

## **XII. Clean Fuels Formula Program**

TEA-21 established the Clean Fuels Formula Grant Program under section 5308 of Title 49 U.S.C. to assist non-attainment and maintenance areas in achieving or maintaining attainment status and to support markets for emerging clean fuel technologies. No funds were provided for this program in the FY 2003 DOT Appropriations Act. For further information contact Nancy Grubb, FTA Office of Resource Management and State Programs, at (202) 366-2053.

## **XIII. National Planning and Research Program**

The amount made available to the National Planning and Research Program by the FY 2003 DOT Appropriations Act is \$31,295,250, after application of the across-the-board .65 percent reduction, of that amount \$16,442,426 is allocated for specific activities. These allocations are listed in Table 10. For additional information contact Henry Nejako, Program Management Officer, Office of Research, Demonstration and Innovation, at (202) 366-0184.

## **XIV. Unit Values of Data for Urbanized Area Formula Program, Nonurbanized Area Formula Program, and Fixed Guideway Modernization**

The dollar unit values of data derived from the computations of the Urbanized Area Formula Program, the Nonurbanized Area Formula Program, and the Capital Investment Program—Fixed Guideway Modernization apportionments are displayed in Table 14 of this notice. To replicate an area's apportionment, multiply its population, population density, and data from the NTD by the appropriate unit value.

## **XV. Period of Availability of Funds**

The funds apportioned under the Metropolitan Planning Program and the Statewide Planning and Research Program, the Urbanized Area Formula Program, and Fixed Guideway Modernization, in this notice, will remain available to be obligated by FTA to recipients for three fiscal years following FY 2003. Any of these apportioned funds that remain unobligated at the close of business on September 30, 2006, will revert to FTA for reapportionment under the respective program.

Funds apportioned to nonurbanized areas under the Nonurbanized Area Formula Program, including RTAP funds, will remain available for two fiscal years following FY 2003. Any such funds that remain unobligated at the close of business on September 30,

2005, will revert to FTA for reapportionment among the States under the Nonurbanized Area Formula Program. Funds allocated to States under the Elderly and Persons with Disabilities Program in this notice must be obligated by September 30, 2003. Any such funds that remain unobligated as of that date will revert to FTA for reapportionment among the States under the Elderly and Persons with Disabilities Program. The FY 2003 DOT Appropriations Act includes a provision requiring that FY 2003 New Starts and Bus and Bus-Related funds not obligated for their original purpose as of September 30, 2005, shall be made available for other projects under 49 U.S.C. 5309.

JARC funds for projects selected by FTA for funding in FY 2003 will remain available for two fiscal years following FY 2003. Any such funds that remain unobligated at the close of business on September 30, 2005, will revert to FTA for reallocation under the JARC program.

Capital Investment Program funds for New Starts and Bus and Bus-Related projects identified as having been extended in the FY 2003 Conference Report accompanying the FY 2003 DOT Appropriations Act will lapse September 30, 2003.

## **XVI. Automatic Pre-Award Authority To Incur Project Costs**

This information incorporates and elaborates on guidance previously provided in the FTA FY 2002 Apportionments and Allocations Notice found at [<http://www.fta.dot.gov/library/legal/federalregister/2002/fr1202a.pdf>].

### **A. Policy**

FTA provides blanket or automatic pre-award authority to cover certain program areas described below. This pre-award authority allows grantees to incur project costs prior to grant approval and retain their eligibility for subsequent reimbursement after grant approval. The grantee assumes all risk and is responsible for ensuring that all conditions, which are described below, are met to retain eligibility. This automatic pre-award spending authority permits a grantee to incur costs on an eligible transit capital or planning project without prejudice to possible future Federal participation in the cost of the project or projects. Prior to exercising pre-award authority, grantees must comply with the conditions and Federal requirements outlined in paragraphs B and C immediately below. Failure to do so will render an otherwise eligible project ineligible for FTA financial assistance. In addition,

grantees are strongly encouraged to consult with the appropriate FTA regional office if there is any question regarding the eligibility of the project for future FTA funds or the applicability of the conditions and Federal requirements.

Pre-award authority was extended in the June 24, 1998 **Federal Register** Notice on TEA-21 to all formula funds and flexible funds that will be apportioned during the authorization period of TEA-21, 1998-2003. Pre-award authority for operating and planning projects under the formula grants programs is not limited to the authorization period. Pre-award authority also applies to Capital Investment Bus and Bus-Related allocations identified in this notice. For such section 5309 Capital Investment Bus and Bus-Related projects, the date that costs may be incurred is the date that the appropriation bill in which they are contained is enacted. Pre-award authority does not apply to Capital New Start funds, or to Capital Investment Bus and Bus-Related projects not specified in this or previous notices, except as described in D below.

### **Extension of Pre-Award Authority Beyond the TEA-21 Authorization Period**

Because there is uncertainty in the timing of the FY 2004 appropriations act and/or the surface transportation reauthorization act, a large number of LONPs might be requested for routine, continuing transit projects using anticipated formula funds. FTA, in this Notice, is extending pre-award authority to grantees for project costs to be reimbursed by formula funds and flexible funds that will be appropriated in FY 2004.

In using this pre-award authority for FY 2004 formula funds, grantees are cautioned that reauthorization may result in changes in program structure, administrative requirements, or funding availability. As with all pre-award authority, activities must be conducted in compliance with Federal requirements in order to retain eligibility for future reimbursement.

### **B. Conditions**

Similar to the FTA LONP authority, the conditions under which this authority may be utilized are specified below:

(1) The pre-award authority is not a legal or moral commitment that the project(s) will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or moral commitment that all