


RAIL

MOVING AMERICA FORWARD



Federal-State Partnership for Intercity Passenger Rail Grant Program Information Session #1 – Eligibility and Agreements

Presented by:

Ryan Arbuckle • Jenny Zeng • Mariam Ouhamou



U.S. Department of Transportation
Federal Railroad Administration

January 19, 2022

Upcoming Information Sessions

- **January 26—Major Capital Projects**
 - Domestic Sourcing Plan
 - Letters of Intent/Phased Funding Agreements
- **February 7—Project Narrative and Statement of Work**
- **February 9—Corridor Identification and Development Program**
 - Registration opening soon

Federal-State Partnership for Intercity Passenger Rail Grant Program

Overview: This program provides funding for capital projects that reduce the state of good repair backlog, improve performance, or expand or establish new intercity passenger rail service, including privately operated intercity passenger rail service, if an eligible applicant is involved.

For projects not located on the Northeast Corridor (FSP-National):

- **Funding Available for Award:** \$2,283,150,000
- [FY 2022 Federal-State Partnership for Intercity Passenger Rail \(FSP-National\) Notice of Funding Opportunity \(NOFO\)](#)
- Applications are due no later than 5:00 p.m. ET, March 7, 2023
- To view presentation materials from the December 15, 2022, FY2022 Federal-State Partnership for Intercity Passenger Rail Grant Program (FSP-National) Notice of Funding Opportunity (NOFO) Webinar, visit [FRA's Webinars webpage](#).

For projects located on the Northeast Corridor (FSP-NEC):

- **Funding Available for Award:** \$8,979,150,000
- [FY 2022-2023 Federal-State Partnership for Intercity Passenger Rail \(FSP-NEC\) Notice of Funding Opportunity](#)
- Applications are due no later than 5:00 p.m. ET, March 27, 2023
- Register for the January 12, 2023, [FY2022-2023 FSP-NEC NOFO Webinar](#)

Register for Federal-State Partnership Program Information Sessions (FSP-National and FSP-NEC NOFOs):

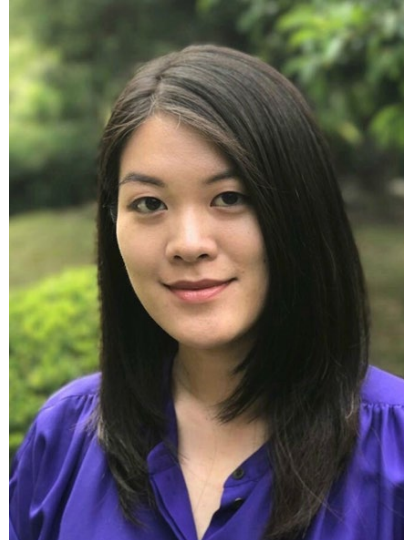
- [Fed-State Partnership Information Session #1: Eligibility](#) ^{or} - January 19, 2023
- [Fed-State Partnership Information Session #2: Major Capital Projects](#) ^{or} - January 26, 2023
- [Fed-State Partnership Information Session #3: Project Narrative and Statement of Work](#) ^{or} - February 7, 2023

FRA Presenters



Ryan Arbuckle

Transportation Industry
Analyst, *Rail Program*
Policy and Performance
Division



Jenny Zeng

Transportation Industry
Analyst, *Rail Program*
Policy and Performance
Division

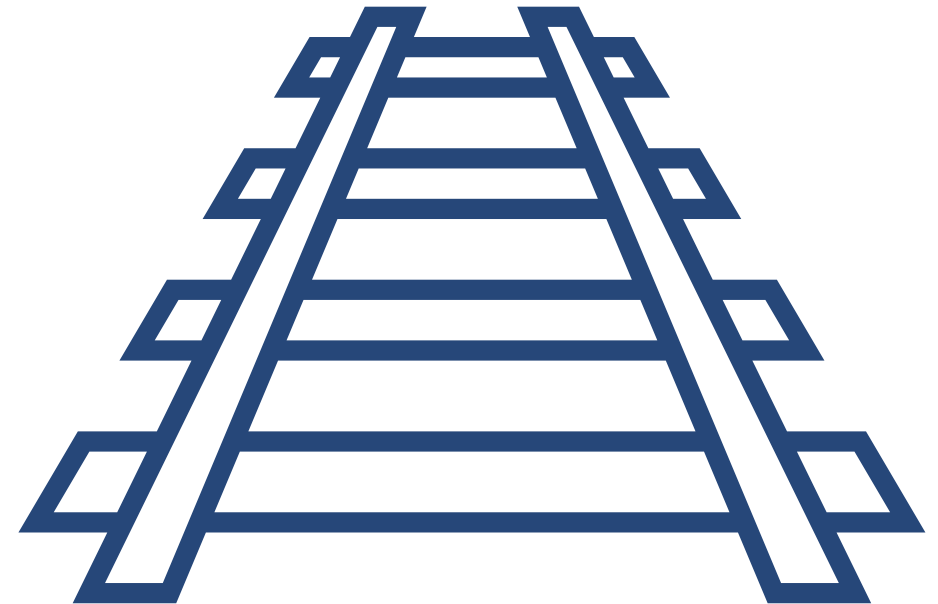


Mariam Ouhamou

Supervisory Grants
Management Specialist,
Grant and Loan Program
Development Division

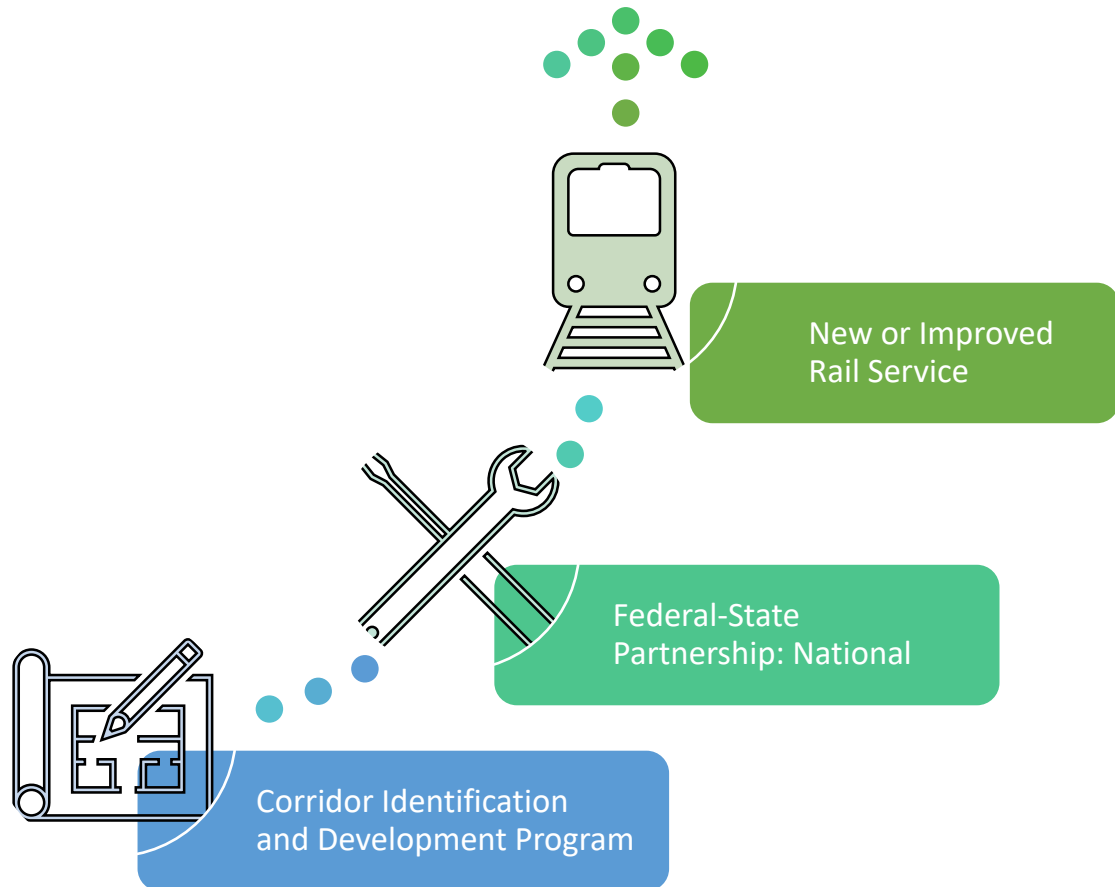
Agenda

- 1 Federal-State Partnership Program (FSP) and its Relationship with the Corridor Identification and Development Program (CID)
- 2 Applicant and Project Eligibility
- 3 Best Practices—Agreements
- 4 Q & A



Federal-State Partnership and the Corridor Identification and Development Program

CID and FSP – Pipeline of Rail Projects



Corridor ID creates a foundational framework for identifying and developing new or improved intercity passenger rail (IPR) services.

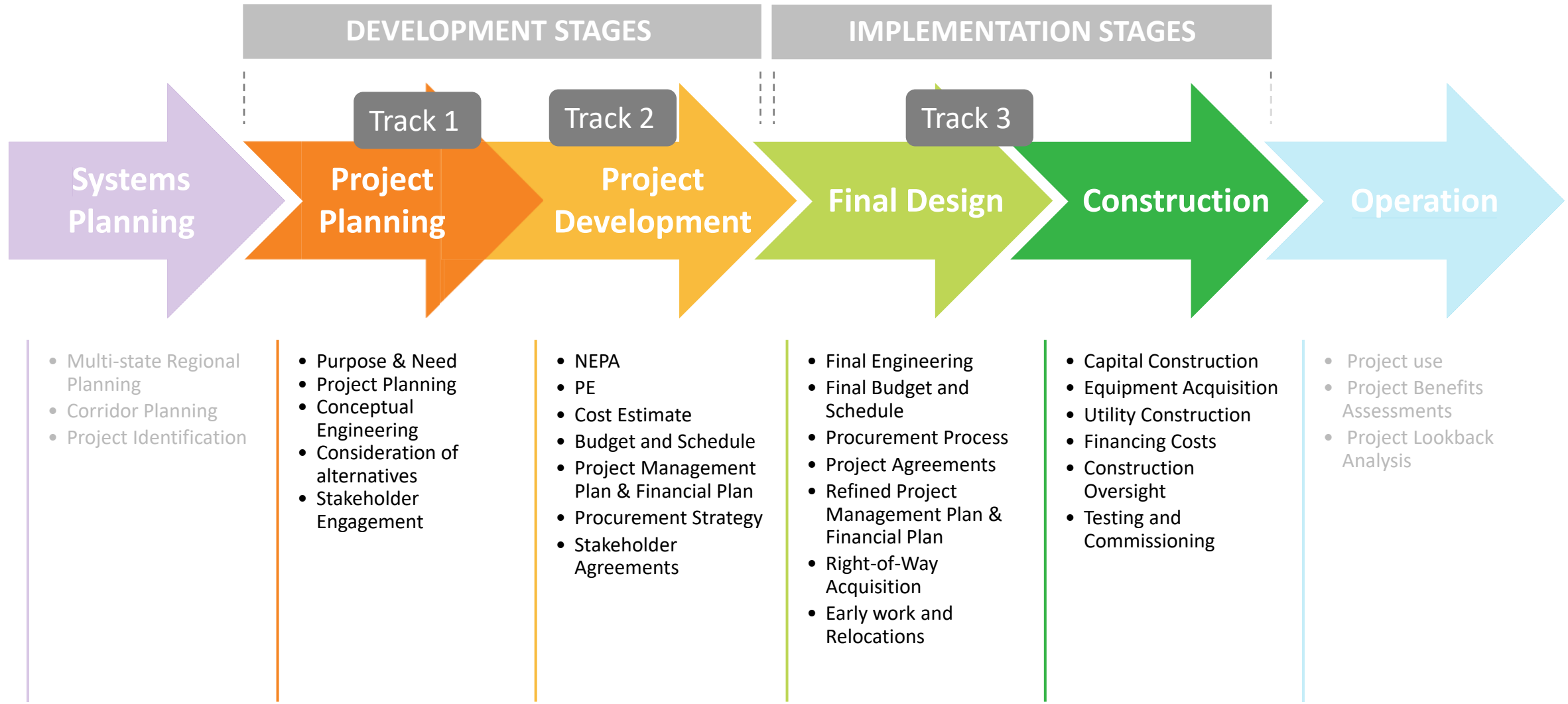
- Corridor Development Initiation
- Service Development Planning
- Project Planning
- Project Development

Federal State Partnership funds capital rail projects for new, expanded or improved IPR service.

- Project Planning
- Project Development
- Final Design
- Construction

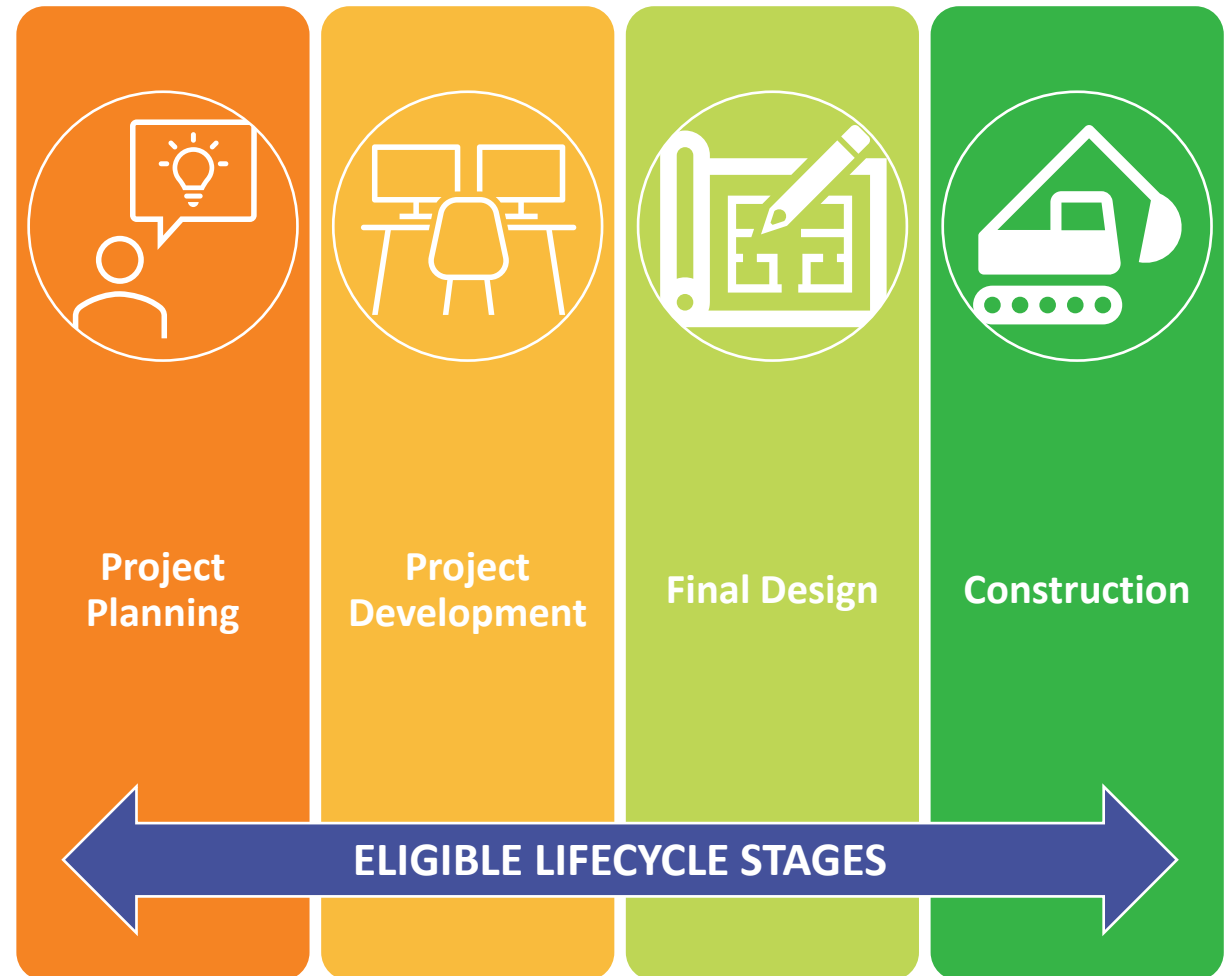
Includes a selection preference for capital projects that have progressed from Corridor ID

Project Lifecycle Stages



Lifecycle Stages and a Notice of Funding Opportunity (NOFO)

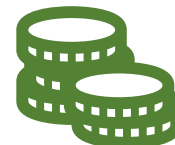
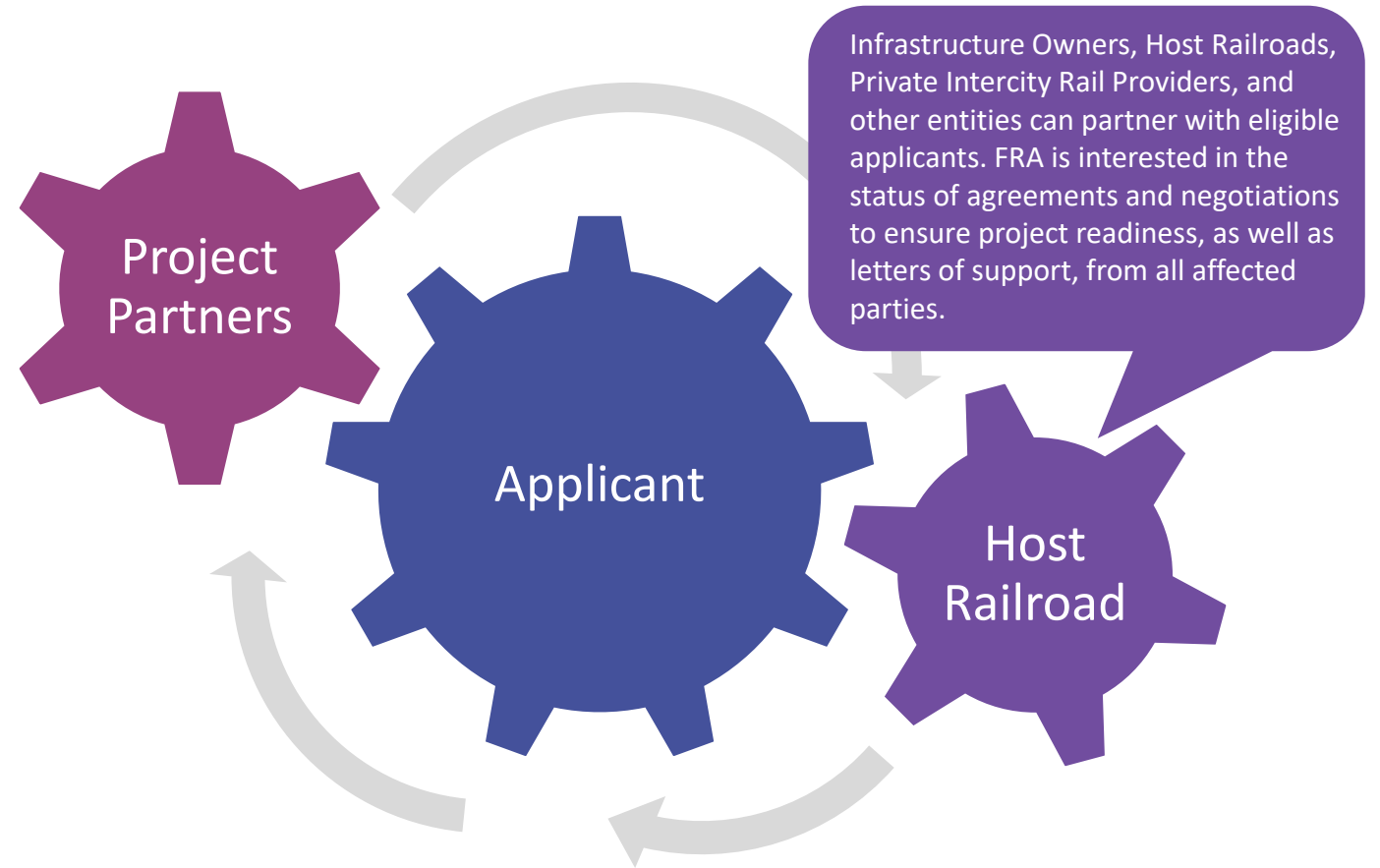
- **Applicants need to determine:**
 - What Track/Lifecycle Stage their project is currently in
 - What Track/lifecycle Stage(s) their project needs funding for
- **Applicants need to consider:**
 - How to make an appropriate justification in their Project Narrative regarding current project stage and requested funding stage
 - What supporting documentation is required to demonstrate appropriate Lifecycle Stage?
 - Clearly state what Track/Lifecycle Stage you are applying for in Project Summary



Federal-State Partnership Eligibility

Eligible Applicants

- States (*incl. the District of Columbia*)
- Groups of States
- Interstate Compacts
- Public agencies or publicly chartered authorities established by one or more States
- Political subdivisions of States
- Amtrak, acting on its own behalf or under a cooperative agreement with one or more States
- Federally recognized Indian Tribe **(New!)**
- Any combination of the above



Other funding opportunities are available with different eligibility criteria

How do I prove my eligibility?

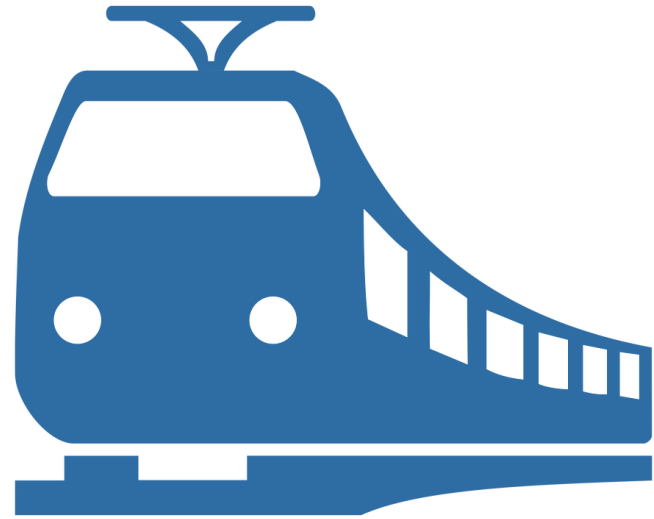
- **Provide a justification in your narrative with appropriate documentation, such as:**
 - Enabling legislation and organizational structure
 - For political subdivisions and units of local government, explain how applicant exercises independent governmental authority (e.g., power of eminent domain, taxation, etc.)
- **Joint application process:**
 - Lead applicant must be identified and include signed statement from authorized representative of each joint applicant
 - Joint applicants involving Amtrak and one or more States must provide cooperative agreement for the project signed by authorized representatives



Project Eligibility

- A project to **replace, rehabilitate, or repair** infrastructure, equipment, or a facility
- A project to **improve intercity passenger rail service performance**
- A project to **expand or establish new intercity passenger rail service**
- A **group of related projects** described above
- The **planning, environmental studies, and final design** for a project or group of projects described above

Remember
Lifecycle Stage!

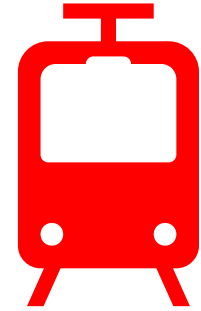


Capital Project: Acquiring, constructing, improving, or inspecting rail equipment, track and track structures, or a rail facility...including acquiring rights-of-way.

Major Capital Project: Project with a capital cost estimate of \$500 million or greater and with at least \$100 million in Federal assistance received or requested under the FSP program.

Project Eligibility – IPR vs. Commuter Rail

- FRA is prohibited under [49 U.S.C. 22905\(f\)](#) from providing FSP grants for **Commuter Rail**
- FRA's intent with FSP is to fund **reasonable investments in Capital Projects for Intercity Rail Passenger Transportation**
 - Such projects may be located on shared corridors where commuter and/or freight also benefit
- FSP applications should **focus on IPR benefits**



Commuter Rail: short-haul rail passenger transportation in metropolitan and suburban areas usually having reduced fare, multiple rides, and commuter tickets, and morning and evening peak period operations.

Project and Applicant Eligibility Reminders

- Things to consider:
 - How do the applicant and project meet eligibility criteria
 - How to make a justification in the narrative
 - Are all components of the project eligible for funding?
 - How to include all aspects of the project in their justification
 - Supporting documentation?
 - Citations and hyperlinks
 - Partnering with an eligible applicant



Applicants are expected to provide supporting justification and documentation that address project and applicant eligibility requirements. FRA will make final determinations on eligibility upon review of entire application package.



Ineligible projects and applicants will not be considered for funding and their applications will not be reviewed

Agreements

Agreements Best Practices – Overview

Certain agreements may be required as a condition of making a grant

Today's focus:

- **Examples of types of agreements** that may be required
- **Deep Dive of 49 U.S.C. § 22905(c)(1)** (referred to as the “Railroad Agreement Requirement”)
- **Resources** for further reference, including weblinks and FAQs

Agreements Best Practices – Types of Agreements

*Entities selected to receive funding must satisfy applicable requirements, **such as required agreements**, as a precondition to the Federal Railroad Administration issuing a grant award. Not all requirements will apply to all projects.*

Examples of agreements that *may* be required:

- **Host Railroad Agreements:** Legal agreements with all applicable host railroads, with details on engineering, statement of work, construction, service outcomes, cost sharing, or any other relevant issues
- **Service Operator Agreements:** Commitments and concurrences from the operator of the intercity passenger rail service that will benefit from the project
- **Other Agreements:** Other agreements as necessitated by specific project conditions, such as with real estate owners, utilities, other States, local governments, etc.

Agreements Best Practices – Deep Dive of 49 U.S.C. § 22905(c)(1)

49 U.S.C. § 22905(c)(1) requires, as a condition of making a grant for a project that uses rights-of-way owned by a railroad, that a written agreement exist between the applicant and the railroad right-of-way.

The agreement must include:

- Compensation for such use;
- Assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations (resulting from the Project);
- An assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and
- An assurance that an applicant complies with the liability requirements consistent with [49 U.S.C. § 28103](#).

Prerequisite to grant obligation

Agreements Best Practices – Deep Dive of 49 U.S.C. § 22905(c)(1)

1. The requirements of 49 U.S.C. § 22905(c)(1) do not apply if your project does not use railroad rights-of-way:
 - Project is for planning, preliminary engineering, and/or NEPA
 - Project is for on-board Positive Train Control installation only
2. The requirements of 49 U.S.C. § 22905 do not apply to:
 - Commuter rail passenger transportation (as defined in 49 U.S.C. § 24102(3)) operations of a State or local government authority (as those terms are defined in 49 U.S.C. § 5302) or its contractor performing services in connection with commuter rail passenger operations
 - The Alaska Railroad or its contractors
 - Amtrak's access rights to railroad right-of-way and facilities under current law

Please refer to FRA's website to view detailed FAQs on 49 U.S.C. § 22905(c)(1) for additional information on this requirement.

Agreements Best Practices – Resources

1. Answers to Frequently Asked Questions about Rail Improvement Grant Conditions under 49 U.S.C. § 22905(c)(1):
 - https://railroads.dot.gov/sites/fra.dot.gov/files/2022-05/Rail-Improvement-Grant-Conditions%20-Sec22905-FAQs_042922.pdf
2. Grant Readiness Checklist:
 - <https://railroads.dot.gov/grants-loans/grant-administration/applying-grants/grant-readiness-checklist>



QUESTIONS?

Contact Us

Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590



Connect with us USDOTFRA



U.S. Department of Transportation
Federal Railroad Administration

FRA-NOFO-Support@dot.gov

FRA Grant Programs: Ryan Arbuckle
Ryan.Arbuckle@dot.gov

Eligibility: Jenny Zeng
Jenny.Zeng@dot.gov

Agreements: Mariam Ouhamou
Mariam.Ouhamou@dot.gov

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