

**From:** [Mark Mesiti-Miller](#)  
**To:** [Sandy Brown](#); [Jacques Bertrand](#); [Greg Caput](#); [Ryan Coonerty](#); [Zach Friend](#); [Bruce McPherson](#); [Manu Koenig](#); [Renee Golder](#); [Alta Northcutt](#); [Felipe Hernandez](#); [Gine Johnson](#); [Randy Johnson](#); [Shebreh Kalantari-Johnson](#); [Donna Lind](#); [Eduardo Montesino](#); [Kristen Petersen](#); [Larry Pageler](#); [Dr. Rob Paul Quinn](#); [Mike Rotkin](#); [Andy Schiffrin](#); [Sam Storey](#); [REDACTED]  
**Cc:** [Guy Preston](#); [Regional Transportation Commission](#); [Tim Gibbons](#)  
**Subject:** Coastal Rail Trail Segments 8 through 12 Projects Updates - TPW Agenda of February 17, 2022  
**Date:** Wednesday, February 16, 2022 8:26:21 AM  
**Attachments:** [FORT Letter to RTC Re TPW Meeting 2 17 2022.pdf](#)

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Greetings Commissioners and Staff,

Please see attached letter from the Santa Cruz County Friends of the Rail and Trail regarding item 4 on the Commission's Transportation Policy Workshop agenda of February 17, 2022.

Thank you for your consideration of same.

Mark  
*Mark Mesiti-Miller*  
*Chair, FORT CivEng Ctte*



February 16, 2022

Santa Cruz County Regional Transportation Commission  
1101 Pacific Avenue, Suite 250,  
Santa Cruz, CA 95060

**Re: Coastal Rail Trail Segments 8 through 12 Projects Updates  
TPW Agenda of February 17, 2022**

Dear Regional Transportation Commissioners and Staff,

The Final EIR for the Monterey Bay Sanctuary Scenic Trail (MBSST) Master Plan was certified on Nov 3, 2013, with a Rail-with-Trail design as the plan of record. The RTC, the County, and the City of Santa Cruz have issued Notices of Preparation and conducted public workshops for the development of MBSST Master Plan Segments 8 & 9, 10 & 11, and 12 under that same plan of record using the Rail-with-Trail design. Included were Interim Trail alternatives to be studied under CEQA along with the preferred alternative.

The February 17, 2022 agenda packet indicates a surprising reversal of policy to drop the almost 10-year-old plan of record and adopt for all segments, a “phased approach” that “includes an analysis of a single build alternative, with an optional first phase ... for an interim trail to be constructed.” What had been an alternative project, an interim trail, has now been selected as an optional first phase of a newly defined preferred project. The original preferred Rail-with-Trail design has now been redefined as the Ultimate Trail Configuration.

This action raises many questions and issues that need to be addressed including, but not limited to:

Is the phased approach a bonafide approach under CEQA?

When and how did the Segment 12 Project Development Team (PDT) develop this Optional Interim Trail Phased approach and why was that decision not publicly reported to the RTC earlier? When and how did the PDT’s for Segment 8 & 9 and Segments 10 & 11 adopt the optional interim trail phased approach? Are the minutes of these meetings available?



Staff continues to use different standards for funding of passenger rail than for highway widening. Neither passenger rail nor highway widening has all needed funding identified at this early phase of development, as is common for projects of this size. But funding for highway widening is anticipated before 2045, while passenger rail is not. Why is new rail funding from both federal and state rail agencies that will be available over the next few years not being considered as anticipated funding?

Staff assumes the existing railroad track and ties could be removed, but this would require abandonment and railbanking which is unlikely given current freight status of the rail line, community opinion<sup>1</sup>, and state rail plans for the Santa Cruz Branch Rail Line.

What specifically are the “options to construct key infrastructure for the new railroad bridge” that the PDT is considering?

Please also provide the public with a copy of Caltrans District 5's recent nomination to Caltrans headquarters of the Santa Cruz County Highway 1 Auxiliary Lanes and Bus-on-Shoulder Improvements project from Freedom Boulevard to State Park Drive, for consideration of partnership for the next round of SB1 Solutions for Congested Corridors funding. Please also provide the date and meeting when the RTC considered and approved this joint application

Thank you for your consideration of the above. We look forward to your response.

Mark Mesiti-Miller

Chair, FORT Civic Engagement Committee  
Santa Cruz County Friends of the Rail and Trail

cc: [info@sccrtc.org](mailto:info@sccrtc.org)  
FORT Board of Directors

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<sup>1</sup> As evidenced by public testimony and the more than 6,000 emails indicating opposition to the abandonment of the Santa Cruz Branch Rail Line and the Felton Branch Rail Line, received by the Regional Transportation Commission prior to or during the public hearing on February 3, 2022, where adverse abandonment of the rail lines was first presented to the public.

**From:** [david van brink](#)  
**To:** [Regional Transportation Commission](#)  
**Subject:** Comment: Planing for Segments 8-12  
**Date:** Tuesday, February 15, 2022 2:35:12 PM

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Dear Esteemed Transit Professionals,  
Commissioners,  
and Commissioner Alternates,

The new trail segment plannings are very exciting!  
This is a tremendously popular project for everyone, with great potential.

It is "theoretically" good that various alternatives and staged implementations are being considered, including potentially "early, interim" delivery of trail accessibility.

However, some participants are acting in bad faith, with the active and aggressive intent to prevent the ultimate build out (as approved by multiple studies and all professional analyses) of clean electric rail stuff, and see "rail removal" and "public transit prevention" as somehow a laudable end goal.

The vulnerabilities opened to these bad actors must be stated explicitly and factored into any decision-making process.

Looking forward, warmly, cheers, -- David Van Brink

david van brink / [REDACTED] / [REDACTED]

**From:** [Jim MacKenzie](#)  
**To:** [alnorthc@cabrillo.edu](mailto:alnorthc@cabrillo.edu); [sbrown@cityofsantacruz.com](mailto:sbrown@cityofsantacruz.com); [ibertrand@ci.capitola.ca.us](mailto:ibertrand@ci.capitola.ca.us); [eduardo.montesino@cityofwatsonville.org](mailto:eduardo.montesino@cityofwatsonville.org); [greg.caput@santacruzcounty.us](mailto:greg.caput@santacruzcounty.us); [Andy Schiffrin](#); [Ryan Coonerty](#); [bruce.mcperson@santacruzcounty.us](mailto:bruce.mcperson@santacruzcounty.us); [ladykpetersen@gmail.com](mailto:ladykpetersen@gmail.com); [rj12@comcast.net](mailto:rj12@comcast.net); [tim.gubbins@dot.ca.gov](mailto:tim.gubbins@dot.ca.gov); [Michael Rotkin](#); [Regional Transportation Commission](#)  
**Cc:** [Jim MacKenzie](#)  
**Subject:** February 17, 2022, Meeting, Regular Agenda, Item 4  
**Date:** Tuesday, February 15, 2022 3:32:06 PM

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February 15, 2022

To: SCCRTC Commissioners and Staff  
Fr: Jim MacKenzie, resident of Santa Cruz

Re: SCCRTC TPW Agenda Item 4, MBSST Segment 12, February 17, 2022

Dear Commissioners and Staff:

The following paragraph is excerpted from a memo to the RTC Bicycle Advisory Committee, dated June 14, 2021, from SCCRTC senior engineer Sarah Christensen and Executive Director Guy Preston, regarding “Highway 1 – State Park to Freedom Auxiliary Lanes and Bus on Shoulder Project & Coastal Rail Trail Segment 12 Addition of Interim Trail Alternative” ([https://sccrtc.org/wp-content/uploads/2021/06/BAC\\_June\\_2021\\_Agenda\\_Packet.pdf](https://sccrtc.org/wp-content/uploads/2021/06/BAC_June_2021_Agenda_Packet.pdf)):

“Currently, the Project’s preliminary engineering and environmental analysis for the trail includes one-build alternative with a trail adjacent to the existing railroad tracks and a no-build alternative. ... An interim trail would be considered an infeasible alternative without railbanking. However, it is premature to assume that railbanking is infeasible since Progressive Rail, the current freight operator, provided notification of their intent to file for abandonment. Progressive Rail has withdrawn their intent to file for abandonment at this time but has retained their right to do so at any time without additional notification to the RTC.”

Since the federal railbanking statute was enacted nearly 40 years ago, the law has utterly failed to deliver on the reactivation to rail use of any railbanked rail corridor from which rails and ties have been removed and replaced by a paved “interim” trail. Hence, any project alternative proposed for inclusion in an environmental analysis for an MBSST project that would require railbanking to produce an “interim” trail must, de facto, be considered INFEASIBLE and, therefore, not worthy of consideration or analysis.

The following statement is from the Transit Corridor Alternatives Analysis and Rail Network Integration Study (TCAA/RNIS), Watsonville to Santa Cruz, FINAL, February 2021 (collaboratively produced by the SCCRTC, SCMTD, and CalTrans), p. 1-8, is listed as a key consideration of the MBSST that was used to support the TCAA/RNIS (<https://sccrtc.org/.../uploads/2021/02/TCAA-RNIS-Final.pdf>):

“The Coastal Rail Trail is being developed so that future transit service along the corridor is not precluded.”

The Monterey Bay Sanctuary Scenic Trail Master Plan also states, in its Project Introduction Overview:

“The spine, or primary alignment, of the MBSST Network will be built parallel to (not in place of) the operational rail line, within the rail right-of-way, so that freight rail and future passenger rail service may be provided.”

Experience over many years, in many states, has demonstrated that the most effective way to ensure that an existing, intact rail corridor can be preserved for future passenger and/or freight rail use is by leaving the physical tracks and ties in place — not through railbanking.\*

Specifically, then, in the case of the “Highway Corridors: Highway 1 Aux Lanes and BOS (State Park Drive to Freedom Boulevard), and Coastal Rail Trail Segment 12” project, in which two functional rail bridges crossing Highway 1 MUST be replaced by new, longer rail bridges to accommodate the width of planned highway expansion, the replacement bridges should (1) maintain or increase the rail carrying capacity of the existing bridges and (2) include restoration of rail tracks on those bridges and reconnection of those tracks to the main SCBL line.

To summarize my recommendations:

- I support the one-build alternative for the combined Highway 1 expansion/MBSST Segment 12 project as the only feasible and acceptable alternative to be considered, other than the obligatory no-build alternative. This project integrates a highway widening/expansion project with a separate trail component. Since two existing rail bridges must be rebuilt to accomplish the highway widening/expansion, the expansion and bridge replacement, together, must be seen as a single project that will not, due to an added trail component, jeopardize or sacrifice the infrastructure supporting one mode of transportation (rail) for another (bicycle/pedestrian). If anything is to be sacrificed or postponed, it should be the trail bridges. Ideally, all three — highway expansion/improvement, replacement of two existing rail bridges with bridges of similar or greater freight-rail capacity, and providing separate utility for bicycle-pedestrian crossing — should be included in a single project that is carried out all at once to capitalize on current funding availability and cost levels and to minimize disruption.
- I reject any proposed “interim trail” alternative as INFEASIBLE and not to be included in any environmental analysis of the MBSST Segment 12 project — or any other segment of the trail.

Thank you.

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\* “Caltrans has limited ownership of the rail lines located in the state, and private owners are increasingly filing for abandonment with the federal government. If Caltrans does not act to acquire or otherwise preserve these lines, the land may be purchased by someone who will remove the lines. Once rail lines are removed from the ground, these rail rights of way are no longer exempt from the public hearing and environmental processes and are effectively lost forever....Even if a line is not currently used, it is often desirable to preserve it for potential future use, as establishing a new line (or re-establishing removed tracks) is much more difficult than bringing an old line back into use. ... Retaining the infrastructure eliminates individual property negotiations, streamlines environmental processes, and keeps major structures intact. Leaving rail infrastructure intact is particularly attractive in California, where

the removal of rail track infrastructure from a rail-banked corridor triggers requirements for a full environmental review when an interested party seeks to replace the removed rails. The authors note that use of the federal railbanking program has been largely driven by trail interests rather than those seeking to restore future rail service.”

—“Rail Preservation Programs: A Survey of National Guidance and State Practice,” Preliminary Investigation, California Department of Transportation, Division of Research and Innovation, 2011: pages 1, 8. <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/rail-preservation-pi-6-21-11-a11y.pdf>

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**Subject:** RE: Coastal Rail Trail Segments 8 through 12 (Pacific Avenue to Rio Del Mar Boulevard), Thursday, February 17, 2022  
**Date:** Monday, February 14, 2022 6:01:28 PM

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SCCRTC Commissioners and Staff,

Regarding the upcoming Santa Cruz County Regional Transportation Commission Transportation Policy Workshop of February 17, 2022 and discussion of Coastal Rail Trail Segments 8 through 12.

Any consideration of the removal of rail from the existing trestles crossing Highway One at Aptos for the use as an Interim Trail ignores the fact that nowhere in Santa Cruz County are their more closely situated existing pedestrian routes of travel that cross Highway One than Coastal Rail Trail Segments 8 through 12. This is not about necessity for pedestrian use of the trestles, it's about eliminating rail transportation through entitled communities.

Furthermore, any consideration of removal of the existing trestles without replacement for Coastal Rail Trail Segments 8 through 12 risks the elimination of continued State Funding as the SCCRTC would be in direct contradiction with the terms of purchase for the rail transportation corridor and an expenditure of Proposition 116 State Funding. This action would be an egregious overreach and disregard of the public's trust.

State Legislative Code recognizes the importance of existing transportation corridors and the transfer from private to public ownership of the Santa Cruz Branch line was in accord with these State Mandates:

*PUBLIC UTILITIES CODE - PUC*

*DIVISION 16.5. STATE TRANSPORTATION CORRIDOR PRESERVATION [161000 - 161031] ( Division 16.5 added by Stats. 1990, Ch. 781, Sec. 1. )*

*CHAPTER 1. General Provisions and Definitions [161000 - 161004] ( Chapter 1 added by Stats. 1990, Ch. 781, Sec. 1. )*

*161000.*

*(a) The Legislature finds and declares as follows:*

*(1) Transportation is vital to the state's economy, and a complete transportation system is essential in times of disaster.*

*(2) Transportation corridors should be protected from uses which are incompatible with transportation requirements.*

*(3) Important potential transportation corridors are being developed for other purposes.*

*(b) It is, therefore, the intent of the Legislature in enacting this division to vest in the Department of Transportation responsibility for implementing a program of transportation right-of-way protection and conservation within essential transportation corridors by acquiring and holding transportation corridor lands which would otherwise be lost to public use.*

*(c) It is the further intent of the Legislature in enacting this division to preserve land which is needed or will be needed for transportation corridors consistent with applicable environmental protection laws and regulations.*

I ask you to continue proceeding with the combined multi modal Rail with Trail that benefits the entire Santa Cruz County region and was envisioned as a compromise to the exclusive use of the Rail Corridor for Public Passenger Rail Service. I implore you to honor the agreement with all of our States Residents in the use of their tax dollars.

Erik Hansen  
Santa Cruz County Resident

**From:** [Renee Flower](#)  
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**Subject:** SCCRTC -- February 17, 2022 Meeting: Regular Agenda, Item 4  
**Date:** Tuesday, February 15, 2022 9:24:44 PM

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Re: Santa Cruz County Regional Transportation Commission  
Transportation Policy Workshop, Agenda Item 4, February 17, 2022  
“Coastal Rail Trail Segments 8 through 12 (Pacific Avenue to Rio Del Mar Boulevard) Projects Updates”

Dear SCCRTC Commissioners, staff, and others:

I understand that Segment 12 of the Monterey Bay Sanctuary Scenic Trail (MBSST) project is being developed as part of the Highway 1 Auxiliary Lanes and Bus on Shoulder Project between State Park Drive and Freedom Boulevard in Santa Cruz County, combining two projects (Highway 1 and MBSST). The Highway 1 widening project requires replacement of two rail bridges that cross Highway 1 near Aptos Village. These rail bridges, which are part of the Santa Cruz Branch Rail Line, were built in 1948 as part of the original Highway 1 freeway project.

While I understand that MBSST Segment 12 contains multiple challenging constraints for the development of the trail adjacent to the rail, I am strongly opposed to an optional “first phase” alternative for this segment of the Sanctuary Scenic Trail in which the trail would replace existing railroad tracks instead of being constructed adjacent or parallel to the tracks. MBSST Segments 8 & 9 and 10 & 11 also include optional first phases that allow for a potential “Interim Trail” — the replacement of existing railroad tracks with a paved bicycle and pedestrian trail. All of these proposed alternative MBSST projects will result in a loss of important transportation infrastructure.

Removing the rails for an “interim trail” is entirely unacceptable. These suggested alternative projects for MBSST Segments 8 & 9, 10 & 11, and 12, would give a multi-use bicycle and pedestrian path (Monterey Bay Sanctuary Scenic Trail) priority over existing rail tracks. The MBSST project was originally envisioned as following the existing 32-mile rail corridor adjacent or parallel to the rail tracks, not as replacing the rail tracks with a trail. It was envisioned as Rail with Trail. Replacing rail tracks with a trail is not an “alternative” for the rail with trail project, it is a rail removal project!

Here is an excerpt from the SCCRTC Agenda that describes the proposed alternative project:  
“To temporarily minimize impacts, an interim trail was included in the scope of work which would assume that the existing railroad track and ties could be temporarily removed and existing railroad bridges could be temporarily repurposed. [...] Under the optional first phase, the existing railroad bridges would be repurposed to trail bridges, and at-grade railroad crossings would be repurposed to trail crossings in the approximate same location of the existing railroad tracks. Should the optional first phase be constructed, and then freight reactivated, the trail would be removed, the railroad tracks and ties reconstructed, and the trail relocated adjacent to the rail line. For Segment 12, the railroad bridges over Highway 1 need to be removed and replaced with longer span bridges to accommodate the highway improvements. In this case, the PDT is considering options to construct key infrastructure for the new railroad bridge which will ultimately be needed for future potential freight rail re-activation.”

I’ve lived in Santa Cruz County for close to 50 years and I’m familiar with the MBSST Segment 12 area proposed for the “interim trail.” There are two rail bridges over Highway 1, two rail bridges over Soquel Drive, and rail bridges over creeks on either side of Aptos Village. The narrow rail corridor in the Village is squeezed between Soquel Drive and parking lots. The “interim trail” project alternative would essentially replace the rail tracks in this area with a trail.

One of the key considerations of the MBSST was to “protect the rail corridor for high-capacity public transit use and an adjacent bicycle and pedestrian facility, by maintaining the railway tracks and allowing freight and excursion (non-commuter) passenger service on the railway” (TCAA/RNIS, page 1-8). Replacing the existing rail tracks with the MBSST does not “maintain the railway tracks.” The goal is to protect and preserve the

rails, not replace them with a multi-use trail.

Here are excerpts from “Rail Preservation Programs: A Survey of National Guidance and State Practice,” Caltrans Division of Research and Innovation:

“Once rail lines are removed from the ground, these rail rights of way are no longer exempt from the public hearing and environmental processes and are effectively lost forever. This may result in more freight being transported on highways and preclude any possible future use of the abandoned line for either freight or passengers” (page 1). “Leaving rail infrastructure intact is particularly attractive in California, where the removal of rail track infrastructure from a rail-banked corridor triggers requirements for a full environmental review when an interested party seeks to replace the removed rails. The authors note that use of the federal railbanking program has been largely driven by trail interests rather than those seeking to restore future rail service” (page 8).

I hope the SCCRTC is not succumbing to pressure from local groups that have been campaigning to replace the rail tracks with a trail. Abandonment and removal of the rail track to build an interim trail (rail banking) will eliminate the possibility of future passenger and freight rail transit in Santa Cruz County. If MBSST Segments 8 through 12 replace the existing rail tracks with a trail, I do not believe there is any guarantee that the rail tracks would be reconstructed in the future. The politics associated with reconstructing the rail tracks will be divisive and difficult to overcome.

— Renée Flower  
City of Santa Cruz resident

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Notes:

SCCRTC Agenda

- <https://sccrtc.org/wp-content/uploads/2022/02/2022-02-17-TPW-agenda-packet-reduced.pdf>

SCCRTC: TCAA-RNIS

- “Transit Corridor Alternative Analysis and Rail Network Integration Study: Watsonville to Santa Cruz”  
<https://sccrtc.org/wp-content/uploads/2021/02/TCAA-RNIS-Final.pdf>

Caltrans

- <https://dot.ca.gov/caltrans-near-me/district-5/district-5-current-projects/highway-1-auxiliary-lanes-and-bus-on-shoulder-improvements>
- “Rail Preservation Programs: A Survey of National Guidance and State Practice,” Caltrans Division of Research and Innovation, Revised June 21, 2011.  
<https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/rail-preservation-pi-6-21-11-a11y.pdf>

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Historic photos of bridges over Highway 1 (1948):



UPPER—Sequel Road Overcrossing, looking west, EsFondo Avenue Overcrossing in background. CENTER—North Aptos Underpass, under tracks of the Santa Cruz-Watsonville branch of the Southern Pacific Railroad. LOWER—Aptos Creek Bridge and Spreckels Drive Undercrossing

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**Subject:** Thursday RTC Agenda for February 17, 2022 email to commissioners  
**Date:** Wednesday, February 16, 2022 9:00:35 AM  
**Attachments:** [2019-Guy Preston letter tab-46-4-4-letter-a11y.pdf](#)  
[Federal Register Notice of Funding Opportunity for Consolidated Rail Infrastructure and Safety Improvements.pdf](#)  
[Screen Shot 2022-01-26 at 11.13.56 AM-FUNDING-Timeline.png](#)  
[Screen Shot 2022-01-26 at 11.07.37 AM-FUNDS.png](#)

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DEAR RTC Commissioners and Alternates,

Items and proposals in recent RTC agendas continue to come to our attention that are deeply concerning and serve to erode the public's trust while minimizing the public's ability to respond. Some members of the RTC and RTC Staff seem to work to obfuscate their intentions and steamroll through their preferred actions, in opposition to and despite decades of public support, hundreds of man hours, and millions of dollars to the contrary.

It was quite a shock to hear of the aggressive maneuvers initiated by RTC in January to initiate adverse abandonment of the Felton Branch Line, despite detrimental impact this would have on the almost 60 years old Family and Woman owned business, Roaring Camp. This move would also endanger our Santa Cruz Branchline making it vulnerable to railbanking.

It was equally surprising to discover very recently that as of December 2021, without having placed this item on the agenda or without including any public discussion, there was a gross change in the timing by which comments from the public are allowed to be received to be distributed to RTC Commissioners (see snapshots below)! It is already difficult for the public to participate in these meetings and ensure they have time to read and address as much of the agenda material as possible prior to an RTC meeting. Quietly changing the time by which comments are due by noting it in the agenda which can be hundreds of pages long is unacceptable. Changing the due date for non-agenda comments to the 2<sup>nd</sup> Monday prior to an RTC meeting is entirely unclear, confusing, and unacceptable. This language must be retroactively returned to its prior form!

And this was not the most shocking discovery that continues to erode the public's trust.

**November 2021 – Comments from Public**



**December 2, 2021, a sudden change which was not brought to the attention for discussion with the public!**



Equally shocking was the presentation in the recent February 3<sup>rd</sup>, 2022 RTC meeting where the staff report displayed images of the removed rail bridges replaced with foot/bike bridges but no replacement of upgraded rail bridges! This information was introduced as a part of the consent agenda, as though it was a nominal item, rather than bringing it forth for thorough public discussion as the weight of this matter should require, especially considering that the voting majority of this community voted in favor of proposition 116 in order to bring passenger rail to our community.

The current language in the TPW agenda is intentionally confusing and misleading, but make no mistake, intends to undo over a decade of approved plans and work done in line with the public sentiment and state rail plan. This new language identifies a "phased approach" that "includes an analysis of a single build alternative, with an optional first phase ... for an interim trail to be constructed." For this action to be taken, the Santa Cruz Branchline would have to first be abandoned and then railbanked. There is considerable agreement amongst RTC commissioners and in the professional rail world that has made clear in past RTC meetings that such actions would permanently put our railline at risk for implementing passenger rail! What is bewildering is that the RTC Staff is continuing to push for an interim trail and removal of the rail, albeit through confusing and misleading language in their Feb 17 TPW agenda, even when the staff is well aware that this issue will be going to the ballot on June 7<sup>th</sup>, 2022!

The current language of the TPW and recent efforts by the Executive Staff stand in direct opposition to the stated directive of the Executive Director, Guy Preston in the attached letter

March 8, 2019. In fact, the efforts of the 02/17/2022 agenda are in opposition to all prior accepted studies published and approved by the RTC including the Unified Corridor Study (UCS). “One of the outcomes of the Unified Corridor Investment Study, completed in January 2019, was to reserve the Santa Cruz Branch Rail Line (SCBRL) for high-capacity public transit adjacent to a bicycle and pedestrian trail.” And the Transit Corridor Alternatives Analysis (TCAA) which evaluated public transit investment options that provided an integrated transit network for Santa Cruz and determined with a majority RTC vote that electric light rail was the preferred alternative for our Santa Cruz Branchline. Staff assumes the existing railroad track and ties could be removed, but this would require abandonment and railbanking which is unlikely given current freight status of the rail line and the majority sentiment in this community which has long been in support of bringing electric light rail to this community as soon as possible. Current efforts both by the State of California with their State Rail Plan and the Federal Rail plans now in progress clearly prioritize rail as a primary mitigation of climate change as well as addressing traffic and other issues. Grants funds for passenger rail systems just like ours have been coming available and will be made available for only a short duration. Federal BBB funds for example will only be available through a 5 years period and each grant offering is only open for 60-90 days! The DOT and FRA were clear in their recent grants workshops that we must be **PRE**-prepared to apply for these grants! It is the responsibility of the RTC to ensure that the Staff aligns itself so that we are fully prepared to apply for these grant funds as soon as the applications are due as the window of opportunity for these federal funds is extremely short.

It is troubling that despite the majority public sentiment and despite the considerable work, money and studies invested in moving us forward with electric light passenger rail for our community, that only very recently, since the 6-6 vote in 2021 which stalled our movement forward with this important project, has the RTC Staff begun to engage a number of seemingly deceptive and aggressive actions which serve to undermine public awareness and possibly even confuse the RTC commissioners.

Statements by Executive Staff continue to display different standards for funding of passenger rail compared to that of highway widening and are directly against the determinations of our past studies and majority sentiment. Our priority has been established through approved studies like the TCAA to move ahead with electric light rail, yet recent allocations in the proposed 2045 RTP placed rail onto the “constrained list” and highway widening onto the “unconstrained list” meaning that the staff has decided to prioritize funding of highway widening even when Mr. Preston himself has stated that the highway funding requires matching funds.

Neither passenger rail nor highway widening has all needed funding identified at this early phase of development, as is common for projects of this size. Why is new rail funding from

both federal and state rail agencies that will be available over the next few years not being considered as anticipated funding? It is time critical that we do not dally with attempts of railbanking and removing rail bridges for an interim trail, as this new proposal deceptively supports the Greenway measure before the measure has even gone to the vote. Funds are coming available for RAIL in the coming months and we must ensure we are ready to apply for these funds. This should be a primary priority and funds for progressing passenger rail should be on the unconstrained list.

Due to the shortened time to respond, this letter is not as clear as we would like it to be with important attachments. Our community must establish wise equitable transportation FIRST and make it a priority, especially given the environmental crisis.

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Best regards,

Lani Faulkner, Director  
Equity Transit - Tránsito de Equidad  
[www.EquityTransit.org](http://www.EquityTransit.org)  
831-278-1007



**SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION**

1523 Pacific Ave., Santa Cruz, CA 95060-3911 • [831] 460-3200 fax [831] 460-3215 email info@sccrtc.org

March 8, 2019

Susan Bransen  
Executive Director  
California Transportation Commission  
1120 N Street, MS-52  
PO Box 942873  
Sacramento, CA 94273-0001

RE: Santa Cruz County Rail Project Updates

Dear Director Bransen and Commissioners:

The Santa Cruz County Regional Transportation Commission (RTC) appreciates the opportunity to update you and the California Transportation Commission (CTC) regarding the RTC's recently completed Unified Corridor Investment Study (UCS) and plans for rail service on the Santa Cruz Branch Rail Line. As you know, the Santa Cruz Branch Rail Line is a very important transportation facility for our county and we greatly appreciate the CTC's longstanding support of projects on the corridor.

This 32-mile corridor, which has been used since the mid-1870s, is within a mile of approximately half of the county's residents and major businesses, and it runs parallel to often congested Highway 1 and arterial roadways. The rail line runs from the coastal town of Davenport in the north, through Santa Cruz, Live Oak, Capitola, Seacliff, Aptos, Watsonville, and ends at Pajaro, in northern Monterey County where it connects to regional and state rail lines.

The RTC understands that state law (PUC §99640) requires Proposition 116 bond funds to be used for: (a) intercity passenger rail projects connecting the City of Santa Cruz with the Watsonville Junction, or (b) other rail projects within Santa Cruz County which facilitate recreational, commuter, intercity and intercounty travel. **The RTC is committed to meeting the requirements set by Proposition 116 and CTC Resolutions.** The attached Fact Sheet (Attachment 1) provides a summary of RTC's plans for rail service. Attachment 2 describes how RTC has met the conditions outlined in CTC Resolution PA-10-06.

The RTC purchased the rail corridor from Union Pacific in 2012 and consistent with Proposition 116 and CTC conditions, the short line operator continued freight rail service and immediately initiated recreational passenger service after the close of escrow. The RTC and short line operators have also made significant repairs and upgrades to railroad infrastructure and Santa Cruz County voters approved Measure D in 2016, which includes funds for rail line maintenance and repairs. Since that time, the RTC has evaluated service options for public transit service in

the corridor, including potential station locations, costs, ridership projections, and schedules. While there have been proposals by some community members and groups to railbank or remove the railroad tracks, in January 2019, after extensive analysis and public input conducted through the Unified Corridor Study, **the RTC board unanimously affirmed its commitment to leave the railroad infrastructure in place, maintain freight rail service, and institute high-capacity public transit service.**

While initiating high-capacity public transit service in the rail corridor is part of the preferred scenario approved by the RTC on January 19, 2019, it will not happen immediately. The RTC wants to get it right and is working with the bus transit operator, Caltrans Division of Rail, partners in Monterey County and the Coast Rail Coordinating Council to discuss critical network integration. The RTC will need to conduct environmental review and most importantly secure funding for capital and operations. The State Rail Plan, SB1-Solutions for Congested Corridors Program, Transit and Intercity Rail Capital Program (TIRCP) provide significant opportunities to expand transit service in our county. We look forward to partnering with the CTC, Caltrans, CalSTA and FTA to do so.

As previously discussed, the RTC purchased the rail line to increase mobility options for our community, visitors, and businesses. The rail corridor provides an alternative to congested roadways, it connects our major cities and towns, connects to rail lines serving the rest of the state, supports more compact development and more predictable travel times, and can help us meet state greenhouse gas reduction targets. We appreciate the CTC's ongoing commitment to preserve existing transportation systems and improve transit, goods movement, bicycle and pedestrian facilities, and local and state roadways.

Please let me know if you have any questions or need additional information. As always, we look forward to working with you and your staff to improve and expand transportation options in Santa Cruz County and welcome you, CTC Commissioners and/or staff to meet with me or the RTC board to discuss the Santa Cruz Branch Rail corridor.

Sincerely,



Guy Preston  
Executive Director

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**Attachment 1**  
**Fact Sheet**  
**Santa Cruz Branch Rail Line**

SCCRTC is meeting the conditions of the Prop 116 funds:

- Short line Railroad operator in place; 10-year ACL executed between SCCRTC and Progressive Rail, Inc.
- Active freight service
- Passenger Rail Service requirement is met by recreational passenger rail service until commuter rail service is implemented

Passenger Rail Implementation:

- Adoption of the Unified Corridor Investment Study in January 2019:
  - Unanimously affirmed leaving railroad infrastructure in place
  - Preserving corridor for future high-capacity public transit service
  - Freight service continuing and excursion passenger rail service in the near term
- High capacity transit service is planned for the rail corridor
- An alternatives analysis will be conducted to narrow down transit options to be studied under CEQA. This will simplify the future CEQA analysis, as well as reduce cost and duration.

Ongoing Efforts:

- Storm Damage Repairs ongoing; completion 2020
- Bridge Inspections of 29 bridges ongoing; repairs needed to timber trestles.
- Monterey Bay Sanctuary Scenic Trail within the corridor adjacent to the rail (Rail Trail)
- Working with Caltrans Rail
  - Will pursue Network Integration Study funds
  - Participating in regional and statewide Network Integration Study efforts

Attachment 2CTC Conditions (Resolution PA-10-06, Amending Resolution PA-08-01)

1. Provide the CTC a copy of the executed Administration, Coordination and License Agreement between the RTC and operator
  - ✓ Approved and executed by the SCCRTC on October 14, 2010, and delivered to CTC staff same day. The initial rail operator (Iowa Pacific Holdings) is no longer operating on the rail line and after a public competitive process the RTC selected a new operator (Progressive Rail) who took over from Iowa Pacific. The RTC entered into an Administration Coordination and License Agreement with Progressive Rail which is very similar to the agreement with the initial operator.
2. Explain the use of Net Liquidation Value (NLV) as the methodology for the appraisal valuation to support the request of \$10.2 million in Proposition 116 funds and \$4 million in State Transportation Improvement Program (STIP) funds;
  - Information was provided to CTC in 2009-2011 via appraisals, supplemental information, and various written and oral communications with Caltrans and CTC staff;
  - Caltrans Division of Right-of-Way recommended approval of the \$14.2 million funding for purchase of the rail line following review of the appraisal and supplemental information provided
3. Commit, by resolution, to be responsible for initiating recreational passenger rail service, in accordance with Public Utilities Code (PUC) Section 99640;
  - ✓ Resolution 04-11 approved by the SCCRTC on August 5, 2010.
  - ✓ The rail corridor has been used for **expanded excursion passenger rail service**. Within weeks of RTC taking ownership in 2012, RTC's short-line operator, Iowa Pacific Holdings initiated the "Train to Christmas Town." Additionally, historic steam trains, demonstration trains, and other holiday trains have operated on the line ever since. However, due to significant storm damage to some sections of the line during the 2017 storms that impacted facilities statewide, expanded recreational service has been on hold until repairs are made (expected completion 2020). The current rail operator was granted the license for recreational passenger rail service and will put together an operating plan for such service for consideration by the SCCRTC.
4. Commit, by resolution, to be responsible for continuing freight rail service for as long as would be required by the Surface Transportation Board (STB);
  - ✓ Resolution 04-11 approved by the SCCRTC on August 5, 2010.
  - ✓ **Freight operations have continued** on the Santa Cruz Branch Rail Line. The line remains in "common carrier status" under the Surface Transportation Board and freight services will continue as required by the STB.

- ✓ On June 14, 2018, the RTC approved the Administration, Coordination and License Agreement with Progressive Rail to serve as the new short-line operator - Progressive Rail - for rail operations on the Santa Cruz Branch Rail Line. Progressive Rail is replacing Iowa Pacific Holdings (IPH) as the short-line operator. Unfortunately, the financial situation for IPH changed and IPH became unable to fulfill all the terms of its administration, coordination and license agreement with the RTC. IPH worked with the RTC to transition the operation to the new operator. The RTC's agreement with Progressive Rail ensures that the RTC, as the owner of the rail line, meets its obligations to the California Transportation Commission, Caltrans, the Surface Transportation Board, the Federal Railroad Administration, the California Public Utilities Commission and the local businesses who depend on rail service for goods movement.
5. Commit, by resolution, to be responsible for hazardous waste clean-up and not seek State transportation funds for any clean-up costs and to indemnify the State for both present and future hazardous waste clean-up liabilities; and
- ✓ Resolution 29-10 approved by the SCCRTC on May 6, 2010.
6. If the RTC ceases to use the Branch Line for the original purpose as approved by the CTC, RTC commits, by resolution, to reimburse the State the allocated amount or the then fair market value of the property.
- ✓ Resolution 04-11 approved by the SCCRTC on August 5, 2010.
  - ✓ RTC board understands this requirement and reaffirmed its commitment to maintaining the railroad infrastructure on January 19, 2019.
  - ✓ In 2013-15, the RTC utilized \$5.3 million in STIP funds allocated by the CTC for **structures and other rail infrastructure upgrades** needed to maintain and expand passenger and freight rail service. Construction included replacement of the 340-foot-long steel La Selva Bridge, replacement of a small timber bridge with a culvert and rehabilitation of three other timber bridges.
  - ✓ In 2012, 2013 and 2016 Iowa Pacific Holdings **upgraded different sections of the track from excepted track to Class 1** in advance of running excursion trains. In total this includes about 15 miles of the 32-mile rail line.
  - ✓ In 2015, the RTC completed a **Rail Transit Feasibility Study** that looked at a range of transit service options for the corridor. The study found that rail transit service on the branch line is feasible, with strong partnership with the state. The RTC appreciates CTC Commissioner Ghielmetti's suggestion earlier this year for RTC and other potential and existing transit operators to continue discussions about opportunities for funding new transit services statewide.
  - ✓ In 2016, more than 2/3rds of voters in Santa Cruz County approved Measure D. The **Measure D Expenditure Plan dedicates 8% of revenues from the half-cent sales tax for the Rail Corridor** - infrastructure preservation and analysis of future potential uses of the corridor to better serve Santa Cruz County residents and visitors. Projects include maintaining and repairing the publicly-owned Santa Cruz Branch Rail Line and analysis (including environmental and economic analysis) to answer important community

questions about possible future transit and other transportation uses of the corridor through an open, transparent public process.

- ✓ Consistent with Measure D, a Caltrans Planning Grant, and the Senate Bill 1 Congested Corridor program, the **RTC prepared a comprehensive Unified Corridor Investment Study (UCS)**. Through the UCS, the RTC examined how a range of transportation improvements work together to make the most effective use of the community's north/south transportation corridor including three parallel routes: Highway 1, Soquel Ave/Dr-Freedom Blvd, and the Santa Cruz Branch Rail Line. As requested by the community, the range of options evaluated included trail with transit and trail-only options. This study builds on analysis done in the **2015 Rail Transit Feasibility Study**, the Monterey Bay Sanctuary Scenic Trail Network (MBSST) Master Plan, and the Highway 1 corridor plans. While there are members of the community who would like to see the track removed, the RTC has maintained that it wants to maximize the transportation benefits of the line.
- ✓ Sections of the Monterey Bay Sanctuary Scenic Trail Network (MBSST) – rail trail which are currently under development are being built adjacent to, and not in place of, the railroad tracks.
- ✓ In April 2018, the RTC established a list of on-call consultants to provide assistance with **civil engineering, structure inspections and engineering, and construction management**; as well as assessment and/or execution of civil engineering reports, design, cost estimates and related work, traffic engineering related to grade crossing concerns, inspection of rail bridges and culverts, right of way engineering, and other tasks required for the upkeep of the Santa Cruz Branch Rail Line Property.

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## LEGAL STATUS

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LEGAL STATUS

# Notice of Funding Opportunity for Consolidated Rail Infrastructure and Safety Improvements

A Notice by the [Federal Railroad Administration](#) on 08/31/2021

## DOCUMENT DETAILS

**Printed version:**

PDF (<https://www.govinfo.gov/content/pkg/FR-2021-08-31/pdf/2021-18737.pdf>)

**Publication Date:**

08/31/2021 (/documents/2021/08/31)

**Agencies:**

Federal Railroad Administration (<https://www.federalregister.gov/agencies/federal-railroad-administration>)

**Dates:**

Applications for funding under this solicitation are due no later than 5:00 p.m. ET, November 29, 2021. Applications that are incomplete or received after 5:00 p.m. ET on November 29, 2021 will not be considered for funding. See Section D of this notice for additional information on the application process.

**Document Type:**

Notice

**Document Citation:**

86 FR 48798

**Page:**

48798-48812 (15 pages)

**Document Number:**

2021-18737

DOCUMENT DETAILS

## DOCUMENT STATISTICS

**Page views:**

5,430

as of 11/22/2021 at 6:15 am EST

## ENHANCED CONTENT

**Docket Number:**

FRA-2009-0031 (<https://beta.regulations.gov/docket/FRA-2009-0031>)

**Supporting/Related Materials:**

Funding Opportunity: Federal-State Partnership for State of... (<https://www.regulations.gov/document?D=FRA-2009-0031-0200>)  
 Funding Opportunities: Restoration and Enhancement Grants Program (<https://www.regulations.gov/document?D=FRA-2009-0031-0185>)  
 Environmental Impact Statements; Availability, etc.:... (<https://www.regulations.gov/document?D=FRA-2009-0031-0176>)  
 Railworthiness Directives: Certain Railroad Tank Cars Equipped... (<https://www.regulations.gov/document?D=FRA-2009-0031-0173>)  
 Environmental Impact Statements; Availability, etc.:... (<https://www.regulations.gov/document?D=FRA-2009-0031-0168>)  
 Environmental Impact Statements; Availability, etc.: Link... (<https://www.regulations.gov/document?D=FRA-2009-0031-0167>)  
 Emergency Orders: Requirements for the National Railroad... (<https://www.regulations.gov/document?D=FRA-2009-0031-0150>)  
 Safety Advisories: Mechanical Inspections, Wheel Impact Load... (<https://www.regulations.gov/document?D=FRA-2009-0031-0148>)  
 Environmental Impact Statements; Availability, etc.: Southeast... (<https://www.regulations.gov/document?D=FRA-2009-0031-0138>)  
 Environmental Impact Statements; Availability, etc.:... (<https://www.regulations.gov/document?D=FRA-2009-0031-0134>)

**See all 198 supporting documents (<https://beta.regulations.gov/docket/FRA-2009-0031/document?documentTypes=Supporting%20%26%20Related%20Material>)**

## ENHANCED CONTENT

## PUBLISHED DOCUMENT

**AGENCY:**

Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:**

Notice of Funding Opportunity (NOFO or notice).

**SUMMARY:**

This notice details the application requirements and procedures to obtain grant funding for eligible projects under the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program, and related Trespass Prevention projects. The opportunities described in this notice are made available under Assistance Listings Number 20.325, "Consolidated Rail Infrastructure and Safety Improvements."

**DATES:**

Applications for funding under this solicitation are due no later than 5:00 p.m. ET, November 29, 2021. Applications that are incomplete or received after 5:00 p.m. ET on November 29, 2021 will not be considered for funding. See *Section D* of

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this notice for additional information on the application process.

**ADDRESSES:**

Applications must be submitted via *www.Grants.gov* (<http://www.Grants.gov>). Only applicants who comply with all submission requirements described in this notice and submit applications through *www.Grants.gov* (<http://www.Grants.gov>) will be eligible for award. For any supporting application

materials that an applicant is unable to submit via *www.Grants.gov* (<http://www.Grants.gov>) (such as oversized engineering drawings), an applicant may submit an original and two (2) copies to Mr. Douglas Gascon, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38-212, Washington, DC 20590. However, due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, applicants are advised to use other means of conveyance (such as courier service) to assure timely receipt of materials before the application deadline.

## FOR FURTHER INFORMATION CONTACT:

For further project or program-related information in this notice, please contact Mr. Douglas Gascon, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38-212, Washington, DC 20590; email: [douglas.gascon@dot.gov](mailto:douglas.gascon@dot.gov) (<mailto:douglas.gascon@dot.gov>); phone: 202-493-0239.

## SUPPLEMENTARY INFORMATION:

*Notice to applicants:* FRA recommends that applicants read this notice in its entirety prior to preparing application materials. Definitions of key terms used throughout the NOFO are provided in *Section A(3)* below. These key terms are capitalized throughout the NOFO. There are several administrative prerequisites and specific eligibility requirements described herein with which applicants must comply. Additionally, applicants should note that the required Project Narrative component of the application package may not exceed 25 pages in length.

## Table of Contents

- A. Program Description
- B. Federal Award Information
- C. Eligibility Information
- D. Application and Submission Information
- E. Application Review Information
- F. Federal Award Administration Information
- G. Federal Awarding Agency Contacts
- H. Other Information

## A. Program Description

### (A) Overview

Our nation's rail network is a critical component of the U.S. transportation system and economy. Prior to the coronavirus disease 2019 (COVID-19) pandemic, rail carried over 32.5 million passengers on Amtrak services and approximately 1.6 billion tons of freight valued at over \$600 billion each year. The CRISI program will enhance rail safety, help to undo inequities caused by transportation and land use policies and create new

opportunities for underserved communities, provide energy efficient transportation options to confront the effects of climate change, invest in projects that spur economic growth, and ensure our world-class freight network can meet the mobility demands of a growing population.

Congress authorized the CRISI grant program for the Secretary to invest in a wide range of projects within the United States to improve railroad safety, efficiency, and reliability; mitigate congestion at both intercity passenger and freight rail chokepoints; enhance multi-modal connections; and lead to new or substantially improved Intercity Passenger Rail Transportation corridors. Rail safety projects include, but are not limited to, grade crossing enhancements, rail line Relocations and Improvements, and deployment of railroad safety technology. Eligible activities also include regional rail and corridor Planning, environmental analyses, research, workforce development, and training. The purpose of this notice is to solicit applications for the competitive CRISI Program provided in Consolidated Appropriations Act, 2021, Div. L, Tit I, Public Law 116-260 (<https://www.govinfo.gov/link/plaw/116/public/260?link-type=html>) (2021 Appropriation) and related funding provided in the Consolidated Appropriations Act, 2019, Div. G, Tit I, Public Law 116-6 (<https://www.govinfo.gov/link/plaw/116/public/6?link-type=html>) (2019 Appropriation).

The CRISI Program is authorized under Section 11301 of the Fixing America's Surface Transportation (FAST) Act, Public Law 114-94 (<https://www.govinfo.gov/link/plaw/114/public/94?link-type=html>) (2015); 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>). Grant funding to help implement FRA's National Strategy to Prevent Trespassing for law enforcement agencies and for railroad trespass suicide prevention programs (Non-CRISI Funding), as provided in the 2021 Appropriation and the 2019 Appropriation, is authorized pursuant to 49 U.S.C. 103 (<https://www.govinfo.gov/link/uscode/49/103?type=usc&year=mostrecent&link-type=html>)(i) and 49 U.S.C. 20151 (<https://www.govinfo.gov/link/uscode/49/20151?type=usc&year=mostrecent&link-type=html>) (b). Unless otherwise stated herein, to the extent practicable, applications for the Non-CRISI Funding will be evaluated consistent with the selection criteria for a CRISI safety program under 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>)(c)(10).

Consistent with Biden-Harris Administration priorities, the Department seeks to fund projects that address climate change impacts and environmental justice. Projects should include components that reduce emissions, promote energy efficiency, increase resiliency, and recycle or redevelop existing infrastructure. This objective is consistent with Executive Order 14008, (</executive-order/14008>) Tackling the Climate Crisis at Home and Abroad (86 FR 7619 (</citation/86-FR-7619>)). As part of the Department's implementation of that Executive Order, the Department encourages the submission of applications that would direct resources and benefits towards low-income communities, disadvantaged communities, or communities underserved by affordable transportation.

The Department also seeks to encourage racial equity by investing in projects that proactively address racial equity and barriers to opportunity. Projects should include components that improve or expand transportation options, and mitigate the safety risks and detrimental quality of life effects that rail lines can have on communities, particularly low-income areas and communities of color. This objective supports the Department's strategic goal related to infrastructure, with the potential for significantly enhancing environmental stewardship and community partnerships, and reflects Executive Order 13985, (</executive-order/13985>) Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009 (</citation/86-FR-7009>)). *Section E* describes the climate change, environmental justice, and racial equity considerations that an applicant can undertake to address these criteria.

Consistent with the Rural Opportunities to Use Transportation for Economic Success (R.O.U.T.E.S.) initiative, the Department seeks rural projects that address deteriorating conditions and disproportionately high fatality rates on rural transportation infrastructure. Please visit <https://www.transportation.gov/rural> (<https://www.transportation.gov/rural>) to learn more about DOT's efforts to address disparities in rural infrastructure.

### **(B) Changes From FY 2020 CRISI NOFO**

This notice updates the FY 2020 CRISI NOFO to reflect the Biden-Harris Administration's priorities for creating good-paying jobs, improving safety, applying transformative technology, and explicitly addressing climate change and racial equity as discussed in *Section E(1)(c)*. This NOFO also incorporates Non-CRISI Funding.

There are three legislative set-asides for the CRISI funding under this notice:

- (1) Rural Set-Aside—for projects located in Rural Areas,
- (2) Intercity Passenger Rail Set-Aside—for certain intercity passenger rail development projects, and
- (3) Capital Improvements for Trespass Prevention Set-Aside—for trespass prevention capital projects.

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Additionally, FRA is making Non-CRISI funding available funding for:

- (A) Railroad Trespassing Enforcement—for projects for law enforcement strategies for reducing trespassing, and
- (B) Railroad Trespassing Suicide Prevention—for the implementation of railroad trespassing suicide prevention programs.

Applicants should state in their applications whether their project falls within one or more of the above set-asides, each as further described in *Section B.1*.

### **Definitions of Key Terms**

Terms defined in this section are capitalized throughout this NOFO.

a. “Benefit-Cost Analysis” (or “Cost-Benefit Analysis”) is a systematic, data driven, and transparent analysis comparing monetized project benefits and costs, using a no-build baseline and properly discounted present values, including concise documentation of the assumptions and methodology used to produce the analysis; a description of the baseline, data sources used to project outcomes, and values of key input parameters; basis of modeling including spreadsheets, technical memos, etc.; and presentation of the calculations in sufficient detail and transparency to allow the analysis to be reproduced and for sensitivity of results evaluated by FRA. Please refer to the Benefit-Cost Analysis Guidance for Discretionary Grant Programs prior to preparing a BCA at <https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance> (<https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance>). In addition, please also refer to the BCA FAQs on FRA's website for rail specific examples of how to apply the BCA Guidance for Discretionary Grant Programs to CRISI applications.

b. “Capital Project” means a project for acquiring, constructing, improving, or inspecting rail equipment, track and track structures, or a rail facility; expenses incidental to the acquisition or Construction including pre-construction activities (such as designing, engineering, location surveying, mapping, acquiring rights-of-way) and related relocation costs, environmental studies, and all work necessary for FRA to approve the project under the National Environmental Policy Act; highway-rail grade crossing improvements; communication and signalization improvements; and rehabilitating, remanufacturing or overhauling rail rolling stock and rail facilities.<sup>[1]</sup>

c. “Construction” means the production of fixed works and structures or substantial alterations to such structures or land and associated costs.

d. “Enforcement Activities” means investigating compliance with, and enforcing, rail trespass-related laws.

e. “Final Design (FD)” means design activities following Preliminary Engineering, and at a minimum, includes the preparation of final Construction plans, detailed specifications, and estimates sufficiently detailed to inform project stakeholders (designers, reviewers, contractors, suppliers, etc.) of the actions required to advance the project from design through completion of Construction.

f. “Hot Spot” means a location along the railroad right-of-way where the risk of trespassing or collision as a result of trespassing is high.

g. “Improvement” means repair or enhancement to existing rail infrastructure, or construction of new rail infrastructure, that results in efficiency of the rail system and the safety of those affected by the system.

h. “Intercity Rail Passenger Transportation” means rail passenger transportation, except commuter rail passenger transportation. See 49 U.S.C. 22901 (<https://www.govinfo.gov/link/uscode/49/22901?type=usc&year=mostrecent&link-type=html>)(3). In this notice, “Intercity Passenger Rail Service” and “Intercity Passenger Rail Transportation” are equivalent terms to “Intercity Rail Passenger Transportation.”

i. “National Environmental Policy Act (NEPA)” is a Federal law that requires Federal agencies to analyze and document the environmental impacts of a proposed action in consultation with appropriate Federal, state, and local authorities, and with the public. NEPA classes of action include an Environmental Impact Statement (EIS), Environmental Analysis (EA) or Categorical Exclusion (CE). The NEPA class of action depends on the nature of the proposed action, its complexity, and the potential impacts. For purposes of this NOFO, NEPA also includes all related Federal laws and regulations including the Clean Air Act, Section 4(f) of the Department of Transportation Act, Section 7 of the Endangered Species Act, and Section 106 of the National Historic Preservation Act. Additional information regarding FRA's environmental processes and requirements are located at <https://www.fra.dot.gov/environment> (<https://www.fra.dot.gov/environment>).

j. “Outreach Campaign” means any coordinated effort to reach a specific population, in the case of railroad trespassing suicide prevention programs, those who are experiencing or who may experience suicidal thoughts, with the goal of providing assistance. The assistance provided through the Outreach Campaign may take many forms, including but not limited to, advertising of services, identifying and approaching individuals in need, or other methods to recognize the signs of an individual in crisis to prevent suicide.

k. “Planning” means activities that support the development of a state or regional rail plan or a corridor service development plan. Project-specific (*e.g.*, rail station or port improvements) planning is not eligible.

l. “Positive Train Control (PTC) system” is defined by 49 CFR 270.5 ([/select-citation/2021/08/31/49-CFR-270.5](#)) to mean a system designed to prevent train-to-train collisions, overspeed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position, as described in 49 CFR part 236 ([/select-citation/2021/08/31/49-CFR-236](#)), subpart I.

m. “Preliminary Engineering (PE)” means engineering design to: (1) Define a project, including identification of all environmental impacts, design of all critical project elements at a level sufficient to assure reliable cost estimates and schedules, (2) complete project management and financial plans, and (3) identify procurement requirements and strategies. The PE development process starts with specific project design alternatives that allow for the assessment of a range of rail improvements, specific alignments, and project designs. PE generally occurs concurrently with NEPA and related analyses, and prior to FD and Construction.

n. “Relocation” is defined to mean moving a rail line vertically or laterally to a new location. Vertical Relocation refers to raising above the current ground level or sinking below the current ground level of a rail line. Lateral Relocation refers to moving a rail line horizontally to a new location.

o. “Rural Project” means a project in which all or the majority of the project (determined by the geographic location or locations where the majority of the project funds will be spent) is located in a Rural Area.

p. “Rural Area” is defined in 49 U.S.C. 22907 ([\(https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html\)](https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html))(g)(2) to mean any area not in an urbanized area as defined by the Census Bureau. The Census Bureau defines Urbanized Area (UA) as an area with a population of 50,000 or more people.<sup>[2]</sup> Updated lists of UAs as defined by the Census Bureau are available on the Census Bureau website at [http://www2.census.gov/geo/maps/dc10map/UAUC\\_RefMap/ua/](http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/) ([http://www2.census.gov/geo/maps/dc10map/UAUC\\_RefMap/ua/](http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/)).

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## B. Federal Award Information

### 1. Available Award Amount

The total funding available for awards under this NOFO is \$361,978,796. Should additional funds become available after the release of this NOFO, FRA may elect to award such additional funds to applications received under this NOFO.<sup>[3]</sup>

Further, certain funding amounts are set-aside for the following purposes under this NOFO:

a. Rural Set-Aside—At least 25 percent of the CRISI funding, or \$93,750,000 will be made available for Rural Projects as required by 49 U.S.C. 22907 ([\(https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html\)](https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html))(g);

b. Intercity Passenger Rail Set-Aside—Not less than \$75 million of the CRISI funding will be made available for projects eligible under 49 U.S.C. 22907 ([\(https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html\)](https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html))(c)(2) that support the development of new intercity passenger rail service routes including alignments for existing routes; and

c. Capital Improvements for Trespass Prevention—Not less than \$25 million of the CRISI funding will be made available for Capital Projects and engineering solutions targeting trespassing.

d. Railroad Trespassing Enforcement Activities—\$2,034,296 in Non-CRISI Funding will be made available for grants supporting Enforcement Activities at Hot Spots within their respective jurisdictions or at areas that demonstrate a rail trespassing problem in their community on FRA-regulated track. This grant funding is limited to hourly wages for law enforcement officials.

e. Railroad Trespassing Suicide Prevention—\$207,000 in Non-CRISI Funding will be made available for grants to help implement FRA's Trespasser Prevention Strategy through grants funding the implementation or expansion of targeted Outreach Campaigns to reduce the number of railroad-related suicides that involve railroad trespassing on FRA-regulated track.<sup>[4]</sup>

## 2. Award Size

There are no predetermined minimum or maximum dollar thresholds for CRISI awards. For Non-CRISI funding, the maximum award for railroad trespass law enforcement grants will be capped at \$120,000, and the maximum award for railroad trespass suicide prevention grants will be capped at \$100,000. FRA anticipates making multiple awards with the available funding. FRA may not be able to award grants to all eligible applications even if they meet or exceed the stated evaluation criteria (see *Section E*, Application Review Information). Projects may require more funding than is available. FRA encourages applicants to propose projects or components of projects that have operational independence and that can be completed and implemented with funding under this NOFO as a part of the total project cost together with other, non-Federal sources.

## 3. Award Type

FRA will make awards for projects selected under this notice through grant agreements and/or cooperative agreements. Grant agreements are used when FRA does not expect to have substantial Federal involvement in carrying out the funded activity. Cooperative agreements allow for substantial Federal involvement in carrying out the agreed upon investment, including technical assistance, review of interim work products, and increased program oversight. The funding provided under this NOFO will be made available to grantees on a reimbursable basis. Applicants must certify that their expenditures are allowable, allocable, reasonable, and necessary to the approved project before seeking reimbursement from FRA. Additionally, the grantee is expected to expend matching funds at the required percentage concurrent with Federal funds throughout the life of the project. See an example of standard terms and conditions for FRA grant awards at:

<https://www.fra.dot.gov/eLib/Details/L19057> (<https://www.fra.dot.gov/eLib/Details/L19057>). This template is subject to revision.

## 4. Concurrent Applications

DOT and FRA may be concurrently soliciting applications for transportation infrastructure projects for several financial assistance programs. Applicants may submit applications requesting funding for a particular project to one or more of these programs. In the application for funding under this NOFO, applicants must indicate the other programs and, if applicable, the other CRISI or trespass prevention NOFOs to which they submitted or plan to submit an application for funding the entire project or certain project components, as well as highlight new or revised information in the application responsive to this NOFO that differs from the previously submitted application(s).

## C. Eligibility Information

This section of the notice explains applicant eligibility, cost sharing and matching requirements, project eligibility, and project component operational independence. Applications that do not meet the requirements in this section will be ineligible for funding. Instructions for submitting eligibility information to FRA are

detailed in *Section D* of this NOFO.

## 1. Eligible Applicants

The following entities are eligible applicants under this notice:

- a. A State;
  - b. A group of States;
  - c. An Interstate Compact;<sup>[5]</sup>
  - d. A public agency or publicly chartered authority established by one or more States;<sup>[6]</sup>
  - e. A political subdivision of a State;
  - f. Amtrak or another rail carrier that provides Intercity Rail Passenger Transportation (as defined in *49 U.S.C. 24102* (<https://www.govinfo.gov/link/uscode/49/24102?type=usc&year=mostrecent&link-type=html>));
  - g. A Class II railroad or Class III railroad (as those terms are defined in *49 U.S.C. 20102* (<https://www.govinfo.gov/link/uscode/49/20102?type=usc&year=mostrecent&link-type=html>)) or a holding company of a Class II or III railroad;<sup>[7]</sup>
  - h. Any rail carrier or rail equipment manufacturer in partnership with at least one of the entities described in paragraph (a) through (e);<sup>[8]</sup>
- 
- i. The Transportation Research Board together with any entity with which it contracts in the development of rail-related research, including cooperative research programs;
  - j. A University transportation center engaged in rail-related research; or
  - k. A non-profit labor organization representing a class or craft of employees of rail carriers or rail carrier contractors.

Applications must identify an eligible applicant as the lead applicant. The lead applicant serves as the primary point of contact for the application, and if selected, as the grantee. Eligible applicants may reference entities that are not eligible applicants in an application as a project partner.

## 2. Cost Sharing or Matching

The Federal share of total costs for CRISI projects funded under this notice will not exceed 80 percent, though FRA will provide selection preference to applications where the proposed Federal share of total project costs is 50 percent or less. For Non-CRISI funding, the Federal share of total project costs can be up to 100 percent. The estimated total cost of a project must be based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment and/or facilities. Additionally, and to the extent practicable, in preparing

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estimates of total project costs, applicants may refer to FRA's cost estimate guidance documentation, "Capital Cost Estimating: Guidance for Project Sponsors," which is available at: <https://www.fra.dot.gov/Page/P0926> (<https://www.fra.dot.gov/Page/P0926>).

The minimum 20 percent non-Federal match for CRISI-funded projects may be composed of public sector (e.g., state or local) and/or private sector funding. FRA will not consider any Federal financial assistance<sup>[9]</sup> nor any non-Federal funds already expended (or otherwise encumbered) toward the matching requirement, unless compliant with 2 CFR part 200 (/select-citation/2021/08/31/2-CFR-200). In-kind contributions, including the donation of services, materials, and equipment, may be credited as a project cost, in a uniform manner consistent with 2 CFR 200.306 (/select-citation/2021/08/31/2-CFR-200.306).

Amtrak or another rail carrier may use ticket and other non-Federal revenues generated from its operations and other sources as matching funds. Applicants must identify the source(s) of its matching and other funds, and must clearly and distinctly reflect these funds as part of the total project cost.

Before applying, applicants should carefully review the principles for cost sharing or matching in 2 CFR 200.306 (/select-citation/2021/08/31/2-CFR-200.306). See Section D(2)(a)(iii) for required application information on non-Federal match and Section E for further discussion of FRA's consideration of matching funds in the review and selection process. FRA will approve pre-award costs consistent with 2 CFR 200.458 (/select-citation/2021/08/31/2-CFR-200.458), as applicable. See Section D(6). Cost sharing or matching may be used only for authorized Federal award purposes.

### 3. Other

#### A. PROJECT ELIGIBILITY

The following rail projects within the United States that improve the safety, efficiency, and/or reliability of passenger and/or freight rail transportation systems are eligible for funding under 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>) and this NOFO.

i. Deployment of railroad safety technology, including positive train control and rail integrity inspection systems.<sup>[10]</sup> PTC examples include: Back office systems; wayside, communications and onboard hardware equipment; software; equipment installation; spectrum; any component, testing and training for the implementation of PTC systems; and interoperability. Maintenance and operating expenses incurred after a PTC system is placed in revenue service are ineligible. Railroad safety technology and rail integrity inspection system examples include broken rail detection and warning systems; track intrusion systems; and hot box detectors, wheel impact load detectors, and other safety improvements.<sup>[11]</sup>

ii. A capital project as defined in 49 U.S.C. 22901 (<https://www.govinfo.gov/link/uscode/49/22901?type=usc&year=mostrecent&link-type=html>) (2) relating to Intercity Passenger Rail Service, except that such projects are not required to be in a State rail plan under the CRISI Program. Examples include acquisition, improvement, or rehabilitation of railroad equipment (locomotives and rolling stock); railroad infrastructure (grade crossings, catenary, and signals); and rail facilities (yards, passenger stations, or maintenance and repair shops).

iii. A Capital Project necessary to address congestion challenges affecting rail service. Examples include projects addressing congestion that increase rail capacity; add or upgrade the condition, clearances, and capacity of rail mainlines; enhance capacity and service with less conflict between freight and Intercity

Passenger Rail; reduce delays and risks associated with highway-rail grade crossings; and provide more effective rail equipment.

iv. A Capital Project necessary to reduce congestion and facilitate ridership growth in Intercity Passenger Rail Transportation along heavily traveled rail corridors. Examples include projects addressing congestion that improve stations; increase rail capacity; reduce conflict between freight and Intercity Passenger Rail; reduce delays and risks associated with highway-rail grade crossings; and provide more effective rail equipment.

v. A highway-rail grade crossing improvement project, including installation, repair, or improvement of grade separations, railroad crossing signals, gates, and related technologies; highway traffic signalization; highway lighting and crossing approach signage; roadway improvements such as medians or other barriers; railroad crossing panels and surfaces; and safety engineering improvements to reduce risk in quiet zones or potential quiet zones.

vi. A rail line Relocation and Improvement project. Examples include projects that: Improve the route or structure of a rail line by replacing degraded track; enhance/relocate railroad switching operations; add or lengthen passing tracks to increase capacity; improve interlockings; and relocate rail lines to alleviate congestion, and eliminate frequent rail service interruptions.

vii. A Capital Project to improve short-line or regional railroad infrastructure. Examples include projects for normalized capital replacement, increasing capacity, as well as replacing aging locomotive fleets with newer, more energy efficient technologies that produce less harmful emissions.

viii. The preparation of regional rail and corridor service development plans and corresponding environmental analyses. (See the examples under Track 1 and 2 below in *Subsections C(3)(b)(i)-(ii)* as they apply to regional and corridor rail Planning).

ix. A project necessary to enhance multimodal connections or facilitate service integration between rail service and other modes, including between Intercity Rail Passenger Transportation  and intercity bus service or commercial air service. Examples include intermodal transportation facilities projects that encourage joint scheduling, ticketing, and/or baggage handling; freight rail intermodal connections; and rail projects improving access to ports.

x. The development and implementation of a safety program or institute designed to improve rail safety. Examples include employee training; payment of applicable law enforcement wages to undertake trespass Enforcement Activities; <sup>[12]</sup> Outreach Campaigns for reducing suicides that involve railroad trespassing; <sup>[13]</sup> and public safety outreach and education.

xi. Any research that the Secretary considers necessary to advance any particular aspect of rail related capital, operations, or safety improvements.

xii. Workforce development and training activities, coordinated to the extent practicable with the existing local training programs supported by the Department of Transportation, the Department of Labor, and the Department of Education.

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Applicants that intend to charge indirect costs through the use of a negotiated indirect cost rate must have a current, signed, Federally-approved indirect cost rate agreement. Applicants that do not have a current Federally-approved indirect cost rate may elect to charge a de minimis rate of 10 percent of modified total direct costs. This includes state and local governments that have never negotiated an indirect cost rate with the federal government and receive less than \$35 million in direct federal funding per year. Organizations that wish to negotiate an indirect cost rate should contact FRA's Office of the Chief Financial Officer at [FRA.CFO@dot.gov](mailto:FRA.CFO@dot.gov) (<mailto:FRA.CFO@dot.gov>). Sub-recipients may charge indirect costs using their federally-approved indirect cost rate, a negotiated indirect cost rate between the pass-through entity and the sub-recipient, or a de minimis rate of 10 percent.

As a condition to making a grant with CRISI Funding under this NOFO, FRA requires that a written agreement exist between the applicant and the railroad regarding use and ownership consistent with 49 U.S.C. 22905 (<https://www.govinfo.gov/link/uscode/49/22905?type=usc&year=mostrecent&link-type=html>)(c)(1) for projects using rights-of-way owned by a railroad that is not the applicant.

## **B. PROJECT TRACKS FOR ELIGIBLE PROJECTS**

Applicants are not limited in the number of projects for which they seek funding. FRA will not limit eligible projects from consideration for funding for planning, environmental, engineering, design, and construction elements of the same project in the same application. Applicants are allowed to include multiple phases of a project in the same application. However, depending on the project, applications for multiple phases of project development may not contain sufficient detail with regards to scope, schedule, or budget for all phases of the application to compete well in the application review process.<sup>[14]</sup>

An applicant must identify one or more of the following four tracks for an eligible project: Track 1—Planning; Track 2—PE/NEPA; Track 3—FD/Construction; or Track 4—Research, Safety Programs and Institutes.

### **I. TRACK 1—PLANNING**

Track 1 consists of eligible rail Planning projects. Examples include the technical analyses and associated environmental analyses that support the development of state rail plans, regional rail plans, and corridor service development plans, including: Identification of alternatives, rail network Planning, market analysis, travel demand forecasting, revenue forecasting, railroad system design, railroad operations analysis and simulation, equipment fleet Planning, station and access analysis, conceptual engineering and capital programming, operating and maintenance cost forecasting, capital replacement and renewal analysis, and economic analysis. Project-specific (*e.g.*, rail station or port improvements) planning is not an eligible Track 1 project.

### **II. TRACK 2—PE/NEPA**

Track 2 consists of eligible PE/NEPA projects. PE examples include: PE drawings and specifications (scale drawings at the 30 percent design level, including track geometry as appropriate); design criteria, schematics and/or track charts that support the development of PE; and work that can be funded in conjunction with developing PE, such as operations modeling, surveying, project work/management plans, preliminary cost estimates, and preliminary project schedules. PE/NEPA projects funded under this NOFO must be sufficiently developed to support FD or Construction activities.

### **III. TRACK 3—FD/CONSTRUCTION**

Track 3 consists of eligible projects for FD, Construction, and project implementation and deployment activities. Applicants must complete all necessary Planning, PE and NEPA requirements for FD/Construction projects. FD funded under this track must resolve remaining uncertainties or risks associated with changes to design scope; address procurement processes; and update and refine plans for financing the project or program to reflect accurately the expected year-of-expenditure costs and cash flow projections. Applicants selected for funding for FD/Construction must demonstrate the following to FRA's satisfaction:

- (A) PE is completed for the proposed project, resulting in project designs that are reasonably expected to conform to all regulatory, safety, security, and other design requirements, including those under the Americans with Disabilities Act (ADA);
- (B) NEPA is completed for the proposed project;
- (C) Signed agreements with key project partners, including infrastructure-owning entities; and
- (D) A project management plan is in-place for managing the implementation of the proposed project, including the management and mitigation of project risks.

FD examples include drawings at the 100 percent Design Level, interim design drawings that support development (*e.g.*, drawings at the 60 percent Design Level), project work/project management plan, cost estimates, project schedules, and right-of-way acquisition and relocation plans. Construction examples include additions, improvements, replacements, renovations and/or repairs to track, bridge, station, rail yard, signal, and communication system infrastructure, or other railroad safety technology.

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#### **IV. TRACK 4—RESEARCH, SAFETY PROGRAMS AND INSTITUTES (NON-RAILROAD INFRASTRUCTURE)**

Track 4 consists of projects not falling within Tracks 1-3 including workforce development activities, research, safety programs or institutes designed to improve rail safety that clearly demonstrate the expected positive impact on rail safety. Sufficient detail must be provided on what the project will accomplish, as well as the applicant's capability to achieve the proposed outcomes. Examples include initiatives for improving rail safety, training, payment of applicable law enforcement wages to undertake trespass Enforcement Activities, Outreach Campaigns for reducing suicides that involve railroad trespassing, and education.

#### **C. PROJECT COMPONENT OPERATIONAL INDEPENDENCE**

If an applicant requests funding for a project that is a component or set of components of a larger project, the project component(s) must be attainable with the award amount, together with other funds as necessary, obtain operational independence, and must comply with all eligibility requirements described in *Section C*.

In addition, the component(s) must be capable of being independently analyzed, as determined by FRA, under NEPA (*i.e.*, have independent utility, connect logical termini, if applicable, and not restrict the consideration of alternatives for other reasonably foreseeable rail projects).

#### **D. RURAL PROJECT**

FRA will consider a project to be in a Rural Area if all or the majority of the project (determined by geographic location(s) where the majority of the project funds will be spent) is located in a Rural Area. However, in the event FRA elects to fund a component of the project, then FRA will reexamine whether the project is in a Rural Area.

## D. Application and Submission Information

Required documents for the application are outlined in the following paragraphs. Applicants must complete and submit all components of the application. See *Section D(2)* for the application checklist. FRA welcomes the submission of additional relevant supporting documentation, such as planning, engineering and design documentation, and letters of support from partnering organizations, all of which will not count against the Project Narrative 25-page limit.

### 1. Address To Request Application Package

Applicants may access the application through *www.grants.gov* (<http://www.grants.gov>). Applicants must submit all application materials in their entirety through *www.Grants.gov* (<http://www.Grants.gov>) no later than 5:00 p.m. ET, on November 29, 2021. FRA reserves the right to modify this deadline. General information for submitting applications through *Grants.gov* can be found at: <https://www.fra.dot.gov/Page/PO270> (<https://www.fra.dot.gov/Page/PO270>). FRA is committed to ensuring that information is available in appropriate alternative formats to meet the requirements of persons who have a disability. If you require an alternative version of files provided, please contact Lou Lorello, Office of the Chief Financial Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W36-111, Washington, DC 20590; email: [lou.lorello@dot.gov](mailto:lou.lorello@dot.gov) (<mailto:lou.lorello@dot.gov>); phone: 202-493-8026.

### 2. Content and Form of Application Submission

FRA strongly advises applicants to read this section carefully. Applicants must submit all required information and components of the application package to be considered for funding.

Required documents for an application package are outlined in the checklist below.

- i. Project Narrative (see D.2.a)
- ii. Statement of Work (see D.2.b.i)
- iii. Benefit-Cost Analysis (see D.2. b.ii)
- iv. SF424—Application for Federal Assistance
- v. Either: SF 424A—Budget Information for Non-Construction projects (required for Tracks 1, 2 and 4) or SF 424C—Budget Information for Construction (required for any application that includes Track 3)
- vi. Either: SF 424B—Assurances for Non-Construction projects (required for Tracks 1, 2 and 4) or SF 424D—Assurances for Construction (required for any application that includes Track 3)
- vii. FRA's Additional Assurances and Certifications
- viii. SF LLL—Disclosure of Lobbying Activities

## A. PROJECT NARRATIVE

This section describes the minimum content required in the Project Narrative of the grant application. The Project Narrative must follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

I. Cover Page	See D.2.a.i
II. Project Summary	See D.2.a.ii
III. Project Funding	See D.2.a.iii
IV. Applicant Eligibility	See D.2.a.iv
V. Project Eligibility	See D.2.a.v
VI. Detailed Project Description	See D.2.a.vi
VII. Project Location	See D.2.a.vii
VIII. Evaluation and Selection Criteria	See D.2.a.viii
IX. Project Implementation and Management	See D.2.a.ix
X. Planning Readiness	See D.2.a.x
XI. Environmental Readiness	See D.2.a.xi

The above content must be provided in a narrative statement submitted by the applicant. The Project Narrative may not exceed 25 pages in length (excluding cover pages, table of contents, and supporting documentation). FRA will not review or consider Project Narratives beyond the 25-page limitation. If possible, applicants should submit supporting documents via website links rather than hard copies. If supporting documents are submitted, applicants must clearly identify the page number(s) of the relevant portion in the Project Narrative supporting documentation. The Project Narrative must adhere to the following outline.

i. *Cover Page*: Include a cover page that lists the following elements in a table:

Project Title	
Applicant	
Project Track	1, 2, 3, and/or 4.
Was a Federal grant application previously submitted for this project?	Yes/No.
If yes, state the name of the Federal grant program and title of the project in the previous application.	Federal Grant Program: Project Title:
Is this a Rural Project? What percentage of the project cost is based in a Rural Area?	Yes/No. Percentage of total project cost:
Is this a project eligible under 49 U.S.C. 22907 ( <a href="https://www.govinfo.gov/link/uscode/49/22907?type=usc&amp;year=mostrecent&amp;link-type=html">(https://www.govinfo.gov/link/uscode/49/22907?type=usc&amp;year=mostrecent&amp;link-type=html)</a> (c)(2) that supports the development of new intercity passenger rail service routes including alignments for existing routes?	Yes/No.
Is this for a Capital Project or engineering solution targeting trespassing?	Yes/No.
Is this for a safety program to reduce trespassing through targeted law Enforcement Activities?	Yes/No.
Is this for a safety program to implement or expand an Outreach Campaign for reducing railroad trespassing suicide?	Yes/No.
City(ies), State(s) where the project is located	
Urbanized Area where the project is located	
Population of Urbanized Area	

Is the project currently programmed in the: State rail plan, State Freight Plan, TIP, STIP, MPO Long Range Transportation Plan, State Long Range Transportation Plan?

Yes/No (If yes, please specify in which plans the project is currently programmed).

ii. *Project Summary:* Provide a brief 4-6 sentence summary of the proposed project and what the project will entail. Include challenges the proposed project aims to address, and summarize the intended outcomes and anticipated benefits that will result from the proposed project.

iii. *Project Funding:* Indicate in table format the amount of Federal funding requested, the proposed non-Federal match, identifying contributions from the private sector if applicable, and total project cost. Describe the non-Federal funding arrangement, including multiple sources of non-Federal funding if applicable. Include funding commitment letters outlining funding agreements, as attachments or in an appendix. If Federal funding is proposed as match, provide the applicant's determination of eligibility for such use and the legal basis for that determination. Identify any specific project components that the applicant proposes for partial project funding. If all or a majority of a project is located in a Rural Area, identify the Rural Area(s) and estimated percentage of project costs that will be spent in the Rural Area. Identify any previously incurred costs, as well as other sources of Federal funds committed to the project and any pending Federal requests. Also, note if the requested Federal funding under this NOFO or other programs must be obligated or spent by a certain date due to dependencies or relationships with other Federal or non-Federal funding sources, related projects, law, or other factors. If applicable, provide the description and estimated value of any proposed in-kind contributions, and demonstrate how the in-kind contributions meet the requirements in 2 CFR 200.306 (/select-citation/2021/08/31/2-CFR-200.306).

*Example Project Funding Table:*

Task #	Task name/project component	Cost	Percentage of total cost
1			
2			
Total Project Cost			
Federal Funds Received from Previous Grant			
Federal Funding Under this NOFO Request			
Non-Federal Funding/Match		Cash: In-Kind:	
Portion of Non-Federal Funding from the Private Sector			
Portion of Total Project Costs Spent in a Rural Area			
Pending Federal Funding Requests			

iv. *Applicant Eligibility:* Explain how the applicant meets the applicant eligibility criteria outlined in Section C of this notice. For public agencies and publicly chartered authorities established by one or more states, the explanation must include citations to the applicable enabling legislation.

If the applicant is eligible under 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>) (b)(8) as a rail carrier or rail equipment manufacturer in partnership with at least one of the other eligible entities, the applicant should explain the partnership and

each entity's contribution to the partnership. For a holding company of a class II or Class III railroad, the applicant must demonstrate its status as a holding company and percentage of ownership of an operating Class II or III railroad with supporting documentation.

v. *Project Eligibility*: Identify which project eligibility category the project is eligible under in *Section C(3)* of this notice, and explain how the project meets the project eligibility criteria.

vi. *Detailed Project Description*: Include a detailed project description that expands upon the brief project summary. This detailed description should provide, at a minimum, background on the challenges the project aims to address; the expected users and beneficiaries of the project, including all railroad operators; the specific components and elements of the project; and any other information the applicant deems necessary to justify the proposed project. If applicable, explain how the project will benefit communities in Rural Areas. An applicant should specify whether it is seeking funding for a project that has already received Federal financial assistance, and if applicable, explain how the new scope proposed to be funded under this NOFO relates to the previous scope.

For all projects, applicants must provide information about proposed performance measures, as discussed in *Section F(3)(c)* and required in *2 CFR 200.301* (</select-citation/2021/08/31/2-CFR-200.301>) and *49 U.S.C. 22907* (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>) (f).

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(A) *Grade crossing information, if applicable*: For any project that includes grade crossing components, cite specific DOT National Grade Crossing Inventory information, including the railroad that owns the infrastructure (or the crossing owner, if different from the railroad), the primary railroad operator, the DOT crossing inventory number, and the roadway at the crossing. Applicants can search for data to meet this requirement at the following link: <http://safetydata.fra.dot.gov/OfficeofSafety/default.aspx> (<http://safetydata.fra.dot.gov/OfficeofSafety/default.aspx>). In addition, if applicable, applicants must cite the page number in the grade crossing action plan where the grade crossing is referenced.

(B) *Heavily traveled rail corridor information, if applicable*: For any project eligible under the eligibility category in *Subsection C(3)(a)(iv)*, that reduces congestion and facilitates ridership growth in Intercity Passenger Rail Transportation, describe how the project is located on a heavily traveled rail corridor.

(C) *PTC information, if applicable*: For any project that includes deploying PTC systems, applicants must:

1. Document submission of a Positive Train Control Implementation Plan (PTCIP) to FRA pursuant to either *49 U.S.C. 20157* (<https://www.govinfo.gov/link/uscode/49/20157?type=usc&year=mostrecent&link-type=html>) (a) or *49 CFR part 236* (</select-citation/2021/08/31/49-CFR-236>), *subpart I* (FRA's PTC regulations);
2. Document that it is a tenant on one or more host railroads that submitted a PTCIP to FRA; or
3. Document how the proposed project will assist in the deployment (*i.e.*, installation and/or full implementation) of a PTC system.

(D) *Workforce development and training information, if applicable*: For any project that includes workforce development, applicants must document to the extent practicable similar existing local training programs supported by the Department of Transportation, the Department of Labor, and/or the Department of

Education.

(E) Pedestrian trespasser casualty information, if applicable: Provide documentation indicating whether the projects are located in counties with the most pedestrian trespasser casualties as identified in *FRA's National Strategy to Prevent Trespassing on Railroad Property*.

(F) Railroad trespassing law enforcement strategies, if applicable: For law enforcement agencies seeking funding to pay law enforcement wages to undertake trespass Enforcement Activities, applicants must provide a detailed description of the proposed Enforcement Activities, including (but not limited to) data on trespass incidents and casualties, strategies to target Hot Spots identified by geospatial data, and expected reductions in trespass incidents stemming from the Enforcement Activities.

(G) Railroad trespassing suicide prevention outreach campaign, if applicable: For any project seeking to implement an Outreach Campaign to reduce suicide by railroad, applicants must provide a detailed description of the proposed outreach campaign, including (but not limited to) relevant data on rail-related suicides in the project location, the manner and extent to which trespass suicide is expected to be reduced, and examples of prior efforts to address rail-related suicide.

vii. *Project Location*: Include geospatial data for the project, as well as a map of the project's location. On the map, include the Congressional districts and Rural Area boundaries, if applicable, in which the project will take place. For projects (other than those projects for the implementation of positive train control systems otherwise eligible under 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>)) (c)(1) that are on a shared corridor.

viii. *Evaluation and Selection Criteria*: Include a thorough discussion of how the proposed project meets all the evaluation criteria and selection criteria, as outlined in *Section E* of this notice. If an application does not sufficiently address the evaluation and selection criteria, it is unlikely to be a competitive application. For projects (other than those projects for the implementation of positive train control systems otherwise eligible under 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>)) (c)(1) that are on a shared corridor with commuter railroad passenger transportation, demonstrate how funding the proposed project would be a reasonable investment in Intercity Passenger Rail Transportation and/or freight rail transportation.

ix. *Project Implementation and Management*: Describe proposed project implementation and project management arrangements. Include descriptions of the expected arrangements for project contracting, contract oversight and control, change-order management, risk management, and conformance to Federal requirements for project progress reporting (see <https://www.fra.dot.gov/Page/PO274> (<https://www.fra.dot.gov/Page/PO274>)). Describe past experience in managing and overseeing similar projects.

x. *Planning Readiness for Tracks 2 and 3 (PE/NEPA and FD/Construction Projects)*: Provide information about the planning process that analyzed the investment needs and service objectives of the project. If applicable, cite sources of this information from a service development plan, State or regional rail plan, or similar planning document where the project has been identified for solving a specific existing transportation problem, and makes the case for investing in the proposed solution.

xi. *Environmental Readiness for Track 3 FD/Construction Projects*: If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the documents demonstrating compliance with NEPA, which might include a final CE, Finding of No Significant Impact, or Record of Decision. If the NEPA process is not yet underway, the application should state this. If the process is underway, but is not complete, the application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all NEPA and related milestones.

If the last agency action with respect to NEPA documents occurred more than three years before the application date, the applicant should describe why the project has been delayed and include a proposed approach for verifying, and if necessary, updating this information in accordance with applicable NEPA requirements.

## B. ADDITIONAL APPLICATION ELEMENTS

Applicants must submit:

i. A Statement of Work (SOW) addressing the scope, schedule, and budget for the proposed project if it were selected for award. The SOW must contain sufficient detail so FRA, and the applicant, can understand the expected outcomes of the proposed work to be performed and monitor progress toward completing project tasks and deliverables during a prospective grant's period of performance. Applicants must use FRA's standard SOW, schedule, and budget templates to be considered for award. The templates are located at <https://www.fra.dot.gov/Page/PO325> (<https://www.fra.dot.gov/Page/PO325>). When preparing the budget, the total cost of a project must be based on the best available information as indicated in cited references that include engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

ii. A Benefit-Cost Analysis (BCA), as an appendix to the Project Narrative for each project submitted by an applicant. The BCA must demonstrate in economic terms the merits of investing in the proposed project. The BCA for Track 2—PE/NEPA projects should be for the underlying project, not the PE/NEPA work itself. The project narrative should summarize the project's benefits. □

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Benefits may apply to existing and new rail users, as well as users of other modes of transportation. In some cases, benefits may be applied to populations in the general vicinity of the project area. Improvements to multimodal connections and shared-use rail corridors may benefit all users involved. Benefits may be quantified for savings in safety costs, reduced costs from disruption of service, maintenance costs, reduced travel time, emissions reductions, and increases in capacity or ability to offer new types of freight or passenger services. Applicants may also describe other categories of benefits that are difficult to quantify such as noise reduction, environmental impact mitigation, improved quality of life, or reliability of travel times. All benefits claimed for the project must be clearly tied to the expected outcomes of the project. Please refer to the Benefit-Cost Analysis Guidance for Discretionary Grant Programs prior to preparing a BCA at <https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance> (<https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance>). In addition, please also refer to the BCA FAQs on FRA's website for some rail specific examples of how to apply the BCA Guidance for Discretionary Grant Programs to CRISI funding.

For Tracks 1 and 4—Applicants are required to document project benefits. Any subjective estimates of benefits and costs should be quantified whenever possible, and applicants should provide appropriate evidence to support their subjective estimates. Estimates of benefits should be presented in monetary terms

whenever possible; if a monetary estimate is not possible, then a quantitative estimate (in physical, non-monetary terms, such as crash or employee casualty rates, ridership estimates, emissions levels, energy efficiency improvements, etc.) should be provided. At a minimum, qualitatively describe the project benefits.

iii. Environmental compliance documentation, as applicable, if a website link is not cited in the Project Narrative.

iv. SF 424—Application for Federal Assistance;

v. SF 424A—Budget Information for Non-Construction or SF 424C—Budget Information for Construction;

vi. SF 424B—Assurances for Non-Construction or SF 424D—Assurances for Construction;

vii. FRA's Additional Assurances and Certifications; and

viii. SF LLL—Disclosure of Lobbying Activities.

ix. A statement that the lead applicant has a system for procuring property and services under a Federal award under this NOFO that supports the provisions in 2 CFR 200 (/select-citation/2021/08/31/2-CFR-200) Subpart D-Procurement Standards at 2 CFR 200.317 (/select-citation/2021/08/31/2-CFR-200.317)-326 and 2 CFR 1201.317 (/select-citation/2021/08/31/2-CFR-1201.317).

x. A statement indicating whether the applicant or any of its principals:

a. is presently suspended, debarred, voluntarily excluded, or disqualified;

b. has been convicted within the preceding three years of any of the offenses listed in 2 CFR 180.800 (/select-citation/2021/08/31/2-CFR-180.800)(a); or had a civil judgment rendered against the organization or the individual for one of those offenses within that time period;

c. is presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, state or local) with, commission of any of the offenses listed in 2 CFR 180.800 (/select-citation/2021/08/31/2-CFR-180.800)(a); or,

d. has had one or more public transactions (Federal, state, or local) terminated within the preceding three years for cause or default (including material failure to comply).

xi. FRA F 251, Applicant Financial Capability Questionnaire.

Forms needed for the electronic application process are at [www.Grants.gov](http://www.Grants.gov) (<http://www.Grants.gov>).

### **C. POST-SELECTION REQUIREMENTS**

See *subsection F(2)* of this notice for post-selection requirements.

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

To apply for funding through *Grants.gov*, applicants must be properly registered in SAM before submitting an application, provide a valid unique entity identifier, and continue to maintain an active SAM registration all as described in detail below. Complete instructions on how to register and submit an application can be

found at [www.Grants.gov](http://www.Grants.gov) (<http://www.Grants.gov>). Registering with *Grants.gov* is a one-time process; however, it can take up to several weeks for first-time registrants to receive confirmation and a user password. FRA recommends that applicants start the registration process as early as possible to prevent delays that may preclude submitting an application package by the application deadline. Applications will not be accepted after the due date. Delayed registration is not an acceptable justification for an application extension.

FRA may not make a grant award to an applicant until the applicant has complied with all applicable Data Universal Numbering System (DUNS) and SAM requirements, and if an applicant has not fully complied with the requirements by the time the FRA is ready to make a Federal award, FRA may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant. (Please note that if a Dun & Bradstreet DUNS number must be obtained or renewed, this may take a significant amount of time to complete). Late applications that are the result of a failure to register or comply with *Grants.gov* applicant requirements in a timely manner will not be considered. If an applicant has not fully complied with the requirements by the submission deadline, the application will not be considered. To submit an application through *Grants.gov*, applicants must:

#### **A. OBTAIN A DUNS NUMBER**

A DUNS number is required for *Grants.gov* registration. The Office of Management and Budget requires that all businesses and nonprofit applicants for Federal funds include a DUNS number in their applications for a new award or renewal of an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for the government in identifying and keeping track of entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for Federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Applicants may obtain a DUNS number by calling 1-866-705-5711 or by applying online at <http://www.dnb.com/us> (<http://www.dnb.com/us>).

#### **B. REGISTER WITH THE SAM AT WWW.SAM.GOV (HTTP://WWW.SAM.GOV)**

All applicants for Federal financial assistance must maintain current registrations in the SAM database. An applicant must be registered in SAM to successfully register in *Grants.gov*. The SAM database is the repository for standard information about Federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via *Grants.gov* are already registered with SAM, as it is a requirement for *Grants.gov* registration. Please note, however, that applicants must update or renew their SAM registration at least once per year to maintain an active status. Therefore, it is critical to check registration status well in advance of the application deadline. If an applicant is selected for an award, the applicant must maintain an active SAM registration with current information throughout the period of the award, including information on a recipient's immediate and highest level owner and subsidiaries, as well as on all predecessors that have been awarded a Federal contract or grant within the last three years, if applicable. Information about SAM registration procedures is available at [www.sam.gov](http://www.sam.gov) (<http://www.sam.gov>).

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#### **C. CREATE A GRANTS.GOV USERNAME AND PASSWORD**

Applicants must complete an Authorized Organization Representative (AOR) profile on [www.Grants.gov](http://www.Grants.gov) (<http://www.Grants.gov>) and create a username and password. Applicants must use the organization's DUNS number to complete this step. Additional information about the registration process is available at:

<https://www.grants.gov/web/grants/applicants/organization-registration.html>  
(<https://www.grants.gov/web/grants/applicants/organization-registration.html>).

#### **D. ACQUIRE AUTHORIZATION FOR YOUR AOR FROM THE E-BUSINESS POINT OF CONTACT (E-BIZ POC)**

The E-Biz POC at the applicant's organization must respond to the registration email from *Grants.gov* and login at *www.Grants.gov* (<http://www.Grants.gov>) to authorize the applicant as the AOR. Please note there can be more than one AOR for an organization.

#### **E. SUBMIT AN APPLICATION ADDRESSING ALL REQUIREMENTS OUTLINED IN THIS NOFO**

If an applicant experiences difficulties at any point during this process, please call the *Grants.gov* Customer Center Hotline at 1-800-518-4726, 24 hours a day, 7 days a week (closed on Federal holidays). For information and instructions on each of these processes, please see instructions at: <http://www.grants.gov/web/grants/applicants/apply-for-grants.html> (<http://www.grants.gov/web/grants/applicants/apply-for-grants.html>).

#### **4. Submission Dates and Times**

Applicants must submit complete applications to *www.Grants.gov* (<http://www.Grants.gov>) no later than 5:00 p.m., ET, November 29, 2021. FRA reviews *www.Grants.gov* (<http://www.Grants.gov>) information on the dates and times of applications submitted to determine timeliness of submissions. Late applications will be neither reviewed nor considered. Delayed registration is not an acceptable reason for late submission. In order to apply for funding under this announcement, all applicants are expected to be registered as an organization with *Grants.gov*. Applicants are strongly encouraged to apply early to ensure all materials are received before this deadline.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) Failure to complete the *Grants.gov* registration process before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all instructions in this NOFO; and (4) technical issues experienced with the applicant's computer or information technology environment.

#### **5. Intergovernmental Review**

Intergovernmental Review is required for this program. Applicants must contact their State Single Point of Contact to comply with their State's process under Executive Order 12372. The names and addresses of the Single State Points of Contact are listed in the Office of Management and Budget's website.

#### **6. Funding Restrictions**

FRA is prohibited under 49 U.S.C. 22905 (<https://www.govinfo.gov/link/uscode/49/22905?type=usc&year=mostrecent&link-type=html>) (f) from providing CRISI grants for commuter rail passenger transportation (as defined in 49 U.S.C. 24102 (<https://www.govinfo.gov/link/uscode/49/24102?type=usc&year=mostrecent&link-type=html>)) (3)). FRA's interpretation of this restriction is informed by the language in 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>). FRA's primary intent in funding passenger rail projects is to make reasonable investments in Intercity Passenger Rail Transportation. Such projects may be located on shared corridors where commuter rail passenger transportation and/or freight rail also benefit from the project. The 2021 Appropriation makes an exception to this funding restriction for commuter rail passenger

transportation projects for the implementation of positive train control systems that are otherwise eligible under 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>)(c)(1).

Consistent with 2 *CFR 200.458* (</select-citation/2021/08/31/2-CFR-200.458>), as applicable, FRA will only approve pre-award costs if such costs are incurred pursuant to the negotiation and in anticipation of the grant agreement and if such costs are necessary for efficient and timely performance of the scope of work. Under 2 *CFR 200.458* (</select-citation/2021/08/31/2-CFR-200.458>), grantees must seek written approval from the administering agency for pre-award activities to be eligible for reimbursement under the grant. Activities initiated prior to the execution of a grant or without written approval may be ineligible for reimbursement or matching contribution. Cost sharing or matching may be used only for authorized Federal award purposes.

## 7. Other Submission Requirements

For any supporting application materials that an applicant cannot submit via *Grants.gov*, such as oversized engineering drawings, an applicant may submit an original and two (2) copies to Mr. Douglas Gascon, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38-212, Washington, DC 20590. Due to delays caused by enhanced screening of mail delivered via the U.S. Postal Service, FRA advises applicants to use other means of conveyance (such as courier service) to assure timely receipt of materials before the application deadline. Additionally, if documents can be obtained online, providing instructions to FRA on how to access files on a referenced website may also be sufficient.

*Note:* Please use generally accepted formats such as .pdf, .doc, .docx, .xls, .xlsx and .ppt, when uploading attachments. While applicants may embed picture files, such as .jpg, .gif, and .bmp, in document files, applicants should not submit attachments in these formats. Additionally, the following formats will not be accepted: .com, .bat, .exe, .vbs, .cfg, .dat, .db, .dbf, .dll, .ini, .log, .ora, .sys, and .zip.

If an applicant experiences difficulties at any point during this process, please call the *Grants.gov* Customer Center Hotline at 1-800-518-4726, 24 hours a day, 7 days a week (closed on Federal holidays). For information and instructions on each of these processes, please see instructions at: <http://www.grants.gov/web/grants/applicants/apply-for-grants.html> (<http://www.grants.gov/web/grants/applicants/apply-for-grants.html>).

## E. Application Review Information

### 1. Criteria

#### A. ELIGIBILITY, COMPLETENESS AND APPLICANT RISK REVIEW

FRA will first screen each application for applicant and project eligibility (eligibility requirements are outlined in *Section C* of this notice), completeness (application documentation and submission requirements are outlined in *Section D* of this notice), applicant risk and the minimum match.

FRA will then consider applicant risk, including the applicant's past performance in developing and delivering similar projects and previous financial contributions, and if applicable, previous competitive grant technical evaluation ratings that the proposed project received under previous competitive grant programs administered by DOT.

#### B. EVALUATION CRITERIA

FRA will evaluate all eligible and complete applications using the evaluation criteria outlined in this section to determine project benefits and technical merit.

i. Project Benefits:□

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FRA will evaluate the Benefit-Cost Analysis and project benefits of the proposed project for the anticipated private and public benefits relative to the costs of the proposed project and the summary of benefits provided in response to *subsection D(2)(b)(ii)* including—

- (A) Effects on system and service performance;
- (B) Effects on safety, competitiveness, reliability, trip or transit time, and resilience;
- (C) Efficiencies from improved integration with other modes; and
- (D) Ability to meet existing or anticipated demand.

ii. Technical Merit:

FRA will evaluate application information for the degree to which—

- (A) The tasks and subtasks outlined in the SOW are appropriate to achieve the expected outcomes of the proposed project.
- (B) Applications indicate strong project readiness and meet requirements under the project track(s) designated by the applicant.
- (C) The technical qualifications and experience of key personnel proposed to lead and perform the technical efforts, and the qualifications of the primary and supporting organizations to fully and successfully execute the proposed project within the proposed timeframe and budget are demonstrated.
- (D) The proposed project's business plan considers potential private sector participation in the financing, construction, or operation of the proposed project.
- (E) The applicant has, or will have the legal, financial, and technical capacity to carry out the proposed project; satisfactory continuing control over the use of the equipment or facilities; and the capability and willingness to maintain the equipment or facilities.
- (F) The degree to which the applicant and project deploy innovative technology, encourage innovative approaches to project delivery, and incentivize the use of innovative financing.
- (G) The proposed project is consistent with planning guidance and documents set forth by DOT, including those required by law or State rail plans developed under Title 49, United State Code, Chapter 227.

**C. SELECTION CRITERIA**

In addition to the eligibility and completeness review and the evaluation criteria outlined in this subsection, the FRA will apply the following selection criteria:

- i. The FRA will give preference to the following:

(A) Projects for which the proposed Federal share of total project costs is 50 percent or less;

(B) Projects for which the net benefits of the grant funds will be maximized considering the Benefit-Cost Analysis, including anticipated private and public benefits relative to the costs of the proposed project, and factoring in the other considerations in 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>) (e);

(C) Projects for pre-construction elements including preliminary engineering and final design of projects eligible under 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>)(c)(2) that support the development of new intercity passenger rail service routes including alignments for existing routes;

(D) Projects for capital and engineering solutions targeting trespassing that are located in counties with the most pedestrian casualties as identified in *FRA's National Strategy to Prevent Trespassing on Railroad Property* as may be updated or amended from time to time; and

(E) Projects for trespass Enforcement Activities in one of the 10 states with the highest incidence of rail trespass related casualties (as reported in the Rail Incident Accident Reporting System at <https://railroads.dot.gov/accident-and-incident-reporting/casualty-reporting/casualties-and-other-incidents> (<https://railroads.dot.gov/accident-and-incident-reporting/casualty-reporting/casualties-and-other-incidents>)), which are California, Texas, Illinois, Florida, New York, Pennsylvania, Ohio, Indiana, North Carolina, and Georgia.

ii. After applying the above preferences, the FRA will take into account the following key DOT objectives:

**(A) SAFETY**

DOT will assess the project's ability to foster a safe transportation system for the movement of goods and people, consistent with the Department's strategic goal to reduce transportation-related fatalities and serious injuries across the transportation system. Such considerations will include, but are not limited to, the extent to which the project improves safety at highway-rail grade crossings, reduces incidences of rail-related trespassing, and upgrades infrastructure to achieve a higher level of safety.

**(B) EQUITABLE ECONOMIC STRENGTH AND IMPROVING CORE ASSETS**

DOT will assess the project's ability to contribute to economic progress stemming from infrastructure investment and associated creation of good jobs with fair wages, labor protections, and the opportunity to join a union. Such considerations will include, but are not limited to, the extent to which the project invests in vital infrastructure assets, addresses capital needs to connect farms, factories, and shippers to the rail network, and provides opportunities for families to achieve economic security through rail industry employment.

**(C) ENSURING INVESTMENTS MEET RACIAL EQUITY AND ECONOMIC INCLUSION GOALS**

DOT will assess the project's ability to encourage racial equity by investing in projects that proactively address racial equity and barriers to opportunities. Such considerations will include, but are not limited to, the extent to which the project improves or expands transportation options, mitigates the safety risks and detrimental quality of life effects that rail lines can have on communities, and expands workforce development and training opportunities to foster a more diverse rail industry.

**(D) RESILIENCE AND ADDRESSING CLIMATE CHANGE**

DOT will assess the project's ability to reduce the harmful effects of climate change and anticipate necessary improvements for preparedness. Such considerations will include, but are not limited to, the extent to which the project reduces emissions, promotes energy efficiency, increases resiliency, and recycles or redevelops existing infrastructure.

### **(E) TRANSFORMATION OF OUR NATION'S TRANSPORTATION INFRASTRUCTURE**

DOT will assess the project's ability to expand and improve the nation's rail network, which needs to balance new infrastructure for increased capacity with proper maintenance of aging assets. Such considerations will include, but are not limited to, the extent to which the project adds capacity to congested corridors, builds new connections, and ensures assets will be improved to a state of good repair.

iii. In determining the allocation of program funds, FRA may also consider geographic diversity, diversity in the size of the systems receiving funding, and the applicant's receipt of other competitive awards.

## **2. Review and Selection Process**

FRA will conduct a four-part application review process, as follows:

- a. Screen applications for completeness, applicant risk and eligibility and consider applicable past performance and previous financial contributions and technical evaluation ratings;
- b. Evaluate eligible applications (completed by technical panels applying the evaluation criteria);
- c. Review, apply selection criteria and recommend initial selection of projects for the FRA Administrator's review (completed by a non-career Senior Review Team, which includes senior leadership from the Office of the Secretary and FRA); and,
- d. Selection of awards for the Secretary's review and approval (completed by the FRA Administrator).

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## **3. Reporting Matters Related to Integrity and Performance**

Before making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold of \$250,000 (see *2 CFR 200.88* ([/select-citation/2021/08/31/2-CFR-200.88](#)) Simplified Acquisition Threshold), FRA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). See *41 U.S.C. 2313* (<https://www.govinfo.gov/link/uscode/41/2313?type=usc&year=mostrecent&link-type=html>).

An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM.

FRA 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 *2 CFR 200.205* ([/select-citation/2021/08/31/2-CFR-200.205](#)).

## **F. Federal Award Administration Information**

## 1. Federal Award Notice

FRA will announce applications selected for funding in a press release and on the FRA website after the application review period. This announcement is FRA's notification to successful and unsuccessful applicants alike. FRA will contact applicants with successful applications after announcement with information and instructions about the award process. This notification is not an authorization to begin proposed project activities. FRA requires satisfaction of applicable requirements by the applicant and a formal agreement signed by both the grantee and the FRA, including an approved scope, schedule, and budget, before obligating the grant.

For Track 2 PE/NEPA projects, these requirements may include transportation planning. For Track 3 FD/Construction projects, these requirements may include transportation planning, PE and environmental reviews.

## 2. Administrative and National Policy Requirements

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, grantees must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, grantees, in particular, must ensure that no concession agreements are denied, or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a grantee has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the grantee to reimburse any expended award funds.

Examples of administrative and national policy requirements include: 2 CFR part 200 (/select-citation/2021/08/31/2-CFR-200); procurement standards at 2 CFR part 200 (/select-citation/2021/08/31/2-CFR-200) Subpart D—Procurement Standards, 2 CFR 1207.317 (/select-citation/2021/08/31/2-CFR-1207.317) and 2 CFR 200.401 (/select-citation/2021/08/31/2-CFR-200.401); compliance with Federal civil rights laws and regulations; requirements for disadvantaged business enterprises, debarment and suspension requirements, and drug-free workplace requirements; FRA's and OMB's Assurances and Certifications; Americans with Disabilities Act; safety requirements; NEPA; environmental justice requirements; performance measures under 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>) (f); for CRISI Funding, grant conditions under 49 U.S.C. 22905 (<https://www.govinfo.gov/link/uscode/49/22905?type=usc&year=mostrecent&link-type=html>) including the Buy America requirements, applicable labor requirements, the provision deeming operators rail carriers for certain purposes and grantee agreements with railroad right-of-way owners for projects using railroad right-of way. Unless otherwise stated in statutory or legislative authority, or appropriations language, all financial assistance awards follow the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards at 2 CFR part 200 (/select-citation/2021/08/31/2-CFR-200) and 2 CFR part 1201 (/select-citation/2021/08/31/2-CFR-1201).

Grantees must comply with applicable appropriations act requirements and all relevant requirements of 2 CFR part 200 (/select-citation/2021/08/31/2-CFR-200). Rights to intangible property under grants awarded under this NOFO are governed in accordance with 2 CFR 200.315 (/select-citation/2021/08/31/2-CFR-200.315). See an example of standard terms and conditions for FRA grant awards at

<https://www.fra.dot.gov/eLib/Details/L19057> (<https://www.fra.dot.gov/eLib/Details/L19057>) and clauses specific to CRISI funding at <https://www.fra.dot.gov/eLib/Details/L20078> (<https://www.fra.dot.gov/eLib/Details/L20078>). These templates are subject to revision.

Projects selected under this NOFO for commuter rail passenger transportation for positive train control projects may be transferred to the Federal Transit Administration for grant administration at the Secretary's discretion. If such a project is transferred to the Federal Transit Administration, applicants will be required to comply with chapter 53 of Title 49 of the United States Code.

### 3. Reporting

#### A. PROGRESS REPORTING ON GRANT ACTIVITY

Each applicant selected for a grant will be required to comply with all standard FRA reporting requirements, including quarterly progress reports, quarterly Federal financial reports, and interim and final performance reports, as well as all applicable auditing, monitoring and close out requirements. Reports may be submitted electronically. Pursuant to 2 CFR 170.210 (/select-citation/2021/08/31/2-CFR-170.210), non-Federal entities applying under this NOFO must have the necessary processes and systems in place to comply with the reporting requirements should they receive Federal funding.

#### B. ADDITIONAL REPORTING

Applicants selected for funding are required to comply with all reporting requirements in the standard terms and conditions for FRA grant awards including 2 CFR 180.335 (/select-citation/2021/08/31/2-CFR-180.335) and 2 CFR 180.350 (/select-citation/2021/08/31/2-CFR-180.350).

If the Federal share of any Federal award under this NOFO may include more than \$500,000 over the period of performance, applicants are informed of the post award reporting requirements reflected in 2 CFR part 200 (/select-citation/2021/08/31/2-CFR-200), Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters.

#### C. PERFORMANCE REPORTING

Each applicant selected for funding must collect information and report on the project's performance using measures mutually agreed upon by FRA and the grantee to assess progress in achieving strategic goals and objectives.

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Applicants requesting Non-CRISI funding for trespass Enforcement Activities must include the following information: Date, time, number of officers, location and description of Enforcement Activity; Justification or reason for selected Enforcement Activity; Number of contacts (encounters with trespassers); Number of warnings and/or citations issued; and the deterrence effect of such activities and method for measuring such deterrence (including explanation of how they determine deterrence effect).

Applicants requesting Non-CRISI funding for an Outreach Campaign must include indicators of success (e.g. anticipated reach of messaging efforts or contacts made by personnel with individuals at risk or reduced suicide incidents). FRA maintains the right to re-publish and use information under this grant for the advancement of safety.

Examples of some rail performance measures for CRISI Funding are listed in the table below. The applicable measure(s) will depend upon the type of project. Applicants requesting funding for the acquisition of rolling stock must integrate at least one equipment/rolling stock performance measure, consistent with the

application materials and program goals.

Rail measures	Unit measured	Temporal	Primary strategic goal	Secondary strategic goal	Description
Slow Order Miles	Miles	Annual	State of Good Repair	Safety	The number of miles per year within the project area that have temporary speed restrictions ("slow orders") imposed due to track condition. This is an indicator of the overall condition of track. This measure can be used for projects to rehabilitate sections of a rail line since the rehabilitation should eliminate, or at least reduce the slow orders upon project completion.
Gross Ton	Gross Tons	Annual	Economic Competitiveness	State of Good Repair	The annual gross tonnage of freight shipped in the project area. Gross tons include freight cargo minus tare weight of the rail cars. This measures the volume of freight a railroad ships in a year. This measure can be useful for projects that are anticipated to increase freight shipments.
Rail Track Grade Separation	Count	Annual	Economic Competitiveness	Safety	The number of annual automobile crossings that are eliminated at an at-grade crossing as a result of a new grade separation.
Passenger Counts	Count	Annual	Economic Competitiveness	State of Good Repair	Count of the annual passenger boardings and alightings at stations within the project area.
Travel Time	Time/Trip	Annual	Economic Competitiveness	Quality of Life	Point-to-point travel times between pre-determined station stops within the project area. This measure demonstrates how track improvements and other upgrades improve operations on a rail line. It also helps make sure the railroad is maintaining the

<b>Rail measures</b>	<b>Unit measured</b>	<b>Temporal</b>	<b>Primary strategic goal</b>	<b>Secondary strategic goal</b>	<b>Description</b>
Track Miles	Miles	One Time	State of Good Repair	Economic Competitiveness	The number of track miles that exist within the project area. This measure can be beneficial for projects building sidings or sections of additional main line track on a railroad.

## H. Federal Awarding Agency Contacts

For further information regarding this notice and the grants program, please contact Mr. Douglas Gascon, Office of Policy and Planning, Federal Railroad Administration, 1200 New Jersey Avenue SE, Room W38-212, Washington, DC 20590; email: [douglas.gascon@dot.gov](mailto:douglas.gascon@dot.gov) (<mailto:douglas.gascon@dot.gov>); phone: 202-493-0239.

## I. Other Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible.

If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission “Contains Confidential Business Information (CBI)”; (2) mark each affected page “CBI”; and (3) highlight or otherwise denote the CBI portions.

The DOT regulations implementing the Freedom of Information Act (FOIA) are found at 49 CFR part 7 (/select-citation/2021/08/31/49-CFR-7) Subpart C—Availability of Reasonably Described Records under the Freedom of Information Act which sets forth rules for FRA to make requested materials, information and records publicly available under FOIA. Unless prohibited by law and to the extent permitted under the FOIA, contents of application and proposals submitted by successful applicants may be released in response to FOIA requests.

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Issued in Washington, DC.

Amitabha Bose,

Deputy Administrator.

## Footnotes

1. For any project that includes purchasing Intercity Passenger Rail rolling stock, applicants are encouraged to use a standardized approach to the procurement of passenger rail equipment, such as the specifications developed by the Next Generation Corridor Equipment Pool Committee or a similar uniform process.

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2. See 74 FR 53030 (/citation/74-FR-53030), 53043 (August 24, 2011) available at <https://www2.census.gov/geo/pdfs/reference/fedreg/fedregv76n164.pdf> (<https://www2.census.gov/geo/pdfs/reference/fedreg/fedregv76n164.pdf>).

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3. Of the \$375,000,000 in CRISI funding made available in the 2021 Appropriation, \$11,512,500 will be separately made available for Special Transportation Circumstances and \$3,750,000 will be set aside for award and program oversight.

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4. *FRA made Safety and Operations Account funding available in FY 2019 and FY 2020 under separate NOFOs for the Railroad Trespassing Enforcement Grant Program and the Railroad Trespassing Suicide Prevention Grant Program, as part of its National Trespass Prevention Strategy. FRA is combining Non-CRISI funds for those trespass prevention programs into the CRISI NOFO to leverage Federal funding to comprehensively address trespassing safety issues through awards for infrastructure investment combined with safety programs including enforcement and outreach activities. If funding is not requested under B.1(d) or (e), FRA may award such funds for other eligible trespass prevention purposes.*

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5. *Interstate Compacts are ineligible for Non-CRISI funding.*

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6. *See Section D(2)(a)(iv) for supporting documentation required to demonstrate eligibility under this eligibility category.*

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7. *See Section D(2)(a)(iv) for supporting documentation required to demonstrate eligibility under this eligibility category.*

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8. *See Section D(2)(a)(iv) for supporting information required to demonstrate eligibility under this eligibility category.*

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9. *See Section D(2)(a)(iii) for supporting information required to demonstrate eligibility of Federal funds for use as match.*

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10. *Pursuant to the 2021 Appropriation, 49 U.S.C. 22905*

*(<https://www.govinfo.gov/link/uscode/49/22905?type=usc&year=mostrecent&link-type=html>)(f) shall not apply to projects for the implementation of positive train control systems, otherwise eligible under 49 U.S.C. 22907 (<https://www.govinfo.gov/link/uscode/49/22907?type=usc&year=mostrecent&link-type=html>)(c)(1). "Maintenance and operations costs incurred after a PTC system is placed in revenue service are not eligible for CRISI funding. . . ." 166 Cong. Rec. H8820 (2020) (explanatory statement accompanying the 2021 Appropriation).*

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11. *Only costs for FD and Construction project stages and forward are eligible within this project eligibility category.*

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12. *Enforcement Activities may include investigating incidents or reports of trespassing, as well as providing warnings and citations to the trespassers for violating rail-related trespass laws. The hourly rate for law enforcement officers performing Enforcement Activities should be limited to the officer's regular and overtime wage rate (e.g., 1.5 times the base rate). Administrative costs are capped at 1% of the award. Projects must be completed within the twelve-month period of performance under the grant. Court costs and equipment are not eligible. Only new scope (e.g., hourly wages incurred during the project performance period for a grant awarded under this NOFO) is eligible for funding under this NOFO.*

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13. *The implementation or expansion of an Outreach Campaign for reducing suicides that involve railroad trespassing may involve training staff to identify individuals at risk and intervene, raising awareness of services via signage or public awareness campaigns, or implementing other strategies. Projects must be specifically tailored to directly reduce railroad suicide incidents. While an Outreach Campaign may have*

*applicability outside of the rail domain, projects must be intended to directly reduce railroad suicide incidents. At least 1 mile of FRA-regulated railroad track must be within the boundaries of the planned outreach activities.*

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*14. The scope, schedule, and budget necessary to implement a project, as well as the definition of the project's potential benefits, are typically informed by the work conducted in prior phases of project development (e.g., the specific elements of an FD/Construction project and their cost estimates are developed and refined through PE). The evaluation criteria for the CRISI program (see Section E of this NOFO) considers the level of detail contained in the applicant's proposed scope of work and readiness for the project to be implemented.*

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[FR Doc. 2021-18737 (/a/2021-18737) Filed 8-30-21; 8:45 am]

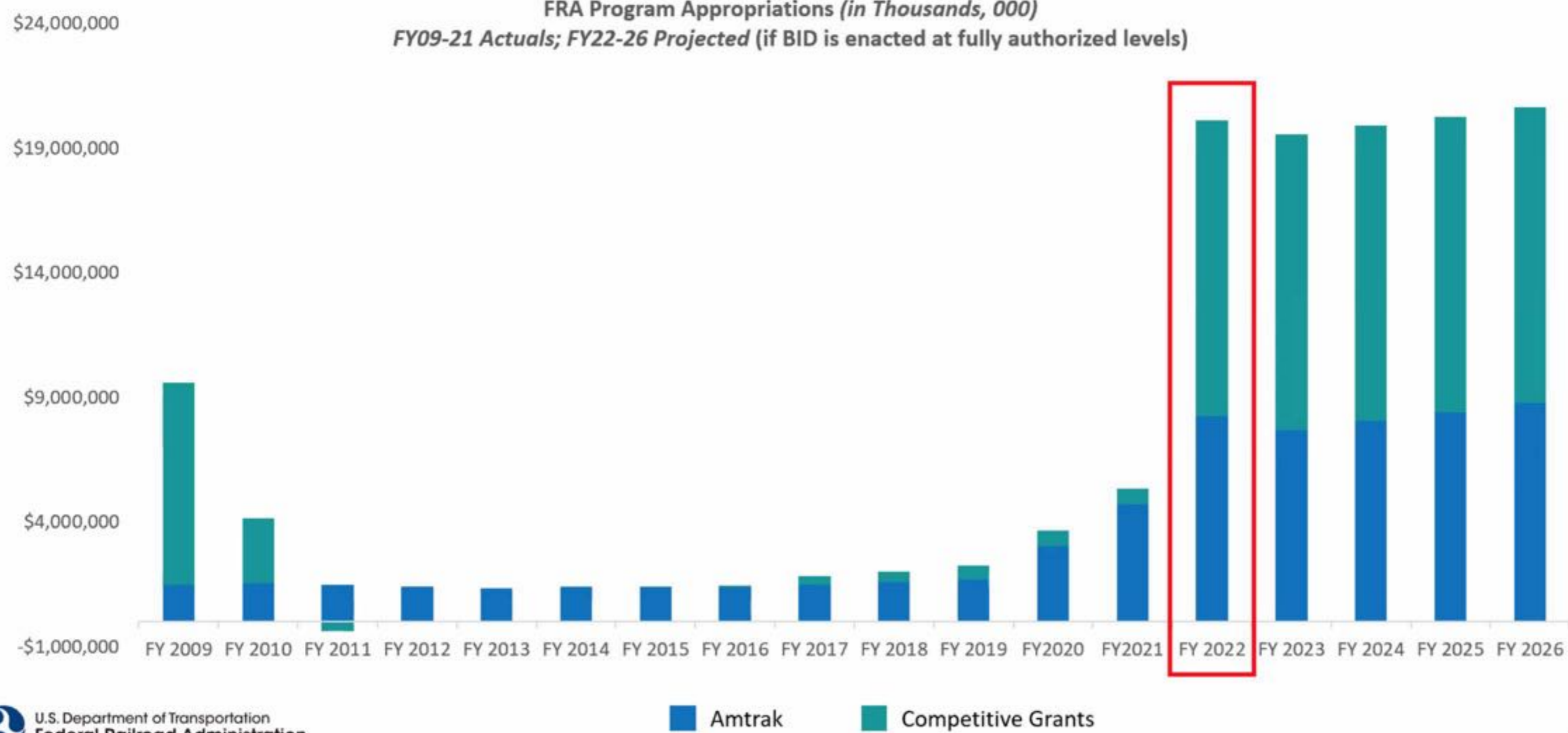
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**PUBLISHED DOCUMENT**

# FRA Historical Funding Levels






FRA Program Appropriations (in Thousands, 000)  
FY09-21 Actuals; FY22-26 Projected (if BID is enacted at fully authorized levels)



# Bipartisan Infrastructure Law (BIL) Rail | Summary

## Historic investment in American rail largest in FRA history

### Key Goals:

-  1. Build the foundation for a long-term sustainable rail program.
-  2. Bring world-class passenger rail service to other regions across the country.
-  3. Modernize the Northeast Corridor.
-  4. Renew Amtrak's fleet and facilities.
-  5. Grow a safer, cleaner rail system.

