



U.S. Department
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**Federal Transit
Administration**

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REGION 10 BULLETIN NO: 2014-32

Subject: Correction to FY14 Apportionments, Allocations, and Program Information Regarding Pre-Award Authority

Date: July 16, 2014

On March 10, 2014, the Federal Transit Administration (FTA) published a notice in the Federal Register apportioning funds appropriated by law. The notice provided information on the FY 2014 funding available for the FTA assistance programs, and provides program guidance and requirements, and information on several program issues important in the current year. This notice provides a needed correction to that notice regarding pre-award authority.

In the Federal Register 14–4759, on page 13482, in the second column, correct the sixth and seventh paragraphs to read as follows:

“FTA has modified its approach to pre-award authority, and the date that costs may be incurred is as follows. For design and environmental review, costs may be incurred as of the date of the authorization of formula funds or the date of the announcement of the discretionary allocation of funds for the project. For property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials for projects that qualify for a categorical exclusion pursuant to 23 CFR 771.118(c), costs may be incurred as of the date of the authorization of formula funds or the date of the announcement of the discretionary allocation of funds for the project. For property acquisition, demolition, construction, and acquisition of vehicles, equipment, or construction materials for projects that require a categorical exclusion pursuant to 23 CFR 771.118(d), an environmental assessment, or an environmental impact statement, costs may be incurred as of the date that FTA completes the environmental review process required by NEPA and its implementing regulations (i.e., through issuance of a Section 771.118(d) categorical exclusion determination, a Finding of No Significant Impact (FONSI), or a Record of Decision (ROD)). For pre-award authority triggered by the completion of the NEPA process, the completion of planning and air quality requirements is a prerequisite, as those activities are completed prior to conclusion of the environmental review process.

The requirement that a project be included in a locally-adopted Metropolitan Transportation Plan, the metropolitan transportation improvement program (MTIP) and federally approved statewide transportation improvement program (STIP) (23

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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 triggered by the completion of the NEPA process. If the project is located within an EPA-designated non-attainment or maintenance 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 triggered by the completion of the NEPA process. For projects that qualify for a categorical exclusion pursuant to 23 CFR 771.118(c), if a project is subsequently found not to qualify for this CE, it will be ineligible for FTA assistance. For all other projects, 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.”

This Federal Register may be found at <http://www.gpo.gov/fdsys/pkg/FR-2014-07-15/pdf/2014-16533.pdf>.

For general information about this notice contact Jamie Pfister, Director, Office of Transit Programs, at 202-366-2053 or email jamie.pfister@dot.gov.

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Sincerely,

for R.F. Krochalis
Regional Administrator

