

# FTA TAM NPRM WEBINAR Q&A

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## FTA TAM NPRM EXTERNAL WEBINAR – 10/19/15 – Q&A

**Question:** Is the TAM Plan only for federally funded assets or all assets?

**Answer:** The TAM Plan requirement applies to all assets.

**Question:** For large multimodal transit agencies will they have one TAM plan for all modes, or separate TAM plans for each mode?

**Answer:** The NPRM proposes that agencies will have one TAM plan for the whole agency, covering all modes.

**Question:** Is peak revenue service "in operation"? So if you have 101 revenue service vehicles but only operate 75 in peak hour, Tier II applies?

**Answer:** Yes, the measurement is based on the vehicles you operate on a peak service day. So in the example, that would be classified as a Tier II agency.

**Question:** Does an FTA funding recipient that does not operate any transit system need to create TAM plan?

**Answer:** No, if you do not own, operate, or manage any transit assets, you do not need to develop a transit asset management plan. That also applies for those that are receiving only planning or research funding from FTA.

**Question:** Assets such as buses, operated and owned by a contractor, should be reported on. Is this correct?

**Answer:** That is correct. All assets that would be a part of your program of projects should be a part of your asset inventory.

**Question:** Will there be clarification regarding responsibility for TAM plans, with regard to State Transportation Agencies, MPOs and Tier I. For regions that have both Tier I and Tier II providers some clarification is needed on which agencies can coordinate to complete the plan State DOTs, MPOs or designated recipients. For example, we have designated recipients in our area that are both the State DOT and a transit provider.

**Answer:** There are some cases where certain FTA recipients may need to complete two TAM plans. This would be a case such as a State or designated recipients that both operates transit service and has a number of Tier II subrecipients who would participate in a group plan. In that case you would have a TAM plan both for yourself and a group plan for the designated Tier II recipients.

**Question:** Could you give an example of a decision support tool?

**Answer:** A decision support tool could be anything from a spreadsheet to a customized software program. It also doesn't need to be software at all – for example a listing where you weight different aspects of your program. It is just what supports decision at your agency.

**Question:** TERM LITE could be used to this end, correct [i.e. as a decision support tool]?

**Answer:** Yes, that's correct.

**Question:** So, we could provide one 5310 vehicle to an agency with 30 busses purchased with private funds and the agency would need to report on how many vehicles?

**Answer:** The TAM plan would cover all assets used to provide transit service, regardless of funding source. So all 31 vehicles would be included in that agency's TAM plan assuming all vehicles are used to provide service.

**Question:** Based on the timeframes, is there a drop dead start date?

**Answer:** The due date for the TAM plan is 2 years after the effective date of the final rule. The rule currently is in a proposed state. It closes for comment November 30. At some point after that it would be made final, and from that date you would have 2 years to provide your TAM plan.

**Question:** Who reviews and approves Tier I plans? Does it route through the sponsor (State DOT)?

**Answer:** No one approves the TAM plan. It is certified by the Accountable Executive of the agency. A Tier I provider would be considered a larger provider, and their Accountable Executive would certify that their plan has been developed within the requirements of this rule.

**Question:** Is there funding available for creating the foundations of implementing a TAM system which is not required to be in the TIP and STIP?

**Answer:** There is no new funding currently being made available for the production of TAM plans. However, production of TAM plans is an eligible expense under a number of FTA programs.

**Question:** Must the TAM plan be completed 2 years after the date of the NPRM or the actual rule date?

**Answer:** The actual rule date. The effective date is the date that this NPRM becomes a final rule, so not the November 30 date. Once the rule is made final we will publish the effective date and the 2-year date.

**Question:** Why do the proposed categories not match the categories in TERM-Lite?

**Answer:** We did think about it, but we decided that we would not propose, in this rule, TERM Lite as the one-size-fits-all solution. The large asset categories proposed were taken directly from the law, which specified that we had to deal with things in the categories of facilities, revenue vehicles, infrastructure and equipment. We tried to use categories that would be generally available and understandable to a broad array of transit agencies.

**Question:** Why is the NPRM only using age for rolling stock, when that is what has been used for years? I thought MAP-21 was trying to move away from just age-based measures to determine replacement timeline.

**Answer:** First, although age has been used for years, it's important to clarify that age has been used for a minimum useful life—i.e. the age necessary to maintain the Federal interest in a Federally-funded asset. So, what's being proposed in this rule is a standard for identifying what are effectively maximum useful life or useful life benchmarks beyond which an asset enters into an agency's state of good repair backlog.

The Advance Notice of Proposed Rulemaking (ANPRM) posed the question of which performance measurement approach was best. Some of the answers we received for rolling stock was that many agencies use age as an effective proxy for revenue vehicles. Many agencies emphasized that age would be the least burdensome approach on small operators as well, which is why we have proposed age in the NPRM.

**Question:** Most of the previous documents showed a rating of 2.5 for SGR; why did it get changed to 3.0?

**Answer:** We're trying to identify the least burdensome approach to implementing this, also based on the decision not to require the use of TERM Lite (although we do encourage the use of TERM Lite for the TAM plan). An asset condition of 2.5 is an output from the TERM Lite model (it is not a direct measure). We propose in the NPRM to tie the performance measure target to the condition assessments, through the use of the TERM scale 1-5.

**Question:** Why is equipment considered as a "vehicle"? Should this not be performance and age?

**Answer:** Equipment was one of the four statutorily-mandated categories. We decided that non-revenue vehicles would be one of the least burdensome and straight-forward subcategories of equipment that we could address in this rule.

**Question:** Why is FTA placing the TAM plan mandate on State DOTs for small urban?

**Answer:** For small urban systems, the mandate is being placed on State DOTs only if the transit agency is categorized as a Tier II provider and functions as a subrecipient to a State DOT. In most States, the small urban providers also function as direct recipients of FTA funding, in which case the State has the option of coordinating a group TAM plan, but it's not mandated as it is with subrecipients.

**Question:** What is the content for the "Data Report"?

**Answer:** The content will be fleshed out more in a forthcoming guidance proposal on the NTD Reporting Manual, which will be published to the Federal Register.

**Question:** Is the Useful Life Benchmark (ULB) defined by FTA or by the agencies?

**Answer:** We will provide a default ULB, if an agency does not intend to develop its own. However, future guidance on developing your own ULB will also be forthcoming in the Federal Register.

**Question:** How are safety risks determined?

**Answer:** FTA is pursuing the safety management systems approach for implementation of the requirements of 49 U.S.C. §5329 to develop a Transportation Safety Program. Under our proposal, transit agencies would develop their own safety management program and would determine their own hazards and risks, on a case-by-case basis for each operator.

**Question:** Would our agency need to include contractor-owned assets in our agency inventory of the TAM plan?

**Answer:** If those assets are used in your transit service, then yes they would be included in your asset inventory.

**Question:** Do rail stations fall under the Facilities asset category? Or do they fall under Infrastructure?

**Answer:** Yes, they fall under the Facilities category.

**Question:** Is there another option than just age for ULB of rolling stock? What about operational availability or associated system age?

**Answer:** We encourage you to report comments like these to the docket, as this type of information

will impact the final rule. What has been proposed in this NPRM are age and operating environment. If you have suggestions on implementation or more specified options we should use, please submit them to the docket so we can include them in the final rule.

**Question:** Is the State responsible for developing the TAMs for rural transit systems?

**Answer:** Yes. For rural subrecipients, the State is responsible for offering them a group plan unless the system opts out because it is either doing its own plan or participating in another group plan.

**Question:** Would FTA provide a template for the data and narrative report requirements for NTD applicable to the new SGR performance measures/targets?

**Answer:** This would be a good comment to submit to the docket as a suggestion for technical assistance. Again, there will be forthcoming guidance with more details at a later date.

**Question:** On SGR definition requirement 3: how do you determine if life cycle investments have been met?

**Answer:** Requirement 3 is that lifecycle investments of each of the assets have either been met or recovered, including all scheduled maintenance, rehabilitation, and replacements. The process of determining that would be a question to submit to the docket for further technical assistance or guidance.

**Question:** What are the proposed consequences of failing to meet the performance measure. For instance, in your example, there was a plan to replace the 17 year old vehicle. What happens if there is no funding for that?

**Answer:** There is no reward and no punishment for achieving or missing your performance target.

**Question:** Will there be any ongoing advice or guidance provided by the FTA as the initial TAMs are being developed by the transit agencies?

**Answer:** Absolutely. MAP-21 requires the provision of technical assistance, and we intend to continue to do so during the implementation of the rule as well.

**Question:** Are school buses operated by a transit agency for a school district (following applicable school bus regs) included in the TAM plan?

**Answer:** In that case, the bus is not an asset that is providing transit as part of the transit system. So it probably would not be included in the transit inventory.

**Question:** I hope NTD finalizes and fixes v2.0 before they add these additional requirements.

**Answer:** We certainly recognize the rollout of the NTD 2.0 system has had some growing pains in its first year of operation, and we're very cognizant of the need to get that system right before including additional statutory requirements of MAP-21.

**Question:** Will the answers to these questions/answers be available?

**Answer:** Yes, the answers will be posted to the docket.

**Question:** Please clarify Accountable Executive. Do you mean the CEO would sign off as formal approval?

**Answer:** The Accountable Executive was defined in the National Safety Program as the authority to

approve and implement the TAM Plan and the Agency Safety Plan. The intention is that this person would be at a level of authority for funding decisions at the transit agency.

**Question:** I am also 5311 rural. Do Tribal Organizations need to develop a TAM Plan?

**Answer:** Yes. Recipients of grants through the Tribal Transit Discretionary Program or the Tribal Transit Formula Program are subject to this rule and need to meet the requirements, including establishing an Asset Management Plan.

**Question:** Is full asset inventory going to be reported to NTD?

**Answer:** Again the guidance for what we will propose to collect in the NTD and what level of detail has not been released yet. In attempting to implement this requirement, we did conduct a pilot test for asset inventory collection in NTD. One item of feedback that we received was the need to keep data at a high level, only at the national level required to report to Congress and meet the requirements. So the level of data that would be reported to NTD would likely be different from the type of data that would be included in a specific agency's asset management plan.

**Question:** How detailed should the asset inventory be?

**Answer:** The asset inventory should include the asset categories identified in the presentation. It's up to the agency to determine the level of detail in each category that would be useful to them in decision making.

**Question:** When will the rule be published?

**Answer:** Unfortunately, we do not have an exact date as yet. We hope as soon as possible.

**Question:** Are nonprofit or non-transit local government agencies that provide specialized human services transportation and that are JARC or 5311 subrecipients subject to the TAM requirements?

**Answer:** The TAM requirements apply to any recipient or subrecipient of Federal funds engaged in providing public transportation. That will include many subrecipients under JARC and 5311.

**Question:** Will the state be required to have documentation on file for every certified TAM plan from our 5311 subrecipients? For example, a governing body resolution or meeting minutes?

**Answer:** As proposed in the NPRM, the State DOT would do a group plan which would cover the 5311 subrecipients. So there would be one TAM Plan for the entirety of that group, unless the subrecipient(s) opted out of the group plan. We can't determine if individual information would apply in that structure.

**Question:** Does the designated recipient need to prepare the TAM plan for subrecipients?

**Answer:** The designated recipient needs to offer a Group TAM plan to any subrecipient that wants one. So, if all subrecipients opt out, then you don't have to provide one. But in all other cases the direct recipient needs to offer a Group TAM plan to its subrecipients.

**Question:** How will TAM be evaluated as part of an agency's triennial audits?

**Answer:** We did not propose how we would audit TAM plans or check compliance in the NPRM. If you have suggestions on how we should audit compliance, please submit a comment to the docket.

**Question:** Does equipment only apply to non-revenue vehicles?

**Answer:** To clarify, there are two different, but related requirements. The asset management plan

requires you to include all equipment in your asset inventory at the level of detail necessary to support your investment prioritization. However, the performance measure only applies to one subset of equipment, which is service vehicles.

**Question:** Once a TAM Plan has been created and approved and you have a list of to-do items, those to-do items require funding. As stated in the NPRM, costs relating to assembling and maintaining an asset inventory or related to condition would be the items I am looking to fund. Do these projects need to be in the TIP/STIP?

**Answer:** Development costs for the TAM plan are eligible under State of Good Repair (5337), Urban Formula (5307), and Rule Formula (5311). The Metropolitan and Statewide Planning provisions apply to all federally funded programs.

**Question:** Eligible cost under 5339 too, yes?

**Answer:** The development of a plan is generally considered an operating cost. It is especially eligible under the State of Good Repair formula grants program. Under the other programs, it is only eligible if you have operating assistance eligibility. That would generally exclude it from the bus and bus facilities program, 5339.

**Question:** May we use different scales (i.e. 0 - 9 scale) for the condition assessment of facilities other than TERM 1-5?

**Answer:** This gets again to the distinction between the asset inventory and the performance measures. For the asset inventory, you may use any scale that allows you to identify assets and prioritize your investment decisions. However, for the performance measure, we propose to report the performance measure target on the basis of the 5-point TERM scale.

**Question:** Would a contractor owned asset be part of the inventory if you are not paying for the assets and you are paying for the service?

**Answer:** Your asset inventory is required to include all of the assets that you own, operate or manage. Under the terms of your contract of your service provider, that may not factor into asset prioritization. But you must include all assets in the inventory that you own, operate or manage.

**Question:** Since the TAM plan only has to be updated every 4 years, if I make modifications to my project prioritization list prior to completion of the four years, do I need to submit an update to the TAM plan?

**Answer:** We are not proposing under this rule that the TAM plan is submitted to FTA. The NPRM does require an agency to establish a TAM Plan, to certify the plan, and to update it at least every 4 years. We do anticipate that there will be major changes, especially at some of the larger agencies, which may necessitate amendment during the plan horizon.

# FTA TAM NPRM WEBINAR FOR SMALL PROVIDERS – 10/27/15

## – Q&A

**Question:** Please clarify the rules that have been published?

**Answer:** FTA will be publishing in the coming weeks and months a National Public Transportation Safety Plan and an NPRM for Public Transit Safety Plans, but those NPRMs have not yet been published in the Federal Register for comment.

**Question:** What federal fiscal year will likely be the first that TAM will apply to?

**Answer:** These requirements will not take effect until the final rule is published, and we cannot predict with certainty when the final rule will be issued. However we hope to publish a final rule sometime this summer. The first targets would be due three months after publication of the final rule. Then there would be two years from issuance of the final rule by which you would need to have your TAM Plan in place.

**Question:** Do you consider vanpool as revenue service?

**Answer:** Yes. This rule applies to all modes of public transportation, including vanpools.

**Question:** Our system is a 2.2 mile alignment operating 3 heritage trolley vehicles beginning revenue operation in late 2016 in an urban/commercial setting. Is this webinar applicable for us?

**Answer:** Yes. This rule will apply to all operators of public transportation, both large and small, both urban and rural. If referring to heritage trolleys operating on rails that would make it a Tier I system, due to the use of rails.

**Question:** Does a state that is a sponsor of a group plan have an accountable executive?

**Answer:** The accountable executive is at each operator. The state is fulfilling a coordinating role. Each agency participating in the Group Plan will have its own accountable executive who will be responsible for agreeing to the Group Plan.

**Question:** Can the MPO act as a sponsor for Tier II Plan?

**Answer:** Yes. They can be a Group Plan sponsor.

**Question:** Would the State's plan need to include non-recipient public transportation vehicles?

**Answer:** All Asset Management Plans, whether it's a Tier I Plan, Tier II Plan, or Group Plan, must include all assets used in the provision of public transportation for the systems covered by the Plan. This rule will be somewhat unique in that it is comprehensive for all assets used in public transportation because it is responsible for identifying the total capital reinvestment need for each system providing public transportation.

**Question:** Do human service agencies operating 5310 vehicles in special service require a TAM plan?

**Answer:** This rule includes everyone providing public transportation services, and that includes subrecipients of the 5310 program.

**Question:** We are a Tier I provider that also receives 5311 funds as a subrecipient of the state. As a Tier I provider, we will be developing our own TAM plan. However, are we required to coordinate in any way with smaller 5311 subrecipients who will likely join together in a group plan sponsored by the state?

**Answer:** No. Tier I providers, which are the larger providers, that have either a rail component or over 100 revenue vehicles, must have a TAM Plan of their own. Therefore, you would not have to participate in a Group TAM plan of Tier II providers.

**Question:** So, the ULB is going to be a "best guess" of how long we think we can run a vehicle?

**Answer:** With the Useful Life Benchmark FTA will supply useful default values. Any agency may use those values. The purpose of ULB is not "best guess," but rather is meant to be your targeted replacement dates for the assets. We want everyone to think strategically about the best plan for replacement of those assets before it reaches the point where it affects your service. ULB offers a strategic vision for when an agency may want to replace assets.

**Question:** Because the "Facilities: Condition" performance measure uses the TERM scale, does this require the incorporation of TERM into TAM Plans when assessing our Facilities?

**Answer:** We are not requiring all FTA grantees to adopt either TERM or TERM Lite. We are using the 5-point TERM scale as a consistent point of reference.

**Question:** As a small urban operator, will be required to participate in a group plan in our designated recipient or some other funding stakeholder will withhold funding if we don't participate in the group plan? In other words, could we develop our own plan and submit it to our designated recipient and other stakeholders to receive funding for our asset replacement needs?

**Answer:** Each transit providers retains the option to develop their own TAM Plan. This is not dependent on the size of your system or whether you are rural or urban.

**Question:** What happens as new vehicles (expanded services) come on line during the 4 year TAM plan?

**Answer:** It depends on the significance of the change. If it's only the addition or replacement of a couple of vehicles it may not affect your targets or your TAM Plan extensively. However, if you start a new service or incorporate a full line of vehicles you will want to amend your TAM Plan.

**Question:** Is the sponsor of a group TAM plan expected to create a prioritization list that accounts for the needs of all the participants? In other words, is the sponsor responsible for assessing the condition of the collective inventories of all the participants and determining the prioritization needs?

**Answer:** Our proposal requires that the TAM Plan include a list of prioritized investments. However, we did not propose in the NPRM how to implement this element; we invite you to offer this question and feedback to the docket.

**Question:** It appears that targets are due before a plan has been done. This seems backwards.

**Answer:** MAP-21 indicated that we must have targets set within 3 months of the final rule. The NPRM is proposing that the TAM Plan be submitted within two years of the final rule.

**Question:** Will Tribes be included in the Group plans or will tribes do their own plans?

**Answer:** Most tribes will be direct recipients under the Tribal Transportation Program. That will mean they will be doing their own TAM Plans. However, tribes are eligible subrecipients under the 5311 program. If that is the only source of funding, as a subrecipient under 5311, then the state is required to allow the tribe to be part of a Group Plan. Likewise, we welcome tribes to coordinate with one another even when not required.

**Question:** Would not a small urban streetcar provider (less than 10 vehs) be a Tier I?

**Answer:** Yes. A small streetcar provider operating with rails would be Tier I. If operating rubber tire heritage trolleys and fewer than 10 vehicles then it would be a Tier II provider.

**Question:** How does the TAM Plan timeline fit with the timeline to apply for FTA TAM funds?

**Answer:** The FTA TAM Plan timeline is intended to coordinate with statewide and metropolitan planning process timeline so that funding decisions are aligned.

**Question:** Do human service agencies operating 5310 vehicles in special service require a TAM plan?

**Answer:** Under the proposed rule, if you are a subrecipient under 5310 and operating a public service then you are required to submit an individual TAM Plan, or be a part of a Group TAM Plan.

**Question:** Is there a recorded webinar for Tribes to answer questions specific to Tribes?

**Answer:** This webinar is geared toward all small providers, including tribes. We are not planning to schedule a separate webinar specifically for tribes, however this webinar is intended to address all tribal issues.

**Question:** What will be the tri-annual findings when goals are not met. Will the lack of bus and bus facility funding levels be considered? How will these goals be reconciled with the fiscal constraint requirements

**Answer:** Under this proposed rule there are no consequences for not meeting your targets. This rule is not proposing any action by FTA for not meeting the targets they set for themselves.

**Question:** Do even non-FTA funded vehicles need to be part of the TAM Plan?

**Answer:** Yes. All assets that are owned, operated, or managed as public transportation regardless of funding need to be part of the TAM Plan. That is the case regardless of whether it is a Tier I Plan, a Tier 2 Plan, or a Group Plan.

**Question:** Will the FTA planning program be compensated for the continuous need for TAM maintenance every four years? In other words, where are the federal planning resources going to come from for this effort? How is it funded?

**Answer:** Funding levels for all of FTA's programs are set by Congress through annual Federal budget process and longer-term reauthorization process. This rule is not amending funding levels for any FTA programs.

**Question:** Will this apply to private charters?

**Answer:** The proposed rule would not apply to private charters. The rule applies to public transportation. Private charters are not included in that definition.

**Question:** Does a Transportation Department TAM report public vehicles funded by local funds operated by the City's Human Services department?

**Answer:** The proposed rule states that if you are a recipient or subrecipient of FTA funds for providing public transportation, then all assets used in the operation or management of that public transportation system that receives funding from FTA are to be included in the TAM Plan.

## FTA TAM NPRM EXTERNAL WEBINAR – 10/29/15 – Q&A

**Question:** Can you give an example of how the performance measure for infrastructure would be used to calculate the percentage of track segments, signals and systems with performance restrictions?

**Answer:** FTA is currently developing guidance on the infrastructure measure which would assist agencies in being able to set targets to that measure, and we hope for the guidance to be available sometime next year, in advance of publication of a final rule.

**Question:** Is there a link to download today's presentation?

**Answer:** So the answer to all of these questions about where we're putting things is going to be the same. In the Notes pod that's at the top right of your screen, you can find our web address. It's [www.fta.dot.gov/sgr](http://www.fta.dot.gov/sgr). That is where we're posting everything-- this presentation, there's a link to the docket as well, and also our one-pager that sort of gives a nice quick snapshot of the proposal, can all be found at that location. And also, any of this stuff that we're talking about that will be published in the near- or long-term future will be posted there as soon as it's made available. So bookmark that location and check it frequently.

**Question:** Are Tier One properties who have 5307 and 5310 sub-recipients held responsible for compliance of their sub-recipients to the SR's TAM plan, whether the SR is part of the group plan or an individual plan developed by the SR?"

**Answer:** This question should be submitted to the docket.

**Question:** Are the Tier One properties who have 5307 and 5310 sub-recipients required to provide group plans, or is it just a voluntary option for the Tier One agencies?"

**Answer:** The group plans are required by state DOTs, they must provide a group plan for their Tier II sub-recipients. With regard to Tier I operators, if there is no financial or sub-recipient relationship, we have not proposed to require them to create Group Plans in the rule.

**Question:** Can you please post the link to the presentation and to the Q&A from the last webinar?

**Answer:** Just to reiterate what was said before, these items will be made available on the SGR website I believe in a week's time, all of these things should be making their way to the website.

**Question:** If an agency uses assets it does not own-- e.g. busways, signals on rail right-of-way-- is the agency responsible for reporting on those assets?"

**Answer:** The proposal suggests that the reporting or the asset inventory would include all assets that are used in the provision of public transportation. So if the agency is using those assets then yes, they would need to be a part of their asset inventory.

**Question:** When is the estimated time that this will be implemented?

**Answer:** After the comment period closes, FTA will review and analyze the comments and develop the final rule, and the final rule will have to go through the intra- and inter-agency review process, all of which is, for the most part, out of FTA's control once it gets to that step. We hope to have a final rule published at some time during the summer of 2016, but again, a lot of the steps in the process are out of our control. But we are working feverishly to try to get a final rule published.

**Question:** Are vehicles counted in each mode of service, or is it 100 overall modes that are operated?"

**Answer:** I believe that the proposal is for fleet size in peak revenue service, and it's by asset class. So that would more closely relate to mode.

**Question:** On Slide 19, what does 'an asset's lifecycle investments have been met or recovered' mean?"

**Answer:** It is talking about the scheduled maintenance, rehabilitation and replacement. So the lifecycle investment needs are costs to maintain asset condition over the life of the asset, for example; no deferred maintenance, keeping up with scheduled maintenance. And if you have fallen off schedule, "recovered" means that you're getting back on schedule.

**Question:** What does the FTA propose that an agency do after certifying a TAM plan? Does an agency need to send a copy somewhere?"

**Answer:** FTA is not proposing to collect Transit Asset Management plans. We are leaving the certification to each agency that develops a plan. However, we do propose in the plan that you share the contents of your plan with your state or metropolitan planning organization to aid in the planning process. That's the only requirement in this proposal for submitting or sharing your TAM plan with another entity.

**Question:** The question is about Appendix A to Part 625. "Please clarify who is to determine the number of asset classes within the TAM plan. Please clarify the detail expected in Appendix A when TAM plan is prepared as part of a group TAM plan by a state or when prepared by the individual transit provider. Additionally, can an MPO prepare the TAM plan?"

**Answer:** Okay, I think that was a couple of questions all at one time, but I will see if I can parse them out. The first one was about the level of detail in your asset inventory, and that is up to the transit provider. It should be a useful level of detail to make decisions on, but what we have provided in Appendix A as well as in this presentation are examples of asset classes. What makes sense in your environment is up to you. I think there was another question about group plans.

**Question:** Please clarify the detail expected in Appendix A when TAM plan is prepared as part of a group TAM plan by a state or when prepared by an individual transit provider. And also, can the TAM plan be prepared by the MPO?"

**Answer:** Yes, a TAM plan can be prepared by an MPO. The middle part of that question, I'm not sure if that was part of the proposal with regard to how you will identify your TAM plan, whether it be group or individual. I think that is a question that you should probably pose to the docket so that we could be sure to address it in the final rule.

**Question:** Would the asset inventory need to include assets owned by an agency if they are operated by another Tier One agency that has its own TAM plan under this proposal?

**Answer:** This question will have to be submitted to the docket.

**Question:** Are we required to follow the FTA's proposed asset categories, or are we able to create our own?"

**Answer:** This is similar to the last question, identifying that the categories that we've provided in Appendix A and in these presentations are examples. The categories are from the mandate, as in those are the categories that you will be reporting your performance targets, so those for rolling stock, infrastructure, facilities, and equipment-- those are the asset categories. The classes within those categories you have discretion, but the categories themselves are set by MAP-21.

**Question:** Does this proposal mandate physical condition assessments for any asset class? Can they all be age-based?"

**Answer:** This is a good question and it is determined by the agency how they want to rate their condition assessment. However, the condition assessment must at least have sufficient detail to

monitor performance and to plan capital investment. If you use age for everything, I'm not sure if you'd have that much detail. However, I would like to reiterate there are technical assistance reports in development that will help with regard to condition assessments for facilities and performance for track. So perhaps once those documents are available, you may find more information to make a decision with regard to the rating scale that is used for your TAM plan.

**Question:** Does the SGR definition include technological advances that may render the asset obsolete?

**Answer:** If the asset is obsolete, then it perhaps would not be in use and therefore would not be in an inventory or need to be determined whether it is or is not in a state of good repair. However, the definition as proposed talks about the condition of assets that are actually in use, and that they are operated at their full level of performance with regard to their designed function, they're not posing a safety risk, and meeting their lifecycle investment needs for maintenance. If I did not answer that question in the way that you intended it, please submit that question to the docket and add more detail with regard to specific aspects of that that you did not get answered.

**Question:** How does a vehicle overhaul program affect the rolling stock performance measure?

**Answer:** We are developing guidance on each of the measures, and I'm also not really clear on the question, so perhaps you can either resubmit it through the chat pod or submit it to the docket.

**Question:** Is infrastructure performance proposed to be only measured by Slow Zones only? There are no performance measures on other asset types.

**Answer:** That is correct. We did a mixture of performance types for our various categories. We have age, we have condition, and we have performance, based on the type of category that it goes with. So we selected age as a measure of performance for rolling stock and equipment; we selected condition as a measure of performance for facilities; and we selected performance as a performance measure for infrastructure.

**Question:** Is the ranked list of projects by year, or do we need to rank within a year?"

**Answer:** The investment prioritization is by year. So your ranked list of projects would be ordered by year of planned implementation.

**Question:** Which part of the NPRM do we focus our comments on? The entire 40 pages, or the pages 589-44 to 589-50 only?"

**Answer:** We are soliciting comment on the entire proposal, so that does include anything we've outlined in the preamble. In the presentation we outlined a couple of areas that we specifically would like comment on, including cost implementations and estimating cost-benefit. So if there are reports or studies out there that demonstrate things that you think we haven't considered, we would definitely like you to send those along to us. But yes, to answer your question, we're open to comment on the whole thing, and I know this presentation will be closed, but the items that we're soliciting specific comments are on slides 50 and 51 of the presentation, which can be found on our website after the webinar is over.

**Question:** Can you provide workflow for infrastructure class of assets?"

**Answer:** I'm not sure about what you mean by workflow. I think you mean how you should conduct a condition assessment and perhaps set a target. But as I mentioned and as Mish mentioned previously, we are developing guidance on each of the performance measures.

**Question:** We have a unique situation with contract carriers running our trains on some of our lines. How do we handle that when we write our TAM?"

**Answer:** This question will have to be submitted to the docket.

**Question:** What will you be reviewing for compliance for MPOs that don't own vehicles?

**Answer:** We do not make any proposals with regard to MPO compliance in this rule, and the metropolitan/statewide proposal I am not familiar enough with to speak upon what they have proposed. However, if this is a concern of yours about potential interactions or whatever it is that you maybe are concerned about, I would recommend that you submit that to the docket so that it could be a part of the official record and it could be addressed in the final rule.

**Question:** Are there any audit implications or requirements?

**Answer:** So I'm not sure what type of audit we're talking about here, and according to the proposal as written, I don't know if there would be any audit implications. There is no penalty for missing your targets. There is no reward for meeting your targets in the law. So with respect to the impact that the proposal or a final rule would have on our annual, triannual or state management review or any other audit process, as indicated, we have not proposed any changes to that process in the rule. However, please post your comment to the docket if you have any recommendations about what that process should be.

**Question:** If you are part of a group plan and the cumulative vehicles operated in peak exceeds 100 by multiple providers, does that require a Tier One plan?

**Answer:** In the proposal, each individual agency is either a Tier I or Tier II. Tier IIs group together. So you don't become a Tier I by being multiple Tier IIs. You're still Tier II, and would be required to do a Tier II plan.

There are a couple of things I did want to clarify. The TAM plan and the performance targets do not impact the apportionments or how much money a transit provider receives. Developing a TAM plan is an approved activity under certain grant program categories. However, it doesn't change how much money you have. The intention of this program is to influence how the transit provider prioritizes their funding, providing a greater connection between condition of the asset and funding, optimizing state of good repair.

So with regard to some of the questions that have been coming in talking about money and so forth with the targets, as we stated previously, there's no penalty and there's no reward for meeting your targets. The targets are there to be used by the transit provider to see if you are on track, and to kind of give you a direction in terms of where you want to go with the condition of your assets. It's all about reducing the State of Good Repair backlog, which ultimately is going to make the transit system operate better for longer.

That is kind of the big picture of this TAM rule, and some of the more specific questions that you have asked-- they're great questions, but unfortunately we don't have answers, because we're not at the implementation stage. So we can't say how this rule or this process would specifically impact certain programs or certain types of applications. Right now, this is the big picture stage, and this is why we're presenting it in this way. This is our proposal.

In addition, a lot of the questions coming in are great questions, but they are leaning a little bit more towards the side of implementations rather than clarifying questions on the proposal that has been laid out, and thus would need to go to the docket.

**Question:** A vehicle overhaul program enhances performance characteristics of a vehicle periodically throughout its useful life. For buses, the VOH usually occurs at the four-year and the eight-year points. A VOH will, for example, improve the performance profile of the bus from 75

percent of that of a new bus to, say, 90 percent. How does a vehicle overhaul program affect the condition assessment grade of the bus or group of buses?

**Answer:** In the proposal, FTA has not prescribed a process for condition assessment. That is left up to the individual provider to develop a process by which they will rate the condition of their asset. In addition, the proposed measure for vehicles is based on the percent of assets that have not met their Useful Life Benchmark. The Useful Life Benchmark was discussed in the presentation and it is distinguished from the useful life that you all are probably familiar with from our grant program, which is 12 years for a bus.

The Useful Life Benchmark would be decided by each individual transit provider based on their unique operating environment, based off their maintenance programs, their vehicle overhaul program. So, as an example, if you set a Useful Life Benchmark for a particular vehicle at 13 years and then when it is time to redo your TAM plan at four years and at some point during that time you've gone through this vehicle overhaul program process, then it is possible, and this is a hypothetical that we're talking about here, that you would adjust the Useful Life Benchmark of that particular vehicle, to extend it. But again, post your comment to the docket for consideration, and for a more formal response in the preamble to the final rule.