

**U.S. DOT Federal Railroad Administration
Office of Passenger and Freight Programs**

Monitoring Procedure 01 - MTAC Administrative Conditions and Requirements

1.0 PURPOSE

The purpose of this Monitoring Procedure (MP) is to describe the administrative conditions and requirements associated with the performance of oversight by the Monitoring and Technical Assistance Contractors (MTAC) for the Federal Railroad Administration.

2.0 BACKGROUND

The Federal Railroad Administration (FRA) provides Federal grants and loans to assist in financing intercity passenger rail and freight rail projects. FRA, therefore, is responsible for administering the grants and loans, and ensuring projects are delivered successfully, provide public benefits, and meet Federal requirements.¹

FRA performs oversight using a mix of staff and contractors. Some FRA-administered programs are appropriated funding (administrative takedown) to help fund contractor services, while others do not receive an appropriation. Although the Monitoring Procedures (MP) are meant to instruct both Federal staff and contractors, the MTAC will have a significant role in conducting oversight of FRA's largest programs. Therefore, the MPs refer to the reviewer as the MTAC.

2.1 MTAC Program Underpinnings

FRA currently provides stewardship of taxpayers' dollars and conducts due diligence as a federal grants-making agency. FRA administers grant and loan programs to assist States and other eligible entities in the planning, acquisition, design, construction, and readiness for operations of high-speed and intercity passenger rail projects and freight rail projects. The number and amount of grants and loans administered by the FRA have dramatically increased over the last several years. FRA currently has a grant and loan portfolio comprised of over \$20 billion worth of investments for more than 350 grants and loans distributed across multiple programs for projects located throughout the entire United States.

For FRA's oversight of major capital rail projects, the Monitoring and Technical Assistance Program (MTAP) will bring significant additional contractor resources, more technical expertise, and greater consistency of approach to projects across the FRA regions.

FRA's goals for MTAP are at three levels:

- Projects - To proactively identify and mitigate risks, foster good solutions to challenges/issues, and ensure projects move successfully into revenue operations
- Program - To develop an ongoing FRA oversight program with knowledge sharing and partnering
- Industry - To elevate the knowledge and level of practice of the U.S. rail industry

¹ See References in Appendices below.

The predominant activity in MTAP is assisting FRA with project oversight. Characterized by a high level of proactive engagement, dialogue and problem solving with the Grantee and Federal team, MTAC contractors performing oversight, fully understand the projects, consider project content and approach, advise and recommend approaches, and evaluate risks. They support FRA involvement in the Grantees' projects, and make positive contributions to the overall endeavor. Oversight is typically done by the "resident" MTAC and its consultants, supported by Federal staff.

Another activity in MTAP is Technical Assistance. Special Tasks/Technical Assistance go further than oversight -- into the realm of teaching, training, tutoring, special studies, presentations on identified topics. Technical assistance needs are identified through oversight and may be customized to one Grantee or to a national audience depending on the issue. Either way, the work should further these FRA goals: Elevate the knowledge base in the industry; improve FRA's oversight capabilities; and achieve higher-quality projects.

Technical Assistance can be done by the "resident" MTAC and its consultants, supported by Federal staff. However it can and frequently does include other grantees, MTAC, and staff, as shown in these examples:

- Because of the particular expertise of the "resident" MTAC for the Northeast, this MTAC is asked to consult on a thorny issue in the Midwest.
- A peer review workshop is held to assist a grantee in the Midwest with value engineering of a project. The peer review group includes grantees and MTACs from the Northeast.

FRA wants to help develop a sense of community and partnership to encourage learning. For this purpose, as part of Special Tasks/Technical Assistance, regularly scheduled large national meetings will be held so that case studies, lessons learned, and best practices can be shared among the Grantees, MTAC contractors, and the Federal team.

Note that neither MTAC oversight nor technical assistance in any way relieves the Grantee of its responsibility for the project.

3.0 MTAC SCOPE OF WORK

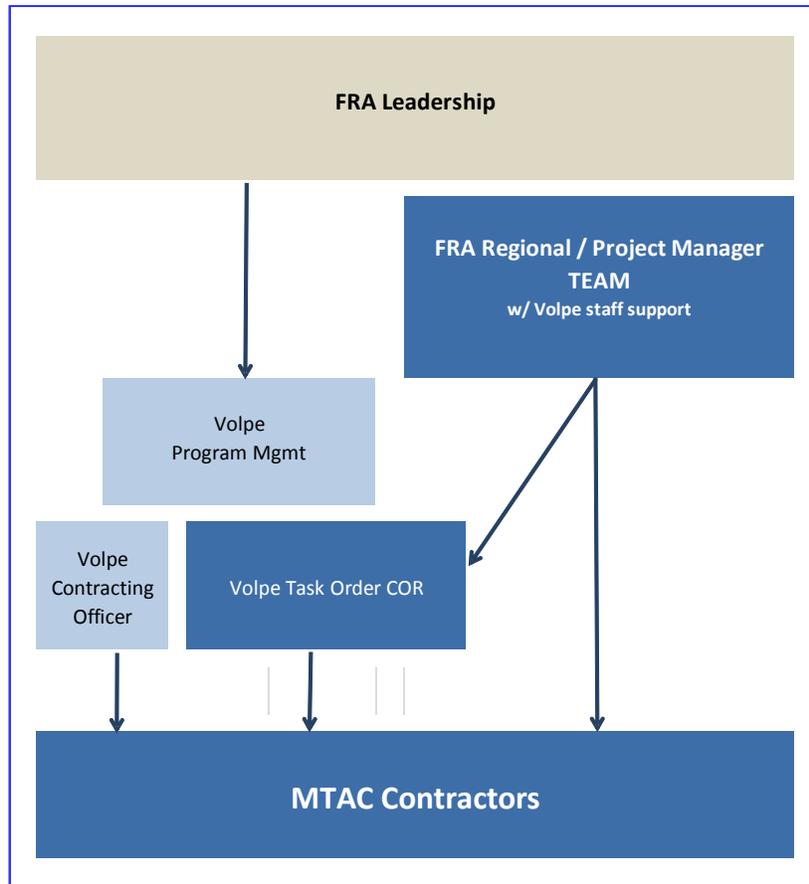
3.1 Projects Covered

At present, MTAP covers HSIPR (High-speed / Intercity Passenger Rail), TIGER (Transportation Investment Generating Economic Recovery), and AMTRAK projects, since MTAP is funded through HSIPR, TIGER, and AMTRAK. However, MTAP is designed to support FRA capital projects from any grant or loan program. Should FRA receive other sources of oversight funding available, MTAP may be used for projects in FRA's other programs, such as RRIF, Rail Line Relocation and Improvement, and/or future funding programs.

MTAP covers projects funded through grants and cooperative agreements. HSIPR projects are funded typically through cooperative agreements between FRA and the Grantees; TIGER projects are funded typically through grants. FRA's grant and cooperative agreement authority is contained in 49 U.S.C. 103(i).

3.2 Roles and Responsibilities

FRA engaged the Volpe Center to support MTAP. Contract management and issuance of MTAC contracts, task orders, and job orders is through the Volpe Center. FRA’s regionally-based multi-disciplinary teams are led by Regional Managers (RM) and on-location Project Managers (PM), who are responsible for shepherding grantees’ projects to successful completion. The RM/PM team members are FRA staff engineers, planners, environmental protection specialists, grant managers, financial analysts, attorneys, rail safety specialists, and a Volpe staff member. MTACs should discuss their work on a day-to-day basis with the RM/PM and their team members (the Federal Team).



In general, the MTACs are to exercise their professional expertise, professional judgment, and communicate well with all parties. The MTACs are to develop and regularly maintain contact with the Federal team; based on direction from the Federal team, develop and regularly maintain contact with a Grantee’s organization with key personnel in multiple departments; avoid relying on only one source for information; coordinate with other MTACs covering the same Grantee (if applicable).

The MTACs are to report. (Refer to Appendix A below).

The MTACs are to do the following:

- Investigate and study the projects -- the project scope, schedule, budget, and FRA terms and conditions, in sufficient detail to evaluate and track the progress, project management approach, challenges, issues, and risks;
- Engage, discuss, and consider options and alternatives, for all topics including the Grantees' technical capacity and capability to manage the projects, to meet goals during all phases;
- Identify problems and uncertainties in a timely manner; discussing findings, conclusions and recommendations with the Grantee and Federal team – recommendations for courses of action for the Grantee and others to take. The FRA takes the recommendation into account when deciding how to proceed.
- Draw conclusions, and provide professional opinions on the Grantee's work to the Federal team;
- Proactively help to solve problems with the Grantee and FRA.

3.3 Monitoring Procedures (MP)

Having a clear oversight structure is critically important for the Federal team, the Grantees, and the MTACs. The MPs provide that structure, standards for good practice, and they help establish consistency in application of the standards. The MPs are organized into Sections:

- Program Support
- Project Management Reviews
- Monitoring and Reporting
- Technical Reviews
- Technical Assistance

The MPs are Technical Direction to the MTAC contractors but they may also be of interest to Grantees, FRA staff, third party stakeholders, the railroads, Congressional oversight entities, and auditors. The MPs will be modified and improved over time. The current version will be posted to FRA's website.

3.4 Task Orders, Job Orders, Implementation Plans, MTAC Status Reports and Invoices

Task Orders: Task Orders are structured around the FRA Regions, with an additional one for rolling stock/vehicles. Barring a conflict of interest (COI) or capacity constraint, one MTAC will oversee all of the projects in a region. In the case of COI or if the projects are too many or too large for one MTAC, the work will be divided.

Job Orders: Activities performed under task orders will be authorized through Job Orders, developed by the Federal team and issued by the Volpe Center. A Job Order is a supplementary contracting document issued under an approved task order with a defined scope of work, and a limited period of performance. Job Orders are subject to the approval of the COR or ACOR, who is responsible for ensuring the Job Orders do not exceed the scope, cost, and performance period of the task order.

In MTAP, Job Orders will be structured by calendar year (January to January). They may also be structured by geographic area and/or by project phase; for example, under the Midwest Task Order, one Job Order includes all projects in Michigan; in the Southwest, one Job Order includes all PE NEPA projects. This approach minimizes paperwork, allows for greater work efficiency by MTAC professional staff, and greater overall consistency for Grantees and FRA. The Job Order includes a list of hours by MP

Section -- Program Support, Project Management Reviews, Monitoring and Reporting, Technical Reviews, and Technical Assistance – as well as a schedule for the reviews within the calendar year, and the agreed cost.

Implementation Plan: The MTAC is required to submit a Task Order Implementation Plan, outlining the proposed approach, identifying oversight and technical assistance activities to be performed, with a related schedule and cost breakdown. The Implementation Plan contains more detailed information than the Job Order, as it shows the oversight efforts by MP, by project, by calendar month.

MTAC Status Reports and Invoices: Typically monthly, MTAC Status Reports and Invoices are required to be submitted. Both documents should track estimated versus actual costs for oversight for each Job Order, and then as a summary, for the Task Order. The MTAC Status Reports should reflect proper management by MTACs of their activities, time, and costs. The reports are for the Federal team's use only. This information combined with similar information from the Volpe Center on Volpe staff activities, allows FRA to monitor its entire oversight program. The MTAC Status Reports should include:

- Narrative regarding major completed tasks, and significant events in the next 90 days
- Graph and table of cost and hours, planned and actual showing three month
- Reasons for variances between planned and actuals for hours and costs; changes to the Implementation Plan, if any; a proposed reconciliation of variances, and a plan for future expenditure rates.
- Draft Lessons Learned / Best Practices

MTAC Reports on Grantees' Projects

To support the MTAC oversight and technical assistance work, reports are typically required (for most MPs.)

General guidelines for reports:

- **Content:** Provide current information; cite sources; present information without taking it out of context. Provide focused, clear, concise, coherent, accurate, complete, objective and unbiased reports. Use "MTAC" vs "contractor" to distinguish from construction contractors. Use photos, tables, and other graphics to aid understanding
- **Style:** Refer back to original text instead of repeating text. Avoid long narratives.
- **Distribution:** Send draft documents to the Federal team; after approval from the Federal team, share the drafts with the Grantee for concurrence on the facts. Then finalize the report.
- **Format:** For a generic outline, see below. For a detailed outline, see MP 25. Use appendices for supporting or backup information. Use bold or underline for emphasis. Use Calibri 11 point font.
- **Report Outline**
 - 1) Cover page (use 12 point font)
 - a) Title of Report
 - b) Task Order No. and Name
 - c) Job Order No. and Name
 - d) Date and Revision Date if necessary
 - e) MTAC Firm Name, MTAC Lead's email, phone number
 - 2) Executive Summary (3 pages max) - most important findings, professional opinions, conclusions, and recommendations
 - 3) Table of Contents
 - 4) Body of Report – By topic
 - a) Findings
 - b) Analysis
 - c) Professional opinions regarding status
 - d) Recommendations for action
 - 5) Appendices
 - a) Acronyms used
 - b) Supporting checklists, tables, spreadsheets, photos, etc.
 - c) MTAC team – list personnel, qualifications for performing the review

Scope, Capital Cost, Schedule Reviews
Task Order 5 Job Order 2
Eleven Projects in Michigan MO Dept. of Transportation
May 1, 2014 May 22, 2014, Rev. 1
MTAC firm name MTAC lead's email, phone number

APPENDIX B References

The following are the principal, but by no means only, references to Federal regulations and guidance relating to the work performed under the MPs. The MTAC should be familiar with these.

ADA

Final Rule for the Transportation for Individuals with Disabilities at Intercity, Commuter, and High Speed Passenger Railroad Station Platforms. The U.S. Department of Transportation issued the Final Rule on September 19, 2011 (available at <http://www.gpo.gov/fdsys/pkg/FR-2011-09-19/html/2011-23576.htm>).

Final Rule for the Transportation for Individuals With Disabilities; Adoption of New Accessibility Standards. The Department of Transportation issued this rule on October 30, 2006 (available at <http://www.fra.dot.gov/eLib/Details/L03333>). This Final Rule establishes that the Department of Transportation amended the ADA regulations to adopt, as its regulatory ADA standards, the new Americans with Disabilities Act Accessibility Guidelines (ADAAG) issued by the United States Access Board.

U.S. DOT Guidance: What Accessibility Standards Apply to Passenger Rail Cars When Specific Design Standards Are Not Provided In 49 CFR Part 38? December 2012 (available at <http://www.fra.dot.gov/Page/P0175>).

Questions and Answers on the 49 CFR Part 37 Revision - Transportation Services for Individuals with Disabilities (ADA) (available at <http://www.fra.dot.gov/Page/P0175>).

The ADA Standards for Transportation Facilities. (<http://www.access-board.gov/guidelines-and-standards/transportation/facilities/ada-standards-for-transportation-facilities>).

36 CFR Part 1191. Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities – 36 CFR Part 1191. Available at <http://www.gpo.gov/fdsys/granule/CFR-2011-title36-vol3/CFR-2011-title36-vol3-part1191/content-detail.html>

36 CFR Parts 1192 Subpart H -- High-Speed Rail Cars, Monorails and Systems. The Access Board provides technical guidance on ADAAG for high-speed rail cars, monorails, and systems. (<http://www.access-board.gov/guidelines-and-standards/transportation/vehicles/technical-assistance-manuals-on-adaag-for-transportation-vehicles/subpart-h-high-speed-rail-cars,-monorails-and-systems>).

49 CFR Part 27. Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance available at <http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol1/pdf/CFR-2011-title49-vol1-part27.pdf>).

49 CFR Part 37. Transportation Services for Individuals with Disabilities (ADA) available at <http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol1/pdf/CFR-2011-title49-vol1-part37.pdf>.

49 CFR Part 38. Americans With Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles – Subpart H – Other Vehicles and Systems – 49 CFR Part 38 §175 – High-

APPENDIX B References

Speed Rail Cars, Monorails, and Systems available at <http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol1/pdf/CFR-2011-title49-vol1-part38.pdf>.

ANNUAL REVIEW

FRA's Office of Passenger and Freight Programs Monitoring Manual, available from FRA; this is the primary guide for the annual review.

BUY AMERICA/N

49 U.S.C § 24405 (a) (available at <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title49/html/USCODE-2011-title49-subtitleV-partC-chap244-sec24405.htm>)

4949 U.S.C § 8302 (available at [http://uscodebeta.house.gov/view.xhtml?req=\(title:8302%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-titlesection8302\)&f=treesort&edition=prelim&num=0&jumpTo=true](http://uscodebeta.house.gov/view.xhtml?req=(title:8302%20edition:prelim)%20OR%20(granuleid:USC-prelim-titlesection8302)&f=treesort&edition=prelim&num=0&jumpTo=true))

FRA Buy America Guidance - including Frequently Asked Questions (available at <http://www.fra.dot.gov/Page/P0185>)

ENVIRONMENTAL REVIEW

2010 NOFA: Appendix 2.2 Environmental Documentation. Federal Register Vol. 75, No. 126, Thursday, July 1, 2010. Notices USDOT, FRA, HSIPR Program; ACTION: Notice of funding availability for Individual Projects; issuance of interim program guidance, <http://www.fra.dot.gov/eLib/details/L03701>

Notice of Updated Environmental Assessment Procedures. Federal Register Vol. 64, No. 101, Wednesday, May 26, 1999. Notices page 28545, USDOT, FRA, ACTION; Notice of Updated Environmental Assessment Procedures, <http://www.fra.dot.gov/eLib/details/L02561>

National Environmental Policy Act (NEPA), Compliance and Enforcement, Basic Information, available at <http://www.epa.gov/compliance/basics/nepa.html>

GRANTS and COOPERATIVE AGREEMENTS

OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments, available at http://www.whitehouse.gov/omb/circulars_a102/

49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, available at <http://www.gpo.gov/fdsys/pkg/CFR-2009-title49-vol1/xml/CFR-2009-title49-vol1-part18.xml>

OMB Circular A-128, Audits of State and Local Governments, available at http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf

PLANNING AND DESIGN

Railroad Corridor Transportation Plans: A Guidance Manual, July 8, 2005, available at <http://www.fra.dot.gov/eLib/Details/L04161>

APPENDIX B References

USDOT, FRA HSIPR Program. Notice of funding availability for Service Development Programs; issuance of interim program guidance; pg. 38344, Federal Register / Vol. 75, No. 126 / Thursday, July 1, 2010 / Notices, available on FRA website

FRA's State Rail Plans Guidance, September 2013, <http://www.fra.dot.gov/eLib/Details/L04760>

FRA's "Station Area Planning for High-Speed and Intercity Passenger Rail," June 2011, <http://www.fra.dot.gov/eLib/Details/L03759>

Transportation Research Board. (2003). *Transit Capacity and Quality of Service Manual, 2nd edition*. TCRP Report 100. Transportation Research Board, Washington DC, 2003.

The American Railway Engineering and Maintenance-of-Way Association (AREMA) publications, available at <https://www.arema.org/publications/pgre/index.aspx>

- Manual for Railway Engineering
- Practical Guide to Railway Engineering

PMP

Project Management Oversight - 49 USC 24403, available at <http://www.gpo.gov/fdsys/granule/USCODE-2011-title49/USCODE-2011-title49-subtitleV-partC-chap244-sec24403/content-detail.html>

REAL ESTATE

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), available at http://www.fhwa.dot.gov/real_estate/practitioners/uniform_act/

Uniform Act Regulations (49 CFR Part 24), available at http://www.fhwa.dot.gov/real_estate/practitioners/uniform_act/legs_regs/

SAFETY and SECURITY

49 CFR Parts 213 and 238 Final Rule on Vehicle / Track Interaction Safety Standards; High-Speed and High Cant Deficiency Operations. USDOT, FRA 49 CFR Parts 213 and 238, Federal Register / Vol. 78, No. 49 / Wednesday, March 13, 2013 / Rules and Regulations

FRA Office of Safety Website, <http://www.fra.dot.gov/Page/P0010>, including references to:

- 49 CFR 213-Track Safety Standards
- 49 CFR 214-Railroad Workplace Safety (Roadway worker protection)
- 49 CFR 228-Hours of service railroad employees
- 49 CFR 233-Signal systems reporting requirements
- 49 CFR 234-Grade crossing signal system safety and State action plans
- 49 CFT 235-Instructions governing applications for approval of a discontinuance or material modification of a signal system or relief from the requirements of part 236

APPENDIX B References

- 49 CFR 236-Rules, standards, and instructions governing the installation, inspection, maintenance, and repair of signal and train control systems, devices, and appliances
- 49 CFR 237-Bridge Safety Standards
- 49 CFR 238-Passenger Equipment Safety Standards
- 49 CFR 239-Passenger Train Emergency Preparedness

Amtrak Station Program and Planning Guidelines, safety in site planning, station and platform design -- <http://www.greatamericanstations.com/docs/amtrak-station-planning-and-program-guidelines>

Amtrak Emergency Management and Corporate Security

- Design Guidance, Practices and Recommendations for: Video Surveillance Systems, Physical Security, Intrusion Detection Systems, and Physical Access Control Systems. 2013, Rev. 4. Obtain from Amtrak.

NFPA 130: Standard for Fixed Guideway Transit and Passenger Rail Systems

- <http://www.nfpa.org/codes-and-standards/document-information-pages?mode=code&code=130> Topics covered include stations, trainways, emergency ventilation systems, vehicles, emergency procedures, communications, control systems, and vehicle storage areas. Provisions pertain to stations accommodating only passengers and employees of the fixed guideway transit and passenger rail systems and incidental occupancies in the stations.

Schachenmayr, M.P. *Application Guidelines for the Egress Element of the Fire Protection Standard for Fixed Guideway Transit Systems*. Parsons, Brinckerhoff, Quade & Douglas, 1998.

STATIONS

FRA's "Station Area Planning for High-Speed and Intercity Passenger Rail," June 2011, <http://www.fra.dot.gov/eLib/Details/L03759>

Amtrak Station Program and Planning Guidelines, <http://www.greatamericanstations.com/planning-development/station-planning-guidelines>

Fruin, J. J. *Pedestrian Planning and Design, Revised Edition*. Elevator World, Inc., Mobile, Alabama, 1987.

VALUE ENGINEERING

Value Methodology Standard and Body of Knowledge, June 2007 (or the latest edition) published by SAVE International, http://www.value-eng.org/pdf_docs/monographs/vmstd.pdf

VEHICLES

305 Committee Railcar Specifications, <http://www.highspeed-rail.org/Pages/DocsSpecs.aspx>, Passenger Rail Investment and Improvement Act of 2008 (PRIIA) 305 Next-Generation Equipment Committee (NGEC)

APPENDIX B References

APTA Standards and Recommended Practices relevant to railcar design

Federal Safety Regulatory requirements (49 CFR Part 229, 238, 239) as applicable