



RAIL

MOVING AMERICA FORWARD

Introduction to Terms & Conditions for Discretionary Grants

FRA Office of Railroad Development

Agenda



1

Overview of Grant Agreement

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Ts&Cs in the Grant Application Process

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Introduction to Attachment 1

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Introduction to Exhibits

Overview of Grant Agreement

Grant Agreement:	Note:
Coversheet	<ul style="list-style-type: none"> - High-level summary of key project information and signatures - FRA creates the coversheet at the time of obligation
Attachment 1: General Terms & Conditions	<ul style="list-style-type: none"> - Applies to all grants and programs - Does <u>not</u> change project to project
Attachment 2: Project-Specific Terms & Conditions	<ul style="list-style-type: none"> - Applies to a single project - Modified for each project
Exhibits	<ul style="list-style-type: none"> - Do <u>not</u> change project to project

U.S. Department of Transportation Federal Railroad Administration		Grant Agreement																	
1. RECIPIENT NAME AND ADDRESS ██████████ ██████████ ██████████		2. AGREEMENT NUMBER: ██████████	3. AMENDMENT NO. 0																
		4. PROJECT PERFORMANCE PERIOD: FROM ██████ TO ██████																	
		5. FEDERAL FUNDING PERIOD: FROM ██████ TO ██████																	
1A. IRS/VENDOR NO. ██████		6. ACTION New																	
1B. DUNS NO. ██████																			
7. CFDA# ██████																			
8. PROJECT TITLE ██████████		<table border="1"> <thead> <tr> <th>TITLE</th> <th>FEDERAL</th> <th>NON-FEDERAL</th> <th>TOTAL</th> </tr> </thead> <tbody> <tr> <td>9. PREVIOUS AGREEMENTS</td> <td>0.00</td> <td>0.00</td> <td>0.00</td> </tr> <tr> <td>10. THIS AGREEMENT</td> <td>██████</td> <td>██████</td> <td>██████</td> </tr> <tr> <td>11. TOTAL AGREEMENT</td> <td>██████</td> <td>██████</td> <td>██████</td> </tr> </tbody> </table>		TITLE	FEDERAL	NON-FEDERAL	TOTAL	9. PREVIOUS AGREEMENTS	0.00	0.00	0.00	10. THIS AGREEMENT	██████	██████	██████	11. TOTAL AGREEMENT	██████	██████	██████
TITLE	FEDERAL	NON-FEDERAL	TOTAL																
9. PREVIOUS AGREEMENTS	0.00	0.00	0.00																
10. THIS AGREEMENT	██████	██████	██████																
11. TOTAL AGREEMENT	██████	██████	██████																
12. INCORPORATED ATTACHMENTS THIS AGREEMENT INCLUDES THE FOLLOWING ATTACHMENTS, INCORPORATED HEREIN AND MADE A PART HEREOF: Standard Terms and Conditions, Attachment 1: Consolidated Rail Infrastructure and Safety Improvements Clauses, Attachment 1A: Statement of Work, Attachment 2: Deliverables and Approved Project Schedule, Attachment 3: Approved Project Budget, Attachment 4: Performance Measurements, Attachment 5																			
13. STATUTORY AUTHORITY FOR GRANT/ COOPERATIVE AGREEMENT Consolidated Appropriations Act, 2018 (P.L. 115-141)																			
14. REMARKS																			
GRANTEE ACCEPTANCE		AGENCY APPROVAL																	
15. NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL		17. NAME AND TITLE OF AUTHORIZED FRA OFFICIAL																	
16. SIGNATURE OF AUTHORIZED GRANTEE OFFICIAL	16A. DATE	18. SIGNATURE OF AUTHORIZED FRA OFFICIAL	18A. DATE																
AGENCY USE ONLY																			
19. OBJECT CLASS CODE: ██████		20. ORGANIZATION CODE: ██████																	
21. ACCOUNTING CLASSIFICATION CODES DOCUMENT NUMBER: ██████ FUND: ██████ BY: ██████ BPAC: ██████ AMOUNT: ██████																			

FRA develops the initial draft of Attachment 2 based on the information the applicant provided in the grant application.

Competitive Grants Application Process

- Each Notice of Funding Opportunity (NOFO) will specify application requirements as it relates to the Terms & Conditions
- Attachment 2 is developed as a part of pre-obligation
- The recipient must comply with the Terms & Conditions and government-wide requirements regarding grant performance and administration



This graphic shows the competitive grants application process. Terms & Conditions are part of the application, pre-obligation, and post-obligation process as shown in Steps 3, 6, and 7.

[Electronic Grants Application Process Flowchart-April 2022](#)



Where to Locate the Terms & Conditions

The screenshot shows the Federal Railroad Administration website. The top navigation bar includes links for About FRA, Railroad Safety, Rail Network Development, Research & Development, Legislation & Regulations, Grants & Loans (highlighted with a red box), and FRA eLibrary. A search bar is located on the right. The main content area is titled 'FRA Discretionary Grant Agreements' and includes a sidebar on the left. The sidebar contains links for Grants & Loans Overview, Grant Programs, Loan Programs, Applying for Grants, Grants Application Process, FRA Discretionary Grant Program Tool, Grant Readiness Checklist, FRA Grant Agreement (highlighted with a red box), Additional Resources, Resources for Grant Recipients, Training & Guidance, Upcoming Webinars, and Contact Us. The main content area provides information about the updated grant agreements effective December 11, 2023, and lists links for the new FRA Grant Agreement, including Attachment 1: Standard Terms and Conditions, Attachment 2: Project-Specific Terms and Conditions, and Terms and Conditions Exhibits. It also lists previous FRA Grant Agreements and their dates.

United States Department of Transportation

U.S. Department of Transportation
Federal Railroad Administration

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FRA Discretionary Grant Agreements

Effective December 11, 2023, FRA has updated the structure of grant agreements used for FRA awards of federal financial assistance.

If you have questions about FRA grant agreements, please contact your FRA Project Manager.

FRA Grant Agreements – Effective December 11, 2023

The new FRA Grant Agreement consists of three parts:

- [Attachment 1: Standard Terms and Conditions – February 15, 2024](#)
- [Attachment 2: Project-Specific Terms and Conditions – December 11, 2023](#)
- [Terms and Conditions Exhibits – December 11, 2023](#)

Previous FRA Grant Agreements

- [Example General Grants – Attach 1 – Standard Terms and Conditions – August 25, 2020](#)
- [Example CRISI Grants – Attach 1A – Additional CRISI Terms and Conditions – May 30, 2023](#)
- [Example Federal-State Partnership Grants – Attach 1A – Additional Federal-State Partnership Terms and Conditions – May 5, 2023](#)
- [Example Restoration and Enhancement Grants – Attach 1A – Additional Restoration and Enhancement Terms and Conditions – October 20, 2022](#)

Last updated: Thursday, February 15, 2024

Attachment 1: Overview

- Includes 26 Articles
- Contains the standard terms and conditions governing the administration of the grant agreement and the execution of the project
- Static document
- Article 26 contains program-specific clauses
- Applies equally to non-profits and for-profits

Article 1: Terms & Conditions

Article 2: FRA Role and Responsibilities

Article 3: Recipient Role

Article 4: Award Amount, Obligation, and Time Periods

Article 5: Statement of Work, Schedule, and Budget Changes

Article 6: General Reporting Terms

Article 7: Progress and Financial Reporting

Article 8: Performance Measurement and Reporting

Article 9: Noncompliance and Remedies

Article 10: Agreement Suspension and Termination

Article 11: Monitoring, Financial Management, Controls, and Records

Article 12: Contracting and Subawarding

Article 13: Costs, Payments, and Unexpended Funds

Article 14: Property and Equipment

Article 15: Amendments

Article 16: Climate Change and Environmental Justice

Article 17: Racial Equity and Barriers to Opportunity

Article 18: Labor and Work

Article 19: Critical Infrastructure Security and Resilience

Article 20: Federal Financial Assistance, Administrative, and National Policy Requirements

Article 21: Assignment

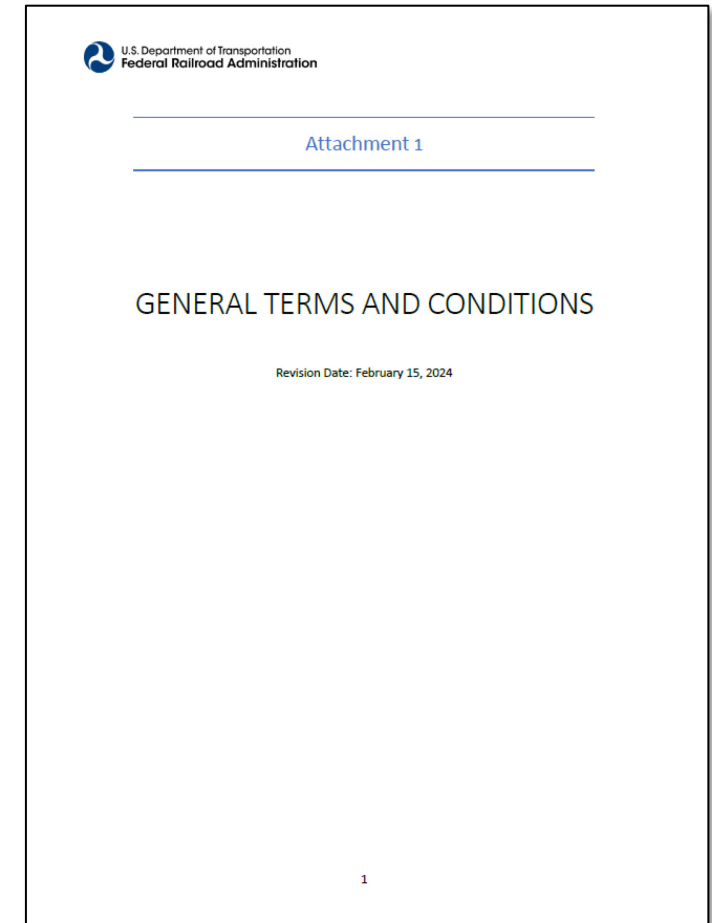
Article 22: Waiver

Article 23: Additional Terms and Conditions

Article 24: Construction and Definitions

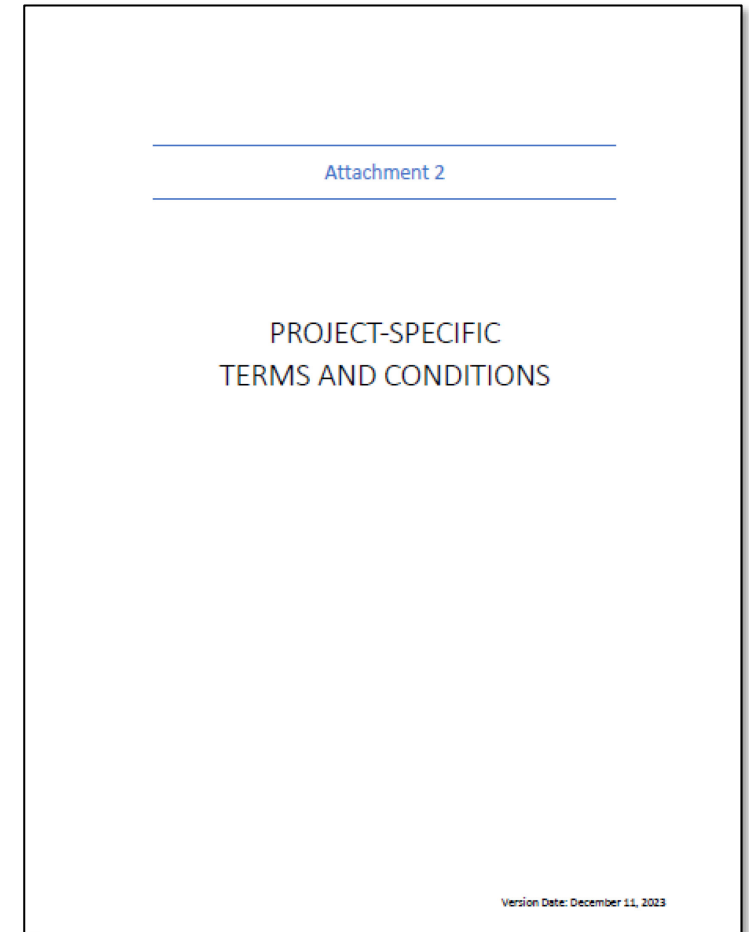
Article 25: Agreement Execution and Effective Date

Article 26: Program-Specific Clauses



Attachment 2: Overview

- Includes 11 Articles
- Includes project-specific information, including the description of the selected project, tasks and deliverables based on the selected lifecycle stage, budget, schedule, and performance measures
- Sections and requirements were added to better document environmental compliance and to address administration priorities
- Includes instructions and notes in italicized text to inform recipients how to modify the agreement template for obligation
 - Provides spaces to insert project-specific text and/or select from options in brackets throughout the document
 - Unless otherwise indicated, the text of Attachment 2 should **not** be modified



[Attachment 2: Project-Specific Terms and Conditions \(dot.gov\)](#)

Attachment 2: Articles 1, 2, & 3

Article 1: Project-Specific Designations

- Identifies recipient, project and purpose, and project designations

Article 2: Special Terms & Conditions

- Identifies additional required terms and conditions based on program and fiscal year

Article 3: Administrative Information

- Identifies application title and date, FRA awarding official, award date, program name and assistance listings number, the Recipient's Unique Entity Identifier (UEI), and federal award identification number (FAIN)

FRA develops the initial draft of Attachment 2 based on the information the applicant provided in the grant application.

Attachment 2: Articles 4 & 5

Article 4: Statement of Work

- **General Project Description:** Concise description of the project funded under the agreement
- **Project Location:** Specific and detailed, including maps and GPS location, as applicable
- **Project Scope:** Lists standard FRA project tasks and deliverables defined by the project lifecycle stage
 - **Project Tasks:** Task 1 – Project Administration and Management, Task 2, Task 3, Additional Task
 - **Task Deliverables:** Project Management Plan, Final Performance Report, Preliminary Engineering Plans, etc.
- Required environmental commitments as applicable

Article 5: Award Dates and Estimated Project Schedule

- Estimated project schedule, which lists significant milestones in Project advancement

Table 5-A: Estimated Project Schedule

Milestone	Schedule Date
[Preliminary Engineering Completion]	[Insert Date]
[NEPA Completion]	[Insert Date]
[Final Design Completion]	[Insert Date]
[Construction Substantial Completion]	[Insert Date]

Attachment 2: Articles 6 & 7

Article 6: Award and Project Financial Information

- Outlines the award amount, obligation, funding source and availability, project budget, and other relevant financial information for the project
 - Several budget tables provided in Article 6; Tables 6-A, Project Budget by Task and 6-B, Project Budget by Source, should be completed for all awards

Article 7: Performance Measurement Information

- Performance measures enable FRA to assess the recipient's progress in achieving grant program goals and objectives
- Recipient will report on these performance measures in accordance with the frequency and duration specified (in Table 7-A)
- FRA develops the initial draft based on FRA's framework for measuring performance for certain projects as well as the information the applicant provided in the grant application

Table 7-A: Performance Measurement Table

Goal	Objective	Performance Measure	Description of Measure	Measurement	Reporting
Goal 1				Pre-Project (Baseline) Performance as of:	Frequency:
				Expected Post-Project Performance:	Duration:
Goal 2				Pre-Project (Baseline) Performance as of:	Frequency:
				Expected Post-Project Performance:	Duration:

Attachment 2: Articles 8, 9, 10, & 11

Article 8: Environmental Compliance

- Completed by an FRA Environmental Protection Specialist to document compliance with the National Environmental Policy Act (NEPA) prior to obligation
- Examples: Date FRA issued Categorical Exclusion or Finding of No Significant Impact

Administration Priorities

Each of the following articles has an accompanying table and supporting narrative section.

Article 9: Climate Change and Environmental Justice Impacts

- Identifies how the project addresses climate change and environmental justice priorities

Article 10: Racial Equity and Barriers to Opportunity

- Identifies how the project addresses efforts to improve racial equity and reduce barriers to opportunity

Article 11: Labor and Work

- Identifies the recipient's efforts to support good-paying jobs and strong labor standards related to the project

Exhibits

Exhibit A: Applicable Federal Laws and Regulations

- General Federal Legislation
- Executive Orders
- General Federal Regulations



Note: *The Exhibits do not change project to project.*

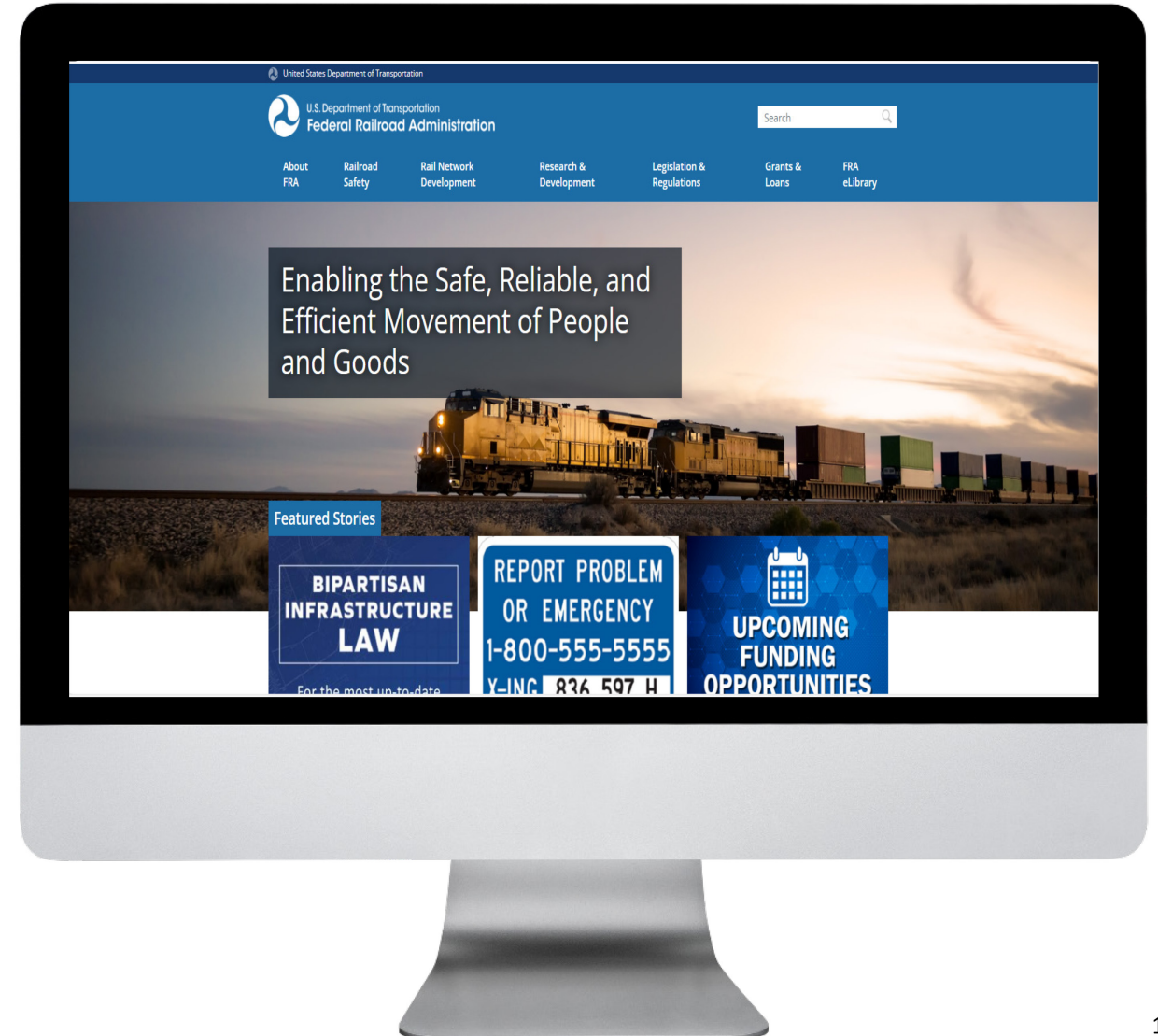
Exhibit B: Additional Standard Terms

- B.1: Title VI Assurances
- B.2: Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions
- B.3: Requirements Regarding Delinquent Tax Liability or a Felony Conviction Under Any Federal Law
- B.4: Recipient Policy to Ban Text Messaging While Driving
- B.5: Equivalent Labor Protections Under 49 U.S.C. 22905 (c)(2)(B)

Exhibit C: Quarterly Project Progress Reports and Recertifications

FRA Website Resources

1. [FRA Discretionary Grant Agreements](#)
2. [FRA Discretionary Grants Application Process](#)
3. [FRA Environment](#)
4. [FRA Guidance on Development and Implementation of Railroad Capital Project](#)
5. [FRA Additional Resources](#)
6. [FRA Training & Guidance](#)

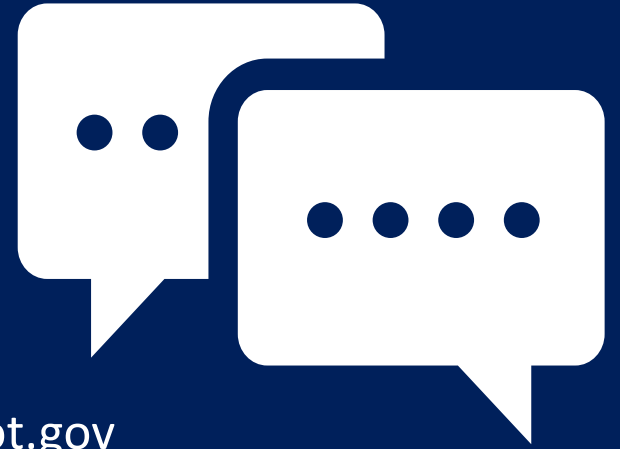


Contact Us

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Washington, DC 20590



Connect with us at [USDOTFRA](#)



Email: RRDTraining@dot.gov



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