

Memorandum

Subject: **ACTION:** Ferry Boat Program (FBP)
2013 Full Year Distribution of funds

Date: August 12, 2013



In Reply
Refer to: HIPA-10

From: Acting Director, Office of Program Administration

To: Division Administrators

In section 1121 of MAP-21, Congress revised section 147 of title 23 U.S.C. to create a new formula based program for the construction of ferry boat and ferry terminal facilities. MAP-21 also created a passenger ferry discretionary program under the Federal Transit Administration (FTA). Please direct potential applicants for FTA's new ferry program to the information that will be available at <http://www.fta.dot.gov/map21> in the near future.

The FHWA Administrator has approved the full year distribution of the FBP funds to ferry boat operators that have been determined to be preliminarily eligible based on the 2010 National Census of Ferry Operators. Please notify your State DOT that they may now request allocation of these funds for projects ready to be authorized. This memorandum cancels and replaces the February 5, 2013, memorandum from David Nicol which announced the first half year funding distribution.

The Full Year Continuing Appropriations Act, 2013 (P.L. 113-6) provided appropriations for the program through September 30, 2013. It also included a 0.2% rescission and obligation authority limited to 95.9% of authorized funds. Under the provisions of Section 1102(f) of MAP-21, Redistribution of Certain Authorized Funds, only the amount of funds for which obligation limitation is provided will be made available and the remaining funds will be distributed to the States. As a result, a total of \$64,124,494 in FBP funds is available for FY 2013.

The attached table (Attachment 1) shows the distribution of funds by State and ferry service. The funds may only be used by the specified ferry service in the amount identified. The ferry service may develop a project for a publicly owned or operated or majority publicly owned ferry boat or ferry terminal facility. If the service is a private operation that demonstrates they are under the control of a public entity, they should work with the public entity that owns or operates the boat or facility to develop a project to meet Federal requirements. The available funding will be tracked at <http://www.fhwa.dot.gov/specialfunding/fbp/>.

The listed ferry services are determined only to be preliminarily eligible for the FBP program based on the 2010 National Census of Ferry Operators and on reviews by divisions and State DOTs. When requesting an allocation of funds, divisions must confirm that they have reviewed the ferry service and have determined that the operator and the route meet eligibility requirements in 23 U.S.C. 147 and 129(c) and described in the implementing guidance. Divisions should contact this office if they determine that a ferry service is not eligible for the program. The funds identified for such service will be redistributed to the remaining eligible services based on the statutory formula.

The new full year distribution table removes a number of ferry services that were determined to be ineligible for the program since the first half distribution. It also consolidates a number of services which are listed in the census separately but have boats or facilities which are owned or operated by a single public entity.

Program guidance can be found at <http://www.fhwa.dot.gov/map21/guidance/guidefbp.cfm>. In addition, attached is the revised "Federal-aid Highway Funding of Ferry Boats and Ferry Terminal Facilities" (Attachment 2) which gives basic information about funding ferry boat projects with Federal-aid.

If a ferry operates between more than one State, the ferry service may elect to transfer funds to the appropriate State to implement an eligible project on the ferry system. Funds may not be transferred among operators.

The maximum Federal share for a project in any State or Puerto Rico under this program is 80%. The maximum share in U.S. Territories is 100%. The sliding scale Federal share does not apply to this program. Other matching flexibilities such as donations and "soft match" may be considered. Guidance can be found at <http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=13>.

When a project is ready to be obligated and the division has confirmed that the ferry service and project are eligible, please submit an allocation request to this office to make the funds available in FMIS. The request should identify the operator and the purpose for which the funds will be used and include confirmation that the ferry operation is eligible.

These funds are available until expended but are subject to August redistribution. Therefore, any funds that will not be obligated by the end of FY 2013 must be returned to this office. The funds will be available for obligation again the following fiscal year.

If there are any questions and for allocation of funds, please contact Joseph Taylor at joseph.taylor@dot.gov or (410)779-7146.

Attachments (2)