

Application

Federal Award Identification Number (FAIN)	SD-2022-021-00
Temporary Application Number	6881-2022-1
Application Name	FFY19 Section 5339 Rural Formula, FFY20 5311 Rural Formula and FFY20 TTP Formula Super Grant - Design and Construction
Application Status	Final Concurrence / Reservation
Application Budget Number	0

Period of Performance Start Date	N/A
Original Period of Performance End Date	3/31/2024
Current Period of Performance End Date	N/A Revision #: N/A

Part 1: Recipient Information

Name: ROSEBUD SIOUX TRIBE

Recipient ID	Recipient OST Type	Recipient Alias	UEI	DUNS
6881	Indian Tribe	ROSEBUD SIOUX TRIBE	HB9JG5KNPX67	105151518

Location Type	Address	City	State	Zip
Headquarters	11 LEGION AVE	ROSEBUD	SD	57570
Physical Address	11 LEGION AVE	ROSEBUD	SD	57570
Mailing Address	PO BOX 430	ROSEBUD	SD	57570

Union Information

There are no union contacts for this application

Part 2: Application Information

Title: FFY19 Section 5339 Rural Formula, FFY20 5311 Rural Formula and FFY20 TTP Formula Super Grant - Design and Construction

FAIN	Application Status	Application Type	Date Created	Last Updated Date	From TEAM?
SD-2022-021-00	Final Concurrence / Reservation	Grant	6/23/2022	6/23/2022	No

Application Executive Summary

This super grant application requests FFY2019 Section 5339 Rural Formula and FFY20 Section 5311 Rural Formula funds apportioned to the State of South Dakota and suballocated to the Rosebud Sioux Tribe and FFY20 Section 5311 Tribal Transit Program Formula funding apportioned to the Rosebud Sioux Tribe in the amount of \$1,117,154 total, broken down as follows:

\$243,000 FFY19 5339 Bus and Bus Facility - State Suballocation (Lapsing)
 \$248,316 FFY20 5311 Rural Transit - State Suballocation (Lapsing)
 \$625,838 FFY20 5311-1B Tribal Formula (Lapsing)

\$1,117,154 Total Federal Funding

The local matching funds for the suballocated funds comes from the State of South Dakota and FHWA Tribal Transportation Program Funds and the 5311 Tribal Transit Program funds are 100% federal share.

Purpose: The purpose of this award is to prepare for a transit administrative and maintenance facility upgrade for the Rosebud Sioux Tribe so that they can increase the size of their current facility to support the full staff, maintenance activities and vehicle storage needed for their transit operation. This project is the next step for the conceptual design that was completed using funds in SD-2016-011.

Activities to be performed: Funds will be used to is to complete NEPA clearances, final design and construct a transit administrative and maintenance facility for the Rosebud Sioux Tribe.

Expected Outcomes: Funding will complete a facility need that was initiated several years ago and was delayed due to not having the funding to do the work at the time.

Intended Beneficiaries: Rosebud Sioux Tribe members, especially those that utilize the transit system.

Subrecipient Activities: There are no subrecipient activities.

This grant uses pre-award authority for contracting purposes only, RST will enter \$310,207 in as an unliquidated obligation in the initial FFR.

Frequency of Milestone Progress Reports (MPR)

Quarterly

Frequency of Federal Financial Reports (FFR)

Quarterly

Does this application include funds for research and/or development activities?

This award does not include research and development activities.

Pre-Award Authority

This award is using Pre-Award Authority.

Does this application include suballocation funds?

Recipient organization is suballocated these apportioned funds and can apply for and receive these funds directly.

Will this Grant be using Lapsing Funds?

Yes, this Grant will use Lapsing Funds.

Will indirect costs be applied to this application?

This award does not include an indirect cost rate.

Indirect Rate Details: N/A

Requires E.O. 12372 Review

No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt

No, my organization does not have delinquent federal debt.

Application Point of Contact Information

First Name	Last Name	Title	E-mail Address	Phone
Emma	Belmont	Transportation Program Specialist	emma.belmont@dot.gov	(303) 362-2392
John Charles	Arcoren	Director	johncharles.arcoren@rstnsn.gov	(605) 747-2718

Application Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Buses and Bus Facilities Formula	5339-1	20526	\$243,000
5311 - Rural Area Formula	5311-1A	20509	\$248,316
5311 - Tribal Transit Program Formula	5311-1B	20509	\$625,838
Local			\$70,424
Local/In-Kind			\$0
State			\$52,405
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$1,239,983

Application Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
SD-2022-021-01-00	600-00 (600-A1) OTHER PROGRAM COSTS	\$243,000.00	\$60,750.00	\$303,750.00	1

SD-2022-021-01-00		11.43.03	CONSTRUCT - ADMIN/MAINT FACILITY	\$243,000.00	\$60,750.00	\$303,750.00	1
SD-2022-021-02-00	600-00 (600-A2)		OTHER PROGRAM COSTS	\$248,316.00	\$62,079.00	\$310,395.00	1
SD-2022-021-02-00		11.43.03	CONSTRUCT - ADMIN/MAINT FACILITY	\$248,316.00	\$62,079.00	\$310,395.00	1
SD-2022-021-03-00	600-00 (600-A3)		OTHER PROGRAM COSTS	\$625,838.00	\$0.00	\$625,838.00	2
SD-2022-021-03-00		11.41.03	ENG/DESIGN - ADMIN/ MAINTENANCE FACILITY	\$340,713.00	\$0.00	\$340,713.00	1
SD-2022-021-03-00		11.43.03	CONSTRUCT - ADMIN/MAINT FACILITY	\$285,125.00	\$0.00	\$285,125.00	1

Discretionary Allocations

This application does not contain discretionary allocations.

Part 3: Project Information

Project Title: FY19 5339 Suballocated Funds - Construction

Project Number	Temporary Project Number	Date Created	Start Date	End Date
SD-2022-021-01-00	6881-2022-1-P1	6/23/2022	2/15/2023	12/31/2023

Project Description

This project uses FY19 Section 5339(a) Statewide suballocated funds from the State of South Dakota to fund construction of the RST transit administrative and maintenance facility addition.

Project Benefits

This will fund the construction of a facility expansion to allow for more space for maintenance and more office space to accommodate employee needs.

Additional Information

None provided.

Location Description

Rosebud Sioux Tribe reservation in South Central South Dakota.

Project Location (Urbanized Areas)

UZA Code	Area Name
460000	South Dakota

Congressional District Information

State	District	Representative
South Dakota	1	Dusty Johnson

Program Plan Information

STIP/TIP

Date: N/A

Description: N/A

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Buses and Bus Facilities Formula	5339-1	20526	\$243,000
Local			\$60,750
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$303,750

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
SD-2022-021-01-00	600-00 (600-A1) OTHER PROGRAM COSTS	\$243,000.00	\$60,750.00	\$303,750.00	1
SD-2022-021-01-00	11.43.03 CONSTRUCT - ADMIN/	\$243,000.00	\$60,750.00	\$303,750.00	1

MAINT FACILITY

Project Budget Activity Line Items

Budget Activity Line Item: 11.43.03 - CONSTRUCT - ADMIN/MAINT FACILITY

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER PROGRAM COSTS (600-00)	11.43.03	CONSTRUCT - ADMIN/ MAINT FACILITY	CONSTRUCTION OF BUS SUPPORT EQUIP/FACIL	1

Extended Budget Description

This activity will fund a portion of the cost to build a facility addition to the Rosebud Sioux Tribe Transit admin and maintenance facility. The expansion includes:

- 50' x 64' shop addition
- 36'x 52' office addition, and
- 15' x 19' mezzanine addition.

A high level cost estimate for construction was prepared in 2019, totaling approximately \$2.1M. At this time due to cost increases, construction may be closer to \$3M. An updated cost estate will be prepared as part of the final design and additional funding will be amended into this grant at that time.

This activity will fund a portion of the construction of the facility, which will follow the completion of NEPA and final design, which is part of another Project of this grant. The final design will fine-tune the scope of the project and additional details will be added to this grant including additional funds to cover the full cost of construction.

A hold will be placed on the use of funds in this ALI until NEPA and Final Design are completed. The Environmental Determination section of this project will be updated once NEPA is complete.

The useful life of facilities is 40 years.

Local Matching funds will come from FHWA Tribal Transportation Program funds at an 80/20 Federal / local share ratio.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Buses and Bus Facilities Formula	5339-1	20526	\$243,000
Local			\$60,750
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$303,750

Milestone Name	Est. Completion Date	Description
Construction Contract RFP	2/15/2023	
Estimated Contract Date	4/24/2023	
Initiate Site Work	5/15/2023	
Foundation	7/1/2023	
Building Additions	8/23/2023	
Interior Finishes	10/30/2023	
Substantial Completion	11/30/2023	
Final Inspections	12/6/2023	
Contract closed	12/31/2023	

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 09: Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations) and uses primarily land disturbed for transportation use, such as: buildings and associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

Date Description	Date
Class IIc CE Approved	8/29/2022

Project Title: FY20 5311 Suballocated Funds - Construction

Project Number	Temporary Project Number	Date Created	Start Date	End Date
SD-2022-021-02-00	6881-2022-1-P2	6/23/2022	2/15/2023	12/31/2023

Project Description

This project uses FY20 Section 5311 Rural suballocated funds from the State of South Dakota to fund construction of the RST transit administrative and maintenance facility addition.

Project Benefits

This will fund the construction of a facility expansion to allow for more space for maintenance and office

space to accommodate employee needs.

Additional Information

None provided.

Location Description

Rosebud Sioux Tribe reservation in South Central South Dakota.

Project Location (Urbanized Areas)

UZA Code	Area Name
460000	South Dakota

Congressional District Information

State	District	Representative
South Dakota	1	Dusty Johnson

Program Plan Information

STIP/TIP

Date: N/A

Description: N/A

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5311 - Rural Area Formula	5311-1A	20509	\$248,316
Local			\$9,674
Local/In-Kind			\$0
State			\$52,405
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$310,395

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
SD-2022-021-02-00	600-00 (600-A2) OTHER PROGRAM COSTS	\$248,316.00	\$62,079.00	\$310,395.00	1
SD-2022-021-02-00	11.43.03 CONSTRUCT - ADMIN/ MAINT FACILITY	\$248,316.00	\$62,079.00	\$310,395.00	1

Project Budget Activity Line Items

Budget Activity Line Item: 11.43.03 - CONSTRUCT - ADMIN/MAINT FACILITY

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER PROGRAM COSTS (600-00)	11.43.03	CONSTRUCT - ADMIN/ MAINT FACILITY	CONSTRUCTION OF BUS SUPPORT EQUIP/FACIL	1

Extended Budget Description

This activity will fund a portion of the cost to build a facility addition to the Rosebud Sioux Tribe Transit admin and maintenance facility. The expansion includes:

- 50' x 64' shop addition
- 36'x 52' office addition, and
- 15' x 19' mezzanine addition.

A high level cost estimate for construction was prepared in 2019, totaling approximately \$2.1M. At this time due to cost increases, construction may be closer to \$3M. An updated cost estate will be prepared as part of the final design and additional funding will be amended into this grant at that time.

This activity will fund a portion of the construction of the facility, which will follow the completion of NEPA and final design, which is part of another Project of this grant. The final design will fine-tune the scope of the project and additional details will be added to this grant including additional funds to cover the full cost of construction.

A hold will be placed on the use of funds in this ALI until NEPA and Final Design are completed. The Environmental Determination section of this project will be updated once NEPA is complete.

Facility useful life is 40 years.

Local Matching funds will come from the State of South Dakota and FHWA Tribal Transportation Program funds at an 80/20 Federal / local share ratio.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5311 - Rural Area Formula	5311-1A	20509	\$248,316

Local		\$9,674
Local/In-Kind		\$0
State		\$52,405
State/In-Kind		\$0
Other Federal		\$0
Transportation Development Credit		\$0
Adjustment		\$0
Total Eligible Cost		\$310,395

Milestone Name	Est. Completion Date	Description
RFP	2/15/2023	
Estimated Contract Date	4/24/2023	
Initiate Site Work	5/15/2023	
Foundation	7/1/2023	
Building Additions	8/23/2023	
Interior Finishes	10/30/2023	
Substantial Completion	11/30/2023	
Final Inspections	12/6/2023	
Contract closed	12/31/2023	

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 09: Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations) and uses primarily land disturbed for transportation use, such as: buildings and associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

Date Description	Date
Class IIc CE Approved	8/29/2022

Project Title: FY20 5311 Tribal Formula - Design, NEPA and Construction

Project Number	Temporary Project Number	Date Created	Start Date	End Date
SD-2022-021-03-00	6881-2022-1-P3	6/23/2022	2/28/2018	12/31/2023

Project Description

This project uses FY20 Section 5311 Tribal Transit Program funds to hire consulting firms to prepare NEPA documentation and final design, and construction of the RST transit administrative and maintenance facility addition.

Project Benefits

This will fund the construction of a facility expansion to allow for more space for maintenance and more office space to accommodate employee needs.

Additional Information

None provided.

Location Description

Rosebud Sioux Tribe reservation in South Central South Dakota.

Project Location (Urbanized Areas)

UZA Code	Area Name
460000	South Dakota

Congressional District Information

State	District	Representative
South Dakota	1	Dusty Johnson

Program Plan Information

STIP/TIP

Date: N/A

Description: N/A

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5311 - Tribal Transit Program Formula	5311-1B	20509	\$625,838

Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$625,838

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
SD-2022-021-03-00	600-00 (600-A3) OTHER PROGRAM COSTS	\$625,838.00	\$0.00	\$625,838.00	2
SD-2022-021-03-00	11.41.03 ENG/DESIGN - ADMIN/ MAINTENANCE FACILITY	\$340,713.00	\$0.00	\$340,713.00	1
SD-2022-021-03-00	11.43.03 CONSTRUCT - ADMIN/MAINT FACILITY	\$285,125.00	\$0.00	\$285,125.00	1

Project Budget Activity Line Items

Budget Activity Line Item: 11.41.03 - ENG/DESIGN - ADMIN/MAINTENANCE FACILITY

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER PROGRAM COSTS (600-00)	11.41.03	ENG/DESIGN - ADMIN/ MAINTENANCE FACILITY	ENGINEERING & DESIGN - BUS SUPPORT EQUIP/FACIL	1

Extended Budget Description

This activity includes updating the NEPA evaluation and clearances (CE Worksheet) from 2019, completion of final design and construction documents, cost estimates for construction and bidding assistance. Final design may not be initiated until NEPA is complete and approved by FTA.

The conceptual design adds onto the existing Rosebud Sioux Tribe's Transportation Facility in Rosebud, South Dakota. The additions include:

- 50' x 64' shop space
- 36' x 52' office space
- 15' x 19' mezzanine

An on-call contract for design services was put out for competitive selection in October 2017 and a selection was made in January 2018 for the original contract with KLJ. The full amount agreed upon at that time was not expended and the agreement is being amended for the work described in this activity.

This activity is 100% federal.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5311 - Tribal Transit Program Formula	5311-1B	20509	\$340,713
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$340,713

Milestone Name	Est. Completion Date	Description
RFP	2/28/2018	RFP out to bid
Contract Award	4/2/2018	Contract Agreement between KLJ and RST
Conceptual Design	8/22/2019	Conceptual Design Complete
Contract Amendment	3/9/2022	Amendment to add final design, update NEPA and Bid support
Complete NEPA	11/30/2022	
Complete Final Design/Construction Docs	1/19/2023	
Close contract	3/22/2023	

Budget Activity Line Item: 11.43.03 - CONSTRUCT - ADMIN/MAINT FACILITY

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER PROGRAM COSTS (600-00)	11.43.03	CONSTRUCT - ADMIN/ MAINT FACILITY	CONSTRUCTION OF BUS SUPPORT EQUIP/FACIL	1

Extended Budget Description

This activity will fund a portion of the cost to build a facility addition to the Rosebud Sioux Tribe Transit admin and maintenance facility. The expansion includes:

- 50' x 64' shop addition
- 36'x 52' office addition, and
- 15' x 19' mezzanine addition.

A high level cost estimate for construction was prepared in 2019, totaling approximately \$2.1M. At this time due to cost increases, construction may be closer to \$3M. An updated cost estate will be prepared as

part of the final design and additional funding will be amended into this grant at that time.

This activity will fund a portion of the construction of the facility, which will follow the completion of NEPA and final design, which is part of another Project of this grant. The final design will fine-tune the scope of the project and additional details will be added to this grant including additional funds to cover the full cost of construction.

A hold will be placed on the use of funds in this ALI until NEPA and Final Design are completed. The Environmental Determination section of this project will be updated once NEPA is complete.

Facility useful life is 40 years.

The federal share is 100%.

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5311 - Tribal Transit Program Formula	5311-1B	20509	\$285,125
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$285,125

Milestone Name	Est. Completion Date	Description
Construction RFP	2/15/2023	Finalize Bid docs for facility construction
Estimated contract date	4/24/2023	
Initiate Site Work	5/15/2023	Depending on weather, initiate site work in spring 2023
Foundation	7/1/2023	
Building Additions	8/23/2023	
Interior Finishes	10/30/2023	
Substantial Completion	11/30/2023	
Final Inspections	12/6/2023	
Contract Close	12/31/2023	

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an

environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 09: Assembly or construction of facilities that is consistent with existing land use and zoning requirements (including floodplain regulations) and uses primarily land disturbed for transportation use, such as: buildings and associated structures; bus transfer stations or intermodal centers; busways and streetcar lines or other transit investments within areas of the right-of-way occupied by the physical footprint of the existing facility or otherwise maintained or used for transportation operations; and parking facilities.

Date	Description	Date
	Class IIc CE Approved	8/29/2022

Part 4: Fleet Details

No fleet data exists for this application.

Part 5: FTA Review Comments

FTA Comments for DOL

Comment By Emma Belmont

Comment Type DOL Review for Certification

Date 9/2/2022

Grant has 3 pots of lapsing funds. I apologize for the delay getting it submitted, the grantee has been out with health issues and we had trouble getting ahold of them to submit for final. The funds have been suballocated to the Tribe by the State of South Dakota. They are not used to having grants go to DOL.

Comment Grant includes the final design of a transit facility and then construction activities after that is completed.

Grantee contact is:

John Charles Arcoren
johncharles.arcoren@rst-nsn.gov
(605) 747-2718

Application Review Comments

Comment By Morgan Hecht

Comment Type Application Details

Date 8/11/2022

Your agency must comply with all applicable Federal laws and regulations related to this project, including the ADA Standards for Transportation Facilities, based on the U.S. Access Board's ADA Accessibility Guidelines. Found here: <https://www.access-board.gov/ada/>

Specifically, your agency must comply with the ADA Standards for Transportation Facilities. The following is a non-exhaustive list of ADA standards:

Requirements to Remember for: New Construction of Facilities

- As required under DOT ADA Standard 206.4.1, your agency must ensure that 60 percent of all public entrances to the facility will be accessible. If a station has only two entrances, then both must be accessible.
- As required under DOT ADA Standard 206.3, your agency must ensure that accessible routes coincide with or are located in the same area as general circulation paths, and elements such as ramps, elevators, and fare vending and collection areas are placed to minimize the distance that wheelchair users and other persons who cannot climb steps must travel in comparison to the general public.
- As required under DOT ADA Standard 406.8, your agency must ensure that curb ramps will have detectable warnings.
- As required under DOT ADA Standard 810.2, your agency must ensure that bus boarding and alighting areas are in compliance with the ADA-ABA Guidelines (Section 810.2), which address surfaces (sturdy); dimensions (96" long x 60" wide); connection to sidewalks, streets, and pedestrian paths; slope (not steeper than 1:48); signs; and public address systems.

Comment

Title VI Requirements for Facilities:

DETERMINATION OF SITE OR LOCATION OF FACILITIES. Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

- a. The recipient shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
- b. When evaluating locations of facilities, recipients should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.
- c. If the recipient determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, the recipient may only locate the project in that location if there is a substantial legitimate justification for locating the

project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The recipient must show how both tests are met; it is important to understand that in order to make this showing, the recipient must consider and analyze alternatives to determine whether those alternatives would have less Chap. III-12 FTA C 4702.1B of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

The information provided above is intended as technical assistance and applies only to the project as described. Should the project scope change or new information on the project be provided, FTA may require a re-evaluation of the project information and require additional information. This confirmation is not an express or implied promise of project compliance with the ADA or other civil rights requirements.

Application Review Comments

Comment By Robyn Kullas

Comment Type	Environmental Findings
Date	8/29/2022
Project Title	FY19 5339 Suballocated Funds - Construction
Project Number	SD-2022-021-01-00
Comment	Concur - Project meets requirements of CE list C type 9; supporting documentation provided for NEPA approval.