



High-Speed Intercity Passenger Rail (HSIPR) Program

Frequently Asked Questions

On June 17, 2009 The Federal Railroad Administration (FRA) published interim guidance detailing the application requirements and procedures for obtaining funding for High-Speed Intercity Passenger Rail (HSIPR) projects under the American Recovery and Reinvestment Act of 2009 (ARRA) and the Department of Transportation Appropriations Acts of 2008 and 2009 (FY 2008/2009 DOT Appropriations Acts), while laying the foundation for a longer-term program to establish a national network of interconnected high-speed and intercity passenger rail corridors.

This document addresses a number of the most commonly asked questions by prospective applicants and other stakeholders. Interested parties that are unable to find information about a pertinent issue in either the interim guidance or this document may submit inquiries via email to HSIPR@dot.gov. Comments may also be posted on the *Federal Register* docket at www.regulations.gov (docket number: FRA-2009-0045].*

For detailed information regarding the HSIPR program, applicants should review the [interim guidance](#).

*Comments must be posted no later than July 10, 2009

Contents

Program Overview	2
Project Eligibility and Funding Tracks.....	2
Application Process/Components	5
Application Timeline	9
Program Funding	9
Application Evaluations.....	11
Coordination with Stakeholders.....	12
Comments.....	12
Miscellaneous.....	13

Program Overview

Question #1: What is the HSIPR program?

Answer #1: The High-Speed Intercity Passenger Rail (HSIPR) program helps address the nation's transportation challenges by investing federal funding (via competitive grants) in an efficient High-Speed/Intercity Passenger Rail network that connects communities across America. Congress established the framework for this program through the passage of three key pieces of legislation: the FY 2008 and FY 2009 DOT Appropriations Acts, the [Passenger Rail Investment and Improvement Act of 2008 \(PRIIA\)](#) and the [American Recovery and Reinvestment Act of 2009 \(ARRA\)](#). For a detailed description of HSIPR, please review the HSIPR interim guidance and the Obama Administration's April 2009 strategic plan entitled [Vision for High-Speed Rail in America](#).

Project Eligibility and Funding Tracks

Question #2: Who is eligible to apply under the HSIPR program?

Answer #2: The following table provides an overview of the eligibility of different types of applicants under the four funding Tracks set forth in the HSIPR program. For additional details regarding applicant eligibility, please review Section 3 of the interim guidance.

	Track 1 – Projects		Track 2 – Programs		Track 3– Planning	Track 4 – FY 2009 Appropriations
	PRIIA Section 301	PRIIA Section 302	PRIIA Section 301	PRIIA Section 501	FY2008/ 2009 Appropriations Acts	FY2008/2009 Appropriations Acts
Individual States	✓	✓	✓	✓	✓	✓
Groups of States	✓		✓	✓		
Interstate Compacts	✓		✓	✓		
Public agencies established by one or more states with responsibility for providing Intercity Passenger Rail service	✓		✓			

	Track 1 – Projects		Track 2 – Programs		Track 3– Planning	Track 4 – FY 2009 Appropriations
	PRIIA Section 301	PRIIA Section 302	PRIIA Section 301	PRIIA Section 501	FY2008/ 2009 Appropriations Acts	FY2008/2009 Appropriations Acts
Public agencies established by one or more states with responsibility for providing High-Speed Passenger Rail service				✓		
Amtrak	✓ *	✓ **		✓		

* Amtrak may enter into a cooperative agreement with one or more States to carry out an eligible project

** Amtrak is eligible in cooperation with States

Question #3: Why are there different Funding Tracks?

Answer #3: The \$8 billion in ARRA is an initial down payment to develop a national high-speed and intercity passenger rail system. In order to effectively utilize these funds, plus those from annual appropriations, the Tracks were developed to accommodate the variety of potential applicant goals and stages of project development, while meeting the statutory requirements. FRA has adopted this four-Track approach to aid in near-term economic recovery efforts and to establish the path to realize a fully-developed national High-Speed Rail/ Intercity Passenger Rail network. The deadlines for FRA obligation and project(s) completion for each Track reflect the imperatives of ARRA, balanced with the longer-term development goals.

Question #4: What are the different Funding Tracks?

Answer #4: The four funding Tracks are as follows:

- Track 1 – **Projects**: Intercity passenger rail projects funding under ARRA
- Track 2 – **Programs**: High-speed/intercity passenger rail service development programs
- Track 3 – **Planning**: Service planning activities funding under the FY 2009 and FY 2008 DOT Appropriations Acts
- Track 4 – **Appropriations**: FY 2009 appropriations-funded projects (“Track 4 – FY 2009 Projects”)

For additional details on the different HSIPR funding Tracks, please see section 1.6 of the interim guidance.

Question #5: How much money is available in each funding Track?

Answer #5: The \$8 billion is available for Tracks 1 and 2 as appropriated in ARRA. There is no predetermined allocation of these funds between Tracks 1 and 2, and allocation will depend upon the pool of qualified applications received. See Interim Program Guidance for Tracks 3 and 4 funding.

Question #6: How do I determine which Track is the best fit for my proposed project?

Answer #6: The following series of questions is designed to guide applicants in selecting the Track that is the best fit for their project. For additional details regarding funding Track selection, please see Section 2.3 of the interim guidance.

Funding Track Determination Questions	Response (Yes/No)	Funding Track
Has new or improved Intercity Passenger Rail service been selected as a promising alternative in the transportation corridor where the project is located?	No	Track 3 – Service Planning
	Yes	Proceed to Next Question
Does the project(s) lead to – introduction of High-Speed Intercity Passenger Rail service within a corridor where no service of that type currently exists, or to a substantial change in an existing service?	No	Proceed to Next Question
	Yes	Track 2 - Programs
Does the project(s) propose the rerouting of an existing Intercity Passenger Rail service onto a new, expanded, or previously abandoned right-of-way?	No	Proceed to Next Question
	Yes	Track 2 - Programs
Does the investment encompass multiple dispersed projects intended to produce a significant benefit to one or more Intercity Passenger Rail services?	No	Proceed to Next Question
	Yes	Track 2 - Programs
Even if no Service Development Plan exists, have specific Intercity Passenger Rail investment projects been identified for implementation?	No	Track 3 – Service Planning
	Yes	Proceed to Next Question
Have preliminary engineering (PE) and a project-level NEPA document been completed for the proposed project?	No	Track 1 – PE/NEPA only
	Yes	Proceed to Next Question
If PE and project-level NEPA documentation is complete, is a 50 percent (or greater) non-Federal match available?	No	Track 1 – FD/ Construction
	Yes	Track 4 – FY 2008/2009 Appropriations Projects (or Track 1 – Projects)

Question #7: There were three funding Tracks in the Strategic Plan; where did the fourth Track come from?

Answer #7: Track 4 was added to distinguish those applying for funding under the FY09 DOT Appropriations Act. Unlike Track 1 and Track 2 (ARRA funded) Track 4 requires at least a 50% non-Federal funding match, allows five years to complete the project (versus two years under Track 1) and uses a simplified grant agreement. Awards under Track 4 will use the funds available from FY 2009 and remaining from FY 2008 DOT Appropriations.

Question #8: Will Amtrak be the preferred operator under Tracks 1 and 2?

Answer #8: Applicants are free to select any operator of high-speed or intercity passenger rail service, provided that the operator meets the requirements of PRIIA (including labor requirements). Also, any applicant selecting an operator on a non-competitive basis must have a sole-source justification.

Application Process/Components

Question #9: What is a preapplication and why is FRA requesting this?

Answer #9: The preapplication is a required form intended to give FRA an early assessment of the range of projects and programs being proposed, and to provide pre-applicants with any feedback necessary to complete their applications (e.g., help in identifying the correct funding Track to pursue, address eligibility issues, etc.). Evaluation of preapplications will foster a collaborative technical assistance process to ensure early program success. Preapplications should be submitted as early as possible, but no later than July 10, 2009. Applicants should not wait for comments on a preapplication before preparing the full application. For full details on these deadlines and how to satisfy them, prospective applicants should consult Section 4.3.6 of the interim guidance document.

Question #10: Where can I find the preapplication and application forms?

Answer #10: The preapplication forms may be downloaded from FRA's website at <http://www.fra.dot.gov/us/content/2243>. Once program application forms are available, they will also be posted to the same internet page.

Question #11: How do I submit the preapplication?

Answer #11: Preapplications must be submitted to HSIPR@dot.gov. Detailed instructions are available in Section 4 of the interim guidance document.

Question #12: What administrative requirements must I satisfy before submitting my application?

Answer #12: Prior to submitting an application, prospective applicants must have completed two administrative requirements: establishment of a DUNS (Data Universal Numbering System) number, and registration in the Central Contractor Registration (CCR) database. For further information on how to accomplish these tasks, please see Section 4.3.2 of the interim guidance document.

Question #13: What is required in an application package?

Answer #13: The application package for the HSIPR program consists of three components:

1. A program application form available from FRA’s website at: <http://www.fra.dot.gov/us/content/2243>
2. Supporting documentation
3. Standard application forms available through <http://www.grantsolutions.gov>.

Applicants must complete all three components of the application package as required by Track and detailed in Section 4.3.5 of the interim guidance document (application checklist).

Question #14: What information is required in the program form?

Answer #14: Information requested in the program form includes information on project overview, planning, purpose and need, project development status, project benefits (economic recovery, transportation, environmental and livable communities), project estimate/budget, applicant qualifications, stakeholder agreements and financial and operation information.

Question #15: What additional information do I need to provide?

Answer #15: The application checklist below provides applicants with a list of required materials for each funding Track. Applicants should also review sections 4.3.3.2 and 4.3.3.3 of the interim guidance document for detailed explanations of required materials.

Required Document		Format	Applicable Track				
			Track 1 Projects		Track 2 Programs	Track 3 Planning	Track 4 FY09 Funding
			FD/ construction	PE/ NEPA			
Program Forms	<input type="checkbox"/> Preapplication	Template	✓	✓	✓	✓	✓
	<input type="checkbox"/> Application (includes information on Project Benefits and Cost)	Template	✓	✓	✓	✓	✓

Required Document		Format	Applicable Track				
			Track 1 Projects		Track 2 Programs	Track 3 Planning	Track 4 FY09 Funding
			FD/ construction	PE/ NEPA			
Supporting Documentation	<input type="checkbox"/> Service Development Plan (SDP) (or equivalent)	No Specified Format			✓		
	<input type="checkbox"/> Preliminary Engineering (PE) Materials	No Specified Format	✓		✓		✓
	<input type="checkbox"/> NEPA Documentation	No Specified Format	✓		✓		✓
	<input type="checkbox"/> Project Management Plan (or equivalent)	No Specified Format	✓		✓		✓
	<input type="checkbox"/> Stakeholder Agreements	No Specified Format	✓		✓		✓
	<input type="checkbox"/> Financial Plan (or equivalent)	No Specified Format	✓		✓		✓
Standard Forms	<input type="checkbox"/> SF 424: Application for Federal Assistance	Form	✓	✓	✓	✓	✓
	<input type="checkbox"/> SF 424A: Budget Information-Non Construction	Form		✓		✓	
	<input type="checkbox"/> SF 424B: Assurances-Non Construction	Form		✓		✓	
	<input type="checkbox"/> SF 424C: Budget Information-Construction	Form	✓		✓		✓
	<input type="checkbox"/> SF 424D: Assurances-Construction	Form	✓		✓		✓
	<input type="checkbox"/> FRA Assurances Document	Form	✓	✓	✓	✓	✓

Question #16: My selected Track requires a Service Development Plan (SDP). What should be included in this plan?

Answer #16: A Service Development Plan (SDP) is a plan for developing high-speed intercity passenger rail service, either initiating new service or improving existing service (e.g., adding train frequencies and/or reducing trip times). They are typically broken down into distinct phases and/or geographic sections of service improvement. The form of an SDP is up to the applicant and may draw from and include reports and documents prepared for other purposes. An SDP or equivalent covers three general topics:

1. Rationale (including purpose and need)
2. Service/operating plan and prioritized capital plan, and
3. Implementation plan (including project management approach, stakeholder agreements and financial plan).

See Appendix 2.1 of the interim guidance document for expectations for SDPs.

Question #17: What should our financial plan look like? Should it include our operational projections?

Answer #17: The financial plan documents the recent and forecasted financial condition of the applicant agency and other key partners that will provide capital or operating funding for project development and/or implementation. The financial plan also documents projected capital and operating costs and revenues, and details key assumptions and methodologies. Additionally, it details the sources, reliability and feasibility of funding for both capital and operating expenses, and provides an overview of the project sponsor's strategies to address potential project cost increases. The plan should sufficiently analyze the financial viability of the proposed rail service. A financial plan must be submitted for applications to Track 1 Final Design (FD)/construction, Track 2 and Track 4. There is no specified format for this plan. See section 2.2 of the interim guidance for additional details regarding financial plans.

Question #18: Does my project have to comply with the National Environmental Policy Act (NEPA) to be eligible?

Answer #18: NEPA applies to all federal grant programs and requires federal agencies to integrate environmental values into their decision-making processes. Tracks 1, 2, and 4 require some form of NEPA documentation. FRA, as the Federal sponsoring agency, has primary responsibility for assuring NEPA compliance while accomplishing the purposes, priorities, and requirements of the HSIPR program. While NEPA compliance is a Federal agency responsibility, and the ultimate decisions remain with the Federal sponsoring agency, FRA encourages applicants to take a leadership role in NEPA documentation development, consistent with existing law and regulations. FRA recognizes that no single approach to NEPA compliance will work for every proposal and applicant, and FRA will work closely with applicants to assist in the timely and effective completion of the NEPA process in the manner most pertinent to the applicant's proposal.

Application Timeline

Question #19: What is your expected timeline for responding to preapplications?

Answer #19: Not all preapplications will necessitate a response. The timeline for responding to preapplications will depend ultimately on your selected program application Track and the volume of preapplications submitted. Lack of a response by FRA should not be interpreted as meaningful, and applicants should not wait for contact from FRA before beginning the full application. FRA will contact pre-applicants if it identifies eligibility or track selection concerns.

Question #20: What are the deadlines for application?

Answer #20: Preapplications for all Tracks must be submitted by July 10, 2009. The deadline for submission of full applications under Track 1 (Projects), Track 3 (Planning), and Track 4 (FY09 Appropriations Projects) is August 24, 2009. Applications under Track 2 (HSR/IPR Service Development Programs) are due October 2, 2009.

Question #21: What are the stages of the application review process?

Answer #21: Once the required preapplication is received, the process will follow three steps:

1. Screening for completeness and eligibility (see Sections 3 and 4 in the interim guidance document, respectively, for information on eligibility and completing the application).
2. Evaluation panel review process (see Section 1.3.2 and Section 5 in the interim guidance document for information on evaluation criteria).
3. Final review and selection (see Section 5.2 in the interim guidance document for selection criteria).

Question #22: When does FRA expect to select projects for award for the different Tracks?

Answer #22: FRA expects to announce selections of Track 1, 3, and 4 projects in early fall. Track 2 selections may occur as soon as December 2009.

Program Funding

Question #23: When will funds be made available to grantees? What are the required dates for project completion?

Answer #23: FRA will obligate funds as soon as a grant or cooperative agreement between FRA and selected applicants is complete. These agreements must be completed as soon as possible and no later than September 30, 2010 for Round 1 of Track 1 and September 30, 2011 for Track 2 programs. See Section 4.3.6.2 of the interim guidance document for Track deadlines.

Projects funded under Tracks 1 or 3 must be completed within two years of obligation. Projects funded under Track 4 must be completed within five years of obligation. Projects funded under Track 2 must be completed by September 17, 2017.

Question #24: Does FRA recommend leveraging Federal funding for high-speed passenger rail with other sources of funding?

Answer #24: Projects under Tracks 1 and 2 may be up to 100% Federally-funded, and matching funds are not required, though leverage on those funds is encouraged. Planning activities funded under Track 3 and projects funded under Track 4 require at least a 50% match to Federal funds. In evaluating applications, FRA will consider financial or in-kind commitments from applicants and/or their public or private partners. Once a grant is awarded, recipients will be expected to cover any project expense overruns required to complete the project.

Question #25: Does the administration plan to provide long-term operating funds to help support states once capital investments have been made and services have been expanded?

Answer #25: No. The Administration's current efforts under ARRA are focused solely on capital investments. Consequently, operating funds are not eligible expenses under any of the Tracks within the HSIPR program. This program requires commitment on the part of states to cover any incremental operating expenses that these services will generate. FRA understands the current fiscal condition in which many states find themselves, and we hope that this effort will help to promote partnerships among states and regions as we move forward.

Question #26: What restrictions have been placed on funding of projects?

Answer #26: In general, only those costs considered allowable pursuant to OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments" (codified at 2 CFR part 225) will be considered for funding. Additionally, the following funding restrictions will apply to grants awarded under all Tracks, and must be taken into consideration in the development of budget information submitted as part of applications.

- Funding may not be used to fund expenses associated with the operation of intercity passenger rail service;
- Funding may not be used for first-dollar liability costs for insurance related to the provision of intercity passenger rail service;
- Funding may not be for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool; this restriction will be applied generally in this program, regardless of the source of funds, and;

While there is no cap on a grant recipient's use of grant funds for management and administrative costs, such costs must be allowable, reasonable, allocable, and in accordance with applicable OMB cost principles cited above. For funding restrictions, please refer to Section 4.3.8 of the interim guidance document.

Question #27: My project commenced before funding was available. Will reimbursement for those costs be considered?

Answer #27: For Tracks 1 and 2 funded under ARRA, FRA will also consider reimbursement of pre-award costs incurred as early as the enactment of ARRA (February 17, 2009). For Tracks 3

and 4, FRA will also consider reimbursement of pre-award costs incurred as early as the enactment of the FY 2009 DOT Appropriations Act (March 11, 2009). However, such costs will only be considered for reimbursement if they meet allowable costs principles, are directly related to the award, and involve either pre-construction activities (e.g., Preliminary Engineering, NEPA, or FD), or are construction activities that were subject to a NEPA determination made by FRA prior to the commencement of such construction activities. FRA will not participate in projects for which construction activities commenced prior to receipt of an FRA environmental determination under NEPA.

Question #28: How will FRA determine the amount of funds to withhold from the first round of awards for subsequent rounds?

Answer #28: FRA anticipates that funds will be available in subsequent rounds, either from remaining ARRA funds or subsequent year appropriations. However, FRA reserves the right to award all funds in the first round of awards depending on the quality of applications received.

Question #29: Track 3 utilizes FY2009 DOT Appropriations funds and just \$9.5 million will be available for planning purposes. Will there be additional funding available for planning?

Answer #29: ARRA funds are not available for planning activities. Residual planning funds from FY 2008/2009 DOT Appropriations Acts totaling \$9.54 million are being made available under Track 3. The President is seeking an additional \$1 billion annually for HSIPR, under which planning would be an eligible expense.

Question #30: When will the second round of funding begin?

Answer #30: Round 2 provides an opportunity for resubmission of revised applications that were unsuccessful in Round 1, along with new proposals, likely including the same target projects and eligibility criteria. If FY 2010 DOT Appropriations for high-speed and intercity passenger rail projects are available, they will be coordinated with the ARRA solicitations, as in Round 1. Subsequent solicitations may be added to other future funding opportunities if ARRA funds remain available. Applications during this second round will be due in 2010.

Application Evaluations

Question #31: How will my application be evaluated and scored?

Answer #31: After screening for completeness and eligibility, each application will be reviewed by a technical review panel of qualified subject matter experts. The review panel will score each application based on seven evaluation criteria, organized into three categories (see section 1.3.2 of the interim guidance document for an explanation of evaluation criteria). For each of the applicable criteria, the application will be assigned a rating between one and five points, based on the application's fulfillment of the objectives of each criterion. The ratings for each criterion will then be counted according to priority of criteria (which vary by Track, as described in Section 5 of the interim guidance document), to arrive at an overall rating for the application.

Coordination with Stakeholders

Question #32: What do I need to include in my stakeholder agreements?

Answer #32: Applicants should provide documents that demonstrate the status of all stakeholder agreements including agreements with interstate partners, host railroads, right-of-way owners and contract railroad operators providing service. The form and structure of the stakeholder agreements are at the discretion of the applicant; however, agreements should satisfy the requirements outlined in the interim guidance. Stakeholder agreements should be submitted for applicants to Track 1 FD/construction, Track 2 and Track 4.

Question #33: In addition to FRA's application process, Amtrak has, in some cases, requested that States submit plans directly to them regarding proposed high-speed passenger rail projects. Given the amount of information requested by Amtrak and the timeline for submitting HSIPR applications, is the FRA deadline too ambitious?

Answer #33: FRA is aware of Amtrak's independent efforts to coordinate with the States for its own planning purposes and is sensitive to time and resource constraints. We expect that much of the information Amtrak has requested will be in-line with the information required in the HSIPR application process.

Comments

Question #34: I submitted comments after the stakeholder outreach conferences held at the end of May/beginning of June road shows. How were my comments addressed in the interim guidance document?

Answer #34: FRA began this comment process during its outreach sessions in which over 1,100 stakeholders attended seven sessions around the country. 110 comments were received on the public docket as of June 15, 2009. FRA reviewed and considered all comments, and made adjustments to the approach in the interim guidance document based on the initial feedback.

Question #35: How can I submit comments to this interim guidance document?

Answer #35: FRA is soliciting public comment on this interim guidance document through Docket Number FRA-2009-0045, at www.regulations.gov. While the interim guidance in this document does not constitute a rulemaking, FRA will consider all comments received by July 10, 2009 and will publish any resultant clarifications or revisions to this document in the *Federal Register* and on FRA's web site (www.fra.dot.gov).

Question #36: Will FRA issue a revised guidance document?

Answer #36: FRA reserves the right to issue revised guidance after July 10, 2009, based on comments sent to the HSIPR@dot.gov email address and comments received through the public docket. The guidance document likely will not change substantively within 30 days of the application due dates. If substantive changes are made within 30 days of the application due dates, FRA may extend the application due date.

Miscellaneous

Question #37: How will the HSIPR project incorporate the Buy American provisions and help to stimulate manufacturing in the US?

Answer #37: FRA Administrator Joseph Szabo addressed this point by saying “Rail travel will encourage economic growth and create new domestic manufacturing jobs, while reducing pressure on our highways and airways”. In addition, grant recipients must comply with the Buy America provisions set forth in 49 U.S.C. 24405(a) which specifically provide that the Secretary of Transportation may obligate ARRA funds for a high-speed intercity passenger rail or congestion project only if the steel, iron, and manufactured goods used in the project are produced in the United States. The Buy America requirements described in this section shall only apply to projects for which the costs exceed \$100,000. Please see Appendix 3.4.1 of the interim guidance document for additional information.