Transit Providers,

On March 13, 2020, the Federal Transit Administration (FTA) announced increased flexibility to help transit agencies respond to the coronavirus (COVID-19) in states where the Governor has declared an emergency. Since Oregon’s Governor has declared a state of emergency, these measures apply to transit agencies in the state.

Expanded eligibility for federal assistance during this time includes allowing subrecipients of Section 5311 Formula Grants for Rural Areas and Section 5307 Urbanized Area Formula Program funding to use operating funds for COVID-19-related expenses “…to protect the health and safety of their riders and their workforce”. Eligible activities include:

“…emergency protective measures to eliminate or lessen threats to public health and safety, such as cleaning/sanitizing of rolling stock, stations, bus shelters, etc.; placing hand sanitizer dispensers in high traffic areas; and providing personal protective equipment as appropriate.” Source: FTA

Additionally, the announcement allows all transit providers in states where the Governor has declared an emergency related to COVID-19 to use their federal formula funds for operating expenses in addition to capital expenses and permits operating expenses to be covered at an 80 percent federal share rather than 50 percent.

Note: The ODOT Rail and Public Transit Division (RPTD) is clarifying with FTA whether transit providers may use the sliding scale rate of 89.73 percent rather than the stated 80 percent rate in the announcement. We will update this guidance as we receive that clarification.

Furthermore, 5307 and 5311 recipients are eligible to request temporary relief from specific federal requirements under 49 U.S.C. Chapter 53 as well as any non-statutory FTA requirements. Detailed instructions are at https://www.regulations.gov/document?D=FTA-2020-0001-0001.

Some examples of requirements that could be temporarily relieved in response to this emergency include expansion of the use of transit assets to respond to the emergency outside of the FTA definition of incidental use (e.g., delivering food to housebound individuals) or public notices of scheduled changes.

In response to this announcement, RPTD is taking steps to make the more favorable match rate available to our subrecipients and gathering information regarding possible waivers.

More detailed information about both of these items is included below.

Operations Activities at 80 Percent Federal Match

- 5311 Subrecipients
  - Effective March 13, 2020, the date FTA announced concurrence with the Governor’s emergency declaration (link: FTA Concurrence), current transit providers with active 5311 agreements through RPTD may incur capital or operating expenses for emergency protective measures to combat the spread of COVID-19.
    
    Note: RPTD is clarifying the effective date with FTA and will update this guidance as needed.
Additionally, effective March 13, 2020, operating expenditures are eligible to be reimbursed at an 80 percent federal match rate.

Note: Two details are being clarified regarding this: 1) if the sliding scale rate of 89.73 percent applies and 2) if all operating expenses are eligible or only those related to COVID-19 safety measures. RPTD will update this guidance accordingly.

Since these activities must happen immediately, time does not allow us to amend agreements to change the match ratio for providers choosing to take advantage of this option for emergency protective expenses. Therefore, RPTD will be posting a special form and associated guidance on its website in the next few days to be used to request reimbursement at the more favorable match rate.

Subrecipient agreements will need to be amended at a later date to officially change the match ratio.

The total amount of the grant award for these agreements will remain unchanged.

Agencies wishing to take advantage of this relief will communicate that to RPTD by submitting the reimbursement form for appropriate expenses. They are also encouraged to work with the regional transit coordinator in their area to decide if this option makes sense for their agency and service needs.

- 5307 Recipients - Since RPTD does not manage 5307 funds, recipients of that funding who are interested in taking advantage of this relief must work directly with FTA.

Waivers to Federal Requirements

In addition to the relief described above, 5307 and 5311 recipients are eligible to request temporary relief from specific federal requirements under 49 U.S.C. Chapter 53 as well as any non-statutory FTA requirements. Detailed instructions are at [https://www.regulations.gov/document?D=FTA-2020-0001-0001](https://www.regulations.gov/document?D=FTA-2020-0001-0001).

RPTD will be coordinating requests for any other waivers for 5311 subrecipients in Oregon. If your agency intends to request a waiver, the following information is required:

- Identification of the subrecipient and its geographic location;
- Identification of the section of Chapter 53 of Title 49 of the U.S. Code, or the portion of an FTA policy statement, circular, guidance document or rule, from which the subrecipient seeks relief;
- A statement specifically addressing how a requirement in Chapter 53 of Title 49 of the U.S. Code, or an FTA requirement in a policy statement, circular, agency guidance or rule, will limit a subrecipient’s ability to respond to a national or regional emergency or disaster; and
- A statement specifying if the petition for relief is one-time or ongoing, and if ongoing identify the time period for which the relief is requested. The time period may not exceed three months; however, additional time may be requested through a second petition for relief.

A form will be available on RPTD’s website soon to facilitate submittal of this information.

Existing Exemptions Related to Emergency Response

Pursuant to FTA’s Charter Rule at 49 CFR 604.2(f), grantees and subgrantees may assist with evacuations or other movement of people that might otherwise be considered charter transportation when that transportation is in response to an emergency declared by the President, governor or mayor, or in an
emergency requiring immediate action prior to a formal declaration, even if a formal declaration of an emergency is not eventually made by the President, governor or mayor. Therefore, a request for relief is not necessary in order to provide this service. However, if the emergency lasts more than 45 calendar days and the grantee will continue to provide service that would otherwise be considered charter service, the grantee or subgrantee would need to request specific temporary relief through the processed described below.

For more information, please contact your regional transit coordinator. Link to RTCs: RTCs

This is a unique and difficult challenge for us all personally, for our transit community and for the citizens we serve. We are committed to working with you to find our way through this, together.