


CA26: What supporting documentation does FTA need from operators to support a reimbursement request under the CARES Act?

A: No special documentation is required for CARES Act funding apart from the documentation that is normally required for expenses under the [Urbanized Area Formula Grants](#) (49 U.S.C. § 5307) and [Formula Grants for Rural Areas](#) (49 U.S.C. § 5311) programs. Grant recipients who have not been eligible for operating assistance in the past may ask their [FTA Regional Office](#) about required documentation, or refer to FTA Circular 9030.1E ([Urbanized Area Formula Program: Program Guidance and Application Instructions](#)) Appendix C (Operating Assistance) for information about calculating and documenting operating costs.

 CA27: Can CARES Act funds be used to match other federal funds?

A: It depends. CARES Act funds generally may not be used to meet the local match requirement for other FTA or DOT grants (49 U.S.C. § 5307(d)(3)). However, if a federal program explicitly allows other federal funds to be used as match and the project meets all requirements of the participating federal agencies, then CARES Act funds may be eligible as match for such a program.

 CA28: Does a state need to conduct a new consultation process for CARES Act funds if the state has previously held a consultation process and certified that the state's intercity bus service needs are met and less than 15 percent of their [Formula Grants for Rural Areas](#) (49 U.S.C. § 5311) funds will be allocated to intercity bus expenses?

A: Yes, a state that intends to allocate less than 15 percent of CARES Act funds for intercity bus expenses must undergo a new consultation process under federal public transportation law (49 U.S.C. § 5311(f)(2)) if the previous consultation process concluded prior to April 2, 2020, when FTA apportioned CARES Act funds. A state's intercity bus needs may have changed since the last consultation.

 CA29: Does the CARES Act provide additional Rural Transportation Assistance Program (RTAP) funding?

A: No, the CARES Act does not provide additional funding for RTAP. Previously apportioned RTAP funds can be used to provide training and information related to the CARES Act.

CE13: If a grant recipient has already drawn down funds from an obligated grant, can the recipient return that funding and create a new grant using CARES Act or previously apportioned [Urbanized Area Formula Grants](#) (Section 5307) and [Formula Grants for Rural Areas](#) (Section 5311) funding?

A: No. Previous amounts that have been drawn down may not be returned and exchanged for funds from a different source.

 CE14: May agencies pay a temporary bonus to operators who continue to work?

A: It depends. Under the [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#), a federal award may be used for bonus or incentive compensation when the overall compensation is reasonable and paid or accrued based on an agreement entered

into before the services were rendered (2 CFR § 200.430(f)). If a grant recipient does not have such an agreement in place, it may create one that would allow payment of bonus or incentive pay from that point forward, but it would not be able to pay a bonus for work performed prior to the agreement.

NEW **CE15: Will FTA waive [National Environmental Policy Act \(NEPA\)](#) requirements for projects implemented in response to the COVID-19 public health emergency?**

A: NEPA continues to apply during the COVID-19 public health emergency. FTA anticipates that most projects completed in response to the COVID-19 public health emergency, such as operations and purchasing personal protective equipment, would fall within FTA's [C-list NEPA categorical exclusions](#) (CE), found at 23 CFR § 771.118(c). C-list CEs require the lowest level of NEPA review and typically can be approved by FTA within TrAMS, FTA's grant management system. If a project does not fall under a C-list CE, FTA recommends the grant recipient contact their [FTA Regional Office](#) to discuss NEPA compliance further.

CR11: Do transit agencies have an extension to submit their [Disadvantaged Business Enterprise \(DBE\)](#) triennial goals, due August 1, 2020, to FTA because of the COVID-19 public health emergency?

A: Yes. For those recipients with DBE goals due August 1, 2020, FTA is extending the due date to October 1, 2020, and will update TrAMS to reflect the extension. This extension is consistent with a DOT guidance memorandum issued April 1, 2020.

NEW **CR12: How should FTA recipients under the [Disadvantaged Business Enterprise \(DBE\) program](#) report and track multiple, ongoing purchases from a single vendor?**

A: Recipients should make use of race-neutral measures, such as small business programs, technical and financial assistance, and unbundling of contracts to increase the ability and capacity of DBEs and other small businesses to perform contracts with CARES Act funding (49 CFR §§ 26.39, 26.51). Direct purchases by the recipient from a supplier or vendor (i.e., those contracts without subcontracting possibilities) always should be race-neutral (i.e., a contract-specific DBE goal is not applied to the purchase and DBE status is not a deciding factor in award or purchase). 49 CFR § 26.51(e)(1). FTA assumes most purchases of items, such as personal protective equipment, would be through direct procurement methods and therefore race-neutral.

The [DOT DBE regulations](#) (49 CFR § 26.37(b)) require recipients to have a mechanism to verify that the work committed to DBEs at contract award is actually performed by the DBEs. For the purposes of simplifying reporting and tracking, recipients may count multiple, ongoing purchases with a single vendor as a single contract awarded and completed on Uniform Reports (e.g. fuel, vehicle parts, vehicle servicing, or other purchase orders).

NEW **CR13: Due to COVID-19 social distancing guidelines, what options do FTA recipients have for conducting site visits for firms applying for [Disadvantaged Business Enterprise \(DBE\)](#) certification?**

A: Recipients are not required to conduct in-person site visits for purposes of DBE certification in light of the COVID-19 public health emergency. On March 24, 2020, DOT issued a [memorandum](#) providing interim guidance on DBE certification procedures that are consistent with social distancing. The memorandum explains that on site visits may be conducted using computer, tablet, and mobile device technologies, and that recipients may photograph necessary items from within their vehicles. The memorandum also references the regulatory provision that allows recipients

to rely on site visit reports produced by other DOT recipients. DOT issued a subsequent [memorandum](#) on April 1, 2020, that further addresses electronic review and submission of certification documents.

NEW **CR14: What guidance does FTA have for [Title VI requirements](#) regarding limited English proficient (LEP) populations when transit agencies provide information to riders on service changes and other important updates?**

A: A recipient must follow its locally developed [Title VI Program](#), which includes a Language Access Plan. The plan will describe how the recipient provides language assistance services by language to the LEP populations it serves, including during temporary service reductions. Per [FTA Circular 4702.1B](#), Chapter III, Section 9, examples of vital documents that must be translated include a notice of a person's rights under Title VI and "other documents that provide access to essential services." Failure to translate vital information could result in a recipient denying an LEP person access to services and discrimination on the basis of national origin.

AD4: Can states and Metropolitan Planning Organizations (MPOs) hold virtual public hearings where the applicable public participation plan provides for "in person" participation?

A: The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are aware that some states and MPOs are looking to use virtual public involvement technologies and techniques for public participation activities related to metropolitan and statewide transportation planning under the applicable statutes (23 U.S.C. 134-135) as a way to satisfy the public meetings provisions. The agencies are currently evaluating the impacts of virtual public involvement instead of in-person participation where it is required under the public participation plan. As FHWA and FTA undertake the evaluation, states and MPOs may revise their public involvement plans to employ virtual public involvement techniques. In the meantime, both FHWA and FTA staff are available to answer any questions.

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NEW **AD5: Can project sponsors hold virtual public hearings to satisfy public involvement requirements during the National Environmental Policy Act (NEPA) process?**

A: The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Railroad Administration (FRA) are aware that scheduled or planned public hearings for projects currently in the NEPA process may be affected by facility closures or other restrictions. The agencies are currently reviewing whether the public hearing requirements under FHWA statute (23 USC 128) and the FHWA/FTA/FRA joint environmental regulations (23 CFR 771.111) can be met with a virtual public hearing and, if so, under what conditions. Please contact your applicable agency to answer any questions you may have.

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