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City of Las Cruces[®]
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Council Action and Executive Summary
 Item # 17 Resolution # 09-308 Council District: All

For Meeting of June 15, 2009
 (Adoption Date)

TITLE: A RESOLUTION ALLOWING TRANSIT SECTION STAFF TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR FEDERAL FISCAL YEAR 2009, SECTION 5307 (FORMULA) FUNDING IN THE AMOUNT OF \$1,291,703 AS APPORTIONED TO THE CITY OF LAS CRUCES BY CONGRESS.

PURPOSE(S) OF ACTION: This Resolution would permit Transit Staff to apply to the Federal Transit Administration for \$1,291,703 in Section 5307 (formula) funding. This is the Federal Fiscal Year 2009 apportionment to the City of Las Cruces that was signed in to law by President Obama on March 11, 2009. This represents the ongoing federal assistance received by the City of Las Cruces and used in the operations of the RoadRUNNER transit system.

Name of Drafter: Michael Bartholomew <i>Michael Bartholomew</i>		Department: Public Services / Transit		Phone: 541-2500	
Department	Signature	Phone	Department	Signature	Phone
Originating Department	<i>[Signature]</i>	528-3477	Budget	<i>[Signature]</i>	2300
			Assistant City Manager	<i>[Signature]</i>	2271
Legal	<i>[Signature]</i>	2128	City Manager	<i>[Signature]</i>	2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

This is a request to obligate the federal FY2009 Section 5307 (formula) apportionment awarded to the City of Las Cruces in the amount of \$1,291,703. This funding will be used towards Transit operations in City FY2010 and requires a 50% local match. This project is included in the State Transportation Improvement Program (STIP).

This funding is already included in the City FY 2010 budget for the Transit Section as approved by the City Council in May 2009. Approval of this Resolution formally allows Transit staff to enter into a grant agreement to obligate these Federal funds. Section 5307 funds are received annually by the City for operating its public transit service. As a small urban system, Section 5307 funds can be used for both capital and operating projects. Transit staff proposes to use the entire amount in FY 2010 towards operating expenses. The budget including these grant funds was approved in the City's FY 2010 budget by Council at the May 18, 2009 meeting.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Revenue FY2010	Budget Amount FY2010
Transit 5920	\$ 2,583,406	\$ 2,583,406
FTA Share	\$ 1,291,703	\$ 1,291,703
City Share (Gas Tax, General Fund)	\$ 1,291,703	\$ 1,291,703

1. Resolution.
2. Exhibit "A" – Transit Fiscal Year 2010 budget as approved by Council on May 18, 2009.
3. Exhibit "B" – Federal Register Notice of April 30, 2009, regarding FTA Fiscal Year 2009 apportionments and allocations (pp. 20019-20025) with excerpt from Table 3, page 20038, showing Las Cruces' apportionment
4. Exhibit "C" – Grant Overview Worksheet

OPTIONS / ALTERNATIVES:

1. Approval of the Resolution will enable Staff to apply to FTA for \$1,291,703 in Section 5307 (formula) funding to offset transit operating expenses incurred during City FY 2010.
2. Not approve the Resolution which will result in a critical loss of operating revenue for the transit system and severe cutbacks in transit service.
3. Modify the Resolution and provide alternative direction to Staff.

RESOLUTION NO. 09-308

A RESOLUTION ALLOWING TRANSIT SECTION STAFF TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR FEDERAL FISCAL YEAR 2009, SECTION 5307 (FORMULA) FUNDING IN THE AMOUNT OF \$1,291,703 AS APPORTIONED TO THE CITY OF LAS CRUCES BY CONGRESS.

The City Council is informed that:

WHEREAS, the City of Las Cruces receives annual apportionments of transit funding through the Section 5307 (formula) funding program as authorized by Congress; and

WHEREAS, President Obama signed into law on March 11, 2009 the apportionment for Federal Fiscal Year 2009 which included formula funding in the amount of \$1,291,703 to the City of Las Cruces; and

WHEREAS, the City typically uses this critical funding to offset the costs of transit operations in subsequent fiscal years; and

WHEREAS, the City of Las Cruces wishes to apply for these funds for the purpose of offsetting operating costs in the City FY 2010; and

WHEREAS, a transit operating project for Las Cruces is included for FY2010 in the State Transportation Improvement Program (STIP); and

WHEREAS, the City Council approved the City budget, which includes this funding in the Transit Section budget on May 18, 2009.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las

Cruces:

(I)

THAT City Staff are hereby authorized to apply to the Federal Transit Administration for Fiscal Year 2009 apportioned Section 5307 funds in the amount of \$1,291,703, to be used for eligible transit operating expenses in FY 2010.

(II)

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

DONE AND APPROVED this _____ day of _____, 2009.

(SEAL)

APPROVED:

Mayor

ATTEST:

City Clerk

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:



City Attorney

CITY OF LAS CRUCES
PROPOSED BUDGET FY 2009/2010

FUND Transit Fund 5920	DIVISION Public Services		FUND TYPE Enterprise	
	FY 2007/08 Actual	FY 2008/09 Adjusted	FY 2008/09 Projected*	FY 2009/10 Proposed
RESOURCES				
Beginning Balance	\$ 85,473	(103,373)	(103,373)	590,020
REVENUES				
543711 NMSU Bus Subsidy	\$ 57,452	204,411	191,155	250,000
543712 Bus Fares	103,476	112,000	114,645	112,000
543714 Token Fares	3,165	2,786	4,297	3,905
543715 Bus Passes	61,911	61,000	34,705	61,000
543716 Mesilla Subsidy	12,812	13,500	13,500	11,730
543731 Dial A Ride Bus Fares	3,231	2,900	4,534	4,525
543732 Dial A Ride Bus Tokens	11,516	11,500	20,718	21,625
551004 Fed Trans Admin	1,140,974	1,234,100	1,497,006	1,313,400
551004 Federal Transit Capital	102,862	1,487,187	1,416,467	946,683
551006 Federal GSA	67,179	40,000	0	0
552007 Rideshare State Hwy	31,030	31,000	31,000	31,000
552008 NMEMNR - Rideshare	30,000	21,500	21,500	21,500
560046 Transit Donations Dial-A-Ride	1,791	1,700	1,700	2,240
590020 Sale of Property/Materials	0	0	9,900	0
592001 Other Reimbursed Expenses	4,774	1,000	177	100
Total Revenues	\$ 1,632,173	3,224,584	3,361,304	2,779,708
Total Resources	\$ 1,717,646	3,121,211	3,257,931	3,369,728
EXPENDITURES				
Public Services Department				
Administration 59685010				
Personnel	\$ 153,199	239,361	228,052	250,992
Operating	156,722	199,299	125,801	140,556
Capital	0	22,600	0	71,178
Depreciation	145,039	248,230	128,700	248,230
Total - 59685010	\$ 454,960	709,490	482,553	710,956
Fixed Route 59685020				
Personnel	\$ 1,292,385	1,417,120	1,303,027	1,263,775
Operating	647,945	795,598	733,851	682,233
Capital	0	1,677,987	1,661,584	385,000
Depreciation	236,490	133,900	236,490	133,900
Total - 59685020	\$ 2,176,820	4,024,605	3,934,952	2,464,908
Dial-A-Ride 59685030				
Personnel	\$ 721,051	817,517	731,242	743,223
Operating	196,525	201,576	214,042	209,838
Capital	128,578	575,002	109,000	496,000
Depreciation	0	0	0	0
Total - 59685030	\$ 1,046,154	1,594,095	1,054,284	1,449,061

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.

CITY OF LAS CRUCES
PROPOSED BUDGET FY 2009/2010

FUND	DIVISION		FUND TYPE	
Transit Fund 5920	Public Services		Enterprise	
	FY 2007/08 Actual	FY 2008/09 Adjusted	FY 2008/09 Projected*	FY 2009/10 Proposed
Bus Maintenance 59685040				
Personnel	\$ 306,311	311,685	313,394	317,123
Operating	50,454	52,000	68,464	47,600
Capital	0	11,000	5,600	180,400
Total - 59685040	\$ 356,765	374,685	387,458	545,123
Rideshare 59685050				
Personnel	\$ 38,525	33,558	34,615	32,723
Operating	31,808	25,972	26,191	21,794
Total - 59685050	\$ 70,333	59,530	60,806	54,517
GSA Operating Assistance 59685070				
Personnel	\$ 39,530	0	0	0
Operating	28,037	33,400	0	0
Total - 59685070	\$ 67,567	33,400	0	0
5% reduction	0	(568,238)	0	0
Total Expenditures	\$ 4,172,599	6,227,567	5,920,053	5,224,565
OTHER FINANCING SOURCES (USES)				
Transfer from Fund 1000 - General Fund	\$ 1,012,500	2,049,000	2,049,000	1,134,067
Transfer from Fund 1200 - VAF Fund	264,300	275,000	275,000	132,350
Transfer from Fund 2171 - Older Americans Act Fund	71,752	71,752	71,752	71,752
Transfer from Fund 2810 - Gasoline Tax Fund	1,045,000	530,000	530,000	1,000,000
Transfer to Fund 1000 - General Fund for Bldg R & M	(15,500)	(15,500)	(15,500)	(15,500)
Transfer to Fund 5921 - Transit Intermodal Ctr	(410,000)	0	0	0
Transfer to Fund 6340 - Liability Claims Fund	0	(23,300)	(23,300)	(39,941)
Total Other Financing Sources (Uses)	\$ 1,968,052	2,886,952	2,886,952	2,282,728
ENDING BALANCE With Non-Cash Expense	\$ (486,901)	(219,404)	224,830	427,891
Plus: Non-Cash Expense	381,529	382,130	365,190	382,130
Adjustment due to change in accruals.	1,999	0	0	0
ENDING BALANCE	\$ (103,373)	162,726	590,020	810,021

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.

Issued on: April 24, 2009.

Matthew J. Welbes,

Acting Deputy Administrator.

[FR Doc. E9-9977 Filed 4-29-09; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FTA Supplemental Fiscal Year 2009 Apportionments and Allocations

Editorial Note: FR document E9-9475 was originally published at page 19115 in the issue of Monday, April 27, 2009. In that publication graphic material was omitted. The corrected document is republished below in its entirety.

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: Division I of the "Omnibus Appropriations Act, 2009" (Pub. L. 111-8), signed into law by President Barack Obama on March 11, 2009, made funds available for all of the surface transportation programs of the Department of Transportation (DOT) for the Fiscal Year (FY) ending September 30, 2009. This notice supplements the December 18, 2008 **Federal Register** notice. The notice apportions formula funds made available under the Omnibus Appropriations Act and allocates FY 2009 funds to congressionally designated projects that were contained in the accompanying committee report and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The notice does not include any extensions of previously lapsed earmarks. The Federal Transit Administration (FTA) will address allocations of lapsed and/or unallocated resources subsequent to this notice.

FOR FURTHER INFORMATION CONTACT: For general information about this notice contact Henrika Buchanan-Smith, Office of Program Management, at (202) 366-2053. Please contact the appropriate FTA regional or metropolitan office for any specific requests for information or technical assistance. Appendix A at the end of this notice includes contact information for FTA regional and metropolitan offices.

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Appendix A

I. Overview

This document apportions and allocates FY 2009 formula funds appropriated in Division I of the Omnibus Appropriations Act, 2009 (Pub. L. 111-8, March 11, 2009), and FY 2009 funds designated for specific projects under SAFETEA-LU and the committee report accompanying the Omnibus Appropriations Act, 2009, for the Bus and Bus Facilities program, New Starts program, Clean Fuels program, and the Alternatives Analysis program. It also includes projects that were extended or reprogrammed as a matter of law in the Omnibus Appropriations Act, 2009. This notice does not include allocations of recovered previous years' discretionary funds or unallocated FY 2009 discretionary resources. FTA will provide information regarding the availability of unallocated discretionary resources at a later date.

FTA reminds grantees apportioned formula funds from the American Recovery and Reinvestment Act (Pub. L. 111-05; "ARRA") that at least fifty percent of the funds attributable to each urbanized areas over 200,000 in population and each State for all other areas must be obligated in a FTA grant by September 1, 2009. The March 5, 2009 Federal Register notice that apportioned ARRA funds provides more details about this requirement and includes the statement that "FTA will consider a submittal timely if a complete ARRA formula grant is received on or before July 1, 2009." FTA reminds grantees that the July 1, 2009 deadline accounts for the Department of Labor process associated with labor certifications which can take up to 60 days to complete the certification referral process. Grantees are strongly encouraged to submit applications well in advance of that deadline whenever possible. Planning submission of a grant application on or near July 1, 2009 might not account for local decision

making schedules that could be subject to change, or to any grant errors or issues for resolution that might be identified. Taking these other considerations into account makes it prudent to submit applications as soon as feasible.

II. FTA Program Funding Based on the Omnibus Appropriations Act, 2009

The Omnibus Appropriations Act, 2009, provides general funds and obligation authority on trust funds from the Mass Transit Account (MTA) that total \$10.2 billion for FTA programs. FTA previously published a notice on December 18, 2008, that made \$4.1 billion of the \$10.2 billion available in accordance with the Continuing Appropriations Act. Table 1 of this document shows the funding for the FTA programs, as provided for in the entire fiscal year of 2009 in the Omnibus Appropriations Act, 2009. All Formula programs, the Alternatives Analysis program, and the Section 5309 Bus and Bus-Related Facilities program are funded entirely from the Mass Transit Account of the Highway Trust Fund in FY 2009. The Section 5309 New Starts Program, the Research Program, and FTA administrative expenses are funded by appropriations from the General Fund of the Treasury.

III. FY 2009 FTA Program Initiatives and Changes

A. Match for Biodiesel Vehicles and Hybrid Retrofits

Section 164 of the Omnibus Appropriations Act, 2009, allows a 90 percent Federal share for biodiesel buses and for the net capital cost of factory-installed or retrofitted hybrid electric propulsion systems and any equipment related to such a system. This increased federal share is a cross-cutting provision and is applicable across FTA programs for any grants awarded during FY 2009, regardless of what fiscal year funding is used. Grantees may apply for a 90 percent Federal share for the entire cost of a biodiesel bus. However, in the case of a hybrid electric vehicle, only the cost of the propulsion system and related equipment is eligible for 90 percent Federal share. In lieu of calculating the costs of the equipment separately, grantees may apply for 83 percent of the cost of the vehicle.

B. Use of Lapsed and Recovered Funds

Section 170 of the Omnibus Appropriations Act, 2009, restricts the use of unobligated funds or recovered funds under Section 5309 that are available for reallocation by the

Secretary of Transportation. Specifically, Section 170 provides that the Secretary may reallocate Section 5309 discretionary funds only to projects eligible to use the funds for the purposes for which they were originally provided. Accordingly, Section 5309 Bus and Bus Facilities (Bus) Program recovered or unobligated lapsed funds must be redirected to projects eligible under the Bus Program and Section 5309 Capital Investment (New Starts) Program recovered or unobligated lapsed funds must be redirected to projects eligible under the New Starts Program. In accordance with 49 U.S.C. 5337(d)(2), Section 5309 Fixed Guideway Modernization (Fixed Guideway) program funds that are recovered or unobligated are reappropriated by formula for projects eligible under the Fixed Guideway Modernization program.

C. Congressional Notification of Discretionary Grant Awards

Before FTA can award grants for discretionary projects and activities designated by Congress, if the award exceeds an established dollar threshold, notification three full business days prior to award must be given to members of Congress and to the House and Senate authorizing and appropriations committees. In previous years, the amount requiring Congressional notification was \$1 million; however, the Continuing Appropriations Act, 2008, lowered the threshold for notification to \$500,000. Section 188 of the Omnibus Appropriations, 2009, extends the lowered threshold amount. Therefore, FTA will continue to notify Congress before making a discretionary grant award that is \$500,000 or more.

IV. FTA Programs

A. Metropolitan Planning Program (49 U.S.C. 5305(d))

Section 5305(d) authorizes federal funding to support a cooperative, continuous, and comprehensive planning program for transportation investment decision-making in metropolitan areas as set forth in 49 U.S.C. 5303. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about Metropolitan Transportation Planning and the Metropolitan Planning Program, including FTA Circular 8100.1C, contact Charles Goodman, of the Office of Planning and Environment, at (202) 366-1944. For information about published allocations, contact Kimberly

Sledge, Office of Transit Programs, at (202) 366-2053.

FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$93,887,200 to the Metropolitan Planning Program (49 U.S.C. 5305(d)). The total amount apportioned for the Metropolitan Planning Program to States for use by metropolitan planning organizations (MPOs) in urbanized areas (UZAs) is \$93,626,320, as shown in the table below, after the deduction for oversight and the addition of previous year reappropriated funds.

METROPOLITAN PLANNING PROGRAM

Total Appropriation	\$93,887,200
Oversight Deduction	- 469,436
Prior Year Funds Added	208,556
Total Apportioned	93,626,320

Apportionments for this program are displayed in Table 2.

B. State Planning and Research Program (49 U.S.C. 5305(e))

This program provides financial assistance to States for Statewide transportation planning as set forth in 49 U.S.C. 5304 and other technical assistance activities, including supplementing the technical assistance program provided through the Metropolitan Planning Program. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about statewide transportation planning and the State Planning and Research Program, including FTA Circular 8100.1C, contact Charles Goodman, of the Office of Planning and Environment, at (202) 366-1944. For information about published allocations, contact Kimberly Sledge, Office of Transit Programs, at (202) 366-2053.

FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$19,612,800 to the State Planning and Research Program (SPRP) (49 U.S.C. 5305(e)). The total amount apportioned for SPRP is \$20,348,334, as shown in the table below, after the deduction for oversight (authorized by 49 U.S.C. 5327) and the addition of unspent funds from previous years.

STATE PLANNING AND RESEARCH PROGRAM

Total Appropriation	\$19,612,800
Oversight Deduction	- 98,064
Prior Year Funds Added	833,598

STATE PLANNING AND RESEARCH PROGRAM—Continued

Total Apportioned	20,348,334
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Apportionments for this program are displayed in Table 2.

C. Urbanized Area Formula Program (49 U.S.C. 5307)

Section 5307 authorizes Federal funding for capital and in some cases, operating assistance, and planning activities, for transit in Urbanized Area (UZAs). A UZA is an area with a population of 50,000 or more that has been defined and designated as such in the most recent decennial Census by the U.S. Census Bureau. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information contact the Office of Program Management at (202) 366-2053.

FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$4,160,365,000 to the Urbanized Area Formula Program (49 U.S.C. 5307). The total amount apportioned for the Urbanized Area Formula Program is \$4,530,561,686 as shown in the table below, after the 0.75 percent deduction for oversight (authorized by 49 U.S.C. 5327), the addition of previous year funding and including funds apportioned to UZAs from the appropriation for Section 5340 for Growing States and High Density States.

URBANIZED AREA FORMULA PROGRAM

Total Appropriation	\$4,160,365,000 ^a
Oversight Deduction	-31,202,738
Prior Year Funds Added	9,603,308
Section 5340 Funds Added	391,796,116
Total Apportioned	4,530,561,686

^a One percent set-aside for Small Transit Intensive Cities Formula.

Table 3 displays the amounts apportioned under the Urbanized Area Formula Program. Table 5-A provides a list of the urbanized areas that crossed-over the 200,000 population threshold (or were merged with existing large urbanized areas) as a result of the 2000 Census. These areas may use their FY 2009 apportionment to fund operating assistance projects up-to the operating limitation specified in the Table 5-A.

D. Clean Fuels Grant Program (49 U.S.C. 5308)

The Clean Fuels Grant Program supports the use of alternative fuels in air quality maintenance or

nonattainment areas for ozone or carbon monoxide through capital grants to urbanized areas for clean fuel vehicles and facilities. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about this program, contact Kimberly Sledge, Office of Program Management, at (202) 366-2053.

1. FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$51,500,000 to the Clean Fuels Grant Program (49 U.S.C. 5308). The amount available to be allocated is displayed in the table below.

CLEAN FUELS GRANT PROGRAM

Total Appropriation	\$51,500,000
Oversight Deduction	0
Total Available	51,500,000
Total Allocated to Specific Projects	-21,632,000
Total Unallocated	29,868,000

FY 2009 Clean Fuel Program allocations are shown in Table 7-A.

2. Period of Availability

The FY 2009 Clean Fuels Grant program funds not obligated in a grant for eligible purposes as of September 30, 2011, may be made available for other projects under 49 U.S.C. 5308.

E. Capital Investment Program (49 U.S.C. 5309)—Fixed Guideway Modernization

This program provides capital assistance for the maintenance, recapitalization and modernization of existing fixed guideway systems. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about Fixed Guideway Modernization contact the Office of Program Management, at (202) 366-2053.

FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$1,666,500,000 to the Fixed Guideway Modernization Program. The total amount apportioned for the Fixed Guideway Modernization Program is \$1,650,085,466, after the deduction for oversight, and addition of prior year reapportioned funds, as shown in the table below.

FIXED GUIDEWAY MODERNIZATION PROGRAM

Total Appropriation	\$1,666,500,000
Oversight Deduction	-16,665,000
Prior Year Funds Added ...	250,466

FIXED GUIDEWAY MODERNIZATION PROGRAM—Continued

Total Apportioned	1,650,085,466
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FY 2009 Fixed Guideway Modernization Program apportionments are displayed in Table 8.

F. Capital Investment Program (49 U.S.C. 5309)—Bus and Bus-Related Facilities

This program provides capital assistance for new and replacement buses, and related equipment and facilities. Funds are allocated on a discretionary basis. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about Bus and Bus-Related Facilities contact Kimberly Sledge, Office of Program Management, at (202) 366-2053.

1. FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$884,000,000 for the Bus and Bus-Related Facilities program. This amount is \$100,000,000 below the SAFETEA-LU authorized program funding level based on a rescission of that amount contained in the Omnibus Appropriations Act, 2009. The total amount allocated is shown in the table below.

BUS AND BUS-RELATED FACILITIES

SAFETEA-LU Authorized Level	\$984,000,000
Rescission	-100,000,000
Total Available	884,000,000
Oversight Deduction	-8,840,000
Total Available	875,160,000
Total Allocated to Specific Projects	-761,064,229
Total Unallocated	114,095,771

FY 2009 allocations are shown in Table 10-A. Projects reprogrammed by the Omnibus Appropriations Act, 2009, are shown in Table 10-B.

2. Requirements

FTA honors Congressional earmarks for the purposes designated and for purposes eligible under the program or under the expanded eligibility of a "notwithstanding" provision. Projects designated under the Section 5309 Bus Program and the Section 5339 Alternatives Analysis Program for funding in the report language accompanying the Omnibus Appropriations Act, 2009, were incorporated as earmarks into the Omnibus Act by section 186. FTA will treat these projects as projects designated in law. The use of funds for any purpose other than as described in

the earmark will require legislation. To apply to use funds designated in report language under the Bus Program in any year for project activities outside the scope of the project designation included in report language, but not earmarked in law or incorporated into law by reference, the recipient must submit a request for reprogramming to the House and Senate Committees on Appropriations for resolution.

3. Period of Availability

The FY 2009 Bus and Bus-Related Facilities funds not obligated in a grant for eligible purposes as of September 30, 2011, may be made available for other eligible bus projects under 49 U.S.C. 5309.

G. Capital Investment Program (49 U.S.C. 5309)—New and Small Starts

The New and Small Starts program provides funds for construction of new fixed guideway systems or extensions to existing fixed guideway systems and, in the case of Small Starts, corridor-based bus systems. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about New and Small Starts project development contact Elizabeth Day, Office of Planning and Environment, at (202) 366-4033, or for information about published allocations contact Kimberly Sledge, Office of Program Management, at (202) 366-2053.

1. FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$1,809,250,000 to the Capital Investment Program. The total amount allocated for the program is shown in the table below.

CAPITAL INVESTMENT PROGRAM (NEW AND SMALL STARTS)

Total Appropriation	\$1,809,250,000
Oversight (one percent)	-(18,092,500)
Total Available	1,791,157,500
Total Allocated to Specific Projects	-1,791,145,293
Total Unallocated	12,207

The FY 2009 Major Capital Investment Program Allocations are shown in Table 11. Projects extended or reprogrammed by the Omnibus Appropriations Act, 2009, are shown in Table 12-A.

H. Special Needs of Elderly Individuals and Individuals With Disabilities Program (49 U.S.C. 5310)

This program provides formula funding to States for capital projects to assist private nonprofit groups in meeting the transportation needs of the

elderly and individuals with disabilities when the public transportation service provided in the area is unavailable, insufficient, or inappropriate to meet these needs. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about the Elderly and Individuals with Disabilities Program contact David Schneider, Office of Program Management, at (202) 366-2053.

FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$133,500,000 to the Elderly and Individuals with Disabilities Program (49 U.S.C. 5310). After deduction of 0.5 percent for oversight (49 U.S.C. 5327), and the addition of reappropriated prior year funds, \$135,823,746 remains available for allocation to the States.

ELDERLY AND INDIVIDUALS WITH DISABILITIES PROGRAM

Total Appropriation	\$133,500,000
Oversight Deduction	-667,500
Prior Year Funds Added	2,991,246
Total Apportioned	135,823,746

The FY 2009 Elderly and Individuals with Disabilities Program apportionments to the States are displayed in Table 13.

I. Nonurbanized Area Formula Program (49 U.S.C. 5311)

This program provides formula funding to States and Indian Tribes for the purpose of supporting public transportation in areas with a population of less than 50,000. Funding may be used for capital, operating, State administration, and project administration expenses. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about the Nonurbanized Area Formula Program contact Lorna Wilson, Office of Program Management, at (202) 366-2053.

FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$465,000,000 to the Nonurbanized Area Formula Program (49 U.S.C. 5311). The total amount apportioned for the Nonurbanized Area Formula Program is \$511,684,110, after take-downs of two percent for the Rural Transportation Assistance Program (RTAP), 0.5 percent for oversight, and \$15,000,000 for the Tribal Transit Program, and the addition of Section 5340 funds and prior year funds

reappropriated, as shown in the table below.

NONURBANIZED AREA FORMULA PROGRAM

Total Appropriation	\$465,000,000
Oversight Deduction	-2,325,000
RTAP Takedown	-9,300,000
Tribal Transit Takedown	-15,000,000
Prior Year Funds Added	105,226
Section 5340 Funds Added ..	73,203,884
Total Apportioned	511,684,110

The FY 2009 Nonurbanized Area Formula apportionments to the States are displayed in Table 14.

J. Rural Transportation Assistance Program (49 U.S.C. 5311(b)(3))

This program provides funding to assist in the design and implementation of training and technical assistance projects, research, and other support services tailored to meet the needs of transit operators in nonurbanized areas. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about RTAP contact Lorna Wilson, Office of Program Management, at (202) 366-2053.

FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$9,300,000 to RTAP (49 U.S.C. 5311(b)(2)), as a two percent takedown from the funds appropriated for Section 5311. FTA has reserved 15 percent for the National RTAP program. After adding prior year funds eligible for reappropriation, \$7,905,016 is available for allocations to the States, as shown in the table below.

RURAL TRANSIT ASSISTANCE PROGRAM

Total Appropriation	\$9,300,000
National RTAP Takedown	-1,395,000
Prior Year Funds Added	16
Total Apportioned	7,905,016

Table 14 shows the FY 2009 RTAP allocations to the States.

K. Public Transportation on Indian Reservations Program (49 U.S.C. 5311(c)(1))

FTA refers to this program as the Tribal Transit Program. It is funded as a takedown from funds appropriated for the Section 5311 program. Federally recognized Indian Tribes are eligible direct recipients. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about the

Tribal Transit Program contact Lorna Wilson, Office of Program Management, at (202) 366-2053.

1. Funding Availability in FY 2009

Under the Omnibus Appropriations Act, 2009, the amount allocated to the program in FY 2009 is \$15,000,000, as authorized in Section 5311(c)(1)(C). After adding prior year funds eligible for reallocation, \$15,024,797 is available for allocation.

2. Basis for Allocation

Based on procedures developed in consultation with the Tribes, FTA has issued a Notice of Funding Availability (NOFA) soliciting applications for FY 2009 funds.

L. National Research Programs (49 U.S.C. 5314)

FTA's National Research Programs (NRP) include the National Research and Technology Program (NRTP), the Transit Cooperative Research Program (TCRP), the National Transit Institute (NTI), and the University Transportation Centers Program (UTC). Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information contact Linda Wolfe, Office of Research, Demonstration and Innovation, at (202) 366-8511.

Funding Availability in FY 2009

The Omnibus Appropriations Act, 2009, provides \$67,000,000 for the National Research Programs. Of this amount \$10,000,000 is allocated for TCRP, \$4,300,000 for NTI, \$7,000,000 for the UTC, and \$45,700,000 for NRTP. Within the NRTP \$22,165,000 is allocated for specific activities under 49 U.S.C. 5338(d) and in Section 3046 of SAFETEA-LU. An additional \$5,937,500 was allocated for specific activities in 2009 Appropriations Act. All research and research and development projects, as defined by the Office of Management and Budget, are subject to a 2.75 percent reduction for the Small Business Innovative Research Program (SBIR). The takedown has been applied where applicable, unless the purpose of the project is unclear. A breakdown of NRP funds is provided in the table below.

NATIONAL RESEARCH PROGRAMS

Total Appropriation	\$67,000,000
Funds Allocated for Specific Programs or Activities	49,598,054
Small Business Innovative Research Takedown estimate	254,446

NATIONAL RESEARCH PROGRAMS—
Continued

Funds Available for FTA Programming	17,147,500
Total NPR Funding	67,000,000

The project allocations are listed in Table 20.

M. Job Access and Reverse Commute Program (49 U.S.C. 5316)

The Job Access and Reverse Commute (JARC) program provides formula funding to States and Designated Recipients to support the development and maintenance of job access projects designed to transport welfare recipients and low-income individuals to and from jobs and activities related to their employment, and for reverse commute projects designed to transport residents of UZAs and other than urbanized areas to suburban employment opportunities. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about the JARC program contact David Schneider, Office of Program Management, at (202) 366-2053.

Funding Availability in FY 2009

The Omnibus Appropriations Act, 2009, provides \$164,500,000 for the JARC Program. FTA is also reallocating \$18,603,175 in lapsed FY 2006 JARC funds. The total amount apportioned by formula is shown in the table below.

JOB ACCESS AND REVERSE COMMUTE PROGRAM

Total Appropriation	\$164,500,000
Prior Year Funds Added	18,603,175
Total Apportioned	183,103,175

Table 16 shows the FY 2009 JARC apportionments.

N. New Freedom Program (49 U.S.C. 5317)

SAFETEA-LU established the New Freedom Program under 49 U.S.C. 5317. The program purpose is to provide new public transportation services and public transportation alternatives beyond those currently required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information about the New Freedom program contact David

Schneider, Office of Program Management, at (202) 366-2053.

Funding Availability in FY 2009

The Omnibus Appropriations Act, 2009, provides \$92,500,000 for the New Freedom Program. In addition, \$8,359,585 in lapsed FY 2006 New Freedom funds is also being reallocated. The entire amount is apportioned by formula, as shown in the table below.

NEW FREEDOM PROGRAM

Total Appropriation	\$92,500,000
Prior Year Funds Added	8,359,585
Total Apportioned	100,859,585

Table 18 shows the FY 2009 New Freedom apportionments.

O. Paul S. Sarbanes Transit in Parks Program (49 U.S.C. 5320)

The Paul S. Sarbanes Transit in Parks Program (Transit in Parks Program), formerly the Alternative Transportation in Parks and Public Lands (ATPPL) program, is administered by FTA in partnership with the Department of the Interior (DOI) and the U.S. Department of Agriculture's Forest Service. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For more information on the Paul S. Sarbanes Transit in Parks Program contact the Office of Program Management at (202) 366-2053.

FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, makes \$26,900,000 available for the program in FY 2009. After a 0.5 percent takedown for oversight (authorized by 49 U.S.C. 5327), \$26,765,500 is available to be awarded to projects. Up to ten percent of the funds may be reserved for administering the program and for planning, research, and technical assistance. FTA will publish a Notice of Funding Availability (NOFA) in the **Federal Register** inviting applications for projects to be funded in FY 2009.

P. Alternatives Analysis Program (49 U.S.C. 5339)

The Alternatives Analysis Program provides grants to States, authorities of the States, metropolitan planning organizations, and local government authorities to develop studies as part of the transportation planning process. Alternatives Analysis Program funds are allocated on a discretionary basis. Detailed program information was previously published in the **Federal Register** on December 18, 2008. For

more information about this program contact Maurice Foushee, of the Office of Planning and Environment, at (202) 366-4033.

FY 2009 Funding Availability

The Omnibus Appropriations Act, 2009, provides \$25,000,000 to the Alternatives Analysis Program (49 U.S.C. 5339). The amount available for allocation is shown in the table below.

ALTERNATIVES ANALYSIS PROGRAM

Total Appropriation	\$25,000,000
Total Available	25,000,000
Total Allocated to Specific Projects	- 15,188,125
Total Unallocated	9,811,875

FY 2009 Alternatives Analysis Program allocations are shown in Table 19-A.

Q. Growing States and High Density States Formula Factors

The Omnibus Appropriations Act, 2009, makes \$465,000,000 available for apportionment in accordance with the formula factors prescribed for Growing States and High Density States in Section 49 U.S.C. 5340. Fifty percent of

this amount (or \$232,500,000) is apportioned to eligible States and urbanized areas using the Growing State formula factors. The other 50 percent is apportioned to eligible States and urbanized areas using the High Density States formula factors. Based on application of the formulas, \$159,296,116 of the Growing States funding was apportioned to urbanized areas and \$73,203,884 to nonurbanized areas. All of the \$232,500,000 allotted to High Density States was apportioned to urbanized areas. For more detailed program information, please see the **Federal Register** notice published on December 18, 2008.

R. Over-the-Road Bus Accessibility Program (49 U.S.C. 5310 note)

The Over-the-Road Bus Accessibility (OTRB) Program authorizes FTA to make grants to operators of over-the-road buses to help finance the incremental capital and training costs of complying with the DOT over-the-road bus accessibility final rule, 49 CFR Part 37, published on September 28, 1998 (63 FR 51670). For more information about the OTRB program contact Blenda Younger, Office of Program Management, at (202) 366-2053.

Funding Availability in FY 2009

The Omnibus Appropriations Act, 2009, provides \$8,800,000 for the Over-the-Road Bus Accessibility (OTRB) Program, and together with \$1,880,335 in lapsed funds provides a total of \$10,680,335 allocable for OTRB, as shown in the table below:

OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM

Total Appropriation	\$8,800,000
Amount Lapsed	1,880,335
Total Apportioned	10,680,335

Of this amount, \$8,010,251 is allocable to providers of intercity fixed-route service, and \$2,670,084 to other providers of over-the-road bus services, including local fixed-route service, commuter service, and charter and tour service. FTA will publish a notice, at a later date, soliciting proposals for FY 2009 program funds.

Issued in Washington, DC, this 21st day of April 2009.

Matthew J. Welbes,
Acting Deputy Administrator.

Appendix A

FTA REGIONAL OFFICES

<p>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.</p>	<p>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.</p>
<p>Brigid Hynes-Cherin Regional Administrator Region 2—New York One Bowling Green, Room 429 New York, NY 10004-1415 Tel. No. 212 668-2170 States served: New Jersey, New York.</p> <p>New York Metropolitan Office Region 2—New York One Bowling Green, Room 428 New York, NY 10004-1415 Tel. 212-668-2202.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>

FTA REGIONAL OFFICES—Continued

<p>Philadelphia Metropolitan Office Region 3—Philadelphia 1760 Market Street, Suite 500 Philadelphia, PA 19103-4124 Tel. 215-656-7070 Washington, D.C. Metropolitan Office 1990 K Street, NW Room 510 Washington, DC 20006 Tel. 202-219-3562.</p>	
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>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.</p>

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FEDERAL TRANSIT ADMINISTRATION
TABLE 3

REVISED FY 2009 SECTION 5307 AND SECTION 5340 URBANIZED AREA APPORTIONMENTS

(Apportionment amount is based on funding made available under the Omnibus Appropriations Act, 2009 - P.L. 111-8)

(Note: In accordance with language in the SAFETEA-LU conference report, an urbanized area apportionments for Section 5307 and Section 5340 were combined to show a single amount. An area's apportionment amount includes regular Section 5307 funds, Small Transit Intensive Cities funds, and Growing States and High Density States formula funds, as appropriate.)

URBANIZED AREA/STATE	APPORTIONMENT
N. MARIANA ISLANDS	\$805,729
Saipan, MP	805,729
NEBRASKA	\$227,939
Sioux City, IA--NE--SD	227,939
NEVADA	\$822,220
Carson City, NV	822,220
NEW HAMPSHIRE	\$5,815,009
Dover--Rochester, NH--ME	1,082,919
Manchester, NH	1,954,921
Nashua, NH--MA	2,316,131
Portsmouth, NH--ME	461,038
NEW JERSEY	\$4,563,188
Hightstown, NJ	1,649,907
Vineland, NJ	1,838,644
Wildwood--North Wildwood--Cape May, NJ	1,074,637
NEW MEXICO	\$3,060,485
Farmington, NM	595,177
Las Cruces, NM	1,291,703
Santa Fe, NM	1,173,605
NEW YORK	\$11,810,237
Binghamton, NY--PA	3,115,385
Danbury, CT--NY	93,687
Elmira, NY	1,416,713
Glens Falls, NY	917,455
Ithaca, NY	1,443,676
Kingston, NY	843,944
Middletown, NY	820,557
Saratoga Springs, NY	1,056,265
Utica, NY	2,102,555
NORTH CAROLINA	\$13,015,823
Burlington, NC	1,124,830
Concord, NC	1,302,225
Gastonia, NC	1,568,090
Goldboro, NC	666,901
Greenville, NC	1,114,121
Hickory, NC	1,904,128
High Point, NC	1,566,885
Jacksonville, NC	1,150,264
Rocky Mount, NC	746,839
Wilmington, NC	1,871,540
NORTH DAKOTA	\$4,089,523
Bismarck, ND	1,341,241
Fargo, ND--MN	1,859,031
Grand Forks, ND--MN	889,251
OHIO	\$10,551,310
Huntington, WV--KY--OH	421,804
Lima, OH	904,304
Lorain--Elyria, OH	2,739,422
Mansfield, OH	966,161
Middletown, OH	1,261,424
Newark, OH	1,219,836
Parkersburg, WV--OH	296,814
Sandusky, OH	640,163

395 Grant Overview Worksheet

Title of Grant Program: FTA Section 5307

Funding Organization: Federal Government, FTA

Section Applying: Transit

Description of Proposed Project: Request for annual obligation of the Federal Fiscal Year Section 5307 apportionment to be used towards City FY2010 operating as approved in the FY2010 operating budget.. This is ongoing annual formula funding that the transit system has received by Congressional apportionment since the beginning of the system in 1986.

Strategic Plan	Goal: N/A	Objective: N/A	Strategy: N/A
Performance Budget	Goal: N/A	Objective: N/A	Strategy: N/A

- Existing City Programs/Efforts** *(Example: request for environmentally-friendly weed management. Parks Section's existing budget and work activities includes weed management)*
- Expansion of Existing Program/Efforts** *(Example: request for advertising to increase public Awareness of the Farmers Market. The advertising campaign will be an increase over current activities/budget.)*
- New Initiative, Not Budgeted** *(Example: request to implement a recreational activity that is currently Not included in the city's recreational programs.)*

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

There is no specific requirement for this.

Amount Section anticipates requesting: \$1,291,703
\$1,291.703

Match Requirement (%):

Projected Match In-Kind:
Match Source: City General Fund, Gas Tax Fund

Cash: \$1,291,703

Grant Application Due: June 2009

Grant Duration (Months/Years): until used up

MOU or Joint Powers Agreement Required (Yes/No): Already in existence

Grant Collaborators (List other city departments or outside agencies): none

Employees To Be Hired *(# to be hired, full-time or part-time position and 1-sentence job responsibilities)*
No additional employees

Grant Overview ³⁸⁶Worksheet

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

Name: Michael Bartholomew

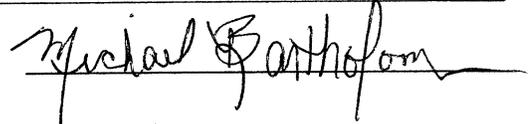
Title: Transit Admin.

Phone: 541-2537

E-mail: mbartholomew@las-cruces.org

Submitted by: Michael Bartholomew

Signature



Date: May 26, 2009

Reviewed & Approved by: LORI GRUMET
Department Director

Signature



Date: 5.27.09