



U.S. Department
of Transportation

Federal Transit
Administration

The Administrator

1200 New Jersey Avenue, SE
Washington, D.C. 20590

SEP 12 2014

The Honorable Jaime Herrera Beutler
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Beutler:

Thank you for your letter, dated August 5, indicating there is local confusion about whether the Fourth Plain Bus Rapid Transit (BRT) project sponsored by the Clark County Public Transportation Benefit Area (C-Tran) meets the requirements of the Federal Transit Administration's (FTA) Small Starts program because of a local voter approved advisory measure passed in 2013. Your letter listed several questions about the Small Starts program, including whether FTA considers BRT to be high capacity transit, whether the law requires completion of activities within certain timeframes to be eligible for Small Starts funds, how FTA gauges public support for a proposed project, and whether FTA requires that a public referendum on the proposed project be held. You also requested information on the status of the proposed Fourth Plain BRT project in meeting the Small Starts program's requirements.

FTA typically does not opine on the contents and requirements of local laws or whether they have been satisfied. Below, however, is information to help clarify the Small Starts program requirements.

The term "high capacity transit" is not set forth in Federal laws governing FTA's programs, so it is not one we use to determine eligibility for funding. The law provides two definitions for BRT for the purposes of determining eligibility for Small Starts funding. A project can either be a fixed guideway BRT or a corridor-based BRT project. The two definitions in law are identical except that the majority of a fixed guideway BRT project must "operate in a separated right-of-way dedicated for public transportation use during peak periods" while no such requirement applies to corridor-based BRT projects. Both definitions require the BRT project to include "features that emulate the services provided by rail fixed guideway public transportation system, including defined stations; traffic signal priority for public transportation vehicles; short headway bidirectional services for a substantial part of weekdays and weekend days." The Fourth Plain BRT is seeking funding as a corridor-based BRT.

The law requires that all projects seeking FTA Small Starts funding complete two phases, but it does not specify timeframes within which those phases must be completed.

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FTA works with each individual project sponsor to develop a timeline of when the required activities are anticipated to be completed for its specific project. The timeline is often revised to reflect updated expectations for completion.

The first phase in the Small Starts process is called Project Development, during which the law specifies a project sponsor must select a locally preferred alternative, have it adopted into the fiscally constrained metropolitan transportation plan, complete the environmental review process, and develop the information necessary for FTA to evaluate and rate the project under the criteria outlined in law. The Fourth Plain BRT project is currently in this phase.

Public participation is a key component of the Project Development phase. Both the environmental review and metropolitan transportation planning processes performed during this phase include public participation requirements. FTA relies on these two processes to gauge local support for a proposed project. The Fourth Plain BRT project was a recommendation in the long range planning study undertaken by the Southwest Washington Regional Transportation Council (RTC) to identify future needs for public transportation. The RTC Board approved an amendment to its Transportation Improvement Plan on August 5, 2014, to include the Fourth Plain BRT project, which demonstrates local support for the project to FTA.

The second and final phase in the Small Starts process is receipt of a construction grant agreement from FTA. The construction grant agreement is a contract between FTA and the project sponsor that outlines in detail the scope, cost and Federal share of the project, the Federal payment schedule, and the date when revenue service will begin. To be considered ready for this step, the project sponsor must have completed all the Project Development activities identified above, have all non-Federal funding committed, and have met FTA's readiness requirements related to project design, project management plans, and technical capacity. C-Tran has indicated to FTA it expects to be ready for a construction grant agreement sometime this fall. C-Tran's governing board voted on July 8, 2014, to provide the local match for the Fourth Plain BRT project from existing uncommitted cash and investments.

Lastly, FTA does not require public referenda on proposed Small Starts requirements. State and local governments decide if they want or need a referendum on proposed projects.

I thank you for your interest in the project and public transportation. If I can provide further information or assistance, please do not hesitate to contact me directly at (202) 366-4040.

Sincerely,



Therese W. McMillan
Acting Administrator