

City of Las Cruces®

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Council Action and Executive Summary

Item # 14 Resolution# 11-010 Council District: all

For Meeting of July 6, 2010

(Adoption Date)

TITLE: A RESOLUTION ALLOWING COMMUNITY DEVELOPMENT STAFF TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR FY 2010 DISCRETIONARY LIVABILITY FUNDING OPPORTUNITY: ALTERNATIVES ANALYSIS PROGRAM TO STUDY PUBLIC TRANSPORTATION ALTERNATIVES IN THE LAS CRUCES TO EL PASO TRAVEL CORRIDOR IN THE AMOUNT OF \$1.5 MILLION.

PURPOSE(S) OF ACTION: A resolution to authorize City staff to submit an application to the Federal Transit Administration in the amount of \$1.5 million in order to conduct an Alternatives Analysis of public transportation options in the Las Cruces/El Paso corridor. The New Mexico Department of Transportation Transit and Rail Bureau has estimated the total cost for an Alternatives Analysis in this corridor to be \$1.875 million and the grant program requires a 20% local match to receive the funding. An Alternatives Analysis is the next step that needs to be taken in order to evaluate the potential for commuter rail between the two cities if federal funding is to be used in starting rail service.

Name of Drafter: <i>Tom Murphy</i> Tom Murphy		Department: Community Development		Phone: 528-3225	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>[Signature]</i>	528-3066	Budget	<i>[Signature]</i>	541-2107
Grants Administrative Office	<i>[Signature]</i>	541-2281	Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces and the City of El Paso are located 45 miles apart and have significant commuter traffic according to the 2000 Census Journey to Work data. The two communities often share common interests and periodically meet to discuss these interests. At the April 15, 2009 joint meeting, staff was directed to look for opportunities to advance the case for commuter rail between the two cities. Among the needs that the region share and that commuter rail would address are: a need to develop green transportation options; provide more transportation choices; and better connect the two cities to foster greater economic competitiveness and development for the greater region. This grant opportunity offers a special opportunity to the City of Las Cruces as its criteria is based on the US DOT's Livability Initiative and the City is one of only four cities nationwide that is part of the pilot program.

An Alternatives Analysis (AA) is the bridge between systems planning at the metropolitan scale and preliminary engineering. AA is the process for reaching a broad consensus on what type of improvements best meet locally defined goals and objectives for a specified corridor. Involvement will be required from the City of Las Cruces, the City of El Paso, the El Paso

MPO, the Las Cruces MPO, the New Mexico Department of Transportation, the Texas Department of Transportation, and the Federal Transit Administration. The AA process also contains a formal citizen participation process.

The funding for the local match (estimated at \$375,000) has not been identified at this point as the call for projects was recent and the application window is short. The grant announcement was made on May 28, 2010 and closes on July 12, 2010. The last time the FTA made a call for projects under the Alternatives Analysis Program was in 2007. The grant process is highly competitive and there is no guarantee that Las Cruces will receive any funding. We are at this time soliciting partnerships with other transportation entities and local governments in an attempt to garner participation in all related aspects of the program including related match commitments if the application is allowed to proceed.

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

SUPPORT INFORMATION:

1. Resolution
2. Exhibit A: Notice of Availability of FTA Alternatives Analysis Funds: Solicitation of Project Proposals.
3. Exhibit B: Grant Overview Worksheet
4. Exhibit C: email from NMDOT Transit and Rail Division

OPTIONS / ALTERNATIVES:

1. Vote YES to approve the Resolution. This action authorizes staff to submit an application.
2. Vote NO to deny the Resolution. This action does not authorize staff to proceed and the application deadline will pass.
3. Modify the Resolution and vote YES to approve the modified Resolution

RESOLUTION NO. 11-010

A RESOLUTION ALLOWING COMMUNITY DEVELOPMENT STAFF TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR FY 2010 DISCRETIONARY LIVABILITY FUNDING OPPORTUNITY: ALTERNATIVES ANALYSIS PROGRAM TO STUDY PUBLIC TRANSPORTATION ALTERNATIVES IN THE LAS CRUCES TO EL PASO TRAVEL CORRIDOR IN THE AMOUNT OF \$1.5 MILLION.

WHEREAS, the Federal Transit Administration has announced the availability of up to \$25.7 million in discretionary Fiscal Year (FY) 2009 and 2010 funds under the Alternatives Analysis Program (49 U.S.C. 5339) and awards could range from \$50,000 to up to \$2 million in Section 5339 funding, and

WHEREAS, the NMDOT Transit and Rail Division has estimated that total program cost will be \$1.875 million that would be split 80% federal (\$1.5 million) and 20% local match (\$375,000), and

WHEREAS, the discretionary program funds will be distributed in accordance with the mission of the Alternatives Analysis Program and in support of the Department of Transportation Livability Initiative, and

WHEREAS, the City of Las Cruces is one of only four US cities selected to participate in the Environmental Protection Agency's 2010 Smart Growth Implementation Assistance (SGIA) program, and

WHEREAS, there are an estimated 30,000 commuter trips between Las Cruces and El Paso each day and staff was directed to identify opportunities to advance commuter rail at a recent joint Las Cruces/ El Paso City Councils meeting , and

WHEREAS, regional public transit would enable increased federal and state transit investment in New Mexico, while extending the life of existing roads and highways, thus protecting current and future investment in the state's transportation infrastructure.

NOW THEREFORE, Be it Resolved by the Governing Body of the City of Las Cruces:

(I)

THAT the City staff is authorized to submit an electronic proposal through the GRANTS.GOV website by the July 12, 2010 deadline in the amount of \$1.5 million.

(II)

THAT if successful in the application process, a subsequent resolution will be brought forward seeking approval for acceptance. That said subsequent resolution will identify all applicable partners and sources of match funding as necessary.

(III)

THE City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 20__.

APPROVED:

Mayor Ken Miyagishima

ATTEST:

City Clerk

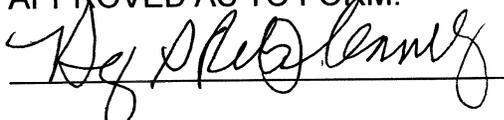
VOTE:

Mayor Ken Miyagishima _____
Councillor Silva _____
Councillor Connor _____
Councillor Pedroza _____
Councillor Small _____
Councillor Sorg _____
Councillor Thomas _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney



Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
Modification Special Permits				
10407-M		Thermo Process Instruments, LP 175.3 (Former Grantee: Thermo Measure Tech), Sugar Land, TX	49 CFR 173.302a(a);	To modify the special permit to authorize the addition of Boron trifluoride.
10646-M		Schlumberger Technologies Corporation, Sugar Land, TX	49 CFR 173.302	To modify the special to authorize additional Division 2.1 and 2.3 hazardous materials.
10785-M		Thermo Process Instruments, LP (Former Grantee: Thermo Measure Tech), Sugar Land, TX	49 CFR 173.301(a)(1), 173.302a, 175.3.	To modify the special permit to authorize the addition of Boron trifluoride.
14466-M		Alaska Central Express, Inc., Anchorage, AK	49 CFR 172.101 Column (9B)	To modify the special permit to authorize an additional Division 1.1D hazardous material.
14546-M		Linde Gas North America LLC, Murray Hill, NJ	49 CFR 180.209	To modify the special permit to remove the requirement to comply with 49 CFR 172.203(a), marking of shipping papers.
14573-M		Polar Tank Trailer, LLC, Holdingford, MN	49 CFR 178.345-2	To modify the special permit to authorize the use of an alternative duplex stainless steel.
14763-M		Weatherford International, Forth Worth, TX	49 CFR 173.302a and 173.301(f).	To modify the special permit to change the minimum elongation from 12% to 10%.
14844-M		Northern Air Cargo, Anchorage, AK	49 CFR 173.302(f)	To modify the special permit to authorize cylinders of less than 116 cubic feet to be used after June 30, 2010, to include other oxidizing gases and that the human and veterinary use only provision be removed.

[FR Doc. 2010-12717 Filed 5-27-10; 8:45 am]

BILLING CODE 4909-60-M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2010 Discretionary Livability Funding Opportunity: Alternatives Analysis Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Availability of FTA Alternatives Analysis Funds: Solicitation of Project Proposals.

SUMMARY: The Federal Transit Administration (FTA) announces the availability of up to \$25.7 million in discretionary Fiscal Year (FY) 2009 and 2010 funds under the Alternatives Analysis Program (49 U.S.C. 5339) authorized by the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy For Users (SAFETEA-LU), Public Law 109-59, August 10, 2005. Discretionary program funds will be distributed in accordance with the mission of this program and in

support of the Department of Transportation's Livability Initiative.

This announcement is available on the FTA Web site at: <http://www.fta.dot.gov>. FTA will announce final selections on the Web site and in the Federal Register. A synopsis of this funding opportunity will be posted in the FIND module of the government-wide electronic grants Web site at <http://www.grants.gov>. All proposals must be submitted to FTA electronically through the GRANTS.GOV APPLY function. Applicants will receive two confirmation e-mails. The first will confirm that the application was received and a second will confirm within 24-48 hours whether the application was validated or rejected by the system. Additional information on submitting proposals through the GRANTS.GOV Web site is provided later in this announcement.

DATES: Complete proposals must be submitted electronically through the GRANTS.GOV Web site by July 12, 2010.

To apply for funding through GRANTS.GOV, applicants must be properly registered. Complete instructions on how to register and

submit proposals can be found at www.GRANTS.GOV. If interested parties experience difficulties at any point during the 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.

FOR FURTHER INFORMATION CONTACT: For general program information, contact Kenneth Cervenka, Alternatives Analysis Program, Office of Planning and Environment, by phone at (202) 493-0512 or by e-mail at Kenneth.Cervenka@dot.gov. A TDD is available at 1-800-877-8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION:

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- I. Program Purpose
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- V. Cost Sharing and Matching
- VI. Application Content
- VII. Evaluation Criteria
- VIII. Technical Assistance and Other Program Information
- Appendix A FTA Regional Offices

Alternatives Analysis Program

FTA has the authority to implement this program under SAFETEA-LU amendments to 49 U.S.C. 5339. The authorizing legislation allows for the Secretary of Transportation to make awards under this program at his discretion. FTA may allocate up to \$25.7 million from available prior year and FY 2010 funds. These funds will be allocated for alternatives analysis activities selected from applications submitted in response to this notice.

I. Program Purpose

The purpose of the Alternatives Analysis program (49 U.S.C. 5339) is to assist potential sponsors of New Starts and Small Starts projects in the evaluation of all reasonable modal and multimodal alternatives and general alignment options to address transportation needs in a defined travel corridor.

As defined in 49 U.S.C. 5309(1)(a), an alternatives analysis is a study conducted as part of the transportation planning process which includes: (1) An assessment of a wide range of public transportation alternatives designed to address a transportation problem in a corridor or subarea; (2) [the development of] sufficient information to enable the Secretary to make the findings of project justification and local financial commitment required under Section 5309; (3) the selection of a locally preferred alternative; and (4) the adoption of the locally preferred alternative as part of the long-range transportation plan required under section 5303. Further information on conducting an alternatives analysis, including descriptions of the documents produced, can be found on FTA's Web site at http://www.fta.dot.gov/planning/newstarts/planning_environment_2396.html.

FTA will award discretionary funding available under Section 5339 to support a limited number of alternatives analyses, or technical work conducted as part of on-going alternatives analyses, to develop information for local decision-makers and for the Secretary regarding potential New Starts and Small Starts projects. These funds will be awarded for alternatives analysis activities selected from proposals submitted in response to this notice.

II. Policy Priority—DOT's Livability Initiative

FTA has long fostered livable communities and sustainable development through its various transit programs and activities. Public transportation supports the

development of communities, providing effective and reliable transportation alternatives that increase access to jobs, recreation, health and social services, entertainment, educational opportunities, and other activities of daily life, while also improving mobility within and among these communities. Through various initiatives and legislative changes over the last fifteen years, FTA has allowed and encouraged projects that help integrate transit into a community through neighborhood improvements and enhancements to transit facilities or services; make improvements to areas adjacent to public transit facilities that may facilitate mobility needs of transit users; or support other infrastructure investments that enhance the use of transit and other alternative transportation options for the community.

On June 16, 2009, U.S. Department of Transportation (DOT) Secretary Ray LaHood, U.S. Department of Housing and Urban Development (HUD) Secretary Shaun Donovan, and U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson announced a new partnership to help American families in all communities—rural, suburban and urban—gain better access to affordable housing, more transportation options, and lower transportation costs. DOT, HUD, and EPA created this high-level interagency partnership to better coordinate federal transportation, environmental protection, and housing investments.

Through the Alternatives Analysis Program grants, FTA will support a limited number of alternatives analyses, or technical work conducted as part of proposed or on-going alternatives analyses, that would advance major transit investments that foster the six livability principles that serve as the foundation for the DOT-HUD-EPA Partnership for Sustainable Communities:

1. Provide more transportation choices
2. Promote equitable, affordable housing
3. Enhance economic competitiveness
4. Support existing communities
5. Coordinate policies and leverage investment
6. Value communities and neighborhoods

FTA will also consider geographic distribution in project selection.

III. Eligible Applicants

Section 5339 allows FTA to make grants and agreements, under criteria established by the Secretary, to States, authorities of the States, metropolitan

planning organizations, and local governmental authorities to conduct alternatives analyses as defined by section 5309(a)(1).

IV. Eligible Projects

Alternatives analyses must be documented in the Unified Planning Work Program of the metropolitan planning organization for the area. Applicants must commit to begin the alternatives analysis study within 12 months of grant approval, unless the study is already underway. FTA will award available discretionary funding to eligible applicants to conduct an alternatives analysis or to support additional technical tasks in an alternatives analysis that will improve and expand the information available to decision-makers considering major transit improvements. FTA will consider proposals for all areas of technical work that can better develop information about the costs and benefits of potential major transit improvements, including those that might seek New Starts or Small Starts funding. FTA will give priority to technical work that would advance the study of alternatives that foster the six livability principles that serve as the foundation for the DOT-HUD-EPA Partnership for Sustainable Communities.

V. Cost Sharing and Matching

Studies or technical tasks selected for funding will receive up to 80 percent of the study cost. Awards remain available for 3 fiscal years, including the fiscal year in which the award is made. FTA will not approve requests for deferred local share under this program.

To promote collaboration on the development of major transit capital improvements and to demonstrate the value of partnerships across government agencies that serve various public service missions, FTA will give priority to proposals that are supported, financially or otherwise, by non-transportation public agencies that are pursuing similar objectives and are aligning their community development activities to increase the efficiency of Federal investments.

VI. Application Content

A. Brief Description of the Alternatives Analysis: Provide a paragraph about the study stating its goals and providing a brief description of the work plan. This section should also list all the partners involved in the study.

B. Applicant Information: Provide basic identifying information, including: (a) Applicant name, address, congressional district and FTA recipient

ID number; (b) contact information (including contact name, title, address, e-mail, fax and phone number); (c) description of services provided by the agency, including areas served. Some of this information is included in the Standard Form 424. If this is a collaborative study, provide the contact information for the LEAD agency only.

C. **Evaluation Criteria:** Address each of the evaluation criteria separately, providing evidence that demonstrates the ways that the proposed study meets each criterion.

D. **Work Plan and Budget for the Ongoing or Up-coming Alternatives Analysis:** Provide the work plan and budget describing the nature, technical approaches, and cost of the alternatives analysis indicating what items would be funded with Section 5339 funds and what items would be funded by other sources.

E. The total application may not exceed 25 pages.

VII. Proposal Evaluation Criteria and Other Considerations

Awards under this notice could range from \$50,000 to up to \$2 million in Section 5339 funding. Eligible applicants must be able to begin the alternatives analysis within 12 months of the study being selected for funding if it is not already underway. Proposals will be evaluated as follows:

A. **Demonstrated Need.** Applicants must demonstrate need for these funds by identifying a substantial transportation problem in the study corridor and the degree to which the Alternatives Analysis technical work will develop information on the full range of costs and benefits of the major transit capital improvements being studied, including alternatives that may seek New Starts or Small Starts funding. To demonstrate need, applicants should provide the following information:

1. **Description of Study Area, Transportation Problems, and Needs.** Applicants should provide a statement of the transportation problem for which alternative solutions are to be analyzed. This information provides the context for performing the analysis and for identifying the measures against which alternatives strategies will be evaluated.

2. **Description of Conceptual Alternatives.** Applicants should provide a conceptual definition of a broad range of strategies for improving conditions in the corridor. For each alternative, the conceptual definition includes the preliminary identification of candidate general alignments and operating strategies, including general ideas of overall bus service levels, service

standards, and guideway service options.

3. **Preliminary Evaluation Criteria.** Applicants should identify the preliminary evaluation criteria that specify, in part, the desired outcomes of an improvement, and provide the basis for comparing the performance of the various alternatives. This should include criteria which would inform decision-makers how an improvement would advance the six livability outcomes: provide more transportation choices; promote equitable, affordable housing; enhance economic competitiveness; support existing communities; coordinate policies and leverage investment; and value communities and neighborhoods.

B. **The Technical Capacity of the Applicant to Carry Out the Proposed Work Successfully.** Applicants must demonstrate the technical capacity to successfully undertake an analysis of alternatives. Demonstration of technical capacity may include such items as staffing levels and skill sets at the organization undertaking the alternatives analysis and any previous experience completing an alternatives analysis or corridor study.

C. **Potential Impact on Decision-Making.** Applicants must demonstrate the potential impact of the proposed tasks on decision-making. FTA will give priority to project sponsors that are coordinating the development of transit projects with relevant public housing agencies, or relevant public agencies with energy or environmental missions.

VIII. Technical Assistance and Other Requirements

FTA's Office of Planning and Environment staff is available to discuss and clarify expectations regarding these efforts before applicants submit proposals. Proposals will be reviewed and ranked based on the criteria in this notice by FTA headquarters staff in consultation with the appropriate FTA regional office (see Appendix A). Highly qualified proposals will be considered for inclusion in a national list that represents the highest and best use of the available funding. The FTA Administrator will determine the final selection and amount of funding for each study. Selected studies will be announced in Fall 2010. FTA will publish the list of all selected studies and funding levels in the **Federal Register**.

All proposals must be submitted to FTA electronically through the GRANTS.GOVAPPLY function. Applicants will receive two confirmation e-mails. The first will

confirm that the application was received and a second will confirm within 24–48 hours whether the application was validated or rejected by the system. 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. Therefore, applicants should start the registration process as early as possible to prevent delays that may preclude submitting an application by the deadline specified. Proposals will not be accepted after the relevant due date; delayed registration is not an acceptable reason for extensions. Further, applicants are urged to submit their 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.

If applicants experience unforeseen GRANTS.GOV technical issues beyond their control that prevent the submission of their application by the deadline, the applicant must contact FTA staff at Kenneth.Cervenka@dot.gov within 24 hours after the deadline and request approval to submit the application. At that time, FTA staff will require the applicant to e-mail the complete grant application, their DUNS number, and provide a GRANTS.GOV Help Desk tracking number(s). After FTA staff reviews all of the information submitted as well as contacts the GRANTS.GOV Help Desk to validate the technical issues reported, FTA staff will contact the applicant to either approve or deny its request to submit a late application. If the reported technical issues cannot be validated, the 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 in Washington, DC, this 24th day of May, 2010.

Peter Rogoff,
Administrator.

Appendix A—FTA Regional and Metropolitan Offices

Richard H. Doyle, Regional Administrator, Region 1—Boston, Kendall Square 55 Broadway, Suite 920, Cambridge, MA 02142-1093, Tel. 617-494-2055.
States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Brigid Hynes-Cherin, Regional Administrator, Region 2—New York, One Bowling Green, Room 429, New York, NY 10004-1415, Tel. 212-668-2170.
States served: New Jersey, New York

New York Metropolitan Office, Region 2—New York, One Bowling Green, Room 428, New York, NY 10004-1415, Tel. 212-668-2202.

Letitia Thompson, Regional Administrator, Region 3—Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Tel. 215-656-7100.
States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia.

Philadelphia Metropolitan Office, Region 3—Philadelphia, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Tel. 215-656-7070.

Washington, DC Metropolitan Office, 1990 K Street, NW, Room 510, Washington, DC 20006, Tel. 202-219-3562.

Yvette Taylor, Regional Administrator, Region 4—Atlanta, 230 Peachtree Street, NW., Suite 800, Atlanta, GA 30303, Tel. 404-865-5600.
States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.

Marisol Simon, Regional Administrator, Region 5—Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312-353-2789.
States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Chicago Metropolitan Office, Region 5—Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312-353-2789.

Robert C. Patrick, Regional Administrator, Region 6—Ft. Worth, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Tel. 817-978-0550.
States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas.

Mokhtee Ahmad, Regional Administrator, Region 7—Kansas City, MO, 901 Locust Street, Room 404, Kansas City, MO 64106, Tel. 816-329-3920.
States served: Iowa, Kansas, Missouri, and Nebraska.

Terry Rosapep, Regional Administrator, Region 8—Denver, 12300 West Dakota Ave., Suite 310, Lakewood, CO 80228-2583, Tel. 720-963-3300.
States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Leslie T. Rogers, Regional Administrator, Region 9—San Francisco, 201 Mission Street, Room 1650, San Francisco, CA 94105-1926, Tel. 415-744-3133.
States served: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands.

Los Angeles Metropolitan Office, Region 9—Los Angeles, 888 S. Figueroa Street, Suite 1850, Los Angeles, CA 90017-1850, Tel. 213-202-3952.

Rick Krochalis, Regional Administrator, Region 10—Seattle, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, Tel. 206-220-7954.
States served: Alaska, Idaho, Oregon, and Washington.

[FR Doc. 2010-12950 Filed 5-27-10; 8:45 am]
BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; Ford Motor Company

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Ford Motor Company's (Ford) petition for an exemption of the Explorer vehicle line in accordance with § 543.9(c)(2) of 49 CFR Part 543, *Exemption from the Theft Prevention Standard*. This petition is granted because the agency has determined that the anti-theft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR Part 541). Ford requested confidential treatment for the attachments it submitted in support of its petition. The

agency will address Ford's request for confidential treatment by separate letter.

DATES: The exemption granted by this notice is effective beginning with the 2011 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Ballard's telephone number is (202) 366-0846. Her fax number is (202) 493-2990.

SUPPLEMENTARY INFORMATION: In a petition dated December 11, 2009, Ford requested an exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR Part 541) for the MY 2011 Ford Explorer vehicle line. The petition requested an exemption from parts-marking pursuant to 49 CFR Part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an anti-theft device as standard equipment for an entire vehicle line.

Under § 543.5(a), a manufacturer may petition NHTSA to grant exemptions for one vehicle line per model year. In its petition, Ford provided a detailed description and diagram of the identity, design, and location of the components of the anti-theft device for the Explorer vehicle line. Ford will install its

SecuriLock anti-theft device (also known as the Passive Anti-theft System or PATS) on the 2011 Explorer as standard equipment. Ford stated that it will also offer its Intelligent Access with Push Button Start (IAWPB) anti-theft device as optional equipment. Ford stated that both systems are passive, electronic immobilizer devices that use encrypted transponder technology. Key components of the SecuriLock/PATS anti-theft device will include an electronic transponder key, transceiver module, ignition lock, and a passive immobilizer. Key components of the IAWPB device is an electronic keyfob, remote function actuator, body control module, power train control module and a passive immobilizer. Ford stated that its MY 2011 Explorer vehicle line will also be equipped with several other standard anti-theft features common to Ford vehicles, (*i.e.*, counterfeit resistant VIN labels; secondary VINs, cabin accessibility through the use of a valid key fob or keycode). Ford further stated that there will also be a separate visible and audible perimeter alarm available on its Explorer vehicle line. The alarm will be available as an option on vehicles with the SecuriLock/PATS device and included as standard equipment on vehicles with the IAWPB device. Ford's submission is considered

GRANT OVERVIEW WORKSHEET

Title of Grant Program: FY 2010 Discretionary Livability Funding Opportunity: Alternatives

Funding Organization: Federal Transit Administration

Section Applying: Community Development MPO Section

Description of Proposed Project: Alternative Analysis for commuter rail between Las Cruces and El Paso.

Strategic Plan Performance Budget	Goal: Goal:	Objective: Objective:	Strategic Plan: Strategic Plan:
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- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Existing City Programs/Efforts (Ex: request for environmentally-friendly weed management. Parks and Recreation Section's existing budget and work activities include weed management) |
| <input type="checkbox"/> | Expansion of Existing Program/Efforts (Ex: request for advertising to increase public awareness of the Farmer's market. The advertising campaign will be an increase over current activities/budget) |
| <input checked="" type="checkbox"/> | New Initiative, Not Budgeted (Ex: request to implement a recreational activity that is currently not included in the City's recreations programs) |
-

Project Maintenance *If the grant specifies that the project must be maintained/operated after the grant period ends, list the requirements:*

N/A- Planning study

Amount Section anticipates requesting: \$1.5 million **Match Requirement (%)** 20%

Projected Match In-kind: **Cash:** \$375,000
Match Source: we are at this time soliciting partnerships

Grant Application Due: July 12, 2010

Grant Duration (Months/years): 3 years

MOU or Joint Powers Agreement Required: Yes

Grant Collaborators (List other City Departments or Outside Agencies):

City of El Paso; El Paso MPO; Dona Ana County; El Paso County; NMDOT; TxDOT

Employees To Be Hired (number to be hired, full-time or part-time positions and 1 sentence job responsibilities):

0 new employees. Work to be subcontracted out via RFP.

GRANT OVERVIEW WORKSHEET

Grant Manager *(Responsible for contract, project operations, budget management, and reports as prescribed)*

Name: Tom Murphy

Title: Senior Planner

Phone: 528-3225

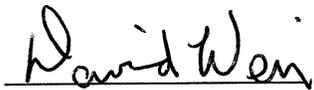
E-mail: tmurphy@las-cruces.org

Submitted by: ^hTom Murphy

Signature: 

Date: June 14, 2010

Reviewed & Approved by: David Weir

Signature: 

Date: June 18, 2010

Tom Murphy

From: Sharpless, Frank J, NMDOT [FrankJ.Sharpless@state.nm.us]
Sent: Tuesday, June 15, 2010 10:35 AM
To: Tom Murphy
Subject: RE: Grant funds available to conduct Alternatives Analysis of potential passenger rail projects

Hi Tom,

The \$1.875 million estimate I used is just a quick estimate of what I thought the Alternatives Analysis/Major Investment Study would cost for the Las Cruces to El Paso transit corridor, if you issued an RFP and had a consultant firm conduct the study. I assume that all of the \$1.875 million would be used for Professional Services to contract with a consultant to complete this study. Depending on the cost proposals you receive in response to the RFP, the contract you execute may be for a lower amount, in which case you could use the remaining grant funds to offset some costs the city/MPO may incur to support the development of the study. Based on the \$2 million limit on grant awards cited in the Notice, you may want to request \$2 million and indicate that most of the funds (e.g. \$1.875 million or a lesser amount if your experience with the consulting community in the Las Cruces area could do the work for a lesser amount) would be for the consultant contract to perform the study with the remaining funds used to offset related costs incurred by the city/MPO.

Frank

From: Tom Murphy [mailto:tmurphy@las-cruces.org]
Sent: Monday, June 14, 2010 4:40 PM
To: Sharpless, Frank J, NMDOT
Subject: RE: Grant funds available to conduct Alternatives Analysis of potential passenger rail projects

Frank,
 Is it possible for you to send me the cost estimate where you arrived at the \$1.875 million amount? I believe that I need this for the grant application. Thanks.



Tom Murphy, AICP
 MPO Officer
 (575) 528-3225

From: Sharpless, Frank J, NMDOT [mailto:FrankJ.Sharpless@state.nm.us]
Sent: Friday, June 04, 2010 8:37 AM
To: Tom Murphy; Michael Bartholomew
Cc: Harris, William T, NMDOT; White, Greg R., NMDOT; Dominguez, Alvin C., NMDOT; Guzman, Frank E., NMDOT; Harris, David C, NMDOT; Oliver-Wright, Patricia, NMDOT; Gallagher, Michael, NMDOT
Subject: Grant funds available to conduct Alternatives Analysis of potential passenger rail projects

Tom and Mike,

I wanted to advise you of the May 28 Federal Register notice (attached) that provides notice of the availability of FTA grant funds to conduct Alternatives Analysis studies of potential passenger rail projects. We know that the City of Las Cruces and your MPO have shown interest in an El Paso to Las Cruces commuter or intercity passenger rail project and have completed studies that included preliminary analysis of possible corridors, stations, capital costs and ridership. In order to compete for federal funds to develop such a project under the FTA New Starts process, an Alternatives Analysis would need to be conducted for alternative transit investments in this corridor.

The attached Federal Register provides detailed information regarding the grant funds that are available for such Alternatives Analysis, including the following:

- Grant funds are awarded on an 80% federal basis, with a 20% local match required.

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- Grant awards could range from \$50,000 to \$2 million
- Grant proposals must be submitted electronically to FTA through the GRANTS.GOV function by July 12,2010.
- Metropolitan Planning Organizations and local governments are eligible recipients for these FTA Section 5339 grant funds.
- The Alternatives Analysis study must be included in the MPOs UPWP and applicants must commit to begin the study within 12 months of grant approval.
- Grant awards remain available for 3 fiscal years, including the fiscal year in which the grant was awarded
- FTA will give greater consideration to grant proposals that advance the six "livability principles" of the USDOT-HUD-EPA Partnership for Sustainable Communities:
 - Provide more transportation choices
 - Promote equitable, affordable housing
 - Enhance economic competitiveness
 - Support existing communities
 - Coordinate policies and leverage investment
 - Value communities and neighborhoods
- FTA will also give priority to proposals that are supported, financially or otherwise, by non-transportation public agencies that are pursuing similar objectives and are aligning their community development activities to increase the efficiency of federal investments.

In the past, NMDOT has submitted requests for discretionary Congressionally earmarked funding for such a Las Cruces to El Paso Alternatives Analysis study, most recently through Rep. Harry Teague for FY 2011 funds. We have not been successful in obtaining any of these funds. We have identified in these funding requests the Las Cruces MPO as the most appropriate entity for conducting the Alternatives Analysis. We have estimated the total cost of the Alternatives Analysis at \$1,875,000, and requested \$1.5 million of federal FTA funds (based on the 80-20 matching funds requirement). These earmarked funds are highly competitive and difficult to obtain.

We believe that this new funding discussed in this Federal Register may present a better opportunity for the MPO to secure funds to advance this project. We have been contacted by both Rep. Teague's staff and Senator Bingaman's office regarding this grant program and their offer of assistance if a grant proposal for this project is submitted. Please contact me if you have any questions regarding this grant opportunity and if you decide to submit a grant proposal.

Frank

Frank Sharpless
 Chief, Transit and Rail Division
 New Mexico Department of Transportation
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