

Missouri. The NOI is being rescinded because MoDOT lacks funding to build this project. They do not want to concentrate their efforts on completing an EIS for a project which may not be built for 20 years.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: January 15, 2009.

Peggy J. Casey,

*Environmental Projects Team Leader,
Jefferson City.*

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Paul S. Sarbanes Transit in Parks Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Availability: Paul S. Sarbanes Transit in Parks Program.

SUMMARY: This notice solicits proposals to compete for Fiscal Year (FY) 2009 funds through the Paul S. Sarbanes Transit in Parks Program (Transit in Parks Program), formerly the Alternative Transportation in Parks and Public Lands program (ATPPL), administered by the Federal Transit Administration (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 visitors' experience. 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, as well as State, tribal and local governments acting with the consent of a Federal land management agency are eligible to apply. DOI, after consultation with and in cooperation with FTA, will determine the final selection and funding of projects.

DATES: Complete proposals must be received by 12 midnight EST on February 27, 2009.

ADDRESSES: Project proposals must be submitted to FTA. Applicants are encouraged to submit proposals through the government-wide electronic grants Web site at <http://www.grants.gov>. Click

on "Find Grant Opportunities," then on "Basic Search," and enter Paul S. Sarbanes Transit in Parks Program as the keyword. Submissions will also be accepted by e-mail, mail, or fax to: Vanessa Williams, Office of Program Management, FTA, 202-366-2053, fax: 202-366-7951, e-mail: SarahanesProgram@dot.gov, mail: 1200 New Jersey Ave., SE.; E44-417; Washington, DC 20590. The required project proposal template is available at grants.gov and on the program Web site at http://www.fta.dot.gov/Transit_in_Parks_Program.

FOR FURTHER INFORMATION: Contact Vanessa Williams, Office of Program Management, FTA, 202-366-2053, e-mail: vanessa.williams@dot.gov. Applicants may also contact the following Transit in Parks Program points of contact at the Federal land management agencies:

- *National Park Service:* Mark H Hartsoe, Mark_H_Hartsoe@nps.gov; tel: 202-513-7025, fax: 202-371-6675, mail: 1849 C Street, NW. (MS2420); Washington, DC 20240-0001.
- *Fish and Wildlife Service:* Nathan Caldwell, nathan_caldwell@fws.gov, tel: 703-358-2205, fax: 703-358-2517, mail: 4401 N. Fairfax Drive, Room 634; Arlington, VA 22203.
- *Forest Service:* Ellen LaFayette, elafayette@fs.fed.us, tel: 703-605-4509, cell: 703-472-2456, fax: 703-605-1542, mail: 1400 Independence Avenue, SW.; Washington, DC 20250-1101. FedEx: USDA Forest Service, Engineering Suite RPC 500, 1601 N. Kent Street, Arlington, VA 22209.
- *Bureau of Land Management:* Linda Force, linda_force@blm.gov, tel: 202-452-5110, fax: 202-452-5046, mail: 1849 C Street, NW.; Washington, DC 20240.

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I. General Program Information

A. Authority

Section 3021 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users of 2005 (SAFETEA-LU), as amended established the Paul S. Sarbanes Transit in Parks Program (Transit in Parks Program) (49 U.S.C. 5320). SAFETEA-LU authorized \$96.9 million in funding for the program for FYs 2006 through 2009. SAFETEA-LU authorized \$26.9 million for FY 2009. Availability of

funding is subject to congressional appropriations, which have not yet been finalized for FY 2009. No one project may receive more than 25 percent of available funds.

B. Background

Congestion in and around parks and public lands causes traffic delays and noise and air pollution that substantially detract from the visitor's experience and the protection of natural resources. In August 2001, the Department of Transportation (DOT) and DOI published a comprehensive study of alternative transportation needs in national parks and related Federal lands. The study identified significant alternative transportation needs at sites managed by the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service. Additionally, a supplement to this report identified Forest Service sites that would benefit from such services.

Section 3021 of SAFETEA-LU (49 U.S.C. 5320) addresses these needs by establishing a new program to fund alternative transportation projects in national parks and other Federal lands. The goals of the program are to:

- Conserve natural, historical, and cultural resources;
- Reduce congestion and pollution;
- Improve visitor mobility and accessibility;
- Enhance visitor experience; and
- Ensure access to all, including persons with disabilities.

C. Eligible Applicants

(1) Federal land management agencies that manage an eligible area, including but not limited to the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Reclamation; and

(2) State, tribal and local governments with jurisdiction over land in the vicinity of an eligible area, acting with the consent of a Federal land management agency, alone or in partnership with a Federal land management agency or other governmental or non-governmental participant. If the applicant is a State, tribal, or local government, a letter from the unit(s) of the Federal land management agency or agencies affected expressing support for the project should be submitted with the project proposal.

Note: An eligible area is any federally owned or managed park, refuge, or recreational area that is open to the general public, including a unit of the National Park System, a unit of the National Wildlife Refuge System, a recreational area managed

by the Bureau of Land Management, a recreational area managed by the Bureau of Reclamation, and a unit of the National Forest System.

D. Eligible Expenses

SAFETEA-LU defines alternative transportation as "transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis, including sightseeing service. Such term also includes a non-motorized transportation system (including the provision of facilities for pedestrians, bicycles, and non-motorized watercraft)."

A qualified project is a planning or capital project in or in the vicinity of a Federally-owned or managed park, refuge, or recreational area that is open to the general public and meets the goals of the program. Operating expenses are not eligible under the program. A project proposal may include up to 15 percent for project administration, contingency, and oversight. As specified in 49 U.S.C. 5320(b)(5), the following types of projects are eligible:

Planning

1. Activities to comply with metropolitan and statewide planning provisions. (49 U.S.C. 5320(b)(5)(A) referencing 49 U.S.C. 5303, 5304, 5305).
2. Activities include planning studies for an alternative transportation system including evaluation of no-build and all other reasonable alternatives, traffic studies, visitor utilization studies, transportation analysis, feasibility studies, and environmental studies.

Capital

1. General Capital Expenses for Alternative Transportation System Projects:
 - a. Eligible capital projects include all aspects of "acquiring, constructing, supervising, or inspecting equipment or a facility for use in public transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;"
 - b. Capital projects may include those projects operated by an outside entity, such as a public transportation agency, state or local government, private company engaged in public

transportation, or private non-profit organization; and,

- c. Projects may also include the deployment/commercialization of alternative transportation vehicles that introduce innovative technologies or methods.
2. "Fixed Guideway" and Bus Projects:
 - a. The SAFETEA-LU legislation includes language allowing eligibility of "fixed guideway" projects. These are defined as those transportation projects that run on a dedicated right of way, like a light rail, trolley, bus rapid transit, or any type of ferry system. For these types of projects, eligible projects can include:
 - i. Development of a new fixed guideway project;
 - ii. Rehabilitation or modernization of existing fixed guideway systems; and,
 - iii. Expansion of existing systems.
 - b. For bus or shuttle projects, eligible projects can include:
 - i. Purchase of buses and related equipment;
 - ii. Replacement of buses and related equipment;
 - iii. Rehabilitation of buses and related equipment;
 - iv. Construction of bus-related facilities such as bus shelters; and,
 - v. Purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on August 10, 2005, with clean fuel vehicles.
 3. The Transit in Parks Program specifically includes these other eligible capital projects:
 - a. The capital costs of coordinating Federal land management agency public transportation systems with other public transportation systems.
 - b. Non-motorized transportation systems (including the provision of facilities for pedestrians, bicycles and non-motorized watercraft).
 - c. Water-borne access systems within or in the vicinity of an eligible area as appropriate and consistent with 49 U.S.C. 5320.
 - d. Any other alternative transportation project that
 - i. Enhances the environment;
 - ii. Prevents or mitigates an adverse impact on a natural resource;
 - iii. Improves Federal land management agency resource management;
 - iv. Improves visitor mobility and accessibility and the visitor experience;
 - v. Reduces congestion and pollution (including noise pollution and visual pollution); or
 - vi. Conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a non-transportation facility).

In order to be considered for funding, a project must consist of one or more of the eligible activities listed above, meet the definition of alternative transportation, and contribute to the goals of the program.

Lease vs. Purchase

The capital cost of leasing vehicles is an eligible expense under the program. For vehicle acquisition projects, sponsors should compare the cost-effectiveness of leasing versus purchasing vehicles. Leasing may be particularly cost effective in circumstances in which transit service is only needed during a peak visitation period that lasts only a few months. In these cases, leasing a vehicle for a few months during the year may be less expensive than purchasing a vehicle only used for a few months during the year. An award can cover the capital cost of leasing vehicles but not the cost of operations, such as fuel or driver's salary.

Project sponsors should also compare the cost effectiveness of providing service versus contracting for service. The capital portion of contracted service is an eligible capital expense under the program. For example, if a public land agency contracts with a private bus company to provide shuttle service with privately owned buses, the portion of the contract that covers the capital expense of the buses is an eligible expense under the Transit in Parks Program. Operating expenses are not eligible under the program. Project sponsors will be asked to compare the cost-effectiveness of their preferred option to other alternatives in the financial sustainability portion of the proposal.

E. Proposal Evaluation Criteria and Other Considerations

It is anticipated that the demand for financial assistance through the Transit in Parks Program will significantly exceed the funds available, and thus the selection process will be highly competitive. Project proposals will be evaluated based on how well the proposed project would meet the goals of the program identified in the legislation and in section I B of this notice. The criteria below, which are consistent with the considerations identified in 49 U.S.C. 5320(g)(2), aid evaluators in determining how well projects would meet these goals. The application template contains specific questions related to each of these criteria to guide the applicant in justifying the project. Proposed capital projects will be evaluated based on the following criteria:

- Demonstration of Need:
 - Visitor mobility and experience current or anticipated problem; and
 - Environmental current or anticipated problem.

- Visitor Mobility and Experience Benefits of Project:

- Reduced traffic congestion;
- Enhanced visitor mobility, accessibility, and safety; and
- Improved visitor education, recreation, and health benefits.
- Environmental Benefits of Project:
 - Protection of sensitive natural, cultural, and historic resources; and
 - Reduced pollution (air, noise, visual).

- Financial Sustainability and Operational Efficiency:

- Effectiveness in meeting management goals;
- Realistic financial plan;
- Cost effectiveness; and
- Partnering, funding from other sources, innovative financing.

Proposed planning projects will be evaluated based on the following criteria:

- Demonstration of Need:
 - Visitor mobility and experience current or anticipated problem; and
 - Environmental current or anticipated problem.

- Methodology for Assessing Visitor Mobility and Experience Benefits of Project:

- Reduced traffic congestion;
- Enhanced visitor mobility, accessibility, and safety; and
- Improved visitor education, recreation, and health benefits.

- Methodology for Assessing Environmental Benefits of Project:

- Protection of sensitive natural, cultural, and historical Resources; and
- Reduced pollution (air, noise, visual).

- Methodology for Assessing Operational Efficiency and Financial Sustainability of Alternatives:

- Effectiveness in meeting management goals;
- Realistic financial plan;
- Cost effectiveness; and
- Partnering, funding from other sources.

A special note on non-motorized transportation systems: While non-motorized systems, such as trails, are eligible under the program, not all non-motorized systems will meet the goals of the program needed to be considered for funding. Like motorized systems, in order to be considered for funding, non-motorized systems must reduce or mitigate the number of auto trips by providing an alternative to travel by private auto. In addition, non-motorized systems must provide a high degree of

connectivity within a transportation system. Finally, they should improve safety for motorized and non-motorized transportation system users.

Additional consideration will be given to projects based upon geographic diversity, balance between urban and rural projects, and balance in size of projects.

The program of projects may also be balanced by type of project, as categorized below, to best show accomplishments from the program.

- New alternative transportation systems—to show new systems made possible by this new program.
- Expansion or enhancement of an existing alternative transportation system—to demonstrate improvements and expansions enabled by the program.
- Rehabilitation or replacement of vehicles or facilities of existing alternative transportation systems—to support and sustain existing meritorious systems into the future.
- Planning studies—to prepare for new systems that can be funded in future years.

II. Guidelines for Preparing and Submitting Proposals

Applicants are encouraged to submit proposals through the Federal government-wide electronic grants Web site at <http://www.grants.gov>. Click on “Find Grant Opportunities,” then on “Basic Search,” and enter Paul S. Sarbanes Transit in Parks Program as the keyword. Submissions will also be accepted by e-mail, mail, or fax to the Federal Transit Administration using the contact information found in the **ADDRESSES** section of this notice. The required project proposal template as well as guidance on completing a proposal can be found on [www.grants.gov](http://www.fta.dot.gov) and on the program Web site at [http://www.fta.dot.gov/Transit in Parks Program](http://www.fta.dot.gov/Transit%20in%20Parks%20Program). There are separate proposal templates for planning and capital (“implementation”) projects. Project proposals must adhere to the page limits listed on the proposal templates.

A “Webinar”-style workshop to provide information on the program and guidance on how to apply will be held on February 4, 2009 EST. Check the Web site at [http://www.fta.dot.gov/Transit in Parks Program](http://www.fta.dot.gov/Transit%20in%20Parks%20Program) for more details. If you do not have adequate Internet access you may request hard copies of the Webinar presentations and information on how to phone-in to the Webinar from Vanessa Williams at 202-366-2053, e-mail: vanessa.williams@dot.gov.

Applicants must reapply each year; however an applicant may also propose a project that would expend money in

multiple years even though the award is from one year’s worth of appropriated Transit in Parks Program funds. The project would, however, need to be ready to begin and need to be completed in a reasonable period of time, as evaluated on a case by case basis. In sum, the period of performance of the award is separate from the year of funds of the award.

III. Selection and Notification

FTA will announce project selections in the **Federal Register** in the latter part of FY 2009. DOI will notify each Federal land management agency of projects awarded for sites under the agency’s jurisdiction. The **Federal Register** will include the list of all selected projects and funding levels.

IV. Additional Program Information

A. Funds Administration

Once proposals have been reviewed and projects have been selected, FTA will award funds to the lead project sponsor to implement the project. These funds will be administered according to Federal requirements as well as the appropriate policies, guidelines and rules of the pertinent agencies.

For projects directly administered by a Federal land management agency, these funds will be administered by an interagency agreement between FTA and the respective agency. For programs administered by a State, tribal, or local governmental authority, these funds will be administered through a grant administered by FTA.

B. Program Requirements and Oversight

The requirements for recipients of funding through the program can be found at [http://www.fta.dot.gov/Transit in Parks Program](http://www.fta.dot.gov/Transit%20in%20Parks%20Program) under “Requirements for Recipients of Funding.” This document also describes the oversight FTA will provide for this program.

C. Performance Measures

In order to allow FTA to compute aggregate program performance measures as required by the President’s Management Agenda, FTA requests that all recipients of funding for capital projects under the Transit in Parks Program submit the following information annually:

- Annual visitation to the land unit;
- Annual number of persons who use the alternative transportation system (ridership/usage);
- An estimate of the number of vehicle trips mitigated based on alternative transportation system usage and the typical number of passengers per vehicle;
- Cost per passenger; and,

• A note of any special services offered for those systems with higher costs per passenger but more amenities.

Federal land management agencies should send this information as part of their fourth quarter report. Examples can be found on the program Web site at <http://www.fta.dot.gov/Transit> in Parks Program.

All planning documents that result from Transit in Parks Program funding must be submitted to FTA within thirty days. These should also be submitted to Vanessa Williams.

D. Technical Assistance

FTA has established a technical assistance program to assist participants in planning, implementing, and evaluating alternative transportation projects. As part of FTA's technical assistance efforts, FTA is in the process of establishing a National Alternative Transportation Technical Assistance Center which will carry out multiple planning, research and technical assistance initiatives. FTA anticipates that the Center will be operational by March 2009. For more information regarding the Technical Assistance Center, contact Julie Atkins, Office of Planning and Environment, at 202-366-4491, e-mail: Julie.atkins@dot.gov.

In addition, a limited number of technical assistance visits are available to assist potential project sponsors in the initial stages of planning. Project sponsors or potential project sponsors may contact the relevant Federal land management agency headquarters contact (see **ADDRESSES** section) to request technical assistance.

Issued in Washington, DC, this 14th day of January, 2009.

Sherry E. Little,

Acting Administrator.

[FR Doc. E9-1258 Filed 1-22-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket FTA-2009-0003]

Notice of Proposed Policy Statement for Eligible New Freedom Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: The Federal Transit Administration (FTA) is proposing to expand 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 the proposed

interpretation, new and expanded fixed route and demand responsive transit service designed to meet the needs of individuals with disabilities would be eligible projects.

DATES: FTA must receive all comments by February 23, 2009. FTA will consider late-filed comments to the extent practicable.

ADDRESSES: To ensure your comments are not entered more than once into the Docket, please identify your submissions with the following Docket No. FTA-2009-0003. Please make your submissions by only one of the following means:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Fax: 1-202-493-2251.

U.S. Post or Express Mail: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590.

Hand Delivery: The West Building of the U.S. Department of Transportation, 1200 New Jersey Ave., SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name (Federal Transit Administration) and the Docket number (FTA-2009-0003) at the beginning of your comment. You should include two copies of your comment if you submit it by mail. If you wish to receive confirmation that FTA received your comment, you must include a self-addressed stamped postcard. Note that FTA will post all comments that it receives, including any personal information provided therein, without change to <http://www.regulations.gov>.

Due to security procedures in effect since October 2001 regarding mail deliveries, mail received through the U.S. Postal Service may be subject to delays. Anyone submitting a comment responsive to this notice should consider using an express mail firm to ensure the prompt filing of any submissions not filed electronically or by hand.

FOR FURTHER INFORMATION CONTACT: Bonnie L. Graves, Attorney-Advisor, Legislation and Regulations Division, Office of Chief Counsel, Federal Transit Administration, 1200 New Jersey Ave., SE., Washington, DC 20590, phone: (202) 366-4011, fax: (202) 366-3809, or e-mail, Bonnie.Graves@dot.gov; or David Schneider, same address, (202) 493-0175, or e-mail, David.Schneider@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The New Freedom Program (49 U.S.C 5317) was established to fund capital and operating expenses that support new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act (ADA), in order to assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.

When developing guidance for the New Freedom program, FTA initially proposed that "new public transportation services" and "public transportation alternatives beyond those required by the ADA" be considered separate categories of service. (See 71 FR 13456, Mar. 15, 2006). Subsequent to this notice, FTA received feedback from the Congressional authors of the New Freedom program that projects that do not meet both criteria—new and beyond the ADA—are not eligible for funding.

FTA also determined that projects are "beyond the ADA" only if they allow a recipient to exceed its obligations under the ADA. For example, because the ADA and its implementing regulations at 49 CFR parts 37 and 38 provide very specific minimum requirements for complementary paratransit service when an agency provides fixed route service, New Freedom funds can be used to expand the scope of ADA complementary paratransit service beyond the minimum requirements stipulated in the ADA regulations at 49 CFR part 37. On the other hand, the ADA does not require that a minimum level of public transit service be provided in any given area. Once service is provided, however, it must be ADA compliant, so FTA determined that projects to establish or expand fixed route or demand responsive service would not result in an agency exceeding its obligations under the ADA, and therefore would not be eligible for New Freedom funding. This interpretation was conveyed in subsequent **Federal Register** notices on the New Freedom program (71 FR 52610, Sept. 6, 2006, and 72 FR 14851, Mar. 29, 2007) and in the Frequently Asked Questions document on FTA's website: http://www.fta.dot.gov/funding/grants/grants_financing_3549.html.

Over the past several months, grant recipients have expressed concerns that FTA's interpretation of which projects go "beyond the ADA" prevents agencies in rural and small urbanized areas with limited public transportation service from using New Freedom funds to provide new fixed route or demand response service targeted to meet the