MN	767,351
Grand Forks, ND--MN	422,117
OHIO	\$4,365,925
Huntington, WV--KY--OH	174,114
Lima, OH	373,286
Lorain--Elyria, OH	1,130,778
Mansfield, OH	398,820
Middletown, OH	520,695
Newark, OH	514,045
Parkersburg, WV--OH	122,519
Sandusky, OH	264,250

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

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URBANIZED AREA/STATE	APPORTIONMENT
Springfield, OH	504,448
Weirton, WV--Steubenville, OH--PA	210,377
Wheeling, WV--OH	152,593
OKLAHOMA	\$1,048,227
Fort Smith, AR--OK	10,888
Lawton, OK	456,335
Norman, OK	581,004
OREGON	\$1,383,764
Bend, OR	291,626
Corvallis, OR	327,893
Longview, WA--OR	7,814
Medford, OR	756,431
PENNSYLVANIA	\$6,951,640
Altoona, PA	480,591
Binghamton, NY--PA	21,280
Cumberland, MD-WV-PA	65
Erie, PA	1,331,620
Hagerstown, MD--WV--PA	6,007
Hazleton, PA	273,936
Johnstown, PA	528,187
Lebanon, PA	429,137
Monessen, PA	407,535
Pottstown, PA	345,870
State College, PA	901,188
Uniontown--Connellsville, PA	398,979
Weirton, WV--Steubenville, OH--PA	1,302
Williamsport, PA	719,948
York, PA	1,105,995
PUERTO RICO	\$5,134,333
Arecibo, PR	690,647
Fajardo, PR	457,943
Florida--Barceloneta--Bajadero, PR	307,256
Guayama, PR	401,364
Juana Diaz, PR	269,599
Mayaguez, PR	624,686
Ponce, PR	1,374,997
San German--Cabo Rojo--Sabana Grande, PR	483,255
Yauco, PR	524,586
RHODE ISLAND	0
SOUTH CAROLINA	\$2,936,316
Anderson, SC	305,858
Florence, SC	423,537
Mauldin--Simpsonville, SC	375,753
Myrtle Beach, SC	565,667
Rock Hill, SC	315,109
Spartanburg, SC	635,985
Sumter, SC	314,407
SOUTH DAKOTA	\$1,285,533
Rapid City, SD	391,025
Sioux City, IA--NE--SD	18,148
Sioux Falls, SD	876,360
TENNESSEE	\$3,227,979
Bristol, TN--Bristol, VA	165,835
Clarksville, TN--KY	482,239

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Apportionment amount is based on funding made available under the
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URBANIZED AREA/STATE	APPORTIONMENT
Cleveland, TN	265,876
Jackson, TN	401,044
Johnson City, TN	457,497
Kingsport, TN--VA	401,206
Morristown, TN	247,834
Murfreesboro, TN	806,448
TEXAS	\$16,762,739
Abilene, TX	640,262
Amarillo, TX	1,112,544
Beaumont, TX	734,546
Brownsville, TX	1,257,558
College Station--Bryan, TX	869,906
Galveston, TX	681,063
Harlingen, TX	607,631
Killeen, TX	1,086,508
Lake Jackson--Angleton, TX	431,430
Laredo, TX	1,672,969
Longview, TX	394,453
McKinney, TX	308,899
Midland, TX	585,807
Odessa, TX	643,067
Port Arthur, TX	723,269
San Angelo, TX	615,573
Sherman, TX	299,930
Temple, TX	382,058
Texarkana, TX--Texarkana, AR	220,300
Texas City, TX	500,308
The Woodlands, TX	712,405
Tyler, TX	542,499
Victoria, TX	283,673
Waco, TX	905,495
Wichita Falls, TX	550,586
UTAH	\$903,058
Logan, UT	558,270
St. George, UT	344,788
VERMONT	\$735,856
Burlington, VT	735,856
VIRGIN ISLANDS	\$402,182 ^{1/}
VIRGINIA	\$4,554,131
Blacksburg, VA	650,828
Bristol, TN--Bristol, VA	96,699
Charlottesville, VA	665,648
Danville, VA	256,424
Fredericksburg, VA	479,608
Harrisonburg, VA	483,437
Kingsport, TN--VA	7,576
Lynchburg, VA	593,271
Roanoke, VA	1,046,965
Winchester, VA	273,675
WASHINGTON	\$7,133,310
Bellingham, WA	768,708
Bremerton, WA	1,142,952
Kennewick--Richland, WA	1,207,144
Lewiston, ID--WA	99,174
Longview, WA--OR	351,770
Marysville, WA	702,682
Mount Vernon, WA	388,228
Olympia--Lacey, WA	1,105,861

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TABLE 3

FY 2010 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Apportionment amount is based on funding made available under the Continuing Appropriations Resolution, 2010 - P.L. 111-117)

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URBANIZED AREA/STATE	APPORTIONMENT
Wenatchee, WA	570,553
Yakima, WA	796,238
WEST VIRGINIA	\$3,153,065
Charleston, WV	1,051,503
Cumberland, MD-WV-PA	10,820
Hagerstown, MD--WV--PA	141,611
Huntington, WV--KY--OH	470,554
Morgantown, WV	722,566
Parkersburg, WV--OH	319,602
Weirton, WV--Steubenville, OH--PA	146,004
Wheeling, WV--OH	290,405
WISCONSIN	\$7,910,005
Appleton, WI	1,188,635
Beloit, WI--IL	249,697
Duluth, MN--WI	224,658
Eau Claire, WI	587,972
Fond du Lac, WI	309,803
Green Bay, WI	1,115,531
Janesville, WI	390,570
Kenosha, WI	711,789
La Crosse, WI--MN	619,194
Oshkosh, WI	649,817
Racine, WI	863,947
Sheboygan, WI	506,196
Wausau, WI	492,196
WYOMING	\$722,705
Casper, WY	339,309
Cheyenne, WY	383,396
Total	\$194,975,991

1/ Language in section 5307(l) of SAFETEA-LU directs that the Virgin Islands be treated as an urbanized area.

FEDERAL TRANSIT ADMINISTRATION
TABLE 3A

URBANIZED AREAS 200,000 OR MORE IN POPULATION ELIGIBLE TO USE SECTION 5307 FUNDS FOR OPERATING ASSISTANCE

State	2000 Census Urbanized Area Description	Population	FY 2002 Apportionment	FY 2010 Apportionment Operating Limitation a/
AL	Huntsville, AL	213,253	\$1,677,473	\$838,737
CA	Antioch, CA	217,591	\$1,914,688	\$957,344
CA	Indio--Cathedral City--Palm Springs, CA (Indio-Coachella, CA -- \$621,797) (Palm Springs, CA -- \$1,227,811)	254,856	\$1,849,608	\$924,804
CA	Lancaster--Palmdale, CA	263,532	\$2,206,544	\$1,103,272
CA	Santa Rosa, CA	285,408	\$2,636,339	\$1,318,170
CA	Victorville--Hesperia--Apple Valley, CA	200,436	\$1,311,837	\$655,919
CA	Temecula--Murrieta, CA	229,810	-----	\$623,817
CO	Fort Collins, CO	206,757	\$1,156,197	\$578,099
CT	Bridgeport--Stamford, CT--NY (Stamford, CT-NY -- \$5,332,860) (Norwalk, CT -- \$4,343,565)	888,890	\$9,676,425	\$4,838,213
CT	Hartford, CT (Bristol, CT -- \$983,277) (New Britain, CT -- \$1,841,176)	851,535	\$2,824,453	\$1,412,227
FL	Port St. Lucie, FL (Fort Pierce, FL -- \$1,142,501) (Stuart, FL -- \$839,705)	270,774	\$1,982,206	\$991,103
FL	Bonita Springs--Naples, FL	221,251	\$954,953	\$477,477
FL	Tallahassee, FL	204,260	\$1,617,975	\$808,988
GA	Savannah, GA	208,886	\$1,824,225	\$912,113
ID	Boise City, ID	272,625	\$2,021,464	\$1,010,732
IL	Round Lake Beach--McHenry--Grayslake, IL--WI	226,848	\$1,088,609	\$544,305
IL	Chicago, IL--IN (Aurora, IL -- \$2,290,318) (Crystal Lake, IL -- \$746,464) (Elgin, IL -- \$1,652,124) (Joliet, IL -- \$1,910,334)	8,307,904	\$6,599,240	\$3,299,620
IN	Evansville, IN--KY	211,989	\$2,251,898	\$1,125,949
MA	Barnstable Town, MA	243,667	\$538,120	\$269,060
MA	Boston, MA--NH--RI (Brockton, MA -- \$1,906,558) (Lowell, MA-NH -- \$2,366,926) (Taunton, MA -- \$487,189)	4,032,484	\$4,760,673	\$2,380,337
MD	Baltimore, MD (Annapolis, MD -- \$858,335)	2,076,354	\$858,335	\$429,168
MO	Springfield, MO	215,004	\$1,748,930	\$874,465
MS	Gulfport--Biloxi, MS	205,754	\$1,687,127	\$843,564
NC	Winston-Salem, NC	299,290	\$1,811,413	\$905,707
NC	Asheville, NC	221,570	\$968,044	\$484,022
NC	Greensboro, NC	267,884	\$2,211,540	\$1,105,770
NE	Lincoln, NE	226,582	\$2,658,761	\$1,329,381
NJ	Atlantic City, NJ	227,180	\$1,842,968	\$921,484
NY	Poughkeepsie--Newburgh, NY (Poughkeepsie, NY -- \$1,507,504) (Newburgh, NY -- \$717,643)	351,982	\$2,225,147	\$1,112,574

FEDERAL TRANSIT ADMINISTRATION

TABLE 3A

URBANIZED AREAS 200,000 OR MORE IN POPULATION ELIGIBLE TO USE SECTION 5307 FUNDS FOR OPERATING ASSISTANCE

State	2000 Census Urbanized Area Description	Population	FY 2002 Apportionment	FY 2010 Apportionment Operating Limitation a/
OH	Youngstown, OH--PA (Sharon, PA-OH -- \$465,043)	417,437	\$465,043	\$232,522
OH	Cincinnati, OH--KY--IN (Hamilton, OH -- \$1,384,842)	1,503,262	\$1,384,842	\$692,421
OR	Eugene, OR	224,049	\$2,559,936	\$1,279,968
OR	Salem, OR	207,229	\$2,070,221	\$1,035,111
PA	Reading, PA	240,264	\$2,636,837	\$1,318,419
PA	Lancaster, PA	323,554	\$2,258,871	\$1,129,436
PR	Aguadilla--Isabela--San Sebastian, PR	299,086	\$1,148,984	\$574,492
PR	San Juan, PR (Caguas, PR -- \$2,811,557) (Cayey, PR -- \$831,273) (Humacao, PR -- \$719,451) (Vega Baja-Manati, PR -- \$1,562,942)	2,216,616	\$5,925,223	\$2,962,612
RI	Providence, RI--MA (Newport, RI -- \$644,329) (Fall River, MA-RI -- \$2,051,153)	1,174,548	\$2,695,482	\$1,347,741
TX	Lubbock, TX	202,225	\$1,939,424	\$969,712
TX	Denton--Lewisville, TX (Denton, TX -- \$599,570) (Lewisville, TX -- \$692,152)	299,823	\$1,291,722	\$645,861
VA	Richmond, VA (Petersburg, VA -- \$1,016,957)	818,836	\$1,016,957	\$508,479

a/ The amount shown represents the amount allowable based on funding provided in the Omnibus Appropriations Act, 2009 - P.L. 111-8 and SAFETEA-LU technical corrections. In cases where an urbanized area's FY 2010 available apportionment is less than the allowable amount, FTA will set the operating assistance budget, in TEAM-Web, at an amount not to exceed the FY 2010 available apportionment.

Note: For informational purposes, the affected 1990 census small urbanized areas (less than 200,000 population) that were merged into an existing urbanized area of at least 200,000 population are shown in parentheses immediately below the eligible 2000 census urbanized area. FTA is unable to identify the urbanized areas which now incorporate rural areas that received Section 5311 in FY 2002 and they are not included in this table.

FEDERAL TRANSIT ADMINISTRATION

TABLE 4

FY 2010 SECTION 5307 APPORTIONMENT FORMULA

Distribution of Available Funds

Of the funds made available to the Section 5307 program, a one percent takedown is authorized for Small Transit Intensive Cities. This amount is apportioned to the Governors based on a separate formula that uses criteria related to specific service performance categories.

The remaining funds are apportioned to small, medium, and large sized urbanized areas (UZAs). 9.32% is made available for UZAs 50,000-199,999 in population, and 90.68% to UZAs 200,000 or more in population.

UZA Population and Weighting Factors

50,000-199,999 in population : (Apportioned to Governors)	9.32% of available Section 5307 funds 50% apportioned based on population 50% apportioned based on population x population density
200,000 and greater in population: (Apportioned to UZAs)	90.68% of available Section 5307 funds 33.29% (Fixed Guideway Tier*) 95.61% (Non-incentive Portion of Tier) --- at least 0.75% to each UZA with commuter rail and pop. 750,000 or greater 60% - fixed guideway revenue vehicle miles 40% - fixed guideway route miles 4.39% ("Incentive" Portion of Tier) -- at least 0.75% to each UZA with commuter rail and pop. 750,000 or greater -- fixed guideway passenger miles x fixed guideway passenger miles/operating cost 66.71% ("Bus" Tier) 90.8% (Non-incentive Portion of Tier) 73.39% for UZAs with population 1,000,000 or greater 50% - bus revenue vehicle miles 25% - population 25% - population x population density 26.61% for UZAs pop. < 1,000,000 50% - bus revenue vehicle miles 25% - population 25% - population x density 9.2% ("Incentive" Portion of Tier) -- bus passenger miles x bus passenger miles/operating cost

* Includes all fixed guideway modes, such as heavy rail, commuter rail, light rail, trolleybus, aerial tramway, inclined plane, cable car, automated guideway transit, ferryboats, exclusive busways, and HOV lanes.

FEDERAL TRANSIT ADMINISTRATION

TABLE 5

FISCAL YEAR 2010 FORMULA PROGRAMS APPORTIONMENT DATA UNIT VALUES

(Apportionment unit values are based on funding made available under the FY 2010 Continuing Resolution - P.L. 111-117)

	APPORTIONMENT DATA UNIT VALUE
Section 5307 Urbanized Area Formula Program - Bus Tier	
Urbanized Areas Over 1,000,000:	
Population	\$1.39841610
Population x Density	\$0.00035482
Bus Revenue Vehicle Mile	\$0.17613278
Urbanized Areas Under 1,000,000:	
Population	\$1.28159331
Population x Density	\$0.00056074
Bus Revenue Vehicle Mile	\$0.22900919
Bus Incentive (PM denotes Passenger Mile):	
$\frac{\text{Bus PM} \times \text{Bus PM}}{\text{Operating Cost}} =$	\$0.00377591
Section 5307 Urbanized Area Formula Program - Fixed Guideway Tier	
Fixed Guideway Revenue Vehicle Mile	\$0.25893392
Fixed Guideway Route Mile	\$13,691
Commuter Rail Floor	\$3,577,357
Fixed Guideway Incentive:	
$\frac{\text{Fixed Guideway PM} \times \text{Fixed Guideway PM}}{\text{Operating Cost}} =$	\$0.00026752
Commuter Rail Incentive Floor	\$164,257
Section 5307 Urbanized Area Formula Program - Areas Under 200,000	
Population	\$2.57765050
Population x Density	\$0.00128224
Section 5307 Small Transit Intensive Cities	
For Each Qualifying Performance Category.....	\$56,826
Section 5311 Urbanized Area Formula Program - Areas Under 50,000	
Population	\$1.59515476

Section 5309 Capital Program - Fixed Guideway Modernization

	Tier 2	Tier 3	Tier 4	Tier 5	Tier 6	Tier 7
Legislatively Specified Areas:						
Revenue Vehicle Mile	\$0.01308985	-----	\$0.05880084	\$0.01451199	\$0.00956834	\$0.10753224
Route Mile	\$912.86	-----	\$3,365.70	\$1,129.67	\$744.84	\$8,370.73
Other Urbanized Areas:						
Revenue Vehicle Mile	\$0.07005658	\$0.00247808	\$0.05880084	\$0.02700359	\$0.02204374	\$0.37160243
Route Mile	\$2,046.72	\$72.40	\$3,365.70	\$790.52	\$645.32	\$10,878.54

Notes:

- Unit values for Section 5307 do not take into account Section 5340 funding added to the program.
- The unit value for Section 5311 is based on the total nonurbanized/rural population for the States and territories. It does not take into account Section 5311 funds allocated based on land area in nonurbanized areas, or Section 5340 funding added to the program.

FY 2010 Small Transit Intensive Cities Performance Data and Apportionments
(Apportionment amount is based on funding made available under the Continuing Appropriations Resolution, 2010 - P.L. 111-117)

[illegible]

FEDERAL TRANSIT ADMINISTRATION

Table 6

FY 2010 Small Transit Intensive Cities Performance Data and Apportionments

(Apportionment amount is based on funding made available under the Continuing Appropriations Resolution, 2010 - P.L. 111-117)

State	Urbanized Area (UZA) Description	Passenger Miles per Vehicle Revenue Mile	Passenger Miles per Vehicle Revenue Hour	Vehicle Revenue Mile per Capita	Vehicle Revenue Hour per Capita	Passenger Miles per Capita	Passenger Trips per Capita	Number of Performance Factors Met or Exceeded	STIC Funding: @ ~ \$56,826 per Factor Met or Exceeded
	Average for UZAs with populations 200,000 - 999,999	6.409	107.800	11.777	0.772	89.604	15.553		
California	Merced, CA	1.929	38.960	7.033	0.348	13.567	2.302	0	0
California	Napa, CA	2.820	32.334	7.125	0.621	20.096	5.330	0	0
California	Petaluma, CA	3.912	53.554	7.574	0.553	29.625	5.085	0	0
California	Porterville, CA	5.248	80.025	7.106	0.466	37.293	8.552	0	0
California	Redding, CA	3.754	55.890	10.482	0.704	39.345	7.528	0	0
California	Salinas, CA	8.118	132.088	8.209	0.505	66.641	9.800	2	126,554
California	San Luis Obispo, CA	14.158	220.858	13.212	0.847	187.051	21.017	6	379,665
California	Santa Barbara, CA	12.816	178.862	16.867	1.209	216.175	42.209	6	379,664
California	Santa Clarita, CA	11.086	191.260	15.004	0.870	166.329	16.010	5	316,386
California	Santa Cruz, CA	9.403	131.217	22.398	1.605	210.601	34.747	6	379,664
California	Santa Maria, CA	6.129	106.266	10.135	0.585	62.125	10.514	0	0
California	Seaside--Monterey--Marina, CA	6.954	111.947	17.604	1.093	122.413	18.063	6	379,664
California	Simi Valley, CA	3.452	47.067	5.885	0.432	20.315	4.027	0	0
California	Tracy, CA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
California	Turlock, CA	1.941	31.560	19.580	1.204	37.999	18.133	3	189,832
California	Vacaville, CA	5.758	113.656	0.600	0.030	3.458	0.558	1	63,277
California	Vallejo, CA	3.846	58.543	8.911	0.585	34.275	6.568	0	0
California	Visalia, CA	4.734	61.416	11.093	0.855	52.516	12.660	1	63,277
California	Watsonville, CA	8.742	129.217	9.313	0.630	81.412	12.864	2	126,554
California	Yuba City, CA	5.959	90.637	11.064	0.727	65.931	9.653	0	0
Colorado	Boulder, CO	9.819	134.696	9.917	0.723	97.376	19.439	4	253,109
Colorado	Grand Junction, CO	4.475	71.012	8.940	0.563	40.005	8.227	0	0
Colorado	Greeley, CO	3.629	44.213	5.861	0.481	21.272	5.770	0	0
Colorado	Lafayette--Louisville, CO	6.795	95.447	6.567	0.468	44.625	8.454	1	63,277
Colorado	Longmont, CO	8.854	120.032	10.496	0.774	92.926	16.540	3	189,832
Colorado	Pueblo, CO	4.699	66.156	6.483	0.461	30.467	9.809	0	0
Connecticut	Danbury, CT--NY	29.157	768.622	34.856	1.322	1016.300	43.690	6	379,664
Connecticut	Norwich--New London, CT	6.384	119.279	9.194	0.492	58.694	7.264	1	63,277
Connecticut	Waterbury, CT	28.165	652.625	29.547	1.275	832.186	43.774	6	379,664
Delaware	Dover, DE	3.119	53.150	30.054	1.764	93.746	12.375	2	126,554
Florida	Brooksville, FL	1.895	36.584	5.712	0.296	10.827	1.884	0	0
Florida	Deltona, FL	3.397	51.675	8.216	0.540	27.908	5.335	0	0

FEDERAL TRANSIT ADMINISTRATION
Table 6

FY 2010 Small Transit Intensive Cities Performance Data and Apportionments

(Apportionment amount is based on funding made available under the Continuing Appropriations Resolution, 2010 - P.L. 111-117)

State	Urbanized Area (UZA) Description	Passenger Miles per Vehicle Revenue Mile	Passenger Miles per Vehicle Revenue Hour	Vehicle Revenue Mile per Capita	Vehicle Revenue Hour per Capita	Passenger Miles per Capita	Passenger Trips per Capita	Number of Performance Factors Met or Exceeded	STIC Funding: @ ~ \$56,826 per Factor Met or Exceeded
	Average for UZAs with populations 200,000 - 999,999	6.409	107.800	11.777	0.772	89.604	15.553		
Florida	Fort Walton Beach, FL	1.564	21.439	6.841	0.499	10.700	1.905	0	0
Florida	Gainesville, FL	8.177	94.448	19.573	1.695	160.052	56.695	5	316,386
Florida	Kissimmee, FL	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Florida	Lady Lake, FL	2.389	39.134	10.915	0.666	26.070	1.670	0	0
Florida	Lakeland, FL	4.784	80.078	12.728	0.760	60.895	11.859	1	63,277
Florida	Leesburg-Eustis, FL	2.390	39.139	11.533	0.704	27.563	1.803	0	0
Florida	North Port--Punta Gorda, FL	1.073	17.696	4.099	0.249	4.398	0.620	0	0
Florida	Ocala, FL	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Florida	Panama City, FL	2.581	44.119	7.805	0.457	20.141	4.170	0	0
Florida	St. Augustine, FL	2.562	49.655	8.916	0.460	22.840	3.132	0	0
Florida	Titusville, FL	6.771	207.398	20.109	0.656	136.148	4.822	4	253,109
Florida	Vero Beach--Sebastian, FL	3.355	37.603	6.329	0.565	21.237	3.715	0	0
Florida	Winter Haven, FL	1.175	17.625	0.001	0.000	0.001	0.000	0	0
Florida	Zephyrhills, FL	4.902	82.880	6.441	0.381	31.577	4.770	0	0
Georgia	Albany, GA	5.852	93.321	6.805	0.427	39.822	8.299	0	0
Georgia	Athens-Clarke County, GA	6.310	72.160	7.896	0.690	49.823	15.778	0	0
Georgia	Brunswick, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Georgia	Dalton, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Georgia	Gainesville, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Georgia	Hinesville, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Georgia	Macon, GA	4.732	60.391	8.366	0.656	39.593	8.698	0	0
Georgia	Rome, GA	7.814	96.701	9.869	0.797	77.116	11.571	1	63,277
Georgia	Valdosta, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Georgia	Warner Robins, GA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Hawaii	Kailua (Honolulu County)--Kaneohe, HI	9.343	128.989	2.141	0.155	20.002	4.342	2	126,554
Idaho	Coeur d'Alene, ID	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Idaho	Idaho Falls, ID	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Idaho	Lewiston, ID--WA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Idaho	Nampa, ID	3.711	81.094	5.849	0.268	21.703	2.026	0	0
Idaho	Pocatello, ID	4.403	60.540	7.974	0.580	35.112	7.208	0	0
Illinois	Alton, IL	4.677	83.072	4.219	0.238	19.732	2.856	0	0
Illinois	Bloomington--Normal, IL	3.950	51.180	10.807	0.834	42.684	15.409	1	63,277

FEDERAL TRANSIT ADMINISTRATION

Table 6

FY 2010 Small Transit Intensive Cities Performance Data and Apportionments

(Apportionment amount is based on funding made available under the Continuing Appropriations Resolution, 2010 - P.L. 111-117)

State	Urbanized Area (UZA) Description	Passenger Miles per Vehicle Revenue Mile	Passenger Miles per Vehicle Revenue Hour	Vehicle Revenue Mile per Capita	Vehicle Revenue Hour per Capita	Passenger Miles per Capita	Passenger Trips per Capita	Number of Performance Factors Met or Exceeded	STIC Funding: @ ~ \$56,826 per Factor Met or Exceeded
	Average for UZAs with populations 200,000 - 999,999	6.409	107.800	11.777	0.772	89.604	15.553		
Illinois	Champaign, IL	9.844	113.335	24.381	2.118	240.008	77.605	6	379,664
Illinois	Danville, IL	6.212	112.104	8.747	0.485	54.341	9.043	1	63,277
Illinois	Decatur, IL	3.350	46.339	11.472	0.829	38.428	12.886	1	63,277
Illinois	DeKalb, IL	1.692	26.108	10.331	0.670	17.484	2.202	0	0
Illinois	Kankakee, IL	5.444	81.563	10.964	0.732	59.686	8.231	0	0
Illinois	Springfield, IL	2.910	35.904	9.795	0.794	28.504	9.654	0	0
Indiana	Anderson, IN	1.907	25.447	4.419	0.331	8.429	1.879	0	0
Indiana	Bloomington, IN	5.614	60.166	12.369	1.154	69.441	30.950	3	189,832
Indiana	Columbus, IN	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Indiana	Elkhart, IN--MI	2.263	35.111	5.710	0.368	12.920	2.682	0	0
Indiana	Kokomo, IN	1.168	11.495	9.401	0.955	10.979	2.419	1	63,277
Indiana	Lafayette, IN	6.469	74.260	12.500	1.089	80.859	39.989	3	189,832
Indiana	Michigan City, IN--MI	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Indiana	Muncie, IN	5.566	72.752	12.405	0.949	69.041	23.117	3	189,832
Indiana	Terre Haute, IN	1.247	11.741	5.672	0.602	7.073	4.228	0	0
Iowa	Ames, IA	6.355	67.704	22.221	2.086	141.219	91.601	4	253,109
Iowa	Cedar Rapids, IA	3.610	51.513	9.825	0.689	35.471	7.911	0	0
Iowa	Dubuque, IA--IL	2.121	24.291	7.420	0.648	15.737	4.648	0	0
Iowa	Iowa City, IA	5.513	61.757	22.686	2.025	125.078	72.046	4	253,109
Iowa	Sioux City, IA--NE--SD	8.876	99.750	5.660	0.504	50.236	9.766	1	63,277
Iowa	Waterloo, IA	0.975	15.753	9.939	0.615	9.692	4.647	0	0
Kansas	Lawrence, KS	2.334	28.481	11.263	0.923	26.283	8.911	1	63,277
Kansas	Topeka, KS	4.655	74.629	10.785	0.673	50.205	13.017	0	0
Kentucky	Bowling Green, KY	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Kentucky	Owensboro, KY	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Kentucky	Radcliff--Elizabethtown, KY	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Louisiana	Alexandria, LA	4.607	71.843	8.080	0.518	37.223	9.352	0	0
Louisiana	Houma, LA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Louisiana	Lafayette, LA	9.982	131.735	4.498	0.341	44.899	9.020	2	126,554
Louisiana	Lake Charles, LA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Louisiana	Mandeville--Covington, LA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Louisiana	Monroe, LA	16.641	224.404	6.008	0.446	99.990	10.674	3	189,832

FEDERAL TRANSIT ADMINISTRATION

Table 6

FY 2010 Small Transit Intensive Cities Performance Data and Apportionments

(Apportionment amount is based on funding made available under the Continuing Appropriations Resolution, 2010 - P.L. 111-117)

State	Urbanized Area (UZA) Description	Passenger Miles per Vehicle Revenue Mile	Passenger Miles per Vehicle Revenue Hour	Vehicle Revenue Mile per Capita	Vehicle Revenue Hour per Capita	Passenger Miles per Capita	Passenger Trips per Capita	Number of Performance Factors Met or Exceeded	STIC Funding: @ ~ \$56,826 per Factor Met or Exceeded
	Average for UZAs with populations 200,000 - 999,999	6.409	107.800	11.777	0.772	89.604	15.553		
Louisiana	Slidell, LA	0.000	0.000	0.000	0.000	0.000	0.000	0	0
Maine	Bangor, ME	5.804	79.405	9.779	0.715	56.753	13.976	0	0
Maine	Lewiston, ME	3.287	41.581	4.739	0.375	15.578	4.728	0	0
Maine	Portland, ME	6.425	74.704	8.462	0.728	54.371	13.601	0	0
Maryland	Aberdeen--Havre de Grace--Bel Air, MD	3.550	66.298	4.060	0.217	14.416	1.786	0	0
Maryland	Cumberland, MD--WV--PA	4.505	70.975	9.676	0.614	43.593	4.652	0	0
Maryland	Frederick, MD	3.146	43.817	9.352	0.671	29.418	6.194	0	0
Maryland	Hagerstown, MD--WV--PA	3.024	46.081	3.951	0.259	11.948	3.175	0	0
Maryland	Salisbury, MD--DE	1.000	24.861	38.095	1.532	38.095	7.537	2	126,554
Maryland	St. Charles, MD	3.177	55.642	8.540	0.488	27.132	3.225	0	0
Maryland	Westminster, MD	1.235	16.003	11.156	0.861	13.781	1.898	1	63,277
Massachusetts	Leominster--Fitchburg, MA	3.215	39.393	16.594	1.354	53.343	6.870	2	126,554
Massachusetts	New Bedford, MA	4.737	57.550	6.148	0.506	29.127	6.320	0	0
Massachusetts	Pittsfield, MA	3.706	51.959	10.924	0.779	40.484	5.235	0	0
Michigan	Battle Creek, MI	3.788	48.943	6.360	0.492	24.092	6.465	0	0
Michigan	Bay City, MI	2.399	42.887	20.496	1.147	49.175	8.704	2	126,554
Michigan	Benton Harbor--St. Joseph, MI	2.016	26.750	7.529	0.568	15.182	3.133	0	0
Michigan	Holland, MI	0.901	11.251	8.593	0.688	7.739	3.196	0	0
Michigan	Jackson, MI	2.575	36.406	8.284	0.586	21.331	6.376	0	0
Michigan	Kalamazoo, MI	4.119	50.861	9.680	0.784	39.873	13.576	0	0
Michigan	Monroe, MI	2.702	35.052	9.228	0.711	24.930	5.576	0	0
Michigan	Muskegon, MI	3.860	50.608	5.015	0.382	19.356	4.587	0	0
Michigan	Port Huron, MI	1.523	22.372	19.628	1.336	29.896	10.473	2	126,554
Michigan	Saginaw, MI	4.483	71.233	5.670	0.357	25.419	7.192	0	0
Michigan	South Lyon--Howell--Brighton, MI	1.960	39.745	5.485	0.270	10.749	0.842	0	0
Minnesota	Duluth, MN--WI	7.073	93.227	16.489	1.251	116.637	27.432	5	316,386
Minnesota	Rochester, MN	5.706	88.580	12.749	0.821	72.743	19.366	3	189,832
Minnesota	St. Cloud, MN	5.502	75.353	17.108	1.249	94.135	25.447	3	189,832
Mississippi	Hattiesburg, MS	0.000	0.000			0.000		0	0
Mississippi	Pascagoula, MS	9.127	485.744	2.960	0.056	27.017	0.546	2	126,554
Missouri	Columbia, MO	5.788	52.765	7.050	0.773	40.802	18.855	1	63,277
Missouri	Jefferson City, MO	2.146	31.552	10.640	0.724	22.832	8.367	0	0