

## SECTION 2: FREQUENTLY ASKED DISASTER RECOVERY QUESTIONS

FTA published a Notice of Proposed Rulemaking (NPRM) related to “Emergency Procedures for Public Transportation Systems” in the Federal Register on August 8, 2006 (71 FR 44957). Interested parties may access the NPRM by going to <http://dms.dot.gov> and doing a “simple search” for docket number 22428. The comment period for this NPRM will close on October 10, 2006. If adopted as proposed, a final rule would permit transit agencies to request a waiver of certain administrative requirements. The final rule may supersede the answers to some of the questions posted here. This Q and A will be updated as necessary when the final rule is published.

### 2.1 Information for Transit Agencies in an Affected Area

- **What can I do to help my transit employees who are now out of work?**

People who lose their jobs due to a disaster, or those who still have a job but are unable to work and not drawing a paycheck due to a disaster, may apply for Disaster Unemployment Assistance (DUA). DUA provides weekly benefits to individuals who are unemployed and not eligible for regular Unemployment Insurance Compensation. Advise your employees to call 1-800-621-FEMA (TTY: 1-800-462-7585) or the local unemployment office for information. If your employees are members of a labor union, you should also tell them to contact their union representative to determine if any additional assistance is available from the union.

- **Can FTA money be used to pay eligible salaries (i.e., for maintenance costs), if no service is being provided?**

Yes and no. If employees are engaged in work to restore service, these salary costs are eligible for FTA reimbursement as a normal capital expense. If no transit service is being provided, employees who are not engaged in activities related to restoration of service may not be paid with FTA funds. These out-of-work employees may, however, be eligible for Disaster Unemployment Insurance ([see question 1](#)).

- **My transit agency offices were damaged/destroyed. Can I use FTA capital funds to establish temporary facilities and acquire office equipment?**

Yes. The cost of leasing office space and furnishings can be paid for with FTA capital formula funds; however, these costs may also be eligible for FEMA reimbursement. You should contact your FTA Regional Office if you wish to utilize capital formula funds, but it would also be advisable to contact your State emergency management office and FEMA to seek funding for these expenses

- **If I haven’t been able to provide normal service levels or have had to change service routes, what should I do in order to stay in good standing with FTA with respect to funding?**

FTA will not take adverse actions against transit agencies that have been unable to provide normal service due to the disaster.

- **Do I need to document the damage to my vehicles and facilities?**

Yes. You should document the condition of the vehicles and facilities against your agency’s written inventory. Please contact your FTA Regional Office if you have further questions..

- **What do I need to do to get my damaged fleet and facilities replaced? Will FTA or FEMA pay?**

FTA does not have an emergency assistance program. However, FEMA’s Public Assistance Program is intended to replace damaged and destroyed property. A contact list for FEMA and State emergency offices is attached for your use. You should also contact your insurance company regarding coverage.

- **What if I can no longer carry out the purposes of an open grant? What happens to the money I’ve already spent?**

FTA will not take adverse actions against transit agencies that cannot carry out the purposes of an open grant due to the disaster. There may be an opportunity to change the grant for other eligible purposes. Contact your Regional Office to discuss your options.

<b>2.2 Information for Transit Agencies Serving People Who Have Been Relocated/Displaced by a Disaster</b>
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**Adding New Service or Restoring Service**

- **What do I have to do if I want to add new routes in order to assist relocated residents?**

Transit agencies are permitted to add new routes for this purpose at their own discretion. Transit providers that receive funds through their State Department of Transportation should coordinate their plans to change service with their State transit office.

- **Can I provide transit service outside my normal service area in order to help affected people access local community services (i.e., medical offices, church, social service agencies, grocery stores, etc.)?**

Yes. Please contact your local transportation authorities regarding temporary changes in your service area to meet the needs of evacuees.

- **Can I borrow a vehicle from another FTA grantee without obtaining an FTA determination that the vehicle is for “incidental use”?**

Yes. FTA will consider the loan of vehicles for this use to be a permissible “incidental use.”

- **If I borrow a vehicle, whose insurance covers the vehicle?**

The transit agencies or other entities involved should communicate with their insurance companies to determine coverage of a borrowed vehicle.

- **Can our transit agency keep a contingency fleet of vehicles to be used in case of emergency or disaster?**

Yes. Buses may be placed in an inactive contingency fleet --stockpiled -- in preparation for emergencies. However, no bus may be stockpiled before that vehicle has reached the end of its minimum normal service life. Buses held in a contingency fleet must be properly stored, maintained, and documented in a contingency plan, updated as necessary, to support the continuation of a contingency fleet. FTA may request information about the contingency fleet during application reviews. Contingency plans are also subject to review during triennial reviews required for the Urbanized Area Formula Program. Any rolling stock not supported by a contingency plan will be considered part of the active fleet. Since vehicles in the contingency fleet are not part of the active fleet, they do not count in the calculation of spare ratio.

### **2.3 Charter Service Requirements**

- **Does all of my service have to be “open door”? For example, can I take a group of shelter residents to a specific location without triggering the charter rule?**

Transit agencies that desire to provide “open door” services should make good faith efforts to determine whether local private charter operators are able to provide that service. You should document these efforts. In addition, you should notify the American Bus Association (email: [abainfo@buses.org](mailto:abainfo@buses.org)) and the United Motor Coach Association (email: [info@uma.org](mailto:info@uma.org)) of your proposal to provide the service. Please remember that private charter operators have also been impacted by this disaster and should be given an opportunity to participate in providing service. Like public agencies, private operators providing service to evacuees may also be eligible for FEMA reimbursement.

- **If I don’t charge affected people for this service, will I trigger the charter rule process?**

The same rules apply whether you charge fares or not.

- **Am I required by Federal law to charge fares?**

No, you are not required by Federal law to charge fares.

### **2.4 ADA Paratransit**

- **If I provide fixed route service via new routes to serve affected people, do the ADA paratransit requirements apply to those new routes? What if I don’t have any additional capacity to provide ADA paratransit on those routes?**

Yes, ADA paratransit requirements would apply to the new routes, However, FTA recognizes that the sudden influx of evacuees who need such assistance may place additional demands on a paratransit system, possibly resulting in unavoidable trip denials, long waits, or an inability to provide next-day service. In determining whether an ADA paratransit system is experiencing significant numbers of trip denials, missed trips, untimely pickups, or long trip times, FTA will take into consideration whether these incidents were due to circumstances outside of the providers’ control.

- **Will I get reimbursed by FEMA for these extraordinary paratransit expenses?**

Transit agencies should keep records of transportation services provided to evacuees and the cost of those services, and contact your State emergency management office to make them aware of these needs.

- **If someone comes to me seeking paratransit service, but does not have identification or verification of ADA eligibility, should I provide the service?**

FTA encourages transit agencies to provide service to any evacuee who requests paratransit service, even if the individual does not have identification or documentation showing that he/she was eligible at home. Transit agencies can comply with Federal requirements by granting visitor status for a reasonable time, which may exceed the 21 days provided for in the Department of Transportation ADA Regulation. If an evacuee permanently relocates to your community, it would be appropriate to use your local eligibility process to determine long-term eligibility for ADA services.

## **2.5 Funding Eligibility and Reimbursement**

- **What operating expenses can I pay for with FTA capital funds? What specifically am I not allowed to pay for with FTA capital funds?**

Federal law permits areas under 200,000 in population to use all FTA formula funds for operating expenses. In urbanized areas over 200,000 in population, Federal law does not permit the use of capital funds to pay for operating expenses such as driver salaries, fuel, and non-maintenance administrative costs. Please note that maintenance costs are an eligible capital expense. In addition, up to 10 percent of your urbanized area apportionment may be used to pay for ADA paratransit operating costs.

- **Will the Federal government waive the 20 percent local share requirement in areas affected by a disaster?**

Although waiving this statutory requirement would require Congressional action, FTA may, on a case-by-case basis, permit grantees impacted by a disaster to defer their local match, if needed. Grantees should contact their Regional Office to discuss possible deferrals.

- **Can I get reimbursed for transit passes that I provide to evacuees?**

FEMA reimbursements are managed through state emergency management offices. You should contact your state emergency office to determine whether or not they will consider the reimbursement of bus passes. Please see Appendix B of this document for state emergency agency contact information.

- **What changes to local share requirements and operating assistance eligibility were made by the Emergency Supplemental Appropriations Act for 2006?**

FTA has the authority (under Section 7025) until June 15, 2008 to waive the Federal matching share requirements for Federal transit assistance awarded in existing grants to **recipients directly affected by Hurricane Katrina**, unless FTA determines that its authority should continue based on a compelling