

before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

Associate Administrator for Railroad Safety,  
Chief Safety Officer.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### FY 2023 Competitive Funding Opportunity: Pilot Program for Transit-Oriented Development Planning

**AGENCY:** Federal Transit Administration (FTA), Department of Transportation (DOT).

**ACTION:** Notice of funding opportunity (NOFO).

**SUMMARY:** The Federal Transit Administration (FTA) announces the opportunity to apply for \$13,460,978 in Fiscal Year (FY) 2022 and FY 2023 funding under the Pilot Program for Transit-Oriented Development Planning (TOD Pilot Program). As required by Federal public transportation law and subject to funding availability, funds will be awarded competitively to support comprehensive planning or site-specific planning associated with new fixed guideway and core capacity improvement projects. FTA may award additional funding that is made available to the TOD Pilot Program prior to the announcement of project selections.

**DATES:** Complete proposals must be submitted electronically through the [GRANTS.GOV](http://GRANTS.GOV) "APPLY" function by 11:59 p.m. October 10, 2023.

**ADDRESSES:** Prospective applicants should initiate the process by registering

on the [GRANTS.GOV](http://GRANTS.GOV) website immediately to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's website at <https://www.transit.dot.gov/TODPilot> and in the "FIND" module of [GRANTS.GOV](http://GRANTS.GOV). The [GRANTS.GOV](http://GRANTS.GOV) funding opportunity ID is FTA-2023-011-TPE-TODP. Mail and fax submissions will not be accepted.

**FOR FURTHER INFORMATION CONTACT:**

April McLean-McCoy, FTA Office of Planning and Environment, (202) 366-7429, or [April.McLeanMcCoy@dot.gov](mailto:April.McLeanMcCoy@dot.gov). A TDD is available at 1-800-877-8339 (TDD/FIRS).

**SUPPLEMENTARY INFORMATION:**

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*A. Program Description*

Section 20005(b) of the Moving Ahead for Progress in the 21st Century Act (MAP-21; Pub. L. 112-141), as amended by section 30009 of the Infrastructure Investment and Jobs Act (Pub. L. 117-58) (also called the Bipartisan Infrastructure Law (BIL)), authorizes FTA to award grants under the TOD Pilot Program in the amounts provided by 49 U.S.C. 5338(a)(2)(B). This funding opportunity is occurring under Federal Assistance Listing number 20.500.

This program supports FTA's priorities and objectives through investments that (1) renew our transit systems, (2) reduce greenhouse gas emissions from public transportation, (3) advance racial equity by removing transportation related disparities to all populations within a project area and increasing equitable access to project benefits, (4) maintain and create good-paying jobs with a free and fair choice to join a union, and (5) connect communities by increasing access to affordable transportation options. The TOD Pilot Program grants are competitively awarded to local communities to integrate land use and transportation planning with a new fixed guideway or core capacity improvement transit capital project as defined in Federal public transportation law (49 U.S.C. 5309(a)). (See Section C of this NOFO for more information about eligibility). FTA seeks to fund projects under the TOD Pilot Program that:

- Reduce greenhouse gas emissions in the transportation sector, incorporate evidence-based climate resilience measures and features, reduce the lifecycle greenhouse gas emissions from the project materials, and avoid adverse environmental impacts to air or water quality, wetlands, and endangered species, and address the disproportionate negative environmental impacts of transportation on disadvantaged communities, consistent with Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).

- Create proportional impacts to all populations in a project area, remove transportation related disparities to all populations in a project area, and increase equitable access to project benefits, consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009).

- Address equity and environmental justice, particularly for communities that have experienced decades of underinvestment and are most impacted by climate change, pollution, and environmental hazards, consistent with Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).

- Support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships, in project planning stages, consistent with Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

- Support wealth creation, consistent with the Department's Equity Action Plan, through the inclusion of local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

- Qualify for Transportation Infrastructure Finance and Innovation Act (TIFIA) 49 and Railroad Rehabilitation and Improvement Financing (RRIF) TOD financing program(s) once the TOD planning study is complete.

Additionally, in support of the Federal House America Initiative led by the Department of Housing and Urban Development, DOT, through this NOFO, is looking for opportunities to strongly prioritize TOD planning grants in areas of high incidence rates of homelessness, in the hope of providing opportunities

for localities to address housing affordability in these areas and homelessness holistically through their planning processes.

The TOD Pilot Program intends to fund comprehensive planning that supports economic development, increased transit ridership and value capture multimodal connectivity, accessibility, increased transit access for pedestrian and bicycle traffic, and mixed-use and mixed-income development near transit stations; delivers 40 percent of the overall benefits of the planning work to Historically Disadvantaged Communities (defined below), consistent with the Justice40 Initiative; and supports the development of affordable housing, mitigates climate change, and addresses challenges facing environmental justice populations, and homelessness. The TOD Pilot Program also encourages the identification of infrastructure needs and engagement with the private sector. FTA also encourages TOD in areas where communities are trying to preserve, protect, and increase the supply of affordable housing. For assets that were acquired with federal assistance and are no longer needed for the originally authorized purpose, the Fiscal Year 2022 National Defense Authorization Act (NDAA) (Pub. L. 117–81) allows FTA to authorize the transfer of the asset to a local governmental authority, non-profit organization, or other third-party entity if, among other factors, it will be used for TOD that includes affordable housing (49 U.S.C. 5334(h)(1)).

FTA is seeking comprehensive or site-specific planning projects that cover an entire transit capital project corridor. To ensure that any proposed planning work both reflects the needs and aspirations of the local community and results in concrete, specific deliverables and outcomes, transit project sponsors must partner with entities with land use planning authority in the transit project corridor to conduct the planning work.

#### B. Federal Award Information

FTA intends to award all available funding in the form of grants to selected applicants responding to this NOFO. A total of \$13,460,978 will be made available through this NOFO. The authorized funding level in BIL is \$13,432,051 in Fiscal Year (FY) 2023 funds, with an additional \$28,927 remaining from the FY 2022 appropriation. Additional funds made available prior to project selection may be allocated to eligible projects. Only proposals from eligible recipients for eligible activities will be considered for

funding. Due to funding limitations, applicants that are selected for funding may receive less than the amount originally requested and are thus encouraged to identify a scaled funding request in their application.

In response to the FY 2022 NOFO (87 FR 32069, which closed on July 25, 2022), the TOD Pilot Program received applications for 23 eligible projects requesting a total of \$17,332,094. Of the 23 eligible applications received, 19 projects were funded at a total of \$13,131,094.

FTA will grant pre-award authority, consistent with 2 CFR 200.458, for selected projects to incur costs beginning on the date FY 2023 project selections are announced on FTA's website. Funds are available for obligation for four fiscal years after the fiscal year in which the competitive awards are announced. Funds are available only for projects that have not incurred costs prior to the announcement of project selections.

#### C. Eligibility Information

##### 1. Eligible Applicants

Applicants to the TOD Pilot Program must be a State or States, U.S. Territory, or local governmental authority, and an FTA grant recipient (*i.e.*, existing direct or designated recipients) as of the publication date of this NOFO. An applicant must be the project sponsor of an eligible transit capital project as defined below in Section C, subsection 3, or an entity with land use planning authority in the project corridor of an eligible transit capital project. Except in cases where an applicant is both the sponsor of an eligible transit project and has land use authority in at least a portion of the transit project corridor, the applicant must partner with the relevant transit project sponsor or at least one entity in the project corridor with land use planning authority. Documentation of this partnership must be included with the application; see Section D, subsection 2 of this NOFO for further information.

Only one application per transit capital project corridor may be submitted to FTA. Multiple applications submitted for a single transit capital project corridor indicate that partnerships are not in place, and FTA may reject all of the applications. FTA will accept multiple applications for the same corridor if each application is a site-specific application, the applications are submitted by separate applicants with different land-use authorities, and a given application does not overlap with any other application that would cover the same site.

##### 2. Cost Sharing or Matching

In general, the maximum Federal funding share for proposals is 80 percent. Proposals that support planning activities that assist parts of an urbanized area or rural area with lower population density or lower average income levels compared to the applicable area or adjoining areas are eligible to receive a Federal funding share of no less than 90 percent and applicants may request a share up to 100 percent (see the March 21, 2023 Dear Colleague letter: <https://www.transit.dot.gov/regulations-and-programs/dear-colleague-letters/dear-colleague-letter-increased-federal-share-under>). Proposals that address three or more activities related to the development of affordable housing (see section C.3.ii.v) will receive a Federal funding share of 100 percent.

Eligible sources of non-Federal match include the following: cash from non-Federal sources (other than revenues from providing public transportation services); revenues derived from the sale of advertising and concessions; amounts received under a service agreement with a State or local social service agency or private social service organization; revenues generated from value capture financing mechanisms; funds from an undistributed cash surplus; replacement or depreciation cash fund or reserve; or new funding. In-kind contributions are permitted. Transportation Development Credits (formerly referred to as Toll Revenue Credits) may not be used to satisfy the non-Federal match requirement.

##### 3. Other Eligibility Criteria

###### i. Eligible Transit Projects

Any comprehensive or site-specific planning work proposed for funding under the TOD Pilot Program must be associated with an eligible transit capital project. To be eligible, the proposed transit capital project must be a new fixed guideway project or a core capacity improvement project, as defined by Federal public transportation law (49 U.S.C. 5302(8)).

A fixed guideway is a public transportation facility:

- (A) Using and occupying a separate right-of-way for the exclusive use of public transportation;
- (B) Using rail;
- (C) Using a fixed catenary system;
- (D) For a passenger ferry system; or
- (E) For a bus rapid transit system.

A new fixed guideway capital project is defined in (49 U.S.C. 5309(a)) to be:

- (A) A new fixed guideway project that is a minimum operable segment or

extension to an existing fixed guideway system; or

(B) A fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

A fixed guideway bus rapid transit project is defined in (49 U.S.C. 5309(a)) as a bus capital project:

(A) In which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

(B) That represents a substantial investment in a single route in a defined corridor or subarea; and

(C) That includes features that emulate the services provided by rail fixed guideway public transportation systems, including:

(i) Defined stations;

(ii) Traffic signal priority for public transportation vehicles;

(iii) Short headway bidirectional services for a substantial part of weekdays and weekend days; and

(iv) Any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

A core capacity improvement project is defined by 49 U.S.C. 5309(a) to mean a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of the corridor by not less than 10 percent. The term does not include project elements designed to maintain a state of good repair of the existing fixed guideway system.

Comprehensive or site-specific planning work in a corridor for a transit capital project that does not meet the statutory definitions above of either a new fixed guideway project or a core capacity improvement project is not eligible under the TOD Pilot Program.

## ii. Eligible Activities

As outlined in the Application Review Information section below, any comprehensive or site-specific planning funded under the TOD Pilot Program must address all six factors set forth in section 20005(b)(2) of MAP-21, as amended by section 30009 of BIL. Additionally, the comprehensive or site-specific planning effort must advance the metropolitan planning organization's metropolitan transportation plan. Applicants must establish performance criteria for the planning effort.

The following are examples of the types of substantial deliverables that may result from the comprehensive or site-specific planning work. Substantial

deliverables are reports, plans, and other materials that represent the key accomplishments of the comprehensive planning effort and that must be submitted to FTA as each is completed. Substantial deliverables may include, but are not restricted to, the following:

i. A comprehensive plan report that includes corridor development policies and station development plans comprising the corridor or the specific site, a proposed timeline, and recommended financing strategies for these plans;

ii. A strategic plan report that includes corridor specific planning strategies and program recommendations to support comprehensive planning;

iii. Revised TOD-focused zoning codes and/or resolutions;

iv. A report evaluating and recommending financial tools to encourage TOD implementation such as land banking, value capture, and development financing;

v. Affordable Housing:

1. Policies that reduce regulatory barriers to the development of affordable housing such as inclusionary zoning that specifies a percentage of new units affordable for targeted incomes or the provision of density bonuses for the creation of affordable housing units;

2. Policies that support affordable rental opportunities;

3. Policies that reduce parking standards;

4. Policies that support permanent affordable housing for disadvantaged groups in areas with high incidence rates of homelessness; and

5. Policies that encourage streamlined permitting for affordable housing units;

vi. Policies to encourage TOD, including actions that reduce regulatory barriers that unnecessarily raise the costs of housing development or impede the development of affordable housing;

vii. Policies to encourage TOD, including actions that increase access to environmental justice populations, reduces greenhouse gas emissions, and the effects of climate change;

viii. Local or regional resolutions to implement TOD plans and/or establish TOD funding mechanisms;

ix. Policies to prioritize TOD in areas with high incidence rates of homelessness for localities to address homelessness holistically through their planning processes.

## iii. Ineligible Activities

FTA will not make awards for the following activities:

i. Transit project development activities that would be reimbursable

under an FTA capital grant, such as project planning, the design and engineering of stations and other facilities, environmental analyses needed for the transit capital project, or costs associated with specific joint development activities; and

ii. Capital projects, such as land acquisition, construction, and utility relocation.

## D. Application and Submission Information

### 1. Address To Request Application Package

Applications must be submitted electronically through *GRANTS.GOV*. The application is only available on *GRANTS.GOV* and must be submitted electronically through *GRANTS.GOV*. General information for submitting applications through *GRANTS.GOV* can be found at <https://www.transit.dot.gov/howtoapply> along with specific instructions for the forms and attachments required for submission. The Standard Form (SF) 424, Application for Federal Assistance, which must be included with every application, can be downloaded from *GRANTS.GOV*. The supplemental form for the FY 2023 TOD Pilot Program can be downloaded from *GRANTS.GOV* or the FTA website at <https://www.transit.dot.gov/TODPilot>. The *GRANTS.GOV* funding opportunity ID is FTA-2023-011-TPE-TODP.

### 2. Content and Form of Application Submission

Failure to submit information as requested can delay review or disqualify the application. Proposals must include a completed SF-424 Mandatory form and the following attachments to the completed SF-424:

i. A completed Applicant and Proposal Profile supplemental form for the TOD Pilot Program (supplemental form) found on the FTA website at <https://www.transit.dot.gov/TODPilot>. The information on the supplemental form will be used to determine applicant and project eligibility for the program, and to evaluate the proposal against the selection criteria described in part E of this notice;

ii. A map of the proposed study area showing the transit project alignment and stations, major roadways, major landmarks, and the geographic boundaries of the proposed comprehensive planning activities;

iii. Documentation of a partnership between the transit project sponsor and an entity in the project corridor with land use planning authority to conduct the comprehensive planning work, if the

applicant does not have both of these responsibilities. Documentation may consist of a memorandum of agreement or letter of intent signed by all parties that describes the parties' roles and responsibilities in the proposed comprehensive planning project; and

iv. Documentation of any funding commitments for the proposed comprehensive or site-specific planning work.

Information such as the applicant's name, Federal amount requested, local match amount, and description of the study area, are requested in varying degrees of detail on both the SF-424 form and supplemental form. Applicants must fill in all fields unless stated otherwise on the forms. Applicants should use both the "Check Package for Errors" and the "Validate Form" buttons on both forms to check all required fields and ensure that the Federal and local amounts specified are consistent. In the event of errors with the supplemental form, FTA recommends saving the form on your computer and ensuring that JavaScript is enabled in your PDF reader. The information listed below must be included on the SF-424 and supplemental forms for TOD Pilot Program funding applications.

The SF-424 and supplemental form will prompt applicants to address the following items:

1. Provide the name of the lead applicant and, if applicable, the specific co-sponsors submitting the application.
2. Provide the applicant's Unique Entity Identifier (UEI), assigned by SAM.gov.
3. Provide contact information including: Contact name, title, address, phone number, and email address.
4. Specify the Congressional district(s) where the planning project will take place.
5. Identify the project title and project scope to be funded, including anticipated substantial deliverables and the milestones at which they will be provided to FTA.
6. Identify and describe an eligible transit project that meets the requirements of Section C, subsection 3 of this notice.
7. Provide evidence of a partnership between the transit project sponsor and at least one agency with land use authority in the transit capital project corridor, as described earlier in this subsection.
8. Address the six factors set forth in MAP-21 Section 20005(b)(2).
9. Provide evidence of a partnership between transit project sponsor and an entity in the project corridor and those that support unhoused populations and

address affordable housing, such as cities, municipalities, non-profit organizations, and housing authority.

10. Address each evaluation criterion separately, demonstrating how the project responds to each criterion as described in Section E.

11. Provide a line-item budget for the total planning effort, with enough detail to indicate the various key components of the comprehensive planning project.

12. Identify the Federal amount requested.

13. Document the matching funds, including amount and source of the match (may include local or private sector financial participation in the project). Describe whether the matching funds are committed or planned and include documentation of the commitments.

14. Provide explanation of the scalability of the project.

15. Address whether other Federal funds have been sought or received for the comprehensive or site-specific planning project.

16. Provide a schedule and process for the development of the comprehensive plan that includes anticipated dates for incorporating the planning work effort into the region's unified planning work program, completing major tasks and substantial deliverables, and completing the overall planning effort.

17. Describe how the comprehensive or site-specific planning work advances the metropolitan transportation plan of the metropolitan planning organization.

18. Propose performance criteria for the development and implementation of the comprehensive or site-specific planning work.

19. Identify potential State, local, or other impediments to the implementation of the comprehensive plan or site-specific plan, and how the work will address them.

20. Describe how the comprehensive or site-specific planning work addresses climate change and elevates challenges facing environmental justice populations

21. Describe how the comprehensive or site-specific planning work allows 40 percent of the overall benefits to flow to Historically Disadvantaged Communities (defined below).

22. Describe how the comprehensive or site-specific planning work prioritizes TOD plans in areas with high incidence rates of homelessness and addresses homelessness holistically through their planning processes.

Describe how the comprehensive or site-specific planning work prioritizes TOD plans in areas with high incidence rates of homelessness and addresses housing

affordability holistically through their planning processes.

23. Describe how the comprehensive or site-specific planning work addresses the historic displacement of historically disadvantaged populations and how it seeks to mitigate the displacement or improve the conditions for populations at risk of displacement, if possible. In addition, describe how local residents surrounding the comprehensive or site-specific planning work will be included in community engagement, especially those who have been historically excluded.

24. Describe how the comprehensive or site-specific planning work includes value capture elements.

25. Describe the community input process for your comprehensive or site-specific planning work.

26. Identify infrastructure needs associated with the eligible project.

27. Describe how the comprehensive or site-specific planning work incorporates affordable housing or other mixed-income elements.

28. Applicants must address how the project will consider climate change and environmental justice in the planning stage and in project delivery. In particular, applicants must address how the project reduces greenhouse gas emissions in the transportation sector, incorporates evidence-based climate resilience measures and features, and reduces the lifecycle greenhouse gas emissions from the project materials. Applicants also must address the extent to which the project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, as well as address disproportionate negative impacts of climate change and pollution on disadvantaged communities, including natural disasters, with a focus on prevention, response, and recovery.

29. Applicants must address how their project will include an equity assessment that evaluates whether a project will create proportional impacts and remove transportation related disparities to all populations in a project area. Applicants must demonstrate how meaningful public engagement will occur throughout a project's life cycle. Applicants must address how project benefits will increase affordable transportation options, improve safety, connect Americans to good-paying jobs, fight climate change, and/or improve access to resources and quality of life.

30. Applicants must address all the applicable criteria and priority considerations identified in Section E.

FTA will also give priority consideration to projects that support the Justice40 initiative. In support of

Executive Order 14008, DOT has been developing a geographic definition of Historically Disadvantaged Communities as part of its implementation of the Justice40 Initiative. Consistent with OMB's Interim Guidance for the Justice40 Initiative, Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. Applicants are encouraged to use Climate & Economic Justice Screening Tool (CEJST), a new tool by the White House Council on Environmental Quality (CEQ), that aims to help Federal agencies identify disadvantaged communities. Applicants should use CEJST as the primary tool to identify disadvantaged communities. This tool can be found at <https://screeningtool.geoplatform.gov>. Alternatively, applicants may also use the USDOT Equitable Transportation Community (ETC) Explorer (<https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/Homepage/>) to understand how their community or project area is experiencing disadvantages related to lack of transportation investments or opportunities. Use of either mapping tool is optional; applicants may provide an image from the map tool outputs, or alternatively, consistent with OMB's Interim Guidance, applicants can supply quantitative, demographic data of their ridership demonstrating the percentage of their ridership that meets the criteria for disadvantage described in Executive Order 14008. Examples of indicators for Historically Disadvantaged Communities that an applicant could address using geographic or demographic information include percentages of low income, high or persistent poverty, high unemployment and underemployment, racial and ethnic residential segregation, linguistic isolation, high housing cost burden and substandard housing, and high transportation cost burden and/or low transportation access. Additionally, in support of the Justice40 Initiative, the applicant also should provide evidence of strategies that the applicant has used in the planning process to seek out and consider the needs of those historically disadvantaged and underserved by existing transportation systems. For technical assistance using the mapping tool, please contact [GMO@dot.gov](mailto:GMO@dot.gov).

Project budgets must show how different funding sources will share in each activity and present the data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for or has been

awarded, if any, that the applicant intends to use. Funding sources should be grouped into three categories: non-Federal, the Pilot Program for Transit-Oriented Development Planning request, and other Federal, with specific amounts from each funding source provided.

Due to funding limitations, projects that are selected for funding may receive less than the amount originally requested, even if an application did not present a scaled project option. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

**Sharing of Application Information—**The Department may share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

### 3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. These requirements do not apply if the applicant is exempted from registration per 2 CFR 25.110. SAM registration takes approximately 3–5 business days, but FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit <https://www.sam.gov>.

### 4. Submission Dates and Times

Project proposals must be submitted electronically through <https://www.GRANTS.GOV> by 11:59 p.m. Eastern Time October 10, 2023. *GRANTS.GOV* attaches a time stamp to each application at the time of submission. Proposals submitted after the deadline will only be considered under extraordinary circumstances not under the applicant's control.

Applications are time and date stamped by *GRANTS.GOV* upon successful submission. Mail, email, and fax submissions will not be accepted.

Within 48 hours after submitting an electronic application, the applicant should receive two email messages from *GRANTS.GOV*: (1) confirmation of successful transmission to *GRANTS.GOV*; and (2) confirmation of successful validation by *GRANTS.GOV*. FTA will then validate the application and will attempt to notify any applicants whose applications could not be validated. If the applicant does not receive confirmation of successful validation or a notice of failed validation or incomplete materials, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission. An application that is submitted at the deadline and cannot be validated will be marked as incomplete, and such applicants will not receive additional time to re-submit.

FTA urges applicants to submit their applications at least 96 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* website at <https://www.GRANTS.GOV>. Deadlines will not be extended due to scheduled maintenance or outages.

Applicants are encouraged to begin the registration process on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered applicants may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) registration in SAM is renewed annually and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *GRANTS.GOV* by the AOR to make submissions.

### 5. Funding Restrictions

See Section C of this NOFO for detailed eligibility requirements. FTA emphasizes that any comprehensive or site-specific planning projects funded through the TOD Pilot Program must be associated with an eligible transit

project, specifically a new fixed guideway project or a core capacity improvement project as defined in Federal transit statute, 49 U.S.C. 5309(a). Projects are not required to be funded through the Capital Investment Grants Program. Funds must be used only for the specific purposes requested in the application. Funds under this NOFO cannot be used to reimburse projects for otherwise eligible expenses incurred prior to FTA's announcement of project selections and issuance of pre-award authority. Refer to Section C.3., Eligible Projects, for information on activities that are allowable in this grant program. Allowable direct and indirect expenses must be consistent with the Government-wide Uniform Administrative Requirements and Cost Principles (2 CFR part 200) and FTA Circular 5010.1E.

#### 6. Other Submission Requirements

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project at the full requested amount. If an applicant indicates that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FTA may award a lesser amount regardless of whether a scalable option is provided.

All applications must be submitted via the *GRANTS.GOV* website. FTA does not accept applications on paper or by fax, email, or other means. For information on application submission requirements, please see Section D.1., Address to Request Application and Section D.4., Submission Dates and Times.

FTA encourages applicants to:

- Demonstrate whether they have considered climate change, housing affordability, and environmental justice in terms of the transportation planning process or anticipated design components with outcomes that address climate change (e.g., resilience or adaptation measures).

- Describe what specific climate change, affordable housing, or environmental justice activities have been incorporated, including whether a project supports a Climate Action Plan, whether an equitable development plan has been prepared, and whether tools such as the Environmental Protection Agency's (EPA) EJSCREEN at: <https://www.epa.gov/ejscreen> or DOT's Historically Disadvantaged Community

tool at: <https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a> have been applied in project planning.

- Address how a project is related to housing or land use reforms to increase density, and helps to reduce climate impacts. The application should also describe specific and direct ways the project will mitigate or reduce climate change impacts including any components that reduce emissions, promote energy efficiency, incorporate electrification or low emission or zero emission vehicle infrastructure, increase resilience, recycle or redevelop existing infrastructure or if located in a floodplain be constructed or upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law.

In addition, FTA will consider benefits to Environmental Justice (EJ) populations (E.O. 12898) when reviewing applications received under this program.

- Identify any EJ populations located within the proposed service area and describe anticipated benefits to that population(s) should the applicant receive a grant under this program. A formal EJ analysis that is typically included in transportation planning or environmental reviews is not requested.

#### E. Application Review Information

##### 1. Criteria

Project proposals will be evaluated primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found. Applications will be evaluated based on the quality and extent to which the following evaluation criteria are addressed.

##### a. Project Factors

Whether the project funded under the TOD Pilot Program addresses all six factors set forth in Section 20005(b)(2) of MAP-21, as amended by section 30009 of BIL:

- enhances economic development, ridership, and other goals established during the project development and engineering processes;
- facilitates multimodal connectivity and accessibility;
- increases access to transit hubs for pedestrian and bicycle traffic;
- enables mixed-use development;
- encourages affordable housing, particularly in areas with high incidence rates of homelessness;

- identifies infrastructure needs associated with the eligible project; and
- includes private sector participation.

##### b. Demonstrated Need

FTA will evaluate each project to determine the need for funding based on the following factors:

- How the proposed work will advance TOD implementation in the corridor and region;
- Justification as to why Federal funds are needed for the proposed work;
- Extent to which the transit project corridor could benefit from TOD planning;
- Extent to which TOD planning will address climate change, affordable housing, and challenges facing environmental justice populations.

##### c. Strength of the Work Plan, Schedule and Process

FTA will evaluate the strength of the work plan, schedule, and process included in the application based on the following factors:

- Potential state, local, or other impediments to the implementation of the comprehensive or site-specific plan, and how the workplan will address them;
- Extent to which the schedule contains sufficient detail, identifies all steps needed to implement the work proposed, and is achievable;
- The proportion of the project corridor covered by the work plan;
- Extent of partnerships, including how community stakeholders will engage and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, and unhoused populations, who may face challenges accessing employment and other services.
- The partnerships' technical capability to develop, adopt, and implement the comprehensive plans, based on FTA's assessment of the applicant's description of the policy formation, implementation, and financial roles of the partners, and the roles and responsibilities of proposed staff;
- Extent to which this TOD planning effort increases access for environmental justice populations and allows them to participate in this TOD planning effort;
- Extent to which the TOD planning effort increases affordable housing supply;
- Extent to which the comprehensive planning work will reduce greenhouse gas emissions and the effects of climate change;
- How the performance measures identified in the application relate to the

goals of the comprehensive planning work.

#### d. Funding Commitments

FTA will assess the status of local matching funds for the planning work. In general, the maximum Federal funding share for proposals is 80 percent. Proposals that support planning activities that assist parts of an urbanized area or rural area with lower population density or lower average income levels compared to the applicable area or adjoining areas will receive a Federal funding share of no less than 90 percent and applicants may request a share up to 100 percent (see the March 21, 2023, Dear Colleague letter: <https://www.transit.dot.gov/sites/fta.dot.gov/files/2023-03/Dear-Colleague-Letter-Non-Federal-Share-Waiver-for-Complete-Streets-Planning.pdf>). Proposals that address three or more activities related to the development of affordable housing (see section C.3.ii.v) will receive a Federal funding share of 100 percent.

Applications demonstrating that matching funds for the proposed comprehensive planning work are already committed will receive higher ratings from FTA on this factor. Proposed comprehensive planning projects for which matching funding sources have been identified, but are not yet committed, will be given lower ratings under this factor by FTA, as will proposed comprehensive planning projects for which in-kind contributions constitute the primary or sole source of match.

#### 2. Review and Selection Process

An FTA technical evaluation committee will verify each proposal's eligibility and evaluate proposals based on the published evaluation criteria. FTA may request additional information from applicants, if necessary.

After completing the merit review, among projects of similar merit, DOT will prioritize projects that:

1. Significantly reduce greenhouse gas emissions in the transportation sector, such as through utilizing fiscally responsible land use; increasing the use of energy efficient modes of transportation like transit, rail, and active transportation; transitioning to clean vehicles and fuels, including through electrification; and/or incorporating carbon-reducing uses of the right-of-way or other carbon reduction strategies.

2. Incorporate evidence-based climate resilience measures or features, such as using best-available climate data sets, information resources, and decision-support tools (including USDOT and

other federal resources) to assess the climate-related vulnerability and risk of the project; developing and deploying resilience solutions to address those risks; incorporating nature-based solutions; constructing or upgrading infrastructure using the Federal Flood Risk Management Standard, consistent with current law; and monitoring performance of climate resilience measures.

3. Address the disproportionate negative environmental impacts of transportation on disadvantaged communities; such as considering the benefits and burdens a project may create, and what communities would be most affected.

4. Avoid adverse environmental impacts to air or water quality, wetlands, and endangered species; such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity.

5. Enable all people within the multimodal transportation networks to reach their desired destination safely, affordably, and with a comparable level of efficiency and ease.

6. Reconnect communities and mitigate neighborhood bifurcation through land bridges, caps, lids, linear parks, investments in walking, biking and rolling assets, and other solutions.

7. Address the disproportional impacts of crashes on underserved communities, including individuals with disabilities.

8. Expand access to critical community services such as education and healthcare through mass transit services.

9. Increase housing supply, particularly location-efficient affordable housing, locally-driven land use and zoning reform, rural main street revitalization, growth management, and transit-oriented development.

10. Address the unique challenges rural and Tribal communities face related to mobility and economic development, including isolation, transportation cost burden, and traffic safety (pursuant to DOT's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative).

11. Encourage an increase in housing supply, particularly location-efficient affordable housing, locally-driven land use and zoning reform, rural main street revitalization, growth management, and transit-oriented development, pursuant to the White House Housing Supply Action Plan ([https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/16/president-biden-announces-new-](https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/16/president-biden-announces-new)

*actions-to-ease-the-burden-of-housing-costs/*).

12. Incorporate and support integrated land use, economic development, and transportation planning to improve the movement of people and goods and local fiscal health, and to facilitate greater public and private investments and strategies in land-use productivity, including rural main street revitalization or an increase in the production or preservation of location-efficient housing.

13. Provide the plan to conduct meaningful public involvement that includes underserved communities throughout the project lifecycle and uses a meaningful public involvement process. Additionally, consider the benefits and potential burdens a project may create, who would experience them, and how they may be measured over time, with a specific focus on how the benefits and potential burdens will impact underserved/disadvantaged communities.

14. Benefit underserved/Historically Disadvantaged Communities, including benefits that would accrue to underserved/Historically Disadvantaged Communities outside of the specific project area. Use DOT's Transportation Disadvantaged Census Tracts ([arcgis.com](http://arcgis.com)) tool to identify whether the project impact area encompasses disadvantaged communities. A screenshot of the results is encouraged. Furthermore, applicants are encouraged to use equity screening tools such as DOT's STEAP (Screening Tool for Equity Analysis of Projects) (<https://hepgis.fhwa.dot.gov/fhwagis/buffertool/>) as a resource for developing equity assessments.

In support of Executive Order 14008, and consistent with OMB's Interim Guidance for the Justice40 Initiative, Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. Applicants are encouraged to use Climate & Economic Justice Screening Tool (CEJST), a new tool by the White House Council on Environmental Quality (CEQ), that aims to help Federal agencies identify disadvantaged communities as part of the Justice40 initiative to accomplish the goal that 40 percent of benefits from certain federal investment reach disadvantaged communities. Applicants should use CEJST as the primary tool to identify disadvantaged communities (Justice40 communities). Applicants are strongly encouraged to use the USDOT Equitable Transportation Community (ETC) Explorer to understand how their community or project area is

experiencing disadvantage related to lack of transportation investments or opportunities. Through understanding how a community or project area is experiencing transportation-related disadvantage, applicants are able to address how the benefits of a project will reverse or mitigate the burdens of disadvantage and demonstrate how the project will address challenges and accrued benefits. Use of the map tool(s) is optional; applicants may provide an image of the map tool outputs or, alternatively, consistent with OMB's Interim Guidance, applicants can supply quantitative, demographic data of their ridership demonstrating the percentage of their ridership that meets the criteria described in Executive Order 14008 for disadvantage. Examples of Historically Disadvantaged Communities that an applicant could address using geographic or demographic information include low income, high and/or persistent poverty, high unemployment and underemployment, racial and ethnic residential segregation, linguistic isolation, or high housing cost burden and substandard housing. Additionally, in support of the Justice40 Initiative, the applicant also should provide evidence of strategies that the applicant has used in the planning process to seek out and consider the needs of those traditionally disadvantaged and underserved by existing transportation systems. For technical assistance using the mapping tool, please contact [GMO@dot.gov](mailto:GMO@dot.gov).

FTA will evaluate the proposals to determine the extent that the proposed project will address affordable housing needs, provide equitable housing choices for environmental justice populations, and avoid displacement of low-income households and existing small businesses.

Among the factors in determining the allocation of program funds, FTA may consider geographic diversity, diversity in the size of the grantees receiving funding, or the applicant's receipt of other competitive awards. Additionally, taking into consideration the findings of the technical evaluation committee, the FTA Administrator will determine the final selection of projects for program funding.

### 3. Integrity and Performance Review

Prior to making an award, FTA is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information Systems (FAPIS) accessible through SAM. An applicant may review and comment on information about itself that a Federal awarding agency previously entered.

FTA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in the Office of Management and Budget's Uniform Requirements for Federal Awards (2 CFR 200.205).

#### F. Federal Award Administration Information

##### 1. Federal Award Notices

The FTA Administrator will announce the final project selections on the FTA website. Project recipients should contact their FTA Regional Offices for additional information regarding allocations for projects under the TOD Pilot Program.

##### i. Pre-Award Authority

FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. FTA does not provide pre-award authority for competitive funds until projects are selected and, even then, there are Federal requirements that must be met before costs are incurred. Funds under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a Grant Agreement until FTA has issued pre-award authority for selected projects, or unless FTA has issued a "Letter of No Prejudice" for the project before the expenses are incurred. For more information about FTA's policy on pre-award authority, please see the most recent Apportionment Notice at: FTA Fiscal Year 2023 Apportionments, Allocations and Program Information | US Department of Transportation (<https://www.transportation.gov/bipartisan-infrastructure-law/regulations/2023-07761>).

##### ii. Grant Requirements

If selected, awardees will apply for a grant through FTA's Transit Award Management System (TrAMS). Recipients of TOD Pilot Program funds are subject to the grant requirements of the Section 5303 Metropolitan Planning program, including those of FTA Circular 8100.1C (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/program-guidance-metropolitan-planning-and-state-planning-a-0>) and Circular 5010.1E (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>). All competitive grants,

regardless of award amount, will be subject to the Congressional notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

Additionally, recipients of TOD Pilot Program funds are required to participate in a briefing on the USDOT-Build America Bureau, TIFIA/RRIF financing program.

#### 2. Administrative and National Policy Requirements

##### i. Planning

FTA encourages applicants to notify the appropriate metropolitan planning organizations in areas likely to be served by the funds made available under this program. Selected projects must be incorporated into the unified planning work programs of metropolitan areas before they are eligible for FTA funding or pre-award authority.

##### ii. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances (<https://www.transit.dot.gov/funding/grantee-resources/certifications-and-assurances/certifications-assurances>) before receiving a grant if it does not have current certifications on file.

##### iii. Disadvantaged Business Enterprise

FTA requires that its recipients receiving planning, capital, and/or operating assistance that will award prime contracts exceeding \$250,000 in FTA funds in a Federal fiscal year comply with Department of Transportation Disadvantaged Business Enterprise (DBE) program regulations (49 CFR part 26). Applicants should expect to include any funds awarded, excluding those to be used for vehicle procurements, in setting their overall DBE goal.

#### iv. Civil Rights and Title VI

As a condition of a grant award, grant recipients must demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR part 21), the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT's and FTA's Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

#### v. Performance and Program Evaluation

Recipients and subrecipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), (Public Law 115–435) urges Federal awarding agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency” (5 U.S.C. 311). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A–11, Part 6, Section 290).

For grant recipients receiving an award, evaluation costs are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR part 200).

#### 3. Reporting

Post-award reporting requirements include submission of Federal Financial Reports and Milestone Progress Reports in FTA's electronic grants management system on a quarterly basis. Applicants

should include any goals, targets, and indicators referenced in their application to the project in the Executive Summary of the TrAMS application. Awardees must also submit copies of the substantial deliverables identified in the work plan to the FTA regional office at the corresponding milestones.

As part of completing the annual certifications and assurances required of FTA grant recipients, a successful applicant must report on the suspension or debarment status of itself and its principals. If the award recipient's active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of an award made pursuant to this Notice, the recipient must comply with the Recipient Integrity and Performance Matters reporting requirements described in appendix XII to 2 CFR part 200.

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for Federal funding under this notice must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving funds for construction, consistent with Presidential Policy Directive 21—Critical Infrastructure Security and Resilience and the National Security Presidential Improving Cybersecurity for Critical Infrastructure Control Systems.

As expressed in Executive Order 14005, ‘Ensuring the Future Is Made in All of America by All of America’s Workers’ (86 FR 7475), the executive branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirements:

(a) Except as provided in 49 CFR 661.7 and 661.11, no funds may be obligated by FTA for a grantee project unless all iron, steel, manufactured products, and construction materials used in the project are produced in the United States.

(b) All steel and iron manufacturing processes must take place in the United States, except metallurgical processes involving refinement of steel additives.

(c) The steel and iron requirements apply to all construction materials made primarily of steel or iron and used in infrastructure projects such as transit or maintenance facilities, rail lines, and bridges. These items include, but are not limited to, structural steel or iron, steel or iron beams and columns, running rail and contact rail. These requirements do not apply to steel or iron used as components or subcomponents of other manufactured products or rolling stock, or to bimetallic power rail incorporating steel or iron components.

(d) For a manufactured product to be considered produced in the United States:

(1) All of the manufacturing processes for the product must take place in the United States; and

(2) All of the components of the product must be of U.S. origin. A component is considered of U.S. origin if it is manufactured in the United States, regardless of the origin of its subcomponents.

The Department expects all applicants to comply with that requirement.

#### G. Federal Awarding Agency Contacts

For program-specific questions, please contact April McLean-McCoy, Office of Planning and Environment, (202) 366–7429, email: [April.McLeanMcCoy@dot.gov](mailto:April.McLeanMcCoy@dot.gov). A TDD is available at 1–800–877–8339 (TDD/FIRS). Any addenda that FTA releases on the application process will be posted at <https://www.transit.dot.gov/TODPilot>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FTA directly, rather than through intermediaries or third parties. FTA staff may also conduct briefings on the FY 2023 competitive grants selection and award process upon request.

For issues with GRANTS.GOV, please contact GRANTS.GOV by phone at 1–800–518–4726 or by email at [support@grants.gov](mailto:support@grants.gov). Contact information for FTA's regional offices can be found on FTA's website at <https://www.transit.dot.gov>.

#### H. Other Program Information

This program is not subject to Executive Order 12372,

“Intergovernmental Review of Federal Programs.”

Nuria I. Fernandez,  
Administrator.

[FR Doc. 2023-16894 Filed 8-7-23; 8:45 am]

BILLING CODE 4910-57-P

## DEPARTMENT OF TRANSPORTATION

### Bureau of Transportation Statistics

[Docket Number OST-2023-0115]

#### Agency Information Collection Activity; Notice of Request for Approval To Collect New Information: Safe Maritime Transportation System (SafeMTS)—Voluntary Near-Miss Incident Reporting and Analysis System

**AGENCY:** Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology (OST-R), U.S. Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the requirements of section 3506(c)(2)(A) of Title 44 of the U.S. Code (Paperwork Reduction Act of 1995), this notice announces the intention of BTS to request the Office of Management and Budget (OMB) to approve a new data collection: SafeMTS—Voluntary Near-Miss Reporting and Analysis System.

**DATES:** Written comments should be submitted by October 10, 2023.

**ADDRESSES:** To ensure that your comments are not entered more than once into the docket, submit comments by only one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov> and follow the instructions for sending your comments electronically. Docket Number: OST-2023-0115.

- *Mail:* Docket Services, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* Deliver to mail address above between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the Agency name and docket number. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or

comments received, go to <https://www.regulations.gov>, and follow the online instructions for accessing the docket, or go to the street address listed above.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](https://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](https://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Allison Fischman, Office of Safety Data and Analysis, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, U.S. Department of Transportation, RTS-35, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, [allison.fischman@dot.gov](mailto:allison.fischman@dot.gov), (202)-748-0546.

#### SUPPLEMENTARY INFORMATION:

In August 2022, the Maritime Administration’s (MARAD) Office of Safety and BTS signed an Interagency Agreement (IAA) to develop and implement SafeMTS, a voluntary program for confidential reporting of ‘near-misses’ occurring on vessels within the Maritime Transportation System (MTS). The SafeMTS program provides a trusted, proactive means for the maritime industry to report sensitive and proprietary safety information, and to identify early warnings of safety problems and potential safety issues by uncovering hidden, at-risk conditions not previously exposed from analysis of reportable accidents and incidents. Companies participating in SafeMTS are voluntarily submitting safety data. There is no regulatory requirement to submit such data.

The scope of SafeMTS includes a broad range of data categories to promote safe operations and appropriate risk management, which adds a learning component to assist the maritime industry in achieving improved safety performance. BTS will be the repository for the data and will analyze and aggregate information proffered under this program. BTS will publish aggregated analyses providing information on potential causal factors and trends or patterns before safety is compromised and affording continuous improvement opportunities by focusing on repairing impediments to safety. This information collection is necessary to aid MARAD, the maritime industry, and other stakeholders in identifying safety trends and causes of near-miss incidents.

*Title:* SafeMTS—Near-Miss Reporting and Analysis Program for the Maritime Transportation System.

*OMB Control Number:* Not yet known.

*Type of Request:* New collection.

*Affected Public:* Businesses in the maritime industry that involve ownership or operation of vessels.

*Number of Potential Responses:* One hundred, submitted on a quarterly basis.

*Estimated Total Annual Burden:* 400 hours.

*Abstract:* The Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) (44 U.S.C. 3501 note), can provide strong confidentiality protection for information acquired for statistical purposes under a pledge of confidentiality. CIPSEA guidance from the Office of Management and Budget advises that a non-statistical agency or unit (MARAD) that wishes to acquire information with CIPSEA protection may consider entering into an agreement with a Federal statistical agency or unit (BTS). BTS and MARAD have determined that it is in the public interest to collect and process near-miss incident related data under a pledge of confidentiality for statistical purposes only.

Working with subject matter experts, BTS will then aggregate and further analyze these reports to identify potential causal factors and trends. All data reviewers would be subject to nondisclosure requirements mandated by CIPSEA. The results of these aggregated analyses will be distributed by BTS through publications, meetings, and other forms. Periodic industry meetings may be scheduled by MARAD or industry to discuss the data analysis and trend results, as well as share ideas and process improvements for preventing recurrence.

In August 2022, BTS and MARAD signed an IAA to develop and implement SafeMTS, a voluntary program for confidential reporting of ‘near-misses’ occurring on vessels. The goal of the voluntary near-miss reporting system is to provide BTS with essential information about accident precursors and other hazards. Under the program, BTS will develop and publish aggregate analyses that the industry and all MTS stakeholders can use—in conjunction with incident reports and other sources of information—to reduce safety and environmental risks and continue building a more robust safety culture within the maritime industry.

BTS, within the U.S. Department of Transportation (U.S. DOT), is an objective supplier of statistically sound baseline, contextual, and trend information used to shape