

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Highway in Utah**

**AGENCY:** Utah Department of Transportation (UDOT), Federal Highway Administration (FHWA), Department of Transportation.

**ACTION:** Notice of limitations on claims for judicial review of actions by UDOT.

**SUMMARY:** The FHWA, on behalf of UDOT, is issuing this notice to announce actions taken by UDOT that are final Federal agency actions. The final agency actions relate to a proposed highway project, a southbound frontage road along Interstate 215 (I-215) between 4100 South and 4700 South in Taylorsville City, Salt Lake County, State of Utah. Those actions grant licenses, permits and/or approvals for the project. The UDOT's Environmental Assessment and Finding of No Significant Impact, provide details on the Selected Alternative for the proposed improvements.

**DATES:** By this notice, FHWA, on behalf of UDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(j)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 30, 2020. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Elisa Albury, Environmental Program Manager, UDOT Environmental Services, PO Box 143600, Salt Lake City, UT 84114; (801)-965-4000; email: [ecalbury@udot.gov](mailto:ecalbury@udot.gov). UDOT's normal business hours are 8 a.m. to 5 p.m. (Mountain Time Zone), Monday through Friday, except State and Federal holidays.

**SUPPLEMENTARY INFORMATION:** Effective January 17, 2017, FHWA assigned to UDOT certain responsibilities of FHWA for environmental review, consultation, and other actions required by applicable Federal environmental laws and regulations for highway projects in Utah, pursuant to 23 U.S.C. 327. Actions taken by UDOT on FHWA's behalf pursuant to 23 U.S.C. 327 constitute Federal agency actions for purposes of Federal law. Notice is hereby given that UDOT has taken final agency actions subject to 23 U.S.C. § 139(j)(1) by issuing licenses, permits, and approvals for the I-215 Southbound Frontage Road project in the State of Utah.

The project proposes to construct a transportation solution to improve connectivity from I-215 to the local roadway network by constructing an approximate 1-mile frontage road between 4100 South and 4700 South and associated local roadway improvements between 2200 West and 2700 West in Taylorsville City, Salt Lake County, Utah. These improvements were identified in the Environmental Assessment (EA) prepared for the project by UDOT as Alternative 1. The project is included in UDOT's adopted 2020–2025 State Transportation Improvement Plan (STIP) as project number F-I215(196)16; PIN 17953. The project is also included in the Wasatch Front Regional Council's 2019–2050 Regional Transportation Plan.

The actions by UDOT and the laws under which such actions were taken are described in the EA approved on February 18, 2020, the UDOT FONSI (Finding of No Significant Impact for I-215 Southbound Frontage Road in Salt Lake County, Utah, Project No. F-I215(188)16 approved on February 18, 2020), and other documents in the UDOT project records. The EA and the FONSI are available for review by contacting UDOT at the address provided above. In addition, these documents can be viewed and downloaded from the UDOT project website at [https://www.udot.utah.gov/projectpages/?p=250:2007:0::NO:2007:P2007\\_EPM\\_PROJ\\_XREF\\_NO,P2007\\_PROJECT\\_TYPE\\_IND\\_FLAG:13061](https://www.udot.utah.gov/projectpages/?p=250:2007:0::NO:2007:P2007_EPM_PROJ_XREF_NO,P2007_PROJECT_TYPE_IND_FLAG:13061). This notice applies to the EA, the FONSI, the Section 4(f) determination, the NHPA Section 106 review, the Endangered Species Act determination, the noise review and noise abatement determination, and all other UDOT and other federal agency decisions and other actions with respect to the project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to the following laws (including their implementing regulations):

1. *General:* National Environmental Policy Act [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128]; MAP-21, the Moving Ahead for Progress in the 21st Century Act [Pub. L. 112–141].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section

1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712]; The Bald and Golden Eagle Protection Act [16 U.S.C. 668].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. *Wetlands and Water Resources:* Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(M, 133(b)(11))]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Noise:* Federal-Aid Highway Act of 1970, Public Law 91–605 [84 Stat. 1713]; 23 U.S.C. 109(h) & (i).

10. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139 (j)(1))

Dated: February 25, 2020.

Ivan Marrero,

Division Administrator, Federal Highway Administration, Salt Lake City, Utah.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Announcement of Fiscal Year 2019 Grants for Buses and Bus Facilities Program Project Selections

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice; announcement of project selections. Grants for Buses and Bus Facilities Program.

**SUMMARY:** The U.S. Department of Transportation's (DOT) Federal Transit Administration (FTA) announces the allocation of \$423,329,839 to projects under the Fiscal Year (FY) 2019 Grants for Buses and Bus Facilities Program (Bus Program) and provides administrative guidance on project implementation.

**FOR FURTHER INFORMATION CONTACT:** Successful applicants should contact the appropriate FTA Regional Office for information regarding applying for the funds or program-specific information. A list of Regional Offices can be found at [www.transit.dot.gov/](http://www.transit.dot.gov/). Unsuccessful applicants may contact Mark G. Bathrick, Office of Program Management at (202) 366-9955, email: [Mark.Bathrick@dot.gov](mailto:Mark.Bathrick@dot.gov), within 30 days of this announcement to arrange a proposal debriefing. A TDD is available at 1-800-877-8339 (TDD/FIRS).

**SUPPLEMENTARY INFORMATION:** Federal public transportation law (49 U.S.C. 5339(b)) authorizes FTA to make competitive grants for buses and bus facilities. Federal public transportation law (49 U.S.C. 5338) authorized \$263,219,530 for competitive allocations in FY 2019. The Consolidated Appropriations Act, 2019 (Pub. L. 116-6) appropriated an additional \$160 million for the Bus Program for FY 2019. An additional \$130,710 of unawarded FY 2018 funding was also made available. After the statutory set aside for oversight, \$423,350,240 was made available for competitive grants under the Bus Program.

On May 15, 2019, FTA published a Notice of Funding Opportunity (NOFO) (84 FR 21899) announcing the availability of \$423,350,240 in competitive funding under the Bus Program. These funds will provide financial assistance to states and eligible

public agencies to replace, rehabilitate, purchase, or lease buses, vans, and related equipment, and for capital projects to rehabilitate, purchase, construct, or lease bus-related facilities. In response to the NOFO, FTA received 318 eligible project proposals from 43 States and the District of Columbia, totaling approximately \$1.89 billion in Federal funds. Project proposals were evaluated based on each applicant's responsiveness to the program evaluation criteria outlined in the NOFO.

Based on the criteria in the NOFO, FTA is funding 94 projects, as shown in Table 1, for a total of \$423,329,839. Recipients selected for competitive funding are required to work with their FTA Regional Office to submit a grant application in FTA's Transit Award Management System (TrAMS) for the projects identified in the attached table to quickly obligate funds. Grant applications must only include eligible activities applied for in the original project application. Funds must be used consistent with the competitive proposal and for the eligible capital purposes described in the NOFO.

In cases where the allocation amount is less than the proposer's total requested amount, recipients are required to fund the scalable project option as described in the application. If the award amount does not correspond to the scalable option, the recipient should work with the Regional Office to reduce scope or scale the project such that a complete phase or project is accomplished. Recipients may also provide additional local funds to complete a proposed project. A discretionary project identification number has been assigned to each project for tracking purposes and must be used in the TrAMS application.

Selected projects are eligible to incur costs under pre-award authority no earlier than the date projects were publicly announced, November 25, 2019. Pre-award authority does not guarantee that project expenses incurred prior to the award of a grant will be eligible for reimbursement, as eligibility for reimbursement is contingent upon other requirements, such as planning and environmental requirements, having been met. For more about FTA's policy on pre-award authority, please see the FTA Fiscal Year 2019 Apportionments, Allocations, and Program Information and Interim Guidance (84 FR 31984). Post-award reporting requirements include submission of Federal Financial Reports and Milestone Progress Reports in TrAMS (see FTA.C.5010.1E). Recipients must comply with all applicable Federal

statutes, regulations, executive orders, FTA circulars, and other Federal requirements in carrying out the project supported by the FTA grant. FTA emphasizes that recipients must follow all third-party procurement requirements set forth in Federal public transportation law (49 U.S.C. 5325(a)) and described in the FTA Third Party Contracting Guidance Circular (FTA Circular 4220.1). Funds allocated in this announcement must be obligated in a grant by September 30, 2023.

**Technical Review And Evaluation Summary:** The FTA assessed all project proposals that were submitted under the FY 2019 Bus Program competition according to the following evaluation criteria. The specific metrics for each criterion were described in the May 15, 2019, NOFO:

1. Demonstration of Need
2. Demonstration of Benefits
3. Planning/Local Prioritization
4. Local Financial Commitment
5. Project Implementation Strategy
6. Technical, Legal, and Financial Capacity

For each project, a technical review panel assigned a rating of Highly Recommended, Recommended, or Not Recommended for each of the six criteria. The technical review panel then assigned an overall rating of Highly Recommended, Recommended, Not Recommended, or Ineligible to the project proposal.

Projects were assigned a final overall rating of Highly Recommended if they were rated Highly Recommended in at least four categories overall, with no Not Recommended ratings. Projects were assigned a final overall rating of Recommended if the projects had three or more Recommended ratings and no Not Recommended ratings. Projects were assigned a rating of Not Recommended if they received a Not Recommended rating in any criteria. A summary of the final overall ratings for all 318 eligible project proposals is shown in the table below.

#### OVERALL PROJECT RATINGS

[Eligible submissions]

Highly Recommended .....	188
Recommended .....	96
Not Recommended .....	34
<b>Total .....</b>	<b>318</b>

As outlined in the NOFO, FTA made the final selections based on the technical ratings as well as geographic diversity, percentage of local cost share, departmental objectives, location in an opportunity zone, and/or receipt of other recent competitive awards.