

ODOT RAIL AND PUBLIC TRANSIT DIVISION
COVID-19 EXPANDED FUNDING ASSISTANCE UPDATES APRIL 20, 2020
(New Information highlighted in yellow)

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 the sliding scale rate of 89.73 percent** federal share.

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, PTD 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 **89.73** Percent Federal Match

- 5311 Subrecipients
 - Effective **January 20, 2020**, current transit providers with active 5311 agreements through PTD may incur capital or operating expenses for emergency protective measures to combat the spread of COVID-19.
 - Additionally, effective **January 20, 2020**, operating expenditures are eligible to be reimbursed at an 89.73 percent federal match rate.

The FTA has further clarified that only expenses directly related to COVID-19 are eligible under the emergency relief provision. (See the Emergency Relief Manual (49 U.S.C. 5324).

Examples of such expenses include: Removal of health and safety hazards, such as cleaning of vehicles and facilities; costs associated with shutting down or restarting service; materials such as hand sanitizer, gloves, soap, and cleaners; emergency protective gear relevant to the

emergency; temporary service that is not part of regular service, provided in response to the emergency.

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. Use the 5311 Special Reimbursement Request form found at this link: [Section 5311 RR](#) to submit a request for 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 PTD 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 PTD 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>.

PTD 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.

The waiver request form is posted on our website. Or, click here: [Temporary Relief Request](#). PTD has submitted two waiver requests to FTA to:

- 1) Allow more than incidental use for deliveries such as meals, prescriptions, and other necessities.
- 2) Allow 5311 and 5310 recipients to use 5311 and 5310 funds to pay for operations of deliveries of necessities.

To date, we have not received official federal responses. However, in communication with FTA Region 10 and through FTA's website we have learned:

- 1) The use described in our request is considered incidental and allowed without a waiver.
- 2) No waivers are allowed for 5310.

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 processes 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.