

W. G. a

Memorandum Date: August 3, 2010
Meeting Date: August 18, 2010

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Celia Barry, Transportation Planning & Traffic

AGENDA ITEM TITLE: ORDER/IN THE MATTER OF AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR GRANT WRITING SERVICES, FOR A TIGER II APPLICATION PROPOSING TO DO CORRIDOR PLANNING FOR TERRITORIAL HIGHWAY, AND PROVIDING A LETTER OF SUPPORT

I. MOTION

Move approval of Board Order (Attachment 1).

II. AGENDA ITEM SUMMARY

Staff seeks approval as in the Agenda Item Title. A grant writer would assist in applying for \$3 million in planning funds to do corridor planning, including public involvement, and environmental analysis to meet federal, state, and county requirements, and complete an estimated 30% or more of design work, to provide bicycle and pedestrian facilities on Territorial Highway. No match is required. If successful this would prepare Lane County to receive a federal earmark through the federal, six-year Transportation Bill which is up for reauthorization. Receipt of these monies would be minimally necessary for Lane County to complete an exchange with the Oregon Department of Transportation (ODOT) wherein Territorial would become a County facility and Delta Highway would become a state facility. The proposal would include investigating working with the Federal Highway Administration (FHWA) and ODOT to make this project a testing ground for innovative planning and design as part of the FHWA's Every Day Counts initiative (see Attachment 2), and as part of ODOT efforts to implement least cost planning.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Board first discussed this issue on November 12, 2008, when there was informal consent to allow staff to pursue an investigation into the feasibility of exchanging Delta Highway for Territorial Highway with ODOT. (Minutes are in Attachment 3). Since then Territorial Highway was included in Board priorities for Federal Transportation Bill reauthorization. It is our understanding the Congressman DeFazio is supportive of inclusion of Territorial in the Transportation Bill.

ODOT and County staff are working to determine the exchange value between Delta and Territorial Highway. County Transportation Planning and Economic Development staff are participating in putting together the TIGER II grant application. ODOT would be a co-applicant

on the TIGER II funding request.

B. Policy Issues

This grant proposal would further Board policies in the Transportation System Plan supportive of a safe highway system for motorists, bicyclists and pedestrians (Policies 2-1, 2-b, 2-c, and 2-d; and promoting partnerships to provide adequately for bicycle and pedestrian travel (Policy 7-b). Depending on planning and design outcomes, this proposal would be supportive of Policy 9-c which provides for finding opportunities to participate in off-road bicycle trail and footpath development and promotion.

C. Board Goals

The following two goals from the Strategic Plan, page 13, are relevant:

- *Provide opportunities for citizen participation in decisionmaking, voting, volunteerism and civic and community involvement.*
- *Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management, and land development*

The Lane County Board of Commissioners met in March and again in July of 2008 to discuss the County's priorities and set goals to guide the organization for the coming one to two years. Goals for 2008 to 2010 include:

- *Build public trust through intensive communication and engagement.*

D. Financial and/or Resource Considerations

The \$3 million requested grant requires no match for rural planning projects. Staff resources would be put toward the grant. The specifics of staff and other resources will be in the application submitted by the August 23, 2010 deadline. We expect to have some or all of this information, at least in draft form, before your August 18 work session.

The reason staff proposes to apply for this grant is to work towards getting Territorial Highway in a condition that will make it financially feasible to make a transfer with ODOT for Delta Highway. ODOT and Lane County are in the process of calculating relative values of the two highways, separate from this grant request. ODOT provided a letter supporting a federal earmark as part of the Transportation Bill reauthorization process, stating, "To the extent the even exchange and maintenance savings allow, ODOT is committed to contributing the required local match for Lane County's federal earmark request."

E. Analysis

This grant opportunity provides a source of funds necessary for a public involvement process, and to do environmental work and at least some of the design work to make it potentially possible for Lane County to take Territorial Highway into the County system. As a state facility, it is too low in the functional classification system to ever receive the upgrades that are necessary, especially between Cheshire and the southern terminus, to make it an attractive and safe road for motor vehicles, bicycle and pedestrian travel.

The grant would include the following components: public outreach, National Environmental Policy Act/Environmental Assessment (NEPA/EA) analysis, and alternatives analysis to choose a design approach that minimizes environmental impacts, as required under NEPA, while enhancing bicycle and pedestrian safety and providing facilities for bicycle and pedestrian travel. It would likely recommend a phasing approach to prioritize certain highway segments

over others. Public involvement would include, but not be limited to, establishing a stakeholder committee composed of residents from the area, wineries, tourism, economic development, wetlands, cycling, trucking, logging, farming, and other interest groups that may emerge. Either Lane County or ODOT would hire a consultant to lead the project. One end product would be at minimum a 30% complete design. Depending on funding, environmental, and other issues, design would reach a greater percentage of completion.

Another product would be more complete information about actual costs of improving Territorial, and about how much the improved road would cost annually to maintain, to allow Lane County to better assess its ability to take ownership of the Highway.

As you know transportation improvement approaches are in transition with regard to regulations and public sentiment, on a national, state, and local level, due to climate change and greenhouse gas emission concerns. Territorial Highway presents an excellent opportunity to test least cost planning methods and other innovative approaches in development, such as those described in FHWA's Every Day Counts program.

Applying for and succeeding in obtaining the TIGER II planning funding also demonstrates a commitment to working toward construction readiness, sending a strong message that the Federal Transportation Bill's inclusion of money for Territorial will be able to be spent on related construction projects to improve safety and enhance bicycle and pedestrian travel.

As you may know Territorial is the route of the historic Applegate Trail and is one of the oldest roads in Lane County. It has numerous nearby historic destinations. It provides access to recreational and tourist destinations. Attachment 4 shows the locations of twelve wineries that are directly or indirectly accessed from the Highway.

Several unincorporated communities are along Territorial Highway, as are at least two schools where there are narrow or no shoulders, and no pedestrian facilities, in the Crow and Fern Ridge School Districts. The Highway serves an area dominated by farms and forest operations, so traffic includes a large number of trucks along with school busses and single occupancy vehicles.

Finally, Lane County's rural road network is increasingly used for bicycle touring. You may recall there was a tragic bicyclist fatality in 2006, when a bicyclist was struck by a passing logging truck. The conclusions of the Oregon State Police report were that a recently painted fog line was slick from rain and contributed to the cyclist's loss of control just as the truck was passing. There are parts of the highway that are barely wide enough for two trucks travelling in opposing directions to simultaneously pass.

Portions of Territorial Highway are part of the state Calapooya Bikeway, the second designated bikeway in Oregon. Lane County Economic Development staff are working to have Territorial designated as both a Scenic Byway and Scenic Bikeway.

F. Alternatives/Options

1. Approve the Order
2. Do not approve the Order
3. Approve the Order subject to revisions

IV. TIMING/IMPLEMENTATION

The grant is due on August 23, 2010. The final notice was published in June 2010, resulting in

the short turnaround time we are requesting. Prior to your August 18 work session staff will provide a supplement that includes a draft of the application materials.

V. RECOMMENDATION

Option 1.

VI. FOLLOW-UP

If the grant proposal is successful, staff will lay out next steps and receive further Board direction regarding policy decisions.

VII. ATTACHMENTS

1. Board Order and Exhibit A, Professional Services Contract and Exhibits; and Exhibit B, Letter of Support
2. FHWA Every Day Counts Program Information
3. November 12, 2008 Board Work Session Minutes
4. Map showing winery and Fern Ridge Reservoir location
5. Pre-Application Submittal and Federal Register Final Notice of Funding Availability

A supplement including a draft application proposal will be provided prior to August 18

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

ORDER No.) IN THE MATTER OF AUTHORIZING THE
) COUNTY ADMINISTRATOR TO EXECUTE A
) CONTRACT FOR GRANT WRITING SERVICES,
) FOR A TIGER II APPLICATION PROPOSING TO
) DO CORRIDOR PLANNING FOR TERRITORIAL
) HIGHWAY, AND PROVIDING A LETTER OF
) SUPPORT

WHEREAS, an opportunity to apply for a \$3 million federal grant for corridor planning for Territorial Highway has become available; and

WHEREAS, Lane County is interested in co-applying with the Oregon Department of Transportation; and

WHEREAS, ODOT wishes to transfer Territorial Highway to Lane County in an even exchange that would include, in part, Delta Highway; and

WHEREAS, it will be financially unfeasible for Lane County to accept Territorial Highway unless it is improved to a higher standard, to include bicycle and pedestrian facilities; and


WHEREAS, corridor planning will help determine whether the Highway can be improved so that Lane County can accept it and continue to pursue an earmark for the improvements; and

WHEREAS, Lane County wishes to retain a consultant to complete the grant application.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. That the county administrator is authorized to sign a TIGER II grant application to request approximately \$3 million in grant funds; and
2. That if the grant is approved, the county administrator is authorized to sign an intergovernmental agreement with ODOT to proceed with the project and be reimbursed through the grant program; and
3. That, subject to Lane Manual Chapter 21, the county administrator is authorized to execute a contract not to exceed \$5,000, substantially in conformance with Exhibit A to this Order; and
4. That the Board Chair is authorized to sign a letter of support substantially in conformance with Exhibit B to this Order.

Effective date: _____ day of August, 2010.

APPROVED AS TO FORM
Date <u>8-11-10</u> Lane County

OFFICE OF LEGAL COUNSEL

William A. Fleenor, Chair
Lane County Board of Commissioners

PROFESSIONAL SERVICES CONTRACT

THIS AGREEMENT is entered into by and between LANE COUNTY, OREGON, a political subdivision of the State of Oregon, hereinafter called COUNTY, and Patricia F. Fink, hereinafter called CONTRACTOR.

Whereas, County has a need for the type of professional services possessed by Contractor;

Whereas, Contractor desires to provide those professional services;

NOW, THEREFORE, the parties agree:

1. Contractor shall perform the following professional services for County:

Scope of Services: Contractor agrees to provide the following services for County:

- A. Review Grant materials and work with staff to outline all the information required to submit a thorough and complete grant application
- B. Review organization materials and research/review other background information as necessary in order to draft grant outline and grant writing plan.
- C. Write and edit proposals for the pre-application and full application phase of the submittal process.
- D. Attend meetings in person and/or by telephone necessary to accomplish the required work.
- E. Meet all deadlines agreed to in the grant writing plan and prepare and submit the pre-application and full application by grant dates/times.

Guarantees: Contractor shall use all resources at Contractor's disposal to perform duties as assigned and agreed to by both parties and shall submit same in good faith. However, no guarantee of receipt of funding by the County is implied or promised by Contractor. Payment is due even if County does not submit proposal or receive a grant. In addition, Contractor and County recognize that performance of tasks in Section II necessitates communication and information exchange between the parties and with funders, and that delay in completing the tasks may occur if there are delays with information exchange. County also recognizes that if grants are received, County is responsible for any acknowledgments and reports to funders.

2. Contractor and County shall comply with all terms and conditions of this agreement, including all terms and conditions of the attached exhibits.

3. In consideration for Contractor's performance, County agrees to pay the sum of not more than Five Thousand Dollars (\$5,000), payable in monthly installments as work progresses, for hours of work completed for the previous month. Contractor's Hourly Rate shall be \$70.

4. Any payments by County to Contractor will customarily be made within thirty (30) days of receipt of an invoice from Contractor.

5. The contract period shall include work commencing July 1, 2010 and shall not extend past August 31, 2010.

6. The performance of this contract is at CONTRACTOR'S sole risk. The service or services to be rendered under this contract are those of an independent CONTRACTOR who is not an officer, employee or agent of the COUNTY as those terms are used in ORS 30.265. Notwithstanding the Oregon Tort Claims Act or provisions of any other contract, CONTRACTOR is acting as and assumes liability of an independent contractor as to any claims between COUNTY and CONTRACTOR. CONTRACTOR is solely liable for any workers' compensation coverage; social security, unemployment insurance or retirement payments; and federal or state taxes due as a result of payments under this contract. Any subcontractor hired by the CONTRACTOR shall be similarly responsible.

7. CONTRACTOR will not be eligible for any Federal Social Security, State Workers' Compensation, unemployment insurance or Public Employees Retirement System benefits from this contract payment.

8. CONTRACTOR is not currently employed by COUNTY, and will not be under the direct control of COUNTY.

9. The CONTRACTOR, its subcontractors, if any, and all employers working under this contract are subject employers under the Oregon Worker's Compensation Law and shall comply with ORS 656.017, which requires them to provide Worker's Compensation coverage for all their subject workers or be exempt under ORS 656.126.

10. COUNTY will report the total amount of all payments to CONTRACTOR, including any expenses, in accordance with Federal Internal Revenue and State of Oregon Department of Revenue regulations.

11. The applicable provisions of the Lane Manual setting forth standard provisions for public contracts (LM 21.130), attached as Exhibit A, are hereby incorporated by reference as if fully set forth herein.

12. The CONTRACTOR agrees to indemnify, defend, and hold Lane County, its Commissioners, agents, officers, and employees harmless from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of the activities of, or failure to perform by CONTRACTOR or its officers, employees, subcontractors, or agents under this contract.

13. CONTRACTOR shall provide all insurance called for on the page entitled "Insurance Coverage Required", Exhibit B to this Contract. As evidence of the insurance coverages required by this contract, the CONTRACTOR shall furnish a certificate of insurance to: Lane County Risk Management Division, 125 E. 8th Ave., Eugene, Oregon, 97401. The certificate will specify parties who are Additional Insured and must include a notice provision regarding cancellations. Insurance coverages required under this contract shall be obtained from insurance companies authorized to do business in the State of Oregon. If CONTRACTOR is self-insured under the laws of the State of Oregon, CONTRACTOR shall provide appropriate declarations of coverage.

14. CONTRACTOR shall not cancel, materially change, or not renew insurance coverages. CONTRACTOR shall notify Lane County Risk Manager, 125 E. 8th Ave., Eugene, Oregon, 97401, of any material reduction or exhaustion of aggregate limits. Should any policy be canceled before final payment by Lane County to CONTRACTOR and should CONTRACTOR fail to immediately procure other insurance as specified,

COUNTY reserves the right to procure such insurance and to deduct the cost thereof from any sum due CONTRACTOR under this contract. Any insurance bearing any adequacy of performance shall be maintained after completion of the contract for the full guaranteed period, and should the CONTRACTOR fail to immediately procure such insurance as specified, COUNTY reserves the right to procure such insurance and to charge the cost thereof to CONTRACTOR.

15. Responsibility for payment of damages: Nothing contained in these insurance requirements is to be construed as limiting the extent of CONTRACTOR'S responsibility for payment of damages resulting from CONTRACTOR'S operation under this contract.

16. By execution of this contract, CONTRACTOR certifies under penalty of perjury that:

A. To the best of CONTRACTOR'S knowledge, CONTRACTOR is not in violation of any tax laws described in ORS 305.380(4); and

B. CONTRACTOR has not discriminated against minority, women or small business enterprises in obtaining any required subcontracts.

17. CONTRACTOR shall have all licenses and permits necessary to perform the contract.

18. The COUNTY shall not be obligated to pay any amount greater than that stated above.

19. Modifications or amendments to this contract shall be effective only if in writing and executed by both parties.

20. Dispute Resolution. The parties shall exert every effort to cooperatively resolve any disagreements they may have under this Agreement. In the event that the parties alone are unable to resolve any conflict under this Agreement, they agree to present their disagreements to a mutually selected mediator. Each party shall bear its own costs for mediation and the parties shall share the cost of the mediator. This procedure shall be followed to its conclusion prior to either party seeking relief from a court, except in the case of an emergency.

If the dispute remains unresolved through mediation, the parties may agree in writing to submit the dispute to arbitration, using such arbitration process as they may choose at the time and which includes the following conditions:

A. The location of the arbitration shall be in Eugene, Oregon;

B. Each party shall bear its own costs (except arbitration filing costs), witness fees, and attorney fees;

C. Arbitration filing costs and any arbitrator's fees will be divided equally between the parties; and

D. Judgment upon award rendered by the Arbitrator may be entered in a court in Lane County, Oregon.

21. The parties may jointly agree to terminate this agreement and upon the terms of

such termination. The County may terminate this contract at any time for any reason or for no reason with no liability on its part, except to pay for services previously provided by giving Contractor 30 days written notice.

22. Waiver. Failure of the County to enforce any provision of the contract shall not constitute a waiver or relinquishment by the County of the right to such performance in the future nor of the right to enforce that or any other provision of this contract.

23. Severability. If any provision of this contract is declared by a court to illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected; and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular provision held to be invalid.

LANE COUNTY, OREGON

DATE: _____

BY: _____
Jeff Spartz
County Administrator

CONTRACTOR

DATE: _____

BY: _____
Patricia F. Fink
Title: Independent Contractor

Address:
2405 SE Ladd Ave.
Portland, OR 97214

Business ID No.: _____

APPROVED AS TO FORM

Date _____ Lane County

LANE COUNTY OFFICE OF LEGAL COUNSEL

Standard Provisions

21.130 Standard Contract Provisions.

The following standard public contract clauses shall be included expressly or by reference where appropriate in every contract of the County.

(1) Contractor shall make payment promptly, as due, to all persons supplying to such contractor labor or material for the prosecution of the work provided for in the contract, and shall be responsible for payment to such persons supplying labor or material to any subcontractor.

(2) Contractor shall pay promptly all contributions or amounts due to the State Industrial Accident Fund and the State Unemployment Compensation Fund from contractor or any subcontractor in connection with the performance of the contract.

(3) Contractor shall not permit any lien or claim to be filed or prosecuted against the County on account of any labor or material furnished, shall assume responsibility for satisfaction of any lien so filed or prosecuted and shall defend against, indemnify and hold County harmless from any such lien or claim.

(4) Contractor and any subcontractor shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

(5) For public improvement and construction contracts only, if contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to the contractor or a subcontractor by any person in connection with the public contract as such claim becomes due, the County may pay such claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due the contractor by reason of the contract. The payment of a claim in the manner authorized hereby shall not relieve the contractor or its surety from the obligation with respect to any unpaid claim. If the County is unable to determine the validity of any claim for labor or services furnished, the County may withhold from any current payment due contractor an amount equal to said claim until its validity is determined, and the claim, if valid, is paid by the contractor or the County. There shall be no final acceptance of the work under the contract until all such claims have been resolved.

(6) Contractor shall make payment promptly, as due, to any person, co-partnership, association or corporation furnishing medical, surgical, hospital or other needed care and attention, incident to sickness or injury, to the employees of contractor, of all sums which the contractor agreed to pay or collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing payment for such service.

(7) With certain exceptions listed below, contractor shall not require or permit any person to work more than 10 hours in any one day, or 40 hours in any one week except in case of necessity, emergency, or where public policy absolutely requires it, and in such cases the person shall be paid at least time and a half for:

(a) All overtime in excess of eight hours a day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday, or

(b) All overtime in excess of 10 hours a day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday, and

(c) All work performed on the days specified in ORS 279B.020(1) for non-public improvement contracts or ORS 279C.540(1) for public improvement contracts.

For personal/professional service contracts as designated under ORS 279A.055, instead of (a) and (b) above, a laborer shall be paid at least time and a half for all overtime worked in excess of 40 hours in any one week, except for individuals under these contracts who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. Sections 201 to 209, from receiving overtime.

Contractor shall follow all other exceptions, pursuant to ORS 279B.235 (for non-public improvement contracts) and ORS 279C.540 (for public improvement contracts), including contracts involving a collective bargaining agreement, contracts for services, and contracts for fire prevention or suppression. For contracts other than construction or public improvements, this subsection (7) does not apply to contracts for purchase of goods or personal property.

Contractor must give notice to employees who work on a public contract in writing, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.

(8) The hourly rate of wage to be paid by any contractor or subcontractor to employed workers or other persons doing or contracting to do all or part of the work contemplated by the public works contract shall be not less than the applicable prevailing rate of wage for an hour's work in the same trade or occupation in the locality where such labor is performed, in accordance with ORS 279C.838 and ORS 279C.840. For projects also covered by the federal Davis-Bacon Act (40 USC §3141 et seq.), contractors and subcontractors shall pay workers or others performing work contemplated by the contract the higher of the state or federal prevailing rate of wage, as determined by the Commissioner of the Bureau of Labor and Industries in accordance with ORS 279C.830.

(9) The contractor, its subcontractors, if any, and all employers working under the contract are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, or otherwise be exempt under ORS 656.126.

(10) As to public improvement and construction contracts, Contractor shall comply with all applicable federal, state, and local laws and regulations, including but not limited to those dealing with the prevention of environmental pollution and the preservation of natural resources that affect the performance of the contract. A list of entities who have enacted such laws or regulations is found in the Oregon Attorney General's Model Public Contract Rules Manual, OAR 137-030-0010, Commentary 4. If new or amended statutes, ordinances, or regulations are adopted, or the contractor encounters a condition not referred to in the bid document not caused by the contractor and not discoverable by reasonable site inspection which requires compliance with federal, state, or local laws or regulations dealing with the prevention of environmental pollution or the preservation of natural resources, both the County and the contractor shall have all the rights and obligations specified in ORS 279C.525 to handle the situation.

(11) The contract may be canceled at the election of County for any substantial breach, willful failure or refusal on the part of contractor to faithfully perform the contract according to its terms. The County may terminate the contract by written order or upon request of the contractor, if the work cannot be completed for reasons beyond the control of either the contractor or the County, or for any reason considered to be in the public interest other than a labor dispute, or by reason of any third party judicial proceeding relating to the work other than one filed in regards to a labor dispute, and when circumstances or conditions are such that it is impracticable within a reasonable time to proceed with a substantial portion of the work. In either case, for public improvement contracts, if the work is suspended but the contract not terminated, the contractor is entitled to a reasonable time extension, costs and overhead per ORS 279C.655. Unless otherwise stated in the contract, if the contract is terminated, the contractor shall be paid per ORS 279C.660 for a public improvement contract.

(12) If the County does not appropriate funds for the next succeeding fiscal year to continue payments otherwise required by the contract, the contract will terminate at the end of the last fiscal year for which payments have been appropriated. The County will notify the contractor of such non-appropriation not later than 30 days before the beginning of the year within which funds are not appropriated. Upon termination pursuant to this clause, the County shall have no further obligation to the contractor for payments beyond the termination date. This provision does not permit the County to terminate the contract in order to provide similar services or goods from a different contractor.

(13) By execution of this contract, contractor certifies, under penalty of perjury that:

(a) To the best of contractor's knowledge, contractor is not in violation of any tax laws described in ORS 305.380(4), and

(b) Contractor has not discriminated against minority, women or small business enterprises in obtaining any required subcontracts.

(14) Contractor agrees to prefer goods or services that have been manufactured or produced in this State if price, fitness, availability or quality are otherwise equal.

(15) Contractor agrees to not assign this contract or any payments due hereunder without the proposed assignee being first approved and accepted in writing by County.

(16) Contractor agrees to make all provisions of the contract with the County applicable to any subcontractor performing work under the contract.

(17) The County will not be responsible for any losses or unanticipated costs suffered by contractor as a result of the contractor's failure to obtain full information in advance in regard to all conditions pertaining to the work.

(18) All modifications and amendments to the contract shall be effective only if in writing and executed by both parties.

(19) The contractor certifies he or she has all necessary licenses, permits, or certificates of registration (including Construction Contractors Board registration or Landscape Contractors Board license, if applicable), necessary to perform the contract and further certifies that all subcontractors shall likewise have all necessary licenses, permits or certificates before performing any work. The failure of contractor to have or maintain such licenses, permits, or certificates is grounds for rejection of a bid or immediate termination of the contract.

(20) Unless otherwise provided, data which originates from this contract shall be "works for hire" as defined by the U.S. Copyright Act of 1976 and shall be owned by the County. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register and the ability to transfer these rights. Data which is delivered under the contract, but which does not originate therefrom shall be transferred to the County with a nonexclusive, royalty-free, irrevocable license to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others to do so; provided that such license shall be limited to the extent which the contractor has a right to grant such a license. The contractor shall exert all reasonable effort to advise the County, at the time of delivery of data furnished under this contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this contract. The County shall receive prompt written notice of each notice or claim of copyright infringement received by the contractor with respect to any data delivered under this contract. The County shall have the right to modify or remove any restrictive markings placed upon the data by the contractor.

(21) If as a result of this contract, the contractor produces a report, paper, publication, brochure, pamphlet or other document on paper which uses more than a total 500 pages of 8 1/2" by 11" paper, the contractor shall conform to the Lane County Recycled Paper Procurement and Use policy, LM 2.440 through 2.448, by using recycled paper with at least 25% post-consumer content which meets printing specifications and availability requirements.

(22) The Oregon Standard Specifications for Construction adopted by the State of Oregon, and the Manual on Uniform Traffic Control Devices, each as is currently in effect, shall be applicable to all road construction projects except as modified by the bid documents.

(23) As to contracts for lawn and landscape maintenance, the contractor shall salvage, recycle, compost or mulch yard waste material in an approved site, if feasible and cost-effective.

(24) As to public improvement contracts for demolition, the contractor shall salvage or recycle construction and demolition debris, if feasible and cost-effective.

(25) When a public contract is awarded to a nonresident bidder and the contract price exceeds \$10,000, the contractor shall promptly report to the Department of Revenue on forms to be provided by the department the total contract price, terms of payment, length of contract and such other information as the department may require before the County will make final payment on the contract. *(Revised by Order No. 98-12-2-4, Effective 12.2.98; 04-6-30-12, 6.30.04; 05-2-16-8, 2.28.05; 05-12-14-9, 1.1.06; 08-2-13-1; 2.13.08)*

August 18, 2010

The Honorable Secretary Ray LaHood
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Tiger II Planning Grant for Territorial Highway Corridor Plan

On behalf of the Lane County Board of Commissioners, I want to express whole-hearted support for a TIGER II rural planning grant for Territorial Highway corridor planning.

Territorial Highway runs north-south for 40 miles from one end of Lane County to the other and is one of the oldest highways in the County, having its origins in the Applegate Trail that provided a southerly route to the earliest Oregon pioneers. It is a critical life line to numerous unincorporated communities and a critical farm to market facility for surrounding small agricultural and forestry operations.

The Highway also provides access to Lane County's wineries that are increasingly reaching national and international prominence. It is used annually by thousands of bicycle touring enthusiasts that come to this area from across the nation.

Pedestrian and bicycle facilities are completely lacking on at least 50 percent of the 40-mile route. Unfortunately, in a time of scarce revenues, as a state facility Territorial Highway will never be improved to address safety issues and provide for bicycle and pedestrian travel, because its functional class makes it too low a priority for the state DOT. Sadly, a fatal crash between a logging truck and a bicyclist occurred in 2006 due to the narrow, winding nature of the road.

The Board is excited at the prospect of succeeding in obtaining TIGER II funding, particularly due to our interest in least cost planning and exploring FHWA's Every Day County program for innovative ways to address the transportation issues in this corridor. We think it could be a national model to test innovative, environmentally friendly construction methods for use on other state and county rural roadways. Our Board is committed to contributing to reduced greenhouse gas emissions, and Territorial Highway offers a non-regulatory way to show our leadership in this regard.

In closing, the Board of Commissioners is aware that at least \$140 million of TIGER II grants are to be used in rural areas. We hope you agree that Territorial Highway offers an opportunity to showcase what federal transportation dollars can do to promote economic development, safety, and community.

Thank you for considering our proposal.

Sincerely,

William A. Fleenor, Chair
Lane County Board of Commissioners

Every Day Counts initiative bringing new sense of urgency, innovation to highway community

Victor Mendez
Administrator
Federal Highway Administration
Washington, D.C.

In 1952, rumble strips were used on the Garden State Parkway in New Jersey. It was one of the first, if not the first, times this simple, inexpensive, but effective safety technology was used. But for the next 50 years, few localities followed the Garden State lead. It wasn't until 2001, when the Federal Highway Administration (FHWA) added rumble strips to the list of proven, market-ready solutions that this lifesaving technology gained mainstream use.

We can't wait 50 years to deploy the next generation of technology, especially in a critical area like safety. If there's something that can make a difference, we want to get it into mainstream use today.

That's one of the concepts at the heart of an initiative I launched last fall called Every Day Counts (EDC). It springs from my lifelong interest in innovation and technology. While director of the Arizona Department of Transportation, I was able to apply that personal interest to my professional career by implementing innovations such as rubberized asphalt, cable median barriers and other new technologies into our work on Arizona's roads and highways.

When I came to FHWA last summer, I saw a need for the entire transportation community to move more aggressively in meeting the transportation challenges of the 21st century. Today's economic climate requires us to work more efficiently and to ensure that taxpayers get the greatest value for each of their tax dollars. Our commitment to livable and sustainable communities requires us to minimize the impact of highway construction on the traveling public and to make certain that transportation not only protects, but enhances the environment. And, of course, we must continue to meet our top priority of ensuring the safety of everyone on our roads.

There's little time to waste in meeting those important goals, which is the sense of urgency I'm trying to capture in the name Every Day Counts. I'm committed to seeing FHWA play an active leadership role in helping state and local transportation agencies, industry stakeholders and other members of the transportation community bring that sense of urgency to meeting our transportation needs.

One of the guiding principles of EDC is to turn for solutions to the people who know the transportation industry best, starting with my colleagues at FHWA. Our agency has a well-

deserved reputation for innovative thinking, and our people responded to EDC with great enthusiasm. We've received many interesting ideas from employees throughout FHWA.

We've also brought together the major industry stakeholder groups that are involved with the development and construction of projects as partners in this effort. Organizations like APWA, the American Association of State Highway and Transportation Officials (AASHTO), Associated General Contractors (AGC), American Road and Transportation Builders Association (ARTBA) and other organizations from the public and private sectors have responded to the initiative enthusiastically.

Every Day Counts has three core elements: shortening project delivery time; speeding the deployment of new technologies; and turning FHWA into a greener agency.

Shortening project delivery time is a particular passion of mine. There's a general sense in the public that it takes too long to get major highway projects built. Delay impacts a project in many ways, and due to inflation, every year of delay adds to a project's cost. The longer a project takes, the longer it takes for a community to enjoy its benefits, like enhanced safety, improved air quality or a less congested commute. And let's not forget that construction delays can exacerbate already existing problems like congestion, which can lead to more air pollution and erode quality of life.

In the area of project delivery, we're searching for ways to save time right from the start. For example, we think there are time savings to be realized on the environmental side, including flexibilities in the environmental review process. We're also exploring options that will allow more project steps to take place concurrently rather than sequentially.

EDC is also searching for ways to be more efficient with design and construction in order to minimize inconvenience and maximize benefits, which means implementing the environmental improvements earlier and finishing new roads as quickly as possible.

But coming up with these new practices is not enough. In order to fulfill the true vision of EDC, our FHWA team will take a more active leadership role in helping the people who actually deliver projects—states, MPOs, contractors—understand and accept the new practices and new technologies.

Accelerating the deployment of new technologies is a second core element of EDC. We're not looking to invent the next "big thing." Rather, this is about identifying and quickly deploying effective, market-ready technologies into mainstream use—especially technologies that can make a difference in safety, lowering costs, speeding project delivery and improving value to the taxpayer.

FHWA's Highways for LIFE program is demonstrating new construction techniques, like prefabricated concrete pavement sections, that promise to cut construction time and reduce inconvenience.

We're also very excited about a market-ready technology called The Safety Edge, a proven solution to the problem of roadway departures that can be implemented today at minimal cost.

The Safety Edge is a special attachment to paving equipment that angles the edge of the roadway at 30 degrees, eliminating the sharp edge drop-off that makes it so hard for drivers to regain control if they start to veer off the road. With roadway departures accounting for about 53 percent of fatal crashes, this technology could save lives today if it were deployed on a national scale.

We don't want this technology to sit on the shelf, so to speak, for years when it could be saving lives right now. Through

EDC, we'd like to see The Safety Edge become standard practice in resurfacing and paving projects across the country.

The third element of Every Day Counts is an internal one—making FHWA a greener agency. Sustaining our planet is one of the key principles guiding our work at the Department, and I want FHWA to lead the way in demonstrating how people and organizations can reduce their carbon footprint.

Our employees have contributed hundreds of ideas on how to make our agency greener. We have implemented many suggestions across the agency, including setting our printers to print double-sided and expanding our recycling efforts—including hosting "free-cycling" events so that people can give away unwanted coffee mugs or DVDs rather than tossing them in a trash bin.

But the overall mission of Every Day Counts is greater than the sum of its individual parts. My real goal is to create a culture of innovation at FHWA where identifying new ways of doing business and converting those ideas into common practice becomes central to our mission.

I believe it will take that sort of proactive thinking to adapt to the changing needs of our future transportation system. There's no time to waste in that effort. Every day truly counts!

Victor Mendez can be reached at (202) 366-0660.

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b. DISCUSSION/Potential Jurisdictional Transfer of a Portion, or All of Territorial Hwy to Lane County.

Stewart stated that he and Fleenor represent a large portion of Lane County where Territorial Highway travels. He had been concerned about the road since he became a commissioner and he has been looking for ways to get it improved. He recalled that there was a fatal accident two years ago and they have seen little improvement on the road. He explored doing a jurisdictional transfer with ODOT. He said there is some energy between ODOT and Public Works to explore this activity. He was not advocating that they make a transfer at this time, he asked the Board to allow staff to go through the process. He thought there could be money involved or credits toward future ODOT projects. He held a meeting at the grange and when he brought this up, all 18 people at the meeting said they want to see the road like Lorane Highway or Fox Hollow where there is a safe place for people to travel by bicycle and to walk.

Bill Morgan, Public Works, explained that Territorial Highway is about a 40 mile stretch of highway that runs north and south. He said it connects a lot of communities and provides connection to economic development with wineries, tourism and bicycle routes. He said if they get permission, they will rely on a handbook about transferring roads. He said they need to determine which sections of roadway they want to fix. He indicated that some areas are challenging with vertical and horizontal issues. He said that this type of road is fourth on ODOT's hierarchy list. He said the County does a good job on roads like this. He wanted to determine the economic need for the roadways. He indicated that some sections of road have no shoulders. He noted that if it is an overlay, the cost is \$200,000 per mile. He said if it is a shoulder widening, the cost is about \$1 million per mile. He added if it is a major reconstruction where they have to go into a hillside, the cost could be \$3 million per mile.

Sonny Chickering, ODOT, indicated that because it is a district highway, it is a lower priority roadway for ODOT. He said the interstate will come first and Highway 126 would take a priority. He said the district highways don't get the type of attention that ODOT would like to give them. He indicated they identified some funds to redirect for Highway 36 and Highway 99. He said they won't get more than fresh pavement. He indicated that it is a matter of priorities. He stated that Lane County has demonstrated an ability to take care of their two lane road system. He commented that local match on federal aid projects will be an issue in the future. He thought Lane County will be challenged in the future for matches based on funding. He indicated that it was mentioned that Delta Highway might be a good facility for ODOT to take over. He said it is a connection between two existing state facilities and is an expressway in design and construction. He added that is the only section Lane County is responsible for. He said it could be considered in a trade. He noted that cash could be involved in some trades.

Stewart stated that he met with the road crew at Delta and an item they discussed was being able to do this. He said they were enthusiastic about the potential trade because it showcases what Lane County can do and they were concerned about the safety issues that take place on the small portion of Delta Highway.

Dwyer was skeptical about any agreements where they could expect to come out even. He wanted to quantify the cost associated with any segment. He thought they would be looking at a six or seven year project even if they had the money for the road. He was willing to review options. He was interested in doing maintenance together.

Sorenson supported a motion to look into a transfer of state highways within Lane County. He was interested in trading Delta Highway for Territorial Highway. He thought they could get an IGA pending the formal transfer of either road. He wanted to keep the fiscal conversation in the forefront. He asked if they could start working on this.

Green supported Stewart's request to begin the process of a review. He thought it might not make sense once they examine the projects. He asked if this could qualify for STIP funding.

Chickering said this would have to compete for modernization dollars.



**US Department of
Transportation Tiger II Pre-
Application**

This Site: US Department of Tr. 

US Department of Transportation Tiger II Pre-Application > U.S. DOT TIGER II Grant Pre-Application > Territorial Highway – Corridor Plan

U.S. DOT TIGER II Grant Pre-Application: Territorial Highway – Corridor Plan

Project Name	Territorial Highway – Corridor Plan
Was a TIGER I application submitted for this project?	No
DUNS	030786248
Applicant / Organization Name	Lane County Public Works / Transportation and Traffic Division
Applicant / Organization Contact Person	Celia Barry, Lane County Public Works Transportation and Traffic Division Manager
Applicant / Organization Contact Business Phone Number	541-682-6935
Applicant / Organization Contact Business E-mail	Celia.Barry@co.lane.or.us
Applicant / Organization Contact Business Street Address	3040 North Delta Highway
Applicant / Organization Contact City	Eugene
Applicant / Organization Contact State	OR-OREGON
Applicant / Organization Contact Zip	97408
Primary Applicant Type	Local Govt.
Co-Applicant Type	State Govt.
Is the Project Multimodal?	Yes
Primary Project Type	Road & Bridge
Secondary Project Type	Bicycle & Pedestrian
Additional Project Type Information	N/A
Is this application for a Planning Grant?	Yes
If Planning Grant, please select the related funding opportunity	TIGER II Planning Grant
Primary Planning Grant Type	Road & Bridge (TIGER)
Secondary Planning Grant Type	Bicycle & Pedestrian (TIGER)

Additional Planning Grant Type	Development and Implementation of local, corridor, or district plans/strategies promoting livability (HUD)
Additional Planning Grant information	Territorial Hwy provides access to 12 of Lane County's award winning wineries, and scenic, recreational and historic resources. It is part of a heavily used bike touring, rural road network but is unsafe along much of the route because of its narrow and unstable condition. This plan would focus on developing the economic potential of the corridor for bicycle touring and freight access as well as appropriately scaled, tourism-related development.
Project Description	This project will fund corridor planning along approximately 40 miles of this rural facility. Planning elements will include community outreach, NEPA analysis, and preliminary engineering (at least 30% design completion) for pavement preservation and road widening to enhance motor vehicle, bicycle and pedestrian travel and safety.
Total Amount Requested from TIGER II Funds	\$3,000,000.00
Total Project Cost	\$3,000,000.00
Cities Impacted by Proposed Project	City of Veneta, and unincorporated communities of Cheshire, Franklin, Eimira, Crow, and Lorane
Counties Impacted by Proposed Project	Lane
Primary Proposed Project State	OR-OREGON
Additional Project State (1)	
Additional Project State (2)	
Additional Project State (3)	
Additional Project State (4)	
Additional Project State (5)	
Additional Project State (6)	
Primary Congressional District	OREGON - 4th District
Additional Congressional District (1)	
Additional Congressional District (2)	
Additional Congressional District (3)	
Additional Congressional District (4)	
Additional Congressional District (5)	
Additional Congressional District (6)	
Additional Congressional District (7)	

Additional Congressional District (8)

Additional Congressional District (9)

Additional Congressional District (10)

Type of Jurisdiction Rural

Economically Distressed Area Yes

Federal Wage Rate Certificate Yes

Requesting TIGER II TIFIA Payment No

NEPA Status EA/FONSI Expected

NEPA Comment An EA/FONSI is included in and will be an expected outcome of this planning process. Completion date for the EA/FONSI is estimated as 12/30/2012

Project has secured 20% Matching Funds No

20% Matching Funds Comment This is a project in a rural area and, as such, is not required to meet the 20% local match. However, Lane County is working with ODOT and its other planning partners to secure in-kind staff time for this effort. Our match estimates will be revised with the final application, but our current estimate is that at least \$300,000 in in-kind staff time will be provided to ensure completion of this project over the planning period.

Application ID pattyfink1-0565

Full Application ID aspnetssqlmembershipprovider:pattyfink1-0565

Created at 7/14/2010 7:08 PM by PattyFink1
Last modified at 7/26/2010 1:02 PM by PattyFink1

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Federal Register / Vol. 75, No. 104 / Tuesday, June 1, 2010 / Notices

seq.), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875]. I hereby determine that the objects to be included in the exhibition "Dynasty and Divinity: Ife Art in Ancient Nigeria," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Museum of Fine Arts, Houston, TX, from on or about September 19, 2010, until on or about January 9, 2011; at the Virginia Museum of Fine Arts, Richmond, VA, from on or about February 19, 2011, until on or about May 22, 2011; at the Indianapolis Museum of Art, Indianapolis, IN, from on or about July 10, 2011, until on or about October 9, 2011; at the Museum for African Art, New York, NY, from on or about November 11, 2011, until on or about March 4, 2012, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/632-6473). The address is U.S. Department of State, SA-5, L/PD, Fifth Floor, Washington, DC 20522-0505.

Dated: May 21, 2010.

Maura M. Pally,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2010-13068 Filed 5-28-10; 8:45 am]

BILLING CODE 4710-06-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket Number: DOT-OST-2009-0208]

Application of Kaiserair, Inc. for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 2010-5-25).

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding KaiserAir,

Inc., fit, willing, and able, and to provide interstate charter air transportation of persons, property, and mail using one large aircraft.

DATES: Persons wishing to file objections should do so no later than June 7, 2010.

ADDRESSES: Objections and answers to objections should be filed in Docket DOT-OST-2009-0208 and addressed to U.S. Department of Transportation, Docket Operations, (M-30, Room W12-140), 1200 New Jersey Avenue, SE., West Building Ground Floor, Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Michael Price, Air Carrier Fitness Division (X-56, Room W86-462), U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 368-9721.

Dated: May 24, 2010.

Susan Kurland,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 2010-13022 Filed 5-28-10; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT-OST-2010-0076]

Notice of Funding Availability for the Department of Transportation's National Infrastructure Investments Under the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010

AGENCY: Office of the Secretary of Transportation, DOT.

ACTION: Notice of funding availability.

SUMMARY: This notice announces the availability of funding and requests proposals for the Department of Transportation's National Infrastructure Investments. In addition, this notice announces selection criteria and pre-application and application requirements for the National Infrastructure Investments.

On December 16, 2009, the President signed the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010 (Div. A of the Consolidated Appropriations Act, 2010 (Pub. L. 111-117, Dec. 16, 2009)) ("FY 2010 Appropriations Act"). The FY 2010 Appropriations Act appropriated \$600 million to be awarded by the Department of Transportation ("DOT") for National Infrastructure Investments.

This appropriation is similar, but not identical to the appropriation for the Transportation Investment Generating Economic Recovery, or "TIGER Discretionary Grant", program authorized and implemented pursuant to the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"). Because of the similarity in program structure, DOT is referring to the grants for National Infrastructure Investments under the FY 2010 Appropriations Act as "TIGER II Discretionary Grants". As with the TIGER program, funds for the TIGER II program are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area or a region. Through this notice, DOT is soliciting applications for TIGER II Discretionary Grants.

On April 26, 2010, DOT published an interim notice announcing the availability of funding for TIGER II Discretionary Grants. Because this is a new program, the interim notice also requested comments on the proposed selection criteria and guidance for awarding TIGER II Discretionary Grants. DOT considered the comments that were submitted in accordance with the interim notice and decided to publish this notice revising some elements of the interim notice. Each of the substantive revisions made in this notice are described below in "Supplemental Information." In the event that this solicitation does not result in the award and obligation of all available funds, DOT may decide to publish an additional solicitation.

DATES: Pre-applications must be submitted by July 18, 2010, at 5 p.m. EDT (the "Pre-Application Deadline"). Final applications must be submitted through Grants.gov by August 23, 2010, at 5 p.m. EDT (the "Application Deadline"). The DOT pre-application system will open no later than June 23, 2010 to allow prospective applicants to submit pre-applications. Subsequently, the Grants.gov "Apply" function will open on July 30, 2010, allowing applicants to submit applications. While applicants are encouraged to submit pre-applications in advance of the Pre-Application Deadline, pre-applications will not be reviewed until after the Pre-Application Deadline. Similarly, while applicants are encouraged to submit applications in advance of the Application Deadline, applications will not be evaluated, and awards will not be made, until after the Application Deadline. Pursuant to the FY 2010 Appropriations Act, DOT will evaluate all applications and announce the

Appendix B: Additional Information on
Applying Through Grants.gov

I. Background

Recovery Act TIGER Discretionary Grants

On February 17, 2009, the President of the United States signed the Recovery Act, which appropriated \$1.5 billion of discretionary grant funds to be awarded by DOT for capital investments in surface transportation infrastructure. DOT refers to these grants as Grants for Transportation Investment Generating Economic Recovery or "TIGER Discretionary Grants". DOT solicited applications for TIGER Discretionary Grants through a notice of funding availability published in the *Federal Register* on June 17, 2009 (an interim notice was published on May 18, 2009). Applications for TIGER Discretionary Grants were due on September 15, 2009 and DOT received over 1400 applications with funding requests totaling almost \$60 billion. Funding for 51 projects totaling nearly \$1.5 billion was announced on February 17, 2010. Grant announcements ranged from \$3.15 million to \$105 million for individual projects, with an average award size of approximately \$30 million and the median award amount being \$22 million. Less than three percent of the applications (by dollar value) received any funding. Projects were selected for funding based on their alignment with the selection criteria specified in the June 17, 2009, *Federal Register* notice for the TIGER Discretionary Grant program.

On December 16, 2009, the President signed the FY 2010 Appropriations Act, which appropriated \$600 million to DOT for National Infrastructure Investments using language that is similar, but not identical, to the language in the Recovery Act authorizing the TIGER Discretionary Grants. DOT is referring to the grants for National Infrastructure Investments as TIGER II Discretionary Grants.

TIGER II Discretionary Grants

Like the TIGER Discretionary Grants, TIGER II Discretionary Grants are for capital investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region. Key requirements of the TIGER II Discretionary Grant program are summarized below, and material differences from the TIGER Discretionary Grant program are highlighted.

"Eligible Applicants" for TIGER II Discretionary Grants are State and local

governments, including U.S. territories, tribal governments, transit agencies, port authorities, metropolitan planning organizations (MPOs), other political subdivisions of State or local governments, and multi-State or multi-jurisdictional groups applying through a single lead applicant (for multi-jurisdictional groups, each member of the group, including the lead applicant, must be an otherwise eligible applicant as defined in this paragraph).

Projects that are eligible for TIGER II Discretionary Grants under the FY 2010 Appropriations Act ("Eligible Projects") include, but are not limited to: (1) Highway or bridge projects eligible under title 23, United States Code; (2) public transportation projects eligible under chapter 53 of title 49, United States Code; (3) passenger and freight rail transportation projects; and (4) port infrastructure investments. Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, United States Code, apply to all projects receiving funds. This description of Eligible Projects is, in practice, identical to the description of eligible projects under the TIGER Discretionary Grant program.¹

The FY 2010 Appropriations Act requires a new solicitation of applications and, therefore, any unsuccessful applicant for a TIGER Discretionary Grant that wishes to be considered for a TIGER II Discretionary Grant must reapply according to the procedures in this notice.

The FY 2010 Appropriations Act specifies that TIGER II Discretionary Grants may be not less than \$10 million and not greater than \$200 million. The comparable figures for TIGER Discretionary Grants funded under the Recovery Act were \$20 million and \$300 million, although the largest grant announced under the TIGER program was \$105 million. Based on DOT's experience with the TIGER Discretionary Grant program, it is unlikely that the \$200 million

¹ Consistent with the FY 2010 Appropriations Act, DOT will apply the following principles in determining whether a project is eligible as a capital investment in surface transportation: (1) Surface transportation facilities generally include roads, highways and bridges, ports, freight and passenger railroads, transit systems, and projects that connect transportation facilities to other modes of transportation; and (2) surface transportation facilities also include any highway or bridge project eligible under title 23, U.S.C., or public transportation project eligible under chapter 53 of title 49, U.S.C. Please note that the Department may use a TIGER II Discretionary Grant to pay for the surface transportation components of a broader project that has non-surface transportation components, and applicants are encouraged to apply for TIGER II Discretionary Grants to pay for the surface transportation components of these projects.

maximum grant size for the TIGER II Discretionary Grant program will be reached for any project. The Recovery Act gave DOT discretion to waive the minimum grant size for significant projects in smaller cities, regions, or States. The FY 2010 Appropriations Act does not provide similar authority to waive the minimum \$10 million grant size for TIGER II Discretionary Grants. However, for projects located in rural areas (as defined in section V (*Projects in Rural Areas*)), the minimum TIGER II Discretionary Grant size is \$1 million. The term "grant" in the provision of the FY 2010 Appropriations Act specifying a minimum grant size does not include TIGER II TIFIA Payments, as defined below.

Pursuant to the FY 2010 Appropriations Act, no more than 25 percent of the funds made available for TIGER II Discretionary Grants (or \$150 million) may be awarded to projects in a single State. The comparable figure for TIGER Discretionary Grants was 20 percent (or \$300 million).

The FY 2010 Appropriations Act directs that not less than \$140 million of the funds provided for TIGER II Discretionary Grants is to be used for projects located in rural areas. There was no comparable amount set aside for rural areas under the Recovery Act for TIGER Discretionary Grants. In awarding TIGER II Discretionary Grants pursuant to the FY 2010 Appropriations Act, DOT must take measures to ensure an equitable geographic distribution of grant funds, an appropriate balance in addressing the needs of urban and rural areas and the investment in a variety of transportation modes. The Recovery Act provided a similar provision for the TIGER Discretionary Grant program, but with no language on ensuring investments in a variety of transportation modes.

TIGER II Discretionary Grants may be used for up to 80 percent of the costs of a project, but priority must be given to projects for which Federal funding is required to complete an overall financing package and projects can increase their competitiveness by demonstrating significant non-Federal contributions.² The Recovery Act included a similar priority for TIGER Discretionary Grants, but allowed DOT to fund up to 100 percent of the costs of a project. For TIGER II Discretionary Grants, DOT may increase the Federal

² DOT will consider any non-Federal funds for purposes of meeting the 20 percent match requirement, whether such funds are contributed by the public sector (State or local) or the private sector; however, DOT will not consider funds already expended for purposes of meeting the 20 percent match requirement.

(ii) *Economic Competitiveness*: Contributing to the economic competitiveness of the United States over the medium- to long-term.

(iii) *Livability*: Fostering livable communities through place-based policies and investments that increase transportation choices and access to transportation services for people in communities across the United States.

(iv) *Environmental Sustainability*: Improving energy efficiency, reducing dependence on oil, reducing greenhouse gas emissions and benefitting the environment.

(v) *Safety*: Improving the safety of U.S. transportation facilities and systems.

(b) Job Creation & Economic Stimulus

While the TIGER II Discretionary Grant program is not a Recovery Act program, job creation and economic stimulus remain a top priority of this Administration; therefore, DOT will give priority (as it did for the TIGER Discretionary Grant program) to projects that are expected to quickly create and preserve jobs and stimulate rapid increases in economic activity, particularly jobs and activity that benefit economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161) ("Economically Distressed Areas").³

2. Secondary Selection Criteria

(a) Innovation

DOT will give priority to projects that use innovative strategies to pursue the long-term outcomes outlined above.

(b) Partnership

DOT will give priority to projects that demonstrate strong collaboration among a broad range of participants and/or integration of transportation with other public service efforts.

B. Additional Guidance on Selection Criteria

The following additional guidance explains how DOT will evaluate each of the selection criteria identified above in Section II(A) (*Selection Criteria*). Applicants are encouraged to demonstrate the responsiveness of a project to any and all of the selection

³ While Economically Distressed Areas are typically identified under the Public Works and Economic Development Act at the county level, for the purposes of this program DOT will consider regions, municipalities, smaller areas within larger communities, or other geographic areas to be Economically Distressed Areas if an applicant can demonstrate that any such area otherwise meets the requirements of an Economically Distressed Area as defined in section 301 of the Public Works and Economic Development Act of 1965.

criteria with the most relevant information that applicants can provide, regardless of whether such information has been specifically requested, or identified, in this notice. Any such information shall be considered part of the application, not supplemental, for purposes of the application size limits specified below in Section IX(D) (*Length of Application*).

1. Primary Selection Criteria

(a) Long-Term Outcomes

In order to measure a project's alignment with this criterion, DOT will assess the public benefits generated by the project, as measured by the extent to which a project produces one or more of the following outcomes:

(i) *State of Good Repair*: In order to determine whether the project will improve the condition of existing transportation facilities or systems, including whether life-cycle costs will be minimized, DOT will assess (i) Whether the project is part of, or consistent with, relevant State, local or regional efforts and plans to maintain transportation facilities or systems in a state of good repair, (ii) whether an important aim of the project is to rehabilitate, reconstruct or upgrade surface transportation assets that, if left unimproved, threaten future transportation network efficiency, mobility of goods or people, or economic growth due to their poor condition, (iii) whether the project is appropriately capitalized up front and uses asset management approaches that optimize its long-term cost structure, and (iv) the extent to which a sustainable source of revenue is available for long-term operations and maintenance of the project. The application should include any quantifiable metrics of the facility or system's current condition and performance and, to the extent possible, projected condition and performance, with an explanation of how the project will improve the facility or system's condition, performance and/or long-term cost structure, including calculations of avoided operations and maintenance costs and associated delays.

(ii) *Economic Competitiveness*: In order to determine whether a project promotes the economic competitiveness of the United States, DOT will assess whether the project will measurably contribute over the long term to growth in the productivity of the American economy. For purposes of aligning a project with this outcome, applicants should provide evidence of how improvements in transportation

outcomes (such as time savings and operating cost savings) translate into long-term economic productivity benefits. These long-term economic benefits that are provided by the completed project are different from the near-term economic benefits of construction that are captured in the Job Creation & Economic Stimulus criterion. In weighing long-term economic competitiveness benefits, applicants should describe how the project supports increased long-term efficiency and productivity.

Priority consideration will be given to projects that: (i) Improve long-term efficiency, reliability or cost-competitiveness in the movement of workers or goods, or (ii) make improvements that increase the economic productivity of land, capital or labor at specific locations, particularly Economically Distressed Areas. Applicants may propose other methods of demonstrating a project's contribution to the economic competitiveness of the country and such methods will be reviewed on a case-by-case basis.

Economic competitiveness may be demonstrated by the project's ability to increase the efficiency and effectiveness of the transportation system through integration or better use of all existing transportation infrastructure (which may be evidenced by the project's involvement with or benefits to more than one mode and/or its compatibility with and preferably augmentation of the capacities of connecting modes and facilities), but only to the extent that these enhancements lead to the economic benefits that are identified in the opening paragraph of this section.

For purposes of demonstrating economic benefits, applicants should estimate National-level or region-wide economic benefits on productivity and production, and should net out those benefits most likely to result in transfers of economic activity from one localized area to another. Therefore, in estimating local and regional benefits, applicants should consider net increases in economic productivity and benefits, and should take care not to include economic benefits that are being shifted from one location in the United States to another location. Highly localized benefits will receive the most consideration under circumstances where such benefits are most likely to improve an Economically Distressed Area (as defined herein) or otherwise improve access to more productive employment opportunities for underemployed and disadvantaged populations.

quantitative estimate (in physical, non-monetary terms, such as ridership estimates, emissions levels, etc.) should be provided.

The requirement to conduct an economic analysis is not applicable to applicants seeking TIGER II Planning Grants; however, such applicants should describe the expected benefits of the underlying project(s) that the planning activities will help advance.

The lack of a useful analysis of expected project benefits and costs may be the basis for denying an award of a TIGER II Discretionary Grant to an applicant. If it is clear to DOT that the total benefits of a project are not reasonably likely to outweigh the project's costs, DOT will not award a TIGER II Discretionary Grant to the project. Consistent with the broader goals of DOT and the FY 2010 Appropriations Act, DOT can consider some factors that do not readily lend themselves to quantification or monetization, including equitable geographic distribution of grant funds and an appropriate balance in addressing the needs of urban and rural areas and investment in a variety of transportation modes.

Detailed guidance for the preparation of benefit-cost analyses is provided in Appendix A. Benefits should be presented, whenever possible, in a tabular form showing benefits and costs in each year for the useful life of the project. Benefits and costs should both be discounted to the year 2010 and present discounted values of both the stream of benefits and the stream of costs should be calculated. If the project has multiple parts, each of which has independent utility, the benefits and costs of each part should be estimated and presented separately. A project component has independent utility if the component itself is an Eligible Project and provides benefits that satisfy the selection criteria specified in this notice, as described further in Section III(B) (*Evaluation of Eligibility*) below. The benefit-cost analysis should be summarized in the text of the application itself, but the details may be presented in an attachment to the application.

DOT recognizes that some categories of costs and benefits are more difficult to quantify or monetize than others. In presenting benefit-cost analyses, applicants should include qualitative discussion of the categories of benefits and costs that they were not able to quantify, noting that these benefits and costs are in addition to other benefits and costs that were quantified. However, in the event of an unreasonable absence of data and

analysis, or poor applicant effort to put forth a robust quantification of benefits and costs, the application is unlikely to receive further consideration. In general, the lack of a useful analysis comparing benefits and costs for any such project is ground for denying the award of a TIGER II Discretionary Grant.

Evaluation of Project Performance: Each project selected for TIGER II Discretionary Grant funding will be required to work with DOT on the development and implementation of a plan to collect information and report on the project's performance with respect to the relevant long-term outcomes that are expected to be achieved through construction of the project.

(b) Job Creation & Economic Stimulus

In order to measure a project's alignment with this criterion, DOT will assess whether the project promotes the short- or long-term creation or preservation of jobs and whether the project rapidly promotes new or expanded business opportunities during construction of the project or thereafter. Demonstration of a project's rapid economic impact is critical to a project's alignment with this criterion. Applicants are encouraged to provide information to assist DOT in making these assessments, including the total amount of funds that will be expended on construction and construction-related activities by all of the entities participating in the project and, to the extent measurable, the number and type of jobs to be created and/or preserved by the project by calendar quarters during construction and annually thereafter. Applicants should also identify any business enterprises to be created or benefited by the project during its construction and once it becomes operational.⁵

⁵ The Executive Office of the President, Council of Economic Advisers, issued a memorandum in May 2009 on "Estimates of Job Creation from the American Recovery and Reinvestment Act of 2009." The memorandum is available at: <http://www.whitehouse.gov/administration/eop/cea/Estimate-of-Job-Creation/>. Table 3 of this memorandum provides a simple rule for estimating job-years created by government spending, which is that \$92,000 of government spending creates one job-year. Of this, 64% of the job-year estimate represents direct and indirect effects and 36% of the job-year estimate represents induced effects. Applicants can use this estimate as an appropriate indicator of direct, indirect and induced job-years created by TIGER II Discretionary Grant spending, but are encouraged to supplement or modify this estimate to the extent they can demonstrate that such modifications are justified. However, since the May 2009 memorandum makes job creation purely a function of the level of expenditure, applicants should also demonstrate how quickly jobs will be created under the proposed project. Projects that generate a given number of jobs more quickly will

Consistent with the Recovery Act, the Updated Implementing Guidance for the American Recovery and Reinvestment Act of 2009 issued by the Office of Management and Budget ("OMB") on April 3, 2009 (the "OMB Guidance"), and consistent with applicable Federal laws, applicants are encouraged to provide information to assist DOT in assessing (1) whether the project will promote the creation of job opportunities for low-income workers through the use of best practice hiring programs and utilization of apprenticeship (including pre-apprenticeship) programs; (2) whether the project will provide maximum practicable opportunities for small businesses and disadvantaged business enterprises, including veteran-owned small businesses and service disabled veteran-owned small businesses; (3) whether the project will make effective use of community-based organizations in connecting disadvantaged workers with economic opportunities; (4) whether the project will support entities that have a sound track record on labor practices and compliance with Federal laws ensuring that American workers are safe and treated fairly; and (5) whether the project implements best practices, consistent with our Nation's civil rights and equal opportunity laws, for ensuring that all individuals—regardless of race, gender, age, disability, and national origin—benefit from TIGER II grant funding.

To the extent possible, applicants should indicate whether the populations most likely to benefit from the creation or preservation of jobs or new or expanded business opportunities are from Economically Distressed Areas. In addition, to the extent possible, applicants should indicate whether the project's procurement plan is likely to create follow-on jobs and economic stimulus for manufacturers and suppliers that support the construction industry. A key consideration in assessing projects under this criterion will be how quickly jobs are created.

In evaluating a project's alignment with this criterion, DOT will assess whether a project is ready to proceed rapidly upon receipt of a TIGER II Discretionary Grant, as evidenced by:

have a more favorable impact on economic recovery. A quarter-by-quarter projection of the number of direct job-hours expected to be created by the project is useful in assessing the impacts of a project on economic recovery. Furthermore, applicants should be aware that certain types of expenditures are less likely to align well with the Job Creation & Economic Stimulus criterion. These types of expenditures include, among other things, engineering or design work and purchasing existing facilities or right-of-way.

demonstrate that the innovation is designed to pursue one or more of the long-term outcomes outlined above and/or significantly enhance the transportation system.

Innovative, multi-modal projects are often difficult to fund under traditional transportation programs. DOT will consider the extent to which innovative projects might be difficult to fund under other programs and will give priority to projects that align well with the Primary Selection Criteria but are unlikely to receive funding under traditional programs.

(b) Partnership

(i) *Jurisdictional & Stakeholder Collaboration*: In order to measure a project's alignment with this criterion, DOT will assess the project's involvement of non-Federal entities and the use of non-Federal funds, including the scope of involvement and share of total funding. DOT will give priority to projects that receive financial commitments from, or otherwise involve, State and local governments, other public entities, or private or nonprofit entities, including projects that engage parties that are not traditionally involved in transportation projects, such as nonprofit community groups. Pursuant to the OMB Guidance, DOT will give priority to projects that make effective use of community-based organizations in connecting disadvantaged people with economic opportunities.

In compliance with the FY 2010 Appropriations Act, DOT will give priority to projects for which a TIGER II Discretionary Grant will help to complete an overall financing package. An applicant should clearly demonstrate the extent to which the project cannot be readily and efficiently completed without Federal assistance, and the extent to which other sources of Federal assistance are or are not readily available for the project. DOT will assess the amount of private debt and equity to be invested in the project or the amount of co-investment from State, local or other non-profit sources.

DOT will also assess the extent to which the project demonstrates collaboration among neighboring or regional jurisdictions to achieve National, regional or metropolitan benefits. Multiple States or jurisdictions may submit a joint application and should identify a lead State or jurisdiction as the primary point of contact. Where multiple States or jurisdictions are submitting a joint application, the application should demonstrate how the project costs are apportioned between the States or

jurisdictions to assist DOT in making the distributional determinations described below in Section III(C) (*Distribution of Funds*).

(ii) *Disciplinary Integration*: In order to demonstrate the value of partnerships across government agencies that serve various public service missions and to promote collaboration on the objectives outlined in this notice, DOT will give priority to projects that are supported, financially or otherwise, by non-transportation public agencies that are pursuing similar objectives. For example, DOT will give priority to transportation projects that create more livable communities and are supported by relevant public housing agencies or are consistent with State or local efforts or plans to promote economic development, revitalize communities, or protect historic or cultural assets; similarly, DOT will give priority to transportation projects that encourage energy efficiency or improve the environment and are supported by relevant public agencies with energy or environmental missions.

III. Evaluation and Selection Process

A. Evaluation Process

TIGER II Discretionary Grant applications will be evaluated in accordance with the below discussed evaluation process. DOT will establish a pre-application evaluation team to review each pre-application that is received by DOT on or prior to the Pre-Application Deadline. This evaluation team will be organized and led by the Office of the Secretary and will include members from the relevant modal administrations in DOT with the most experience and/or expertise in the relevant project areas (the "Cognizant Modal Administrations"). These representatives will include technical and professional staff with relevant experience and/or expertise. This evaluation team will be responsible for analyzing whether the pre-application satisfies the following key threshold requirements:

1. The project is an Eligible Project or a DOT Eligible Planning Activity;
2. NEPA is substantially complete, as described above in Section II(B)(2)(b)(ii) (*Environmental Approvals*); and
3. Local matching funds to support 20 percent or more of the costs for the project are identified and committed; this requirement is not applicable to projects located in rural areas, however, applications for projects in rural areas will be more competitive to the extent they include non-Federal financial contributions.

To the extent the pre-application evaluation team determines that a pre-application does not satisfy these key threshold requirements, DOT will inform the project sponsor that an application for the project will not be reviewed unless the application submitted on or prior to the Application Deadline can demonstrate that the requirement has been addressed.

DOT will establish application evaluation teams to review each application that is received by DOT prior to the Application Deadline. These evaluation teams will be organized and led by the Office of the Secretary and will include members from each of the Cognizant Modal Administrations. These representatives will include technical and professional staff with relevant experience and/or expertise. The evaluation teams will be responsible for evaluating and rating all of the projects and making funding recommendations to the Secretary. The evaluation process will require team members to evaluate and rate applications individually before convening with other members to discuss ratings. The composition of the evaluation teams will be finalized after the Pre-Application Deadline, based on the number and nature of pre-applications received.

DOT will not assign specific numerical scores to projects based on the selection criteria outlined above in Section II(A) (*Selection Criteria*). Rather, ratings of "highly recommended," "recommended," "not recommended", or "negative" will be assigned to projects for each of the selection criteria. DOT will award TIGER II Discretionary Grants to projects that are well-aligned with one or more of the selection criteria, with projects that are well-aligned with multiple selection criteria being more likely to receive TIGER II Discretionary Grants. In addition, DOT will consider whether a project has a negative effect on any of the selection criteria, and any such negative effect may reduce the likelihood that the project will receive a TIGER II Discretionary Grant. To the extent the initial evaluation process does not sufficiently differentiate among highly rated projects, DOT will use a similar rating process to re-assess the projects that were highly rated and identify those that should be most highly rated.

DOT will give more weight to the two Primary Selection Criteria (*Long-Term Outcomes* and *Job Creation & Economic Stimulus*), which will be rated equally, than to the two Secondary Selection Criteria (*Innovation* and *Partnership*). Projects that are unable to demonstrate a likelihood of significant long-term

Discretionary Grant recipient and the Cognizant Modal Administration. In accordance with the FY 2010 Appropriations Act, the Secretary has the discretion to delegate such responsibilities.

Applicable Federal laws, rules and regulations will apply to projects that receive TIGER II Discretionary Grants.

As noted above in Section II(B)(1)(b) (*Job Creation & Economic Stimulus*), how soon after selection for award a project is expected to obligate grant funds and start construction will be considered on a case-by-case basis and will be specified in the project-specific grant agreements. DOT reserves the right to revoke any award of TIGER II Discretionary Grant funds and to award such funds to another project to the extent that such funds are not timely expended and/or construction does not begin in accordance with the project schedule. DOT's ability to obligate funds for TIGER II Discretionary Grants expires on September 30, 2012.

V. Projects in Rural Areas

The FY 2010 Appropriations Act directs that not less than \$140 million of the funds provided for TIGER II Discretionary Grants are to be used for projects in rural areas. For purposes of this notice, DOT is generally defining "rural area" as any area not in an Urbanized Area, as such term is defined by the Census Bureau,⁷ and will consider a project to be in a rural area if all or the majority of a project is located in a rural area. To the extent more than a *de minimis* portion of a project is located in an Urbanized Area, applicants should identify the estimated percentage of project costs that will be spent in Urbanized Areas and the estimated percentage that will be spent in rural areas.

For projects located in rural areas the FY 2010 Appropriation Act does not require matching funds (although the statute does direct DOT to give priority to projects, including projects located in rural areas, for which Federal funding is required to complete an overall financing package that includes non-Federal sources of funds) and the minimum grant size is \$1 million. Applicants for TIGER II Discretionary Grants of between \$1 million and \$10 million for projects located in rural areas are encouraged to apply and should address the same criteria as

applicants for TIGER II Discretionary Grants in excess of \$10 million.

VI. TIGER II TIFIA Payments

Up to \$150 million of the \$600 million available for TIGER II Discretionary Grants may be used for TIGER II TIFIA Payments. Based on the average subsidy cost of the existing TIFIA portfolio, \$150 million in TIGER II TIFIA Payments could support approximately \$1.5 billion in Federal credit assistance.

Applicants seeking TIGER II TIFIA Payments should apply in accordance with all of the criteria and guidance specified in this notice for TIGER II Discretionary Grant applications and will be evaluated concurrently with all other applicants. Any applicant seeking a TIGER II TIFIA Payment is also required to submit a TIFIA letter of interest concurrent with the TIGER II TIFIA Payment application. If selected for a TIGER II TIFIA Payment, the applicant must comply with all of the TIFIA program's standard application and approval requirements including submission of a complete TIFIA application and \$50,000 application fee (the TIFIA program guide can be downloaded from <http://tifa.fhwa.dot.gov/>).

Applicants should demonstrate that they are ready to proceed rapidly upon receipt of a TIGER II TIFIA Payment in accordance with the guidance specified above in Section II(B)(1)(b) (*Job Creation & Economic Stimulus*). DOT's TIFIA Joint Program Office will assist DOT in determining a project's readiness to proceed rapidly upon receipt of a TIGER II TIFIA Payment.

Applicants seeking TIGER II TIFIA Payments may also apply for a TIGER II Discretionary Grant for the same project and must indicate the type(s) of funding for which they are applying clearly on the face of their applications. An applicant for a TIGER II TIFIA Payment must submit an application pursuant to this notice for a TIGER II TIFIA Payment even if it does not wish to apply for a TIGER II Discretionary Grant.

DOT reserves the right to offer a TIGER II TIFIA Payment to an applicant that applied for a TIGER II Discretionary Grant even if DOT does not choose to fund the requested TIGER II Discretionary Grant request and the applicant did not request a TIGER II TIFIA Payment. Therefore, applicants for TIGER II Discretionary Grants, particularly applicants that require a substantial amount of funds to complete a financing package, should indicate whether or not they have considered applying for a TIGER II TIFIA Payment. To the extent an applicant thinks that

TIFIA may be a viable option for the project, applicants should provide a brief description of a project finance plan that includes TIFIA credit assistance and identifies a source of revenue which may be available to support the TIFIA credit assistance.

Unless otherwise expressly noted herein, any and all requirements that apply to TIGER II Discretionary Grants pursuant to the FY 2010 Appropriations Act, this notice, or otherwise, apply to TIGER II TIFIA Payments. TIFIA applicants that do not receive TIGER II TIFIA Payments will not be required to comply with any of these requirements.

VII. TIGER II Planning Grants

The FY 2010 Appropriations Act permits DOT to use up to \$35 million of the amount available for TIGER II Discretionary Grants for TIGER II Planning Grants.

As noted above in the **SUPPLEMENTARY INFORMATION** section, DOT plans to conduct a multi-agency evaluation and award process with HUD for DOT's TIGER II Planning Grants and HUD's Community Challenge Planning Grants, which were also authorized under the FY 2010 Appropriations Act. This approach is consistent with DOT and HUD's participation in the "Partnership for Sustainable Communities" with EPA to help American families in all communities—rural, suburban and urban—gain better access to affordable housing, more transportation options, lower transportation costs, and a cleaner environment. The details of this multi-agency planning grant program, including information about eligibility, selection criteria, and pre-application and application requirements, are described in a joint notice of funding availability to be published in the **Federal Register** by DOT and HUD. The joint notice will be published shortly after this notice and signed by the Secretaries of each agency. Interested parties are encouraged to review the joint notice for more information.

TIGER II Planning Grants may be awarded, like TIGER II Discretionary Grants, to Eligible Applicants, and may be used for activities related to the planning, preparation or design of Eligible Projects, including transportation corridors or regional transportation systems ("DOT Eligible Planning Activities").

Applicants need not divide requests for planning and capital funding for the same projects and submit two applications, one under this notice and one under the joint notice with HUD. Applicants may request planning funds as part of an application for capital funds under this notice, if the request

⁷ For Census 2000, the Census Bureau defined an Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau Web site. Urban Clusters (UCs) will be considered rural areas for purposes of the TIGER II Discretionary Grant program.

these requirements apply only to the applications required under this notice; the standard TIFIA letter of interest and loan application requirements, including the standard \$30,000.00 application fee, are separately described in the Program Guide and Application Form found at <http://tifa.fhwa.dot.gov/>.

1. Standard Form 424, Application for Federal Assistance

Please see <http://www07.grants.gov/assets/SF424Instructions.pdf> for instructions on how to complete the SF-424, which is part of the standard Grants.gov submission. Additional clarifying guidance and FAQs to assist applicants in completing the SF-424 will be available at <http://www.dot.gov/recovery/ost/TIGERII> by July 30, 2010, when the "Apply" function within Grants.gov opens to accept applications under this notice.

2. Project Narrative (Attachment to SF 424)

The project narrative must respond to the application requirements outlined below. DOT recommends that the project narrative be prepared with standard formatting preferences (e.g. a single-spaced document, using a standard 12-point font, such as Times New Roman, with 1-inch margins).

A TIGER II Discretionary Grant application must include information required for DOT to assess each of the criteria specified in Section II(A) (*Selection Criteria*), as such criteria are explained in Section II(B) (*Additional Guidance on Selection Criteria*). Applicants are encouraged to demonstrate the responsiveness of a project to any and all of the selection criteria with the most relevant information that applicants can provide, regardless of whether such information has been specifically requested, or identified, in this notice. Any such information shall be considered part of the application, not supplemental, for purposes of the application size limits identified below in Part D (*Length of Applications*). Information provided pursuant to this paragraph must be quantified, to the extent possible, to describe the project's impacts on the Nation, a metropolitan area, or a region. Information provided pursuant to this paragraph should include projections for both the build and no-build scenarios for the project for a point in time at least 20 years beyond the project's completion date or the lifespan of the project, whichever is closest to the present.

All applications should include a detailed description of the proposed

project and geospatial data for the project, including a map of the project's location and its connections to existing transportation infrastructure. An application should also include a description of how the project addresses the needs of an urban and/or rural area. An application should clearly describe the transportation challenges that the project aims to address, and how the project will address these challenges. The description should include relevant data such as, for example, passenger or freight volumes, congestion levels, infrastructure condition, or safety experience.

DOT recommends that the project narrative generally adhere to the following basic outline, and include a table of contents, maps and graphics that make the information easier to review:

I. Project Description (including a description of the transportation challenges that the project aims to address, and how the project will address these challenges);

II. Project Parties (information about the grant recipient and other project parties);

III. Grant Funds and Sources/Uses of Project Funds (information about the amount of grant funding requested, availability/commitment of funds sources and uses of all project funds, total project costs, percentage of project costs that would be paid for with TIGER II Discretionary Grant funds, and the identity and percentage shares of all parties providing funds for the project (including Federal funds provided under other programs));

IV. Selection Criteria (information about how the project elicits with each of the primary and secondary selection criteria and a description of the results of the benefit-cost analysis):

- a. Long-Term Outcomes
 - i. State of Good Repair
 - ii. Economic Competitiveness
 - iii. Livability
 - iv. Sustainability
 - v. Safety
- b. Job Creation and Economic Stimulus

c. Innovation

d. Partnership

V. Project Readiness and NEPA (information about how ready the project is to move forward quickly, including information about the project schedule, environmental approvals, legislative approvals, state and local planning, technical feasibility, and financial feasibility); applications for TIGER II Planning Grants do not need to address project readiness and NEPA;

VI. Federal Wage Rate Certification (an application must include a

certification, signed by the applicant, stating that it will comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code (Federal wage rate requirements), as required by the FY 2010 Appropriations Act); and

VII. To the extent relevant, the final page of the application should describe (in one page or less) any material changes that need to be made to the pre-application form, including changes to the assurances provided in items xvii and xviii regarding initiation of NEPA and required cost sharing.

The purpose of this recommended format is to ensure that applications are provided in a format that clearly addresses the application requirements and makes critical information readily apparent and easy to locate.

D. Length of Applications

The project narrative should not exceed 25 pages in length. Documentation supporting the assertions made in the narrative portion may also be provided, but should be limited to relevant information. If possible, Web site links to supporting documentation (including a more detailed discussion of the benefit-cost analysis) should be provided rather than copies of these materials. At the applicant's discretion, relevant materials provided previously to a Cognizant Modal Administration in support of a different DOT discretionary program (for example, New Starts or TIFIA) may be referenced and described as unchanged. To the extent referenced, this information need not be resubmitted for the TIGER II Discretionary Grant application. DOT recommends use of appropriately descriptive file names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments. Cover pages and tables of contents do not count towards the 25-page limit for the narrative portion of the application, and the Federal wage rate certification and one-page update of the pre-application form (if necessary) may also be outside of the 25-page narrative. Otherwise, the only substantive portions of the application that should exceed the 25-page limit are any supporting documents (including a more detailed discussion of the benefit-cost analysis) provided to support assertions or conclusions made in the 25-page narrative section.

E. Contact Information

Contact information is requested as part of the SF-424. DOT will use this information to inform parties of DOT's

cost-benefit analysis (e.g., Mishan and Quah⁸) if an applicant wants to review additional background material. The

Department will rate all analyses as indicated below.

TABLE 1—RATINGS OF BENEFIT-COST ANALYSES

Rating	Description
Very useful	The economic analysis (i) is comprehensive (quantifying and monetizing the full range of costs and benefits, including the likely timing of such costs and benefits, for which such measures are reasonably available), (ii) attempts to describe the indirect effects of transportation investments on land use (when applicable), (iii) helps the Department organize information about, and evaluate trade-offs between, alternative transportation investments, (iv) provides a high degree of confidence as to the extent to which the benefits of the project will exceed the project's costs on a net present value basis, and (v) provides sensitivity analysis to show how changes in key assumptions affect the outcome of the analysis.
Useful	The economic analysis (i) identifies, quantifies, monetizes, and compares the project's expected benefits and costs, but has minor gaps in coverage of benefits and costs or the precise timing of benefits and costs, or fails in some cases to quantify or monetize benefits and costs for which such measures are reasonably available, and (ii) provides a sufficient degree of confidence that the benefits of the project will exceed the project's costs on a net present value basis.
Marginally Useful	The economic analysis (i) identifies, quantifies, monetizes, and compares the project's expected benefits and costs, but has significant gaps in coverage, quantification, monetization, or timing of benefits and costs, or significant errors in its measurement of benefits or costs, and (ii) the Department is uncertain whether the benefits of the project will exceed the project's costs on a net present value basis.
Not Useful	The economic analysis (i) does not adequately identify, quantify, monetize, and compare the project's expected benefits and costs or timing of benefits and costs, (ii) provides little basis for concluding that the benefits of the project will exceed the project's costs on a net present value basis, and (iii) demonstrates an unreasonable absence of data and analysis or poor applicant effort to put forth a robust quantification of net benefits.

A benefit-cost analysis attempts to measure the dollar value of the benefits and the costs to all the members of society (in this context, "society" means all residents of the United States) on a net present value basis. The benefits represent a dollar measure of the extent to which people are made better off by the project—that is, the benefits represent the amount that all the people in the society would jointly be willing to pay to carry out the project, and feel as if they had generated enough benefits to justify the project's costs accounting for the relative timing of those benefits and costs. In some cases, benefits may be difficult to measure in dollar terms. Applicants must at least describe the nature of each of the major types of benefits described in this guidance. To the extent possible, applicants must also quantify each of those types of benefits (e.g., in terms of the number of users making use of a transportation facility). Finally, applicants must attempt to measure those benefits in dollar terms (i.e., "monetize" them). These benefits must then be compared with a dollar measure of the costs of the project. Both benefits and costs must be estimated for each year after work on the project is begun, and these streams of annual benefits and costs must be discounted to the present using an appropriate discount rate, so that a present value of

the stream of benefits and a present value of the stream of costs is calculated.

As a starting point for any analysis, applicants should provide a Project Summary describing the project and what it changes. The Project Summary should provide:

- A description of the current infrastructure baseline (e.g., two-lane road);
- A description of what the proposed project is and how it would change the current infrastructure baseline (e.g., extension of a trolley line);
- A general justification for the project and how it affects the long-term outcomes relative to the current baseline;
 - A description of who would be the users of the project or what groups of people would benefit from it; and
 - A description of what types of economic effects the project is expected to have.

If an application contains multiple separate projects, each of which has independent utility, the applicant should provide a separate summary (and analysis) for each project. The summary should also identify the types of societal benefits the project might generate. The applicant should list the types of benefits here and then clearly demonstrate in the analysis how it

estimated benefits for each category.

The summary should also include the full cost of a project, including Federal, State, local, and private funding, and not simply the requested grant amount or the local amount.

Each application must include in its analysis estimates of the project's expected benefits with respect to each of the five long-term outcomes specified in Section II(A) (*Selection Criteria*). We recognize that it may in some cases be unclear in which of these categories of outcomes a benefit should be listed. In these cases, it is less important in which category a benefit is listed than to make sure that the benefit is listed and measured (but only once). Applicants must demonstrate that the proposed project has independent utility as defined in this Notice. It cannot be a component of a larger project such that, if the larger project were not built, this project would have little or no transportation value (or, if it is part of a larger project, the application must demonstrate that funding for the larger project is committed). If the applicant provides a benefit-cost analysis for a larger project, then it must estimate what portion of the benefits and costs of the larger project apply to the smaller project for which funding is being sought. The following sections describe baselines, affected population,

⁸E.J. Mishan and Euston Quah, *Cost-Benefit Analysis*, 5th edition (New York: Routledge, 2007).

All costs and benefits of the project should be evaluated, including benefits and costs that fall outside of the jurisdiction sponsoring the project. It is also important that the applicant assume the continuation of reasonable and sound management practices in establishing a baseline. Assuming a baseline scenario in which the owner of the facility does no maintenance on the facility and ignores traffic problems and maintenance is not realistic and will lead to the overstatement of project benefits.

In addition to the baseline, the applicant should present and consider reasonable alternatives in the analysis. Smaller-scale and more focused projects should be evaluated for comparison purposes. For example, if an applicant is requesting funds to replace a pier, it should also analyze the alternative of rehabilitating the current pier. Similarly, if an applicant seeks funds to establish a relatively large streetcar project, it should also evaluate a more focused project serving only the more densely populated corridors or an area.

Affected Population

Applicants should clearly identify the population that the project will affect and measure the number of passengers (for a passenger project) and the amount of freight (for a freight project) affected by the project. If possible, passenger and freight traffic should be measured in passenger-miles and freight ton-miles (and possibly value of freight). If, as is often the case (e.g., projected growth in highway traffic), the forecasted traffic volume is not the same for all years, then the applicant needs to break out the forecasted traffic annually. In some cases, the characteristics of the passenger population or of the freight shipper population may be important (e.g., whether the passengers or shippers are members of a disadvantaged group, or whether the passengers or shippers are spread across a multi-state region). Measures of freight traffic might include growing levels of port calls. In some cases, the relevant population is the volume of traffic that is diverted from one mode to another. Applicants must clearly identify which population will be affected by any particular benefit. For example, the affected population that will enjoy travel time savings may be different from the affected population benefiting from reduced shipping costs. Further, the applicant should be realistic as to how the project affects these populations. For example, improving rail access to a wholesale distribution center near an urban area may take some trucks off the road that had been carrying freight from a truck/

rail intermodal yard to the wholesale distribution center. However, it is unrealistic to claim benefits from reduced truck traffic all the way from the shipping origin point hundreds or thousands of miles away to the truck/rail intermodal yard, if that traffic would be likely to be moving by rail already.

Discounting

Applicants should discount future benefits and costs to present values using a real discount rate of 7 percent, following guidance provided by OMB in Circulars A-4 and A-94 (http://www.whitehouse.gov/omb/circulars_default/). Applicants may also provide an alternative analysis using a real discount rate of 3 percent. The latter approach should be used when the alternative use of funds currently dedicated to the project would be other public expenditures, rather than private investment.

As a first step, applicants should present the year-by-year stream of benefits and costs from the project. Applicants should clearly identify when they expect costs and benefits to occur. The beginning point for the year-by-year stream of benefits should be the first year in which the project will start generating costs or benefits. The ending point should be far enough in the future to encompass all of the significant costs and benefits resulting from the project but not to exceed the usable life of the asset without capital improvement.⁹ In presenting these year-by-year streams, applicants should measure them in constant (or "real") dollars prior to discounting. Applicants should not add in the effects of inflation to the estimates of future benefits and costs

⁹ In some cases the application may use a fixed term of years to analyze benefits and costs (e.g., 20 years), even though the applicant knows that the project will last longer than that and continues to have benefits and costs in later years. In these cases, the project will retain a "residual value" at the end of the analysis period. For instance, a new bridge may be expected to have a 100-year life but the analysis period for the benefit-cost analysis might cover only 40 years. In such cases, a residual value can be claimed as a benefit (or cost offset) for the asset at the end of the analysis period. One method to estimate the residual value is to calculate the percentage of the project that will not be depreciated or used up at the end of the analysis period and to multiply this percentage by the original cost of the project. Different components of the project may have different depreciation rates—land typically does not depreciate. The estimated residual value is assigned to the end of the analysis period and should then be discounted to its present value as would any other cost or benefit occurring at that time. Note that a residual value of a project can only be claimed if the project will be kept in operation beyond the end of the analysis period. If the project will be retired at that time, a salvage value (reflecting revenues raised from the decommissioning of the project) can be claimed.

prior to discounting. Once an applicant has generated the stream of costs and benefits in constant dollars, it should then discount these estimates to arrive at a present value of costs and benefits. The standard formula for the discount factor in any given year is $1/(1+r)^t$, where "r" is the discount rate and "t" measures the number of years in the future that the costs or benefits will occur. Infrequently, benefits or costs will be the same in constant dollars for all years. In these limited cases, an applicant can calculate the formula for the present value of an ordinary annuity instead of showing a year-by-year calculation.¹⁰

Forecasting

Benefit-cost analyses of transportation projects almost always depend on forecasts of projected levels of usage (road traffic, port calls, etc.). When an applicant is using such forecasts to generate benefit estimates, it must assess the reliability of these forecasts. If the applicant is using outside forecasts, it must provide a citation and an appropriate page number for the forecasts. An applicant should carefully review any outside forecasts for reliability before using them in its analyses. In cases where an applicant is using its own estimates, it should clearly demonstrate in the analysis the methodology it used to forecast affected population (e.g., traffic). The number of individuals who enjoy the benefits of a project will partly determine the net benefits of the project. Consequently, accurate forecasts are essential to conducting a quality benefit-cost analysis. Applicants should also take great care to match forecasts of affected population to the corresponding year. For example, using projected traffic levels for 2030 to generate benefits for all the earlier years is incorrect. For more information on forecasting, applicants can refer to the forecasting section of FHWA's Economic Analysis Primer (<http://www.fhwa.dot.gov/infrastructure/asstmgmt/primer06.cfm>). While produced for analysis of highway projects, the primer is a good source of information on issues related to all transportation forecasting.

¹⁰ See <http://www.brighthub.com/money/personal-finance/articles/17948.aspx>. For example, 10.564 is the discount factor that would be multiplied by an annual benefit to get the present value of a constant benefit stream over 20 years at a discount rate of seven percent. If the constant annual benefit is \$500,000, then the present value of the benefits is \$5.297 million. In these limited cases, the applicant must show the calculation of the discount factor of the ordinary annuity formula.

counting. For example, applicants must not count both the reductions in fuel costs and the overall reductions in operating costs, because fuel costs are part of operating costs.

One particular form of reduced operating costs is travel time savings. Road improvements or other projects whose purpose is to relieve congestion frequently generate travel time savings for travelers and shippers that contribute to economic competitiveness. Where this is the case, applicants should clearly demonstrate how the travel time savings are calculated and should account for induced travel demand to the extent practical or applicable. If travel time savings vary over time, the applicant must clearly show savings by year. Once the applicant generates its estimate of hours saved, it should apply the Department's guidance on the value of time to those estimates (<http://ostpxweb.dot.gov/policy/reports.htm>) to monetize them.

Freight-related projects that improve roads, rails, and ports frequently generate savings to shippers that they pass on to consumers (e.g., fuel savings and other operating cost savings). If applicants are projecting these savings as benefits, they need to carefully demonstrate how the proposed project would generate such benefits. However, savings to freight carriers can not be counted along with savings to shippers that are passed along from the carrier to the shipper.

Applicants should also guard against analysis that double-counts other kinds of benefits. Analysis should distinguish between real benefits and transfer payments. Benefits reflect real resource usage and overall benefits to society, while transfers represent payments by one group to another and do not represent a net increase in societal benefits. Employment or output multipliers that purport to measure secondary effects should not be included as societal benefits because these secondary effects are generally the same (per dollar spent) regardless of what kind of project is funded.

As noted earlier in this Appendix (see *Benefit-Cost Analysis vs. Economic Impact Analysis*), applicants must be extremely cautious about including job creation and economic development benefits as societal benefits in the benefit-cost analysis. In the case of job creation, for example, every job represents both a cost to the employer (paying a wage) and a benefit to the employee (receiving a wage), so it is a transfer payment, rather than a net benefit. However, if a project increases the productivity of labor, then the applicant can count the increased

productivity as a benefit. For example, if the project allows workers working at low-productivity jobs to switch to high-productivity jobs, then the increase in their productivity can be counted as a benefit. But the applicant needs to demonstrate rigorously how such productivity benefits are estimated and the exact time period over which the productivity benefits occur. Simply asserting these gains is inadequate.

With respect to economic development, estimates of capital investments or property tax revenues are not legitimate benefits in a benefit-cost analysis. A property tax is a benefit to the tax assessor, but it is a cost to the taxpayer. An applicant can potentially claim an increase in the value of land as a benefit if the transportation project increases the value and productivity of the land. However, the applicant needs to count the increase in the value of the land carefully to avoid double counting and transfer payments. For example, if the property value goes up by the exact same value as the developer's investment, then this is not a benefit. Property value increases over and above the developer's investment may potentially be a benefit from the project. However, if this property value increase is due to improved travel times that the applicant has already included as a benefit then there is no additional benefit here. The analysis should also consider to what extent an increase in land values induced by the project in one area causes a reduction in land values in some other area. Only the net increase in land value can be counted as a benefit.

Applicants must carefully net out any embedded time savings in the property value increase before claiming any benefits. Simply asserting that there is a property tax increase net of time savings is inadequate. The Department expects any applicant claiming these types of benefits to provide a rigorous justification of the benefit that shows how it is derived from the project (rather than from some other non-project investment) and that shows how increases in property values attributable to other benefits (such as travel time savings) have been deducted. Applicants should note that any claimed societal benefit from a property value increase is only a one-time stock benefit. Applicants can not treat it as a stream of benefits accruing annually.

Types of Benefits—Safety

Road projects can also improve the safety of transportation. A well-designed project can reduce fatalities and injuries as well as reduce other crash costs, such as hazardous materials releases. The

applicant should clearly demonstrate how the project will improve safety. For example, to claim a reduction in fatalities, an applicant must clearly demonstrate how the existence of the project would have prevented the types of fatalities that commonly occur in that area. Applicants should use crash causation factors or similar analyses of causes of crashes to show the extent to which the type of improvements proposed would actually reduce the likelihood of the kinds of crashes that actually had occurred. Alternatively, when only a few cases are involved, the applicant should provide a description of the incidents and demonstrate the linkage between the proposed project and crash reduction. In some cases, safety benefits may occur because of modal diversion from a less safe mode to a more safe mode. When this type of benefit is claimed, the applicant should provide a clear analysis of why the forecasted modal diversion will take place. Once the applicant has established a reasonable count of the incidents that are likely to be prevented by the project, it should apply the Department's guidance on value of life and injuries (<http://ostpxweb.dot.gov/policy/reports.htm>) to monetize them. Sources of information on the social benefits of reducing crash costs are discussed in Chapter VIII of the Final Regulatory Impact Analysis of the National Highway Traffic Safety Administration's rulemaking on Corporate Average Fuel Economy for MY 2011 Passenger Cars and Light Trucks (<http://www.nhtsa.dot.gov/portal/site/nhtsa/menuitem.d0b5045b55bfbe582f57529cdbc048a0/>). The economic values of various benefits are summarized in Table VIII-5 on page VIII-60.

Types of Benefits—State of Good Repair

Many infrastructure projects that improve the state of good repair of transportation infrastructure can reduce long-term maintenance and repair costs. These benefits are in addition to the benefits of reductions in travel time, shipping costs, and crashes which the applicant should account for separately. Applicants should include these maintenance and repair savings as benefits. Improving state of good repair may also reduce operating costs and congestion by reducing the amount of time that the infrastructure is out of service due to maintenance and repairs, or may prevent a facility (such as a bridge) from being removed from service entirely. In the latter case, the analysis should include a reasonable assessment of the cost that closing the facility would have on system users who would

Appendix B: Additional Information on Applying Through Grants.gov

Applications (Stage 2) for TIGER II Discretionary Grants must be submitted through Grants.gov. To apply for funding through Grants.gov, applicants must be properly registered. Complete instructions on how to register and apply can be found at <http://www.grants.gov>. If interested parties experience difficulties at any point during registration or application process, please call the Grants.gov Customer Support Hotline at 1-800-518-4726, Monday-Friday from 7 a.m. to 9 p.m. EST.

Registering with Grants.gov is a one-time process; however, processing delays may occur and it can take up to several weeks for first-time registrants to receive confirmation and a user password. It is highly recommended that applicants start the registration process as early as possible to prevent delays that may preclude submitting an application by the deadlines specified. Applications will not be accepted after the relevant due date; delayed registration is not an acceptable reason for extensions. In order to apply for TIGER II Discretionary Grant funding under this announcement and to apply for funding through Grants.gov, all applicants are required to complete the following:

1. **Acquire 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 (Data Universal Numbering System) 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 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 sub-recipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Obtain a DUNS number by calling 1-866-705-5711 or by applying online at <http://www.dunandbrodstreet.com>.

2. **Acquire or Renew Registration With the Central Contractor Registration (CCR) Database.** All applicants for Federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. An applicant must be registered in the CCR to successfully register in Grants.gov. The CCR database is the

repository for standard information about Federal financial assistance applicants, recipients, and sub-recipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status, so it is critical to check registration status well in advance of relevant application deadlines. Information about CCR registration procedures can be accessed at <http://www.ccr.gov>.

3. **Acquire an Authorized Organization Representative (AOR) and a Grants.gov Username and Password.** Complete your AOR profile on Grants.gov and create your username and password. You will need to use your organization's DUNS Number to complete this step. For more information about the registration process, go to http://www.grants.gov/applicants/get_registered.jsp.

4. **Acquire Authorization for Your AOR From the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at your organization must log in to Grants.gov to confirm you as an AOR. Please note that there can be more than one AOR for your organization.

5. **Search for the Funding Opportunity on Grants.gov.** Please use the following identifying information when searching for the TIGER II funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 20.933, titled Surface Transportation Infrastructure Discretionary Grants for Capital Investments II.

6. **Submit an Application Addressing All of the Requirements Outlined in This Funding Availability Announcement.** Within 24-48 hours after submitting your electronic application, you should receive an e-mail validation message from Grants.gov. The validation message will tell you whether the application has been received and validated or rejected, with an explanation. You are urged to submit your application at least 72 hours prior to the due date of the application to allow time to receive the validation message and to correct any problems that may have caused a rejection notification.

Note: When uploading attachments please use generally accepted formats such as .pdf, .doc, and .xls. While you may embed picture files such as .jpg, .gif, .bmp, in your files, please do not save and submit the attachment 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.

Experiencing Unforeseen Grants.gov Technical Issues

If you experience unforeseen Grants.gov technical issues beyond your control that prevent you from submitting your application by the deadline, you must contact Robert Mariner at 202-366-8914 or Robert.Mariner@dot.gov within 24 hours after the deadline and request approval to submit your application. At that time, DOT staff will require you to e-mail the complete grant application, your DUNS number, and provide a Grants.gov Help Desk tracking number(s). After DOT staff review all of the information submitted as well as contacts the Grants.gov Help Desk to validate the technical issues you reported, DOT staff will contact you to either approve or deny your request to submit a late application. If the technical issues you reported cannot be validated, your application will be rejected as untimely.

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

Issued on: May 26, 2010.

Ray LaHood,
Secretary.

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DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****Notice To Rescind Notice of Intent To Prepare an Environmental Impact Statement: Franklin and Warren Counties, MO**

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Rescind Notice of Intent to prepare an environmental impact statement.

SUMMARY: The FHWA is issuing this notice to advise the public that we are rescinding the Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for improvements that were proposed for Route 47 in Franklin