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**Privacy:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

**Docket:** Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Keira Jones, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

**Timothy R. Adams,**

*Acting Executive Director, Office of Rulemaking.*

#### Petition for Exemption

**Docket No.:** FAA–2021–0351.

**Petitioner:** Sikorsky Aircraft Corporation.

**Section(s) of 14 CFR Affected:** §§ 91.225(b) and 91.227(d)(18).

**Description of Relief Sought:** Sikorsky Aircraft Corporation (Sikorsky) seeks relief from §§ 91.225(b) and 91.227(d)(18) to conduct research and development, market survey, and customer training flights for two S–70i type aircraft (N8034M and N8048X) that are not type certified. Sikorsky operates these aircraft with a special airworthiness certificate under experimental category. The requested exemption will allow Sikorsky to operate in airspace that requires Automatic Dependent Surveillance–Broadcast (ADS–B) out equipment utilizing a system which enhances the

aircraft capabilities and increases situational awareness in the interest of public safety.

[FR Doc. 2021–13960 Filed 6–29–21; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0052]

#### Hours of Service (HOS) of Drivers; Application for Renewal of American Pyrotechnics Association Exemptions From the 14-Hour Rule and the Electronic Logging Device Rule During Independence Day Celebrations

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition; grant of exemptions.

**SUMMARY:** FMCSA announces its decision to grant, in part, the application of the American Pyrotechnics Association (APA) for renewal of exemptions from certain hours of service (HOS) regulations that expired on July 8, 2020. The request is being made on behalf of 60 APA member companies. The exemptions will allow drivers for these companies to exclude off-duty and sleeper berth time of any length from the calculation of the 14-hour limit and to use paper records of duty status (RODS) in lieu of electronic logging devices (ELD) during the 2021 Independence Day period. FMCSA has analyzed the application for exemptions and the public comments and has determined that the exemptions, subject to the terms and conditions imposed, will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemptions.

**DATES:** These exemptions are effective June 28 through July 8, 2021.

**Docket:** For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets operations.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pearl Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; (202) 366–4225; [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

*dot.gov*. If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### Viewing Comments and Documents

To view comments, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number “FMCSA–2021–0052” in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer–Older),” choose the first notice listed, click “Browse Comments.”

To view documents mentioned in this notice as being available in the docket, go to [www.regulations.gov](http://www.regulations.gov), insert the docket number “FMCSA–2021–0052” in the keyword box, click “Search,” and chose the document to review.

If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

##### II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from certain Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

### III. Background

#### *Current Regulatory Requirements*

The HOS rule in 49 CFR 395.3(a)(2) prohibits the driver of a property-carrying commercial motor vehicle (CMV) from driving after the 14th hour after coming on duty following 10 consecutive hours off duty. Drivers required to prepare RODS must do so using ELDs. However, under 49 CFR 395.8(a)(1)(iii)(1), a motor carrier may allow its drivers to record their duty status manually, rather than use an ELD, if the driver is operating a CMV “[i]n a manner requiring completion of a record of duty status on not more than 8 days within any 30-day period.”

#### *Applicant's Requests*

APA requests temporary relief from both provisions discussed above because employees for its member companies need to drive CMVs after the end of the 14-hour period and because the proposed exemption period from June 28 through July 8 is 11 days long, which exceeds the exception from the ELD requirement (up to 8 days in a 30 consecutive-day period). APA explains that without the extra time each day provided by the exemption from the 14-hour rule, safety would decline because APA drivers would be unable to return to their home base after each show. They would be forced to park the CMVs carrying HM 1.1G, 1.3G and 1.4G products in areas less secure than the motor carrier's home base. Without the exemption from the ELD rule, these companies would be required to purchase/lease ELD systems for a limited period of 11 days.

APA requests renewal of its HOS exemptions from the 14-hour rule for 58 of 61 member-companies included in the 2016 through 2020 waivers or exemptions and from the ELD rule for the same member companies included in the 2019 through 2020 waivers or exemptions. The HOS exemptions or waivers for 61 of its members expired on July 8, 2020. The current applications cover 58 members that previously held exemptions and 2 additional member companies not previously covered by the exemptions. APA has removed 3 member companies previously included in the 14-hour and ELD relief from the list, leaving 60 of its member companies applying for exemptions from the 14-hour rule and the ELD rule. Copies of the 2021 requests are included in the docket referenced at the beginning of this notice.

Various APA members have held waivers or exemptions during Independence Day periods from 2005

through 2014. On May 9, 2016, the current exemption for APA members was extended to July 8, 2020, pursuant to section 5206(b)(2)(A) of the Fixing America's Surface Transportation (FAST) Act. Copies of the initial request for an exemption from the 14-hour rule, subsequent renewal requests, and all public comments received may be reviewed at [www.regulations.gov](http://www.regulations.gov) under docket numbers FMCSA–2005–21104 and FMCSA–2007–28043.

FMCSA granted APA's application for relief from the ELD rule on February 19, 2019, covering the Independence Day celebrations for 2019 and 2020. A copy of that request and the public comments received are located at [www.regulations.gov](http://www.regulations.gov) under docket number FMCSA–2018–0140.

### V. Method To Ensure an Equivalent or Greater Level of Safety

APA believes an equivalent level of safety will be achieved because the fireworks are transported over relatively short routes from distribution points to the site of the fireworks display, and normally in the morning when traffic is light. APA also believes that fatigued driving is reduced and/or eliminated because drivers spend considerable time installing, wiring, and safety-checking the fireworks displays at the site, followed by several hours off duty in the late afternoon and early evening prior to the event; during this time, the drivers are allowed to rest or take a nap. Additionally, these drivers would continue to use paper RODS in lieu of an ELD during the designated Independence Day periods. The scheduled off duty time and use of RODS will ensure that fatigued driving is managed.

### VI. Public Comments

On May 4, 2021, FMCSA published notice of this application and requested public comments (86 FR 23779). The Agency received three comments, all opposing the exemptions. Miner's Inc. said “No need to extend hours of service. Team drivers can keep the load moving. This can also be used for livestock.” Another commenter, John Kogelman, wrote, “14 hr. Mandatory ELD, one or the other. Truckers are not children, no safer highways [since] both rules have been in place. Too much money being allocated for enforcement, not much spent to make truck driving bearable. . . .” The third commenter, Joshua Hilton, asked, “What part of shall not be infringed do you not understand?”

### VII. FMCSA Response and Decision

FMCSA has determined that granting these exemptions to APA member-companies will likely achieve a level of safety equivalent to or greater than the level that compliance with the HOS rules would ensure. The Agency agrees with the APA that the operational demands of this unique industry minimize the risk of CMV crashes. Generally, the CMV drivers covered by the exemption transport fireworks over relatively short routes from distribution points to the site of the fireworks display, and normally do so in the morning hours when drivers are less likely to encounter heavy traffic and congestion. When the drivers arrive at the work site, they spend most of their time setting up the fireworks displays, followed by several hours off duty in the late afternoon and early evening prior to the event. During the off-duty breaks, drivers are able to rest and nap, thereby reducing the risk of fatigue towards the end of the work shift. Before beginning another duty day, these drivers must take 10 consecutive hours off duty, the same as other CMV drivers. FMCSA notes that the individuals spend very little time driving during any given work shift and they must adhere to the weekly hours-of-service limits which prohibit operating a CMV after accumulating 60 hours on duty within 7 consecutive days, or 70 hours on duty within 8 consecutive days.

FMCSA anticipates, and understands from discussions with APA, that drivers will be unable to exceed the 14-hour limit every night and yet still have time to take 10 consecutive hours off duty. But drivers may work long days followed by short days, alternating back and forth. Such arrangements will likely vary from company to company, depending on event schedules. In any case, drivers and motor carriers operating under the exemption remain subject to the requirement for 10 consecutive hours off duty, and they must maintain records of duty status.

With regard to ELDs, the current regulations include an exception for motor carriers that are required to prepare records of duty status for 8 days or less during a 30 consecutive day period. However, the APA members in question would need relief from the requirements for 11 days. Therefore, the exemption would only provide 3 additional days of relief beyond the existing rule. The Agency does not believe safety will be decreased through the use of paper RODS and supporting documents during the 3 additional days. The carriers will be subject to the current record retention requirement,

for the records generated during the timeframe of this exemption and the Agency will have access to the RODS for 6 months from the date the records were prepared including corresponding supporting documents. The carriers also could be subject to civil penalties for failure to maintain the RODS and supporting documents for the entire period of the exemption and 6 months thereafter.

In addition, FMCSA has ensured that each motor carrier possesses an active USDOT registration, minimum required levels of insurance as required by 49 CFR part 387, and is not subject to any "imminent hazard" or other out-of-service (OOS) orders. The Agency conducted a comprehensive review of the safety performance history on each of the motor carriers listed in the appendix table during the review process. As part of this process, FMCSA reviewed its Motor Carrier Management Information System safety records, including inspection and accident reports submitted to FMCSA by State agencies. The motor carriers have "satisfactory" safety ratings and valid Hazardous Materials Safety Permits. The member carriers may be subject to investigations prior to future renewal of the exemption.

FMCSA acknowledges the concerns of commenters and has decided to limit the exemption to the 2021 Independence Day season, rather than granting a multi-year exemption as requested by APA. The Agency will review the impact of the exemption following the 2021 Independence Day Celebration and seek public comment whether similar relief should be granted in future years, if requested by APA.

### VIII. Terms and Conditions of the Exemptions

#### Period of the Exemption

The requested HOS exemptions from 49 CFR 395.3(a)(2) and 49 CFR

395.8(a)(1)(i) are effective from June 28 through July 8, 2021, 11:59 p.m. local time.

#### Terms and Conditions of the Exemptions

The exemptions are limited to drivers employed by the 58 motor carriers previously covered by the exemptions, and drivers employed by the two additional carriers identified by an asterisk in the appendix table of this notice. Drivers covered by these exemptions will be able to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour limit. Drivers will be able to use paper RODs in lieu of ELDs to record their HOS. The conditions of these are as follows:

- Drivers must not drive more than 11 hours after accumulating 14 hours on duty prior to beginning a new driving period;
- Drivers must have 10 consecutive hours off duty following 14 hours on duty prior to beginning a new driving period;
- Drivers must use paper RODs, maintain RODS for 6 months from the date the record is prepared, and make RODS accessible to law enforcement upon request;
- Drivers subject to the ELD requirements prior to June 28 must continue to use ELDs, maintain ELD data for 6 months from the date the electronic record is generated, and make ELD data accessible to law enforcement upon request; and
- The carriers and drivers must comply with all other requirements of the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399) and Hazardous Materials Regulations (49 CFR parts 105–180).

#### Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period these

exemptions would be in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with the exemptions with respect to a firm or person operating under the exemptions. States may, but are not required to, adopt the same exemptions with respect to operations in intrastate commerce.

#### Notification to FMCSA

Exempt motor carriers are required to notify FMCSA within 5 business days of any accidents (as defined by 49 CFR 390.5) involving the operation of any of their CMVs while under these exemptions. The notification must be made by email to [MCPSPD@DOT.GOV](mailto:MCPSPD@DOT.GOV) and include the following information:

- a. Identifier of the Exemptions: "APA";
- b. Date of the accident;
- c. City or town, and State, in which the accident occurred, or which is closest to the scene of the accident;
- d. Driver's name and driver's license State, number, and class;
- e. Co-Driver's name and driver's license State, number, and class;
- f. Vehicle company number and power unit license plate State and number;
- g. Number of individuals suffering physical injury;
- h. Number of fatalities;
- i. The police-reported cause of the accident;
- j. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations; and
- k. The total driving time and the total on-duty time of the CMV driver at the time of the accident.

In addition, if there are any injuries or fatalities, the carrier must forward the police accident report to [MCPSPD@DOT.GOV](mailto:MCPSPD@DOT.GOV) as soon as available.

**Meera Joshi,**  
Deputy Administrator.

### APPENDIX TO NOTICE OF APPLICATIONS FOR RENEWAL OF APA EXEMPTIONS FROM THE 14-HOUR AND ELD HOS RULES FOR INDEPENDENCE DAY PERIODS JUNE 28, 2021 THROUGH JULY 8, 2021 FOR 60 MOTOR CARRIERS

Motor carrier	Street address	City, state, zip code	DOT No.
1. American Fireworks Company .....	7041 Darrow Road .....	Hudson, OH 44236 .....	103972
2. American Fireworks Display, LLC .....	105 County Route 7 .....	McDonough, NY 13801 .....	2115608
3. AM Pyrotechnics, LLC .....	2429 East 535th Rd .....	Buffalo, MO 65622 .....	1034961
4. Arthur Rozzi Pyrotechnics .....	6607 Red Hawk Ct .....	Maineville, OH 45039 .....	2008107
5. Artisan Pyrotechnics, Inc .....	82 Grace Road .....	Wiggins, MS 39577 .....	1898096
6. * Atlas Importers, Inc .....	1570 S Hwy. 501 .....	Marion, SC 29571 .....	449827
7. Atlas PyroVision Entertainment Group, Inc.	136 Sharon Road .....	Jaffrey, NH 03452 .....	789777
8. Celebration Fireworks, Inc .....	7911 7th Street .....	Slatington, PA 18080 .....	1527687
9. Central States Fireworks, Inc .....	18034 Kincaid Street .....	Athens, IL 62613 .....	1022659
10. * Dominion Fireworks, Inc .....	669 Flank Road .....	Petersburg, VA 23805 .....	540485
11. Falcon Fireworks .....	3411 Courthouse Road .....	Guyton, GA 31312 .....	1037954
12. Fireworks & Stage FX America .....	12650 Hwy 67S, Suite B .....	Lakeside, CA 92040 .....	908304

## APPENDIX TO NOTICE OF APPLICATIONS FOR RENEWAL OF APA EXEMPTIONS FROM THE 14-HOUR AND ELD HOS RULES FOR INDEPENDENCE DAY PERIODS JUNE 28, 2021 THROUGH JULY 8, 2021 FOR 60 MOTOR CARRIERS—Continued

Motor carrier	Street address	City, state, zip code	DOT No.
13. Fireworks by Grucci, Inc .....	20 Pinehurst Drive .....	Bellport, NY 11713 .....	324490
14. Legal Aluminum King Mfg., Ltd. dba Flashing.	700 E Van Buren Street .....	Mitchell, IA 50461 .....	420413
15. Gateway Fireworks Displays .....	P.O. Box 39327 .....	St Louis, MO 63139 .....	1325301
16. Great Lakes Fireworks .....	24805 Marine .....	Eastpointe, MI 48021 .....	1011216
17. Hale Artificier, Inc .....	3185 East US Highway 64 .....	Lexington, NC 27292 .....	981325
18. Hamburg Fireworks Display, Inc .....	2240 Horns Mill Road SE .....	Lancaster, OH .....	395079
19. Hawaii Explosives & Pyrotechnics, Inc.	17-7850 N Kulani Road .....	Mountain View, HI 96771 .....	1375918
20. Hollywood Pyrotechnics, Inc .....	1567 Antler Point .....	Eagan, MN 55122 .....	1061068
21. Mike Eicher, dba Homeland Fireworks, Inc.	5235 John Day Hwy .....	Jamieson, OR 97909 .....	1377525
22. International Fireworks Mfg. Company.	242 Sycamore Road .....	Douglassville, PA 19518 .....	385065
23. J&J Computing dba Fireworks Extravaganza.	174 Route 17 North .....	Rochelle Park, NJ 07662 .....	2064141
24. J&M Displays, Inc .....	18064 170th Ave .....	Yarmouth, IA 52660 .....	377461
25. Johnny Rockets Fireworks Display Company.	3240 Love Rock .....	Steger, IL 60475 .....	1263181
26. Lantis Fireworks, Inc .....	130 Sodrac Dr., Box 229 .....	N Sioux City, SD 57049 .....	534052
27. Las Vegas Display Fireworks, Inc ....	4325 West Reno Ave .....	Las Vegas, NV 89118 .....	3060878
28. Legion Fireworks Co., Inc .....	10 Legion Lane .....	Wappingers Falls, NY 12590 .....	554391
29. Magic in the Sky, LLC .....	27002 Campbellton Road .....	San Antonio, TX 78264 .....	2134163
30. Martin & Ware Inc. dba Pyro City Maine & Central Maine Pyrotechnics.	P.O. Box 322 .....	Hallowell, ME 04347 .....	734974
31. Miand Inc. dba Planet Productions (Mad Bomber) bBoBBomberBomber).	P.O. Box 294, 3999 Hupp Road R31 .....	Kingsbury, IN 46345 .....	777176
32. Melrose Pyrotechnics, Inc .....	1 Kingsbury Industrial Park .....	Kingsbury, IN 46345 .....	434586
33. Montana Display Fireworks, Inc .....	9480 Inspiration Road .....	Missoula, MT 59808 .....	1030231
34. Pyro Shows, Inc .....	115 N 1st Street .....	LaFollette, TN 37766 .....	456818
35. Pyro Shows of Alabama, Inc .....	3325 Poplar Lane .....	Adamsville, AL 35005 .....	2859710
36. Pyro Shows of Texas, Inc .....	6601 9 Mile Azle Rd. ....	Fort Worth, TX 76135 .....	2432196
37. Pyro Spectaculars, Inc .....	3196 N Locust Ave .....	Rialto, CA 92376 .....	029329
38. Pyro Spectaculars North, Inc .....	5301 Lang Avenue .....	McClellan, CA 95652 .....	1671438
39. Pyrotechnic Display, Inc .....	8450 W St. Francis Rd. ....	Frankfort, IL 60423 .....	1929883
40. Pyrotecnico Fireworks Inc .....	299 Wilson Rd .....	New Castle, PA 16105 .....	526749
41. Pyrotecnico FX, LLC .....	6965 Speedway Blvd. Suite 115 .....	Las Vegas, NV 89115 .....	1610728
42. Rainbow Fireworks, Inc .....	76 Plum Ave .....	Inman, KS 67546 .....	1139643
43. RES Specialty Pyrotechnics dba RES Pyro.	21595 286th St .....	Belle Plaine, MN 56011 .....	523981
44. RKM Fireworks Company .....	27383 May St .....	Edwardsburg, MI 49112 .....	1273436
45. Rozzi's Famous Fireworks, Inc .....	118 Karl Brown Way .....	Loveland, OH 45140 .....	0483686
46. Santore's World Famous Fireworks, LLC.	846 Stillwater Bridge Road .....	Schaghticoke, NY 12154 .....	2574135
47. Sky Wonder Pyrotechnics, LLC .....	3626 CR 203 .....	Liverpool, TX 77577 .....	1324580
48. Sorgi American Fireworks Michigan, LLC.	935 Wales Ridge Rd .....	Wales, MI 48027 .....	02475727
49. Southern Sky Fireworks, LLC .....	6181 Denham Rd .....	Sycamore, GA 31790-2603 .....	3168056
50. Spielbauer Fireworks Co, Inc .....	1976 Lane Road .....	Green Bay, WI 54311 .....	046479
51. Spirit of 76, LLC .....	6401 West Hwy 40 .....	Columbia, MO 65202 .....	2138948
52. Starfire Corporation .....	682 Cole Road .....	Carrolltown, PA 15722 .....	554645
53. Vermont Fireworks Co., dba Northstar Fireworks Co., Inc.	2235 Vermont Route 14 South .....	East Montpelier, VT 05651 .....	310632
54. Wald & Company All American Display Fireworks Company.	16004 South State 291 Highway .....	Greenwood, MO 64034 .....	87079
55. Western Display Fireworks, Ltd .....	10946 S New Era Rd .....	Canby, OR 97013 .....	498941
56. Western Enterprises, Inc .....	13513 W Carrier Rd .....	Carrier, OK 73727 .....	203517
57. Wolverine Fireworks Display, Inc ....	205 W Seidlers .....	Kawkawlin, MI .....	376857
58. Young Explosives Corp .....	2165 New Michigan Rd .....	Canandaigua, NY 14618 .....	450304
59. Zambelli Fireworks MFG, Co., Inc ...	120 Marshall Drive .....	Warrendale, PA 15086 .....	033167
60. ZY Pyrotechnics, LLC dba Skyshooter Displays, Inc.	1014 Slocum Road .....	Wapwallopen, PA 18660 .....	2149202

[FR Doc. 2021-13892 Filed 6-29-21; 8:45 am]

BILLING CODE 4910-EX-P

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****Fiscal Year 2021 Competitive Funding Opportunity: Areas of Persistent Poverty Program**

**SUMMARY:** Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

**SUMMARY:** Notice of funding opportunity (NOFO).

**SUMMARY:** The Federal Transit Administration (FTA) announces the opportunity to apply for \$16,259,614 in funding from Fiscal Year (FY) 2020 (\$39,614) and FY 2021 (\$16,220,000) for the Areas of Persistent Poverty Program (Federal Assistance Listing: 20.505). As required by law, funds will be awarded competitively for planning, engineering, or development of technical or financing plans for projects that assist areas of persistent poverty. FTA may award additional funds if they are made available to the program prior to the announcement of project selections.

**DATES:** Complete proposals must be submitted electronically through the *GRANTS.GOV* "APPLY" function by 11:59 p.m. Eastern Time on August 30, 2021. Prospective applicants should initiate the process by registering on the *GRANTS.GOV* website immediately to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's website at <http://transit.dot.gov/howtoapply> and in the "FIND" module of *GRANTS.GOV*. The funding opportunity ID is FTA-2021-005-TPE. Mail and fax submissions will not be accepted.

**FOR FURTHER INFORMATION CONTACT:** Tonya P. Holland, FTA Office of Planning and Environment, 202-493-0283, or [tonya.holland@dot.gov](mailto:tonya.holland@dot.gov). A TDD is available at 1-800-877-8339 (TDD/FIRS).

**SUPPLEMENTARY INFORMATION:****Table of Contents**

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**A. Program Description**

The Areas of Persistent Poverty Program provides funds to eligible recipients or subrecipients under Title 49 U.S.C. Sections 5307, 5310, or 5311 located in areas of persistent poverty. Funding to implement the Areas of Persistent Poverty Program was appropriated by the Further Consolidated Appropriations Act, 2020 (Pub. L. 116-94, Dec. 20, 2019) and the Consolidated Appropriations Act, 2021 (Pub. L. 116-260, Dec. 27, 2020), and will be awarded through a competitive process, as described in this notice. This funding opportunity is occurring under Federal Assistance Listing number 20.505.

FTA will award grants to eligible applicants for planning, engineering, or development of technical or financing plans for projects eligible under Chapter 53 of title 49, United States Code. Applicants are encouraged to work with non-profits or other entities of their choosing to develop an eligible project. An eligible project for this NOFO is defined as a planning study (including a planning and environmental linkages study that advances the environmental analysis and review process as part of the metropolitan planning process), an engineering study, a technical study, or a financial plan.

This program supports FTA's strategic goals and objectives through the timely and efficient investment in public transportation. This program also supports the Biden-Harris Administration's agenda to mobilize American ingenuity to build modern infrastructure and an equitable, clean energy future. By supporting increased transit access for environmental justice (EJ) populations (see FTA Circular 4703.1), equity-focused community outreach, public engagement of underserved communities, adoption of equity-focused policies, reducing greenhouse gas emissions, and addressing the effects of climate change, FTA's Areas of Persistent Poverty Program advances the goals of Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis; and Executive Order 14008: Tackling the Climate Crisis at Home and Abroad.

FTA seeks to use the Areas of Persistent Poverty Program to encourage racial equity in two areas: (1) Planning and policies related to racial equity and barriers to opportunity; and (2) engineering, or development of

technical or financing plans, for project investments that either proactively addresses racial equity and barriers to opportunity, including automobile dependence as a form of barrier, or redress prior inequities and barriers to opportunity.

**B. Federal Award Information**

FTA intends to award all available funding (approximately \$16.26 million) in the form of grants to selected applicants responding to this NOFO. Additional funds made available for this program prior to project selection may be allocated to eligible projects. Funds will remain available for obligation for four fiscal years, not including the year in which the funds are allocated to projects.

Only proposals from eligible recipients for eligible activities will be considered for funding. FTA anticipates a maximum grant award not to exceed \$850,000.

In response to a NOFO that closed on May 4, 2020, FTA received applications for 28 eligible projects requesting a total of \$11,062,307. Of the 28 projects, 25 projects were selected and funded for a total of \$8.46 million.

**C. Eligibility Information****1. Eligible Applicants**

Eligible applicants include States, tribes, and designated or direct recipients eligible under 49 U.S.C. 5307, 49 U.S.C. 5310, or 49 U.S.C. 5311 that are located in areas of persistent poverty. State departments of transportation may apply on behalf of eligible applicants within their States. Applicants are also encouraged to work with non-profit organizations.

For the funding made available in FY 2021, eligible projects must be located: (1) In a county that had greater than or equal to 20 percent of the population living in poverty over the 30-year period preceding the date of enactment of the Consolidated Appropriations Act, 2021 (Pub. L. 116-260, December 27, 2020), as measured by the 1990 and 2000 decennial census and the most recent Small Area Income and Poverty Estimates, or (2) in a census tract with a poverty rate of at least 20 percent as measured by the 2014-2018 five-year data series available from the American Community Survey of the Bureau of the Census; or (3) in any territory or possession of the United States. Use this link to confirm that your proposed project is in an Area of Persistent Poverty and document that in the Supplemental Form to the application—<https://datahub.transportation.gov/stories/s/tsyd-k6ij>.