



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.8.

4/21/2020

### Subject:

Approval, Re: Authorizing Resolution, Grant Application, Execution of Follow Up Grant Agreement with Federal Transit Administration re: FY2020 Space Coast Area Transit CARES Act Formula Grant

### Fiscal Impact:

\$17,872,063 from Federal Transit Administration CARES Act Funds (4136/TBD)

### Dept/Office:

Transit Services

### Requested Action:

It is requested that the Board of County Commissioners approve the following actions for the 2020 CARES ACT Urbanized Area Formula Program from the Federal Transit Administration (FTA) in the amount of \$17,872,063:

- the Chair to sign the Authorizing Resolution,
- the Chair to sign the Grant Application,
- the Chair to sign the Designation of Signature authority allowing staff to submit the Grant electronically,
- Authorize the County Manager to execute necessary Budget Change Requests,
- the Transit Director to execute and submit the Grant Agreement electronically, contingent upon County Attorney and Risk Management approval,
- the Transit Director to execute any additional follow-up documentation/resolutions and amendments necessary to secure these funds.

### Summary Explanation and Background:

On Friday, March 27, 2020 the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law. The CARES Act provided for \$25 billion in Federal Transit Administration (FTA) funds for public transit formula operating and capital grants to prevent, prepare for, and respond to COVID-19 pandemic. The bill provided that FTA distribute the transit funds proportionally based on the ratio funding of four specific programs; one of which is the Urbanized Area Formula Grants (49 U.S.C. 5307). Space Coast Area Transit/Brevard County Board of County Commissioners is an eligible recipient of Section 5307 funds.

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The CARES Act transit funds were established to provide funding to prevent, prepare for and respond to the COVID-19 pandemic. The guidelines for utilizing these funds are still coming through and so far two conference calls have been held. What we have been instructed by the Federal Transit Administration is:

- The funds are 100% federal share; no local funding.
- Priority for funding is operational expenses; however, all activities normally eligible under Section 5307 formula program, including planning and capital are eligible.
- Operating expenses are those costs necessary to operate, maintain and manage a public transportation system.
- There is no limit on the amount of funds that may be used for operating expenses for fixed route or paratransit service.
- Expenses may be incurred starting on January 20, 2020.
- Funds are available until expended; no lapse date to obligate funds.
- Transit systems are encouraged to spend funds expeditiously to respond to local needs.

The bill gave the Federal Transit Administration seven days to apportion these funds from the date of enactment. Using the FY2020 apportionment formulas, Space Coast Area Transit's eligible apportionment is \$15,478,622 (Palm Bay/Melbourne Large Urbanized Area) and \$2,393,441 (Titusville Small Urbanized Area).

The total CARES Act Grant will include the following line items:

100% Federal share operating (Palm Bay/Melbourne)	\$15,478,622
100% Federal share operating (Titusville)	\$2,393,441
<b>TOTAL APPLICATION AMOUNT</b>	<b>\$17,872,033</b>

These are currently some of the expenses/projects that Transit Services will be applying towards the grant:

Salaries and Benefits (January 25, 2020 - September 30, 2020, or later)  
 Preventative Maintenance (January 20, 2020-September 30, 2020, or later)  
 Personal Protective Equipment (January 20, 2020-September 30, 2020, or later)  
 Cleaning Services and supplies (January 20, 2020-September 30, 2020, or later)  
 Telecommuting Equipment  
 Alternate Site Contingency  
 Operators Protective Barriers on Buses  
 Retrofitting Cloth Bus Seats to Hard Plastic Seats

We are currently researching many alternatives for sanitization and cleaning of the buses and terminals. As we receive further instructions and clarification from FTA, more projects and expenses will be applied towards the grant allocation.

The CARES Act is 100% federally funded and no local match is required. At this time, we are unsure how accessing CARES Act will impact other budgeted revenue.

**Clerk to the Board Instructions:**

Please return one set of the signed Authorizing Resolution, signed Grant Application, signed Designation of Signature Authority and Board Memo to Transit Services.



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

April 22, 2020

MEMORANDUM

TO: Scott Nelson, Transit Services Director

RE: Item F.8., Approval for Authorizing Resolution, Grant Application, Execution of Follow Up Grant Agreement with Federal Transit Administration for FY2020 Space Coast Area Transit CARES Act Formula Grant

The Board of County Commissioners, in regular session on April 21, 2020, approved the following actions for the FY 2020 CARES Act Urbanized Area Formula Program from the Federal Transit Administration (FTA) in the amount of \$17,872,063:

- authorized the Chair to execute Resolution No. 20-034;
- authorized the Chair to execute the Grant Application;
- authorized the Chair to execute the Designation or Signature authority allowing staff to submit the Grant electronically;
- authorized the County Manager to execute necessary budget change requests;
- authorized you to execute and submit grant agreement electronically, contingent upon County Attorney and Risk Management approval; and
- authorized you to execute any additional follow-up documentation/resolutions and amendments necessary to secure these funds.

Enclosed is a fully-executed Resolution, Grant Application, and Designation of Signature of Authority.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Kimberly Powell, Deputy Clerk

/kp

Encls. (3)

cc: Risk Management  
County Manager  
County Attorney  
Finance  
Budget

RESOLUTION NO. 20- 034

RESOLUTION authorizing the filing of application(s) with the Department of Transportation, United States of America, for grant(s) under the Urban Mass Transportation Act of 1964, as amended.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects and budgets; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program; and

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with these project(s), and that definite procedures shall be established and administered to ensure that minority business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA,

1. That the Chair, Brevard County Board of County Commissioners, is authorized to execute and file application(s) on behalf of the Board of County Commissioners, Brevard County, Florida, with the U. S. Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended.
2. That the Chair, Brevard County Board of County Commissioners, is authorized to execute and file with such applications an assurance or any other document required by the U. S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That the Transit Director, Brevard County Space Coast Area Transit is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application for the program of projects.
4. That the Transit Director, Brevard County Board of County Commissioners, is authorized to execute grant agreement on behalf of Brevard County Board of County Commissioners, Brevard County, Florida, with the U. S. Department of Transportation for aid in the financing of the planning, capital, and/or the operating assistance program of projects.

CERTIFICATION

The undersigned duly qualified and acting Chair, Brevard County Board of County Commissioners, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Board of County Commissioners, Brevard County, Florida, held on April 21, 2020.

BY



Bryan Lober, Chair  
Brevard County Board of County Commissioners  
As approved by the Board on 4/21/2020

(SEAL)



Scott Ellis, Clerk

**Application for Federal Assistance SF-424**

**\* 1. Type of Submission:**

- ☐ Preapplication  
☒ Application  
☐ Changed/Corrected Application

**\* 2. Type of Application:**

- ☒ New  
☐ Continuation  
☐ Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

**\* 3. Date Received:**

05/21/2019

**4. Applicant Identifier:**

**5a. Federal Entity Identifier:**

**5b. Federal Award Identifier:**

**State Use Only:**

**6. Date Received by State:**

**7. State Application Identifier:**

**8. APPLICANT INFORMATION:**

**\* a. Legal Name:**

Brevard County Board of County Commissioners

**\* b. Employer/Taxpayer Identification Number (EIN/TIN):**

59-6000523

**\* c. Organizational DUNS:**

8301721930000

**d. Address:**

**\* Street1:**

401 S. Varr Ave

**Street2:**

**\* City:**

Cocoa

**County/Parish:**

**\* State:**

FL: Florida

**Province:**

**\* Country:**

USA: UNITED STATES

**\* Zip / Postal Code:**

32922-8632

**e. Organizational Unit:**

**Department Name:**

Transit Services

**Division Name:**

**f. Name and contact information of person to be contacted on matters involving this application:**

**Prefix:**

Mr.

**\* First Name:**

Scott

**Middle Name:**

**\* Last Name:**

Nelson

**Suffix:**

**Title:**

Transit Services Director

**Organizational Affiliation:**

**\* Telephone Number:**

321-635-7815

**Fax Number:**

321-633-1905

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**\* Email:**

scott.nelson@brevardfl.gov

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

B: County Government

**Type of Applicant 2: Select Applicant Type:**

**Type of Applicant 3: Select Applicant Type:**

**\* Other (specify):**

**\* 10. Name of Federal Agency:**

Federal Transit Administration

**11. Catalog of Federal Domestic Assistance Number:**

20507

**CFDA Title:**

Urbanized Area (CARES)

**\* 12. Funding Opportunity Number:**

5307-6

**\* Title:**

Urbanized Area (CARES)

**13. Competition Identification Number:**

**Title:**

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Add Attachment

Delete Attachment

View Attachment

**\* 15. Descriptive Title of Applicant's Project:**

CARES Act Operating Assistance for Brevard County, Florida

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424****16. Congressional Districts Of:**\* a. Applicant \* b. Program/Project 

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**\* a. Start Date: \* b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="17,872,033.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="17,872,033.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☒ a. This application was made available to the State under the Executive Order 12372 Process for review on
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

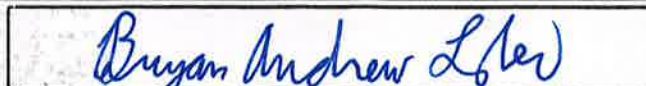
Middle Name:

\* Last Name:

Suffix:

\* Title: \* Telephone Number:  Fax Number: \* Email: 

\* Signature of Authorized Representative:

\* Date Signed: 

ATTEST:   
SCOTT ELLIS, CLERK OF COURT



Administration Office  
401 S. Varr Avenue  
Cocoa, FL 32922  
Office: 321.635.7815  
Fax: 321.633.1905



DESIGNATION OF SIGNATURE AUTHORITY  
For The  
TRANSIT AWARD MANAGEMENT SYSTEM  
(TrAMS)

The Brevard County Board of County Commissioners hereby designates Scott J. Nelson, Transit Services Director, and Karen Petters, Finance Officer, as authorized to access the Federal Transit Administration's (FTA) Electronic Application/Award Management System, also referred to as the Transit Award Management System (TrAMS), and use a Personal Identification Numbers (PIN) to execute the annual Certifications and Assurances issued by the Federal Transit Administration (FTA), to transmit and submit all applications to FTA for Federal assistance (or amendments thereafter), and to execute all awards of FTA assistance on behalf of the officials named below, thus binding the Applicant/Recipient's compliance with FTA's requirements.

A handwritten signature in blue ink that reads "Bryan Andrew Lober".

Bryan Lober, Chair  
Brevard County Board of County Commissioners  
As approved by Board on April 21, 2020

ATTEST:

A handwritten signature in blue ink that appears to read "Scott Ellis".

Scott Ellis, Clerk



RideLine 321.633.1878

321Transit.com

Vanpool 321.952.4562

## PROJECT JUSTIFICATION

**SCOPE:     OPERATING ASSISTANCE**

100% Operating Assistance – 30.09.01

These funds will be used for the prevention, preparation for, and response to COVID-19.

### Grant Budget

<b>FTA</b>		
<b>ACT. #</b>	<b>ITEM DESCRIPTION</b>	<b>FY2020</b>
30.09.01	100% Federal Share Operating (Palm Bay / Melbourne)	\$15,478,622
30.09.01	100% Federal Share Operating (Titusville)	\$2,393,441
	<b>TOTAL CAPITAL</b>	<b>\$17,872,063</b>

NOTICE OF INTENT TO APPLY FOR FEDERAL ASSISTANCE

This is a notice of intent of the Brevard County Board of County Commissioners to apply for Federal assistance under the Federal Transit Administration CARES Act (Section 5307).

FY 2020 CARES Act:

100% Federal share operating (Palm Bay/Melbourne)	\$15,478,622
100% Federal share operating (Titusville)	\$2,393,441
<b>TOTAL CAPITAL</b>	<b>\$17,872,033</b>

The Brevard County Board of County Commissioners will approve the request to submit a grant application to fund the above Program of Projects to the Federal Transit Administration at their April 21, 2020 meeting. If any citizen has a comment on the above projects or wishes to request that a public hearing be held on this program or would like to receive this Program of Projects, they can write to or visit: Space Coast Area Transit Director, 401 South Varr Avenue, Cocoa, FL 32922. This is the draft Program of Projects and if no comments are received and the Board of County Commissioners makes no changes, the draft Program of Projects will stand as the final Program of Projects.

By: Scott Nelson, Director  
Space Coast Area Transit  
Brevard County Board of County Commissioners

Administration Office  
401 S. Varr Avenue  
Cocoa, FL 32922  
Office: 321.635.7815  
Fax: 321.633.1905



April 6, 2020

Brevard County Board of County Commissioners  
d/b/a Space Coast Area Transit  
401 S. Varr Ave  
Cocoa, FL 32904

Dear Chair,

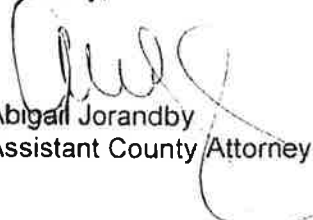
This communication will serve as the requisite opinion of counsel to be filed with the Federal Transit Administration, United States Department of Transportation, in connection with the application of Brevard County Board of County Commissioners (d/b/a Space Coast Area Transit) for federal transportation assistance authorized by 49 U.S.C. Chapter 53; Title 23, United States Code; and other federal statutes authorizing activities administered by the Federal Transit Administration.

Brevard County Board of County Commissioners (d/b/a Space Coast Area Transit) is the designated recipient as defined at 49 U.S.C. 5307(a) (2).

Citations to laws, regulations, etc. establishing the legal authority of Brevard County Board of County Commissioners (d/b/a Space Coast Area Transit) to carry out transportation projects for which federal assistance is sought is set forth below:

1. Brevard County Board of County Commissioners (d/b/a Space Coast Area Transit) is authorized by Section 125.01(l), Florida Statutes, to provide and assist transportation in Brevard County, Florida.
2. The authority of Brevard County Board of County Commissioners to provide funds for the local share of the project is set forth in Florida Department of Transportation Block Grant and Brevard County Budget, General Funds.
3. I have reviewed the pertinent federal, state, and local laws, and I have concluded that there is no legal impediment to you filing an application for the project for which Brevard County Board of County Commissioners (d/b/a Space Coast Area Transit) seeks assistance. Furthermore, as a result of my examination, I find that there is no pending or threatened litigation or other action which might in any way adversely affect the proposed project or the capability of Brevard County Board of County Commissioners (d/b/a Space Coast Area Transit) to carry out the project.

Sincerely,



Abigail Jorandby  
Assistant County Attorney



RideLine 321.633.1878

321Transit.com

Vanpool 321.952.4562



FEDERAL TRANSIT ADMINISTRATION

**Coronavirus Aid, Relief, and  
Economic Security Act  
(CARES) Act of 2020  
Implementation**

**Tuesday, April 7, 2020**



U.S. Department of Transportation  
Federal Transit Administration

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## CARES Act of 2020

- Since initial reports of the novel coronavirus in December, more than 1 million people have tested positive for COVID-19
- Transit providers have seen a drastic decrease in ridership and revenue as a result of social distancing, while incurring unplanned costs for health and safety
- On March 27<sup>th</sup>, the CARES Act was signed into law providing \$2 trillion in support for a variety of industries affected by COVID-19, including the transit industry

## **CARES PROVIDES \$25B for TRANSIT**

- The CARES Act provides an unprecedented \$25 billion in funding to support the transit industry response to COVID-19
  - Urbanized Area Formula Program (49 USC 5307): \$22.7 billion
  - Formula Grants for Rural Areas (49 USC 5311): \$2.2 billion
    - Includes \$30 million for Tribal Transit formula program
  - \$75 million for administration and oversight



## **Urbanized Area and Rural Area Formula Program Activities are Eligible**

- Beginning January 20, 2020, all activities normally eligible under the Urbanized Area (49 USC 5307) and Rural Area (49 USC 5311) formula programs are eligible for CARES Act funding, including:
  - Planning
  - Capital (preventive maintenance, rolling stock, equipment, etc.)
  - Operating

## Operating Expenses Also Eligible

- Operating expenses for all recipients, including large urbanized areas, are eligible beginning January 20, 2020
  - Includes paying administrative leave of operations personnel due to reductions in service or quarantine
  - There is no limit on the amount of funds that may be used for operating expenses
  - There is no limit on the amount of funds that may be used for paratransit service
  - Charter service in response to the COVID-19 emergency may be provided for up to 45 days without a waiver

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## Funding Features

- 100 percent federal share for all projects funded by CARES Act
- Pre-award authority for all projects starting on January 20, 2020
  - Expenses may be incurred prior to grant award
- Funds are available until expended
  - No lapse date
  - Recipients are encouraged to use funds expeditiously

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## **Normal Program Requirements Apply**

- All Federal transit program (49 USC Ch. 53) requirements apply to CARES Act funding
  - DOL certification
  - A new split letter is required (if applicable)
  - The intercity bus (49 USC 5311(f)) requirement

## Exceptions to Normal Requirements

- Some expenses do not need to be in a TIP/STIP or long-range transportation plan
  - Operating expenses
  - Capital expenses that do not involve a substantial change to the location, function, or capacity of an asset

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## Emergency Relief Docket

- Appropriate for grantees who need to ask for additional regulatory or statutory relief above and beyond what is already provided, based on their specific circumstances
- Docket FTA-2020-0001 at [www.regulations.gov](http://www.regulations.gov)
- For all other questions, please email [FTAresponse@dot.gov](mailto:FTAresponse@dot.gov)

## Urbanized Area and Rural Area Formula Programs Emergency Relief Funds

- On March 13<sup>th</sup>, FTA announced expanded eligibility and increased federal shares for the Urbanized Area (5307) and Rural Area (5311) formula programs
- Under FTA's Emergency Relief (ER) Program, Urbanized Area and Rural Area formula funds may be used for expenses related to a declared emergency
  - Federal public transportation law does not provide similar authorities for other grant programs
- This action gave all recipients the flexibility to use Urbanized Area and Rural Area formula funds previously apportioned for capital and operating expenses directly related to COVID-19 response with an increased federal share of up to 80%
- This option remains available for COVID-19 response, in addition to the availability of CARES Act funds

## CARES Act Coding in TrAMS

### New Application in TrAMS

- Section code is consistent with 5307 – **90** and 5311 – **18**
- Appropriation Code is **29**
- Limitation (LIM) Code is either **CV, AV, TV**

Short Code	Program	Account Class Code	Fiscal Year	Approp. Code	Section Code	LIM Code	Auth. Type
5307-6	Urbanized Area (CARES)	2020.29.90.CV.1	2020	29	90	CV	I
5311-5	Rural Area (CARES)	2020.29.18.CV.1	2020	29	18	CV	I
5311-6	Appalachian Dev (CARES)	2020.29.18.AV.1	2020	29	18	AV	I
5311-7	Tribal (CARES)	2020.29.18.TV.1	2020	29	18	TV	I

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**FTA**

FEDERAL TRANSIT ADMINISTRATION



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## Separate TrAMS Grants

- CARES Act funds must be awarded as separate grants (from non-CARES funding)
  - Needed as funding has different period of availability and match requirement
  - ECHO drawdowns

## CARES Act Cash Disbursements Drawdowns in ECHO-Web

- Electronic Clearing House Operation (ECHO)-Web is a web application that allows FTA grant recipients to request payments from their grant awards
- Payments are processed twice a day, Monday - Friday
- Funds requested by 2pm eastern time on business days are usually deposited to the requester's bank account the next business day
- Initiate a payment request only for immediate disbursement needs
  - Excess funds held longer than three days must be returned to FTA along with any interest earned
- Notify your FTA Regional Office if payment request will exceed \$50 million
  - FTA must provide Treasury with 72 hours prior notice for requests exceeding \$50 million

## Emergency Relief (COVID-19) Coding in TrAMS

### New Application in TrAMS

- Section code is consistent with 5307 – 90 and 5311 – 18
- Appropriation Code is 25
- Limitation (LIM) Code is **ER**
- Authority Type is 2

Program	Account Class Code	Fiscal Year	Approp. Code	Section Code	LIM Code	Auth. Type
5307 – Urbanized Area Formula	2020.25.90.ER.2	2020	25	90	ER	2
5311 - Rural Area Formula	2020.25.18.ER.2	2020	25	18	ER	2

## Emergency Relief (COVID-19) Coding in TrAMS

### Amendment (Transfer) Steps of Existing Award to ER in TrAMS

1. Include Financial Purpose Code amounts, if applicable
2. Change Limitation (LIM) Code from 9I or 8I to **ER** in TrAMS

Program	Account Class Code From	Account Class Code To
5307 – Urbanized Area Formula	2020.25.90.9I.2	2020.25.90.ER.2
5311 - Rural Area Formula	2020.25.18.8I.2	2020.25.18.ER.2

## For More Information

- FTA's website – please visit [transit.dot.gov](http://transit.dot.gov)
  - FAQs are posted with more on the way
  - CARES Act apportionment tables for Urbanized Area, Rural Area, and Tribal Transit are available now
  - A recorded webinar has been posted
- CARES Act Apportionment Notice to be published in the Federal Register
- Email support:
  - Questions on federal requirements and funding eligibility:  
[FTAResponse@dot.gov](mailto:FTAResponse@dot.gov)
  - ECHO-Web technical support and inquiries:  
[FTA.ECHOWeb@dot.gov](mailto:FTA.ECHOWeb@dot.gov)



FEDERAL TRANSIT ADMINISTRATION



Federal Transit  
Administration  
[www.fta.dot.gov](http://www.fta.dot.gov)

**FTA**

FEDERAL TRANSIT ADMINISTRATION