

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Notice of Funding Opportunity for the Transportation Demonstration Program under the Consolidated Appropriations Act, 2021

AGENCY: Office of the Secretary of Transportation, DOT

ACTION: Notice of Funding Opportunity

SUMMARY: The purpose of this notice is to solicit applications for the Transportation Demonstration Program.

DATES: Applications must be submitted by 5:00 PM E.D.T. on Friday, June 25, 2021.

ADDRESSES: Applications must be submitted through Grants.gov.

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact Shira Bergstein at (202) 493-0286. A TDD is available for individuals who are deaf or hard of hearing at (202) 366-3993.

SUPPLEMENTARY INFORMATION: Each section of this notice contains information and instructions relevant to the application process, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

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A. Program Description

The Consolidated Appropriations Act, 2021 (Pub. L. 116-260, December 27, 2020) (“FY 2021 Appropriations Act”) appropriated \$100 million to expand intermodal and multimodal freight and cargo transportation infrastructure, including airport development under chapter 471 of title 49, United States Code. The Transportation Demonstration Program is listed under Assistance Listing 20.936. See Section C of this NOFO for a description of the limited eligibility under this program.

The safe and efficient movement of freight is vital to the Nation’s economic growth and to the creation of well-paying jobs for millions of Americans. The national freight system comprises physical infrastructure or facilities, such as ports, waterways, airports, railroads, pipelines, roadways, and warehouses, as well as diverse carriers, shippers, and suppliers that use this infrastructure to transport goods. Intermodal or multimodal freight, which refer to a cargo that transfers from one transportation mode to at least one other transportation mode as the shipment moves from origin to destination, are an integral component of the freight system. The

goal of the Transportation Demonstration Program is to fund projects that expand intermodal and multimodal freight and cargo transportation infrastructure. Projects funded under this program may augment existing intermodal and multimodal assets in close proximity with capital investments that strengthen the infrastructure connections. Funding may be used to eliminate artificial barriers and fill gaps that exist within current grant programs or to streamline connections between aviation, maritime, rail, and highway infrastructure and generate efficiencies in inventory and supply chain management.

Due to the prescriptive project eligibility criteria in the FY 2021 Appropriations Act, the Department expects that eligibility under the program will be limited to very few applicants. Potential applicants should carefully review the eligibility criteria in Section C to assess whether the applicant is an eligible applicant and the project meets the statutory requirements.

To expand intermodal and multimodal freight and cargo transportation infrastructure, projects may incorporate: 1) the deployment of innovative technology, 2) innovative practices for project design and delivery practices, or 3) innovative financing. Innovative technologies may include:

- Components that reduce emissions, promote energy efficiency, and/or incorporate electrification or zero emission vehicle infrastructure;
- Conflict detection and mitigation technologies (*e.g.*, intersection alerts, signal prioritization, or smart traffic signals);
- Automated traffic enforcement;
- Dynamic signaling or pricing systems to reduce congestion;

- Signage and design features that facilitate autonomous or semi-autonomous vehicle technologies, provided users outside of autonomous vehicles have also been considered;
- Applications to automatically capture and report safety-related issues (e.g., identifying and documenting near-miss incidents);
- Vehicle-to-Everything (V2X) technologies (*i.e.*, technology that facilitates passing of information between a vehicle and any entity that may affect the vehicle);
- Vehicle-to-Infrastructure (V2I) technologies (*i.e.*, digital, physical, coordination, and other infrastructure technologies and systems that allow vehicles to interact with transportation infrastructure in ways that improve their mutual performance);
- Vehicle-to-Grid technologies (*i.e.*, technologies and infrastructure that encourage electric vehicle charging, and broader sustainability of the power grid);
- Cybersecurity elements to protect safety-critical systems;
- Technology at land and sea ports of entry that reduces congestion, wait times, and delays, while maintaining or enhancing the integrity of our border;
- Work Zone data exchanges or related data exchanges; and
- Other Intelligent Transportation Systems (ITS) that directly benefit the project's users.

Innovating practices for project design and delivery may include planning and engagement that incorporates scenario planning, robust community engagement, environmentally-friendly and/or safety-oriented design; or efforts to streamline or make contracting and procurement more expansive including through labor agreements and inclusive

local participation goals. Innovative financing may incorporate funding or financing from non-traditional sources.

Under the Transportation Demonstration Program, the Department seeks to fund projects that considered climate change and environmental justice in the planning stage and were designed with specific elements to address climate change impacts. Projects should directly support Climate Action Plans or apply environmental justice screening tools in the planning stage. Projects should include components that reduce emissions, promote energy efficiency, increase resiliency, and recycle or redevelop existing infrastructure. This reflects Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). Projects that have not sufficiently considered climate change and environmental justice in their planning will be required to do so before receiving funds for construction as described in Section F.4.

The Department seeks to use the Transportation Demonstration program to encourage racial equity in two areas: (1) incorporating planning and adopting policies related to racial equity and reducing barriers to opportunity; and (2) project investments that either proactively address racial equity and barriers to opportunity, including automobile dependence as a form of barrier, or redress prior inequities and barriers to opportunity. This supports the Department's strategic goal related to infrastructure, with the potential for significantly enhancing environmental stewardship and community partnerships, and reflects Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). Projects that have not sufficiently considered racial equity in their planning will be required to do so before receiving funds for construction as described in Section F.4.

Transportation Demonstration Program grants align with DOT's infrastructure goal by guiding strategic investments that enable more efficient movement of people and goods. The Department's objective under this program is to plan or complete useful infrastructure on schedule and on budget while also advancing the goals of considering climate change and racial justice. The Department's obligating agreement with any recipient(s) will outline and describe the reporting requirements associated with meeting this objective.

B. Federal Award Information

1. Amount Available

The FY 2021 Appropriations Act appropriated \$100 million available until expended. If this solicitation does not result in the award and obligation of all available funds, DOT may publish additional solicitations.

2. Award Size

If the Department receives responsive applications, it will award no less than \$1 million to a project under this program.

3. Assistance Instrument

Funding under the Transportation Demonstration Grant program will be provided as a grant for which obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements. If a selected applicant has not satisfied sufficient program requirements described in section F.2., the Department may award funding through a cooperative agreement to ensure the projects satisfy program requirements.

C. Eligibility Information

To be selected for a Transportation Demonstration grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project.

1. Eligible Applicants

There are only two types of Eligible Applicants:

- a. Maritime port authorities that satisfy both of the following conditions:
 - (1) That maritime port authority uses a terminal railway; and
 - (2) The location of the authority, as identified by either the authority's business address or the geographic boundary of a port or facility under jurisdiction of the authority, is not more than 10 miles from a former military airport classified as a general aviation airport in the National Plan on Integrated Airport System (NPIAS) report for fiscal years (FY) 2019 to 2023¹; and
- b. Former military airports that that satisfy both of the following conditions:
 - (1) The airport is classified as a general aviation airport in the NPAIS for FY 2019 to 2023; and
 - (2) The airport is located not more than 10 miles from a maritime port authority, based on the location described in (a)(2) above, and operations at a port under the jurisdiction of the authority use a terminal railway.

2. Cost Sharing or Matching

Transportation Demonstration Grants may be used for up to 80 percent of project costs.

Transportation Demonstration Grants may be used for up to 100 percent of project costs for

¹ The National Plan on Integrated Airport System (NPIAS) report for FY 2019 to 2023 is available at: https://www.faa.gov/airports/planning_capacity/npias/current/historical/media/2019/NPIAS-Report-2019-2023-Appendix-A.pdf

projects that do not result in construction with an award under this program. Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, private funds or other funding sources of non-Federal origins. Unless otherwise authorized by statute, local cost-share may not be counted as non-Federal share for both the Transportation Demonstration Grant and another Federal program. For any project, the Department cannot consider previously incurred costs or previously expended or encumbered funds towards the matching requirement. Matching funds are subject to the same Federal requirements described in Section F.2.b as awarded funds.

3. Other

a. Eligible Projects

To be eligible, projects must be located not more than 10 miles from at least two highways on the Interstate System. Under this program, highways on the Interstate System means two separately numbered Interstates (*i.e.*, 1, or 2, or 3-digit Interstates, including main routes, radial, beltways, or spurs.) Eligible projects may include, but are not limited to, planning and capital projects that expand intermodal and multimodal freight and cargo

transportation infrastructure, including airport development under chapter 471 of title 49, United States Code.

b. Definitions

- i. Terminal Railway—A Class III railroad that provides terminal or switching services.
- ii. Maritime port authority—An entity of a local, State, or national government that owns, manages or maintains the physical infrastructure of a maritime port.
- iii. Former military airport—For the Transportation Demonstration Program, the Department will consider an airport as a former military airport if: (1) the airport is a former military installation closed or realigned under (A) 10 U.S.C. 2687; (B) section 201 of the Defense Authorization Amendments and Base Closure and realignment Act (10 U.S.C. 2687 note); or (C) section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); or (2) the airport is a former military installation that was owned and operated by the Department of Defense.

D. Application and Submission Information

1. Address

Applications must be submitted to Grants.gov.

2. Content and Form of Application Submission

- a. The application must include the Standard Form 424 (Application for Federal Assistance) and a Project Narrative. The project narrative should include:

- (1) documentation necessary to confirm the applicant is an eligible applicant as described in Section C.1., including documentation of the maritime port authority's geographic boundaries, a description of

the terminal railway that serves a port under the jurisdiction of the authority, and documentation supporting the general aviation airport's status as a former military airport;

- (2) description of project location, including maps necessary to confirm the project is located within 10 miles of two Interstate highways;
- (3) a project description including the transportation challenges that the project intends to address, and how it will address those challenges;
- (4) a description of any innovative technology, innovative design and delivery practices, or innovative financing incorporated into the project;
- (5) a description of previously completed activities associated with the project to actively consider climate change and environmental justice in the project's planning or evidence that the project was designed with specific elements to address climate change impacts. Examples of relevant activities may include, but are not limited to:
 - a Local/Regional/State Climate Action Plan which results in lower greenhouse gas emissions has been prepared and the project directly supports that Climate Action Plan;
 - a Local/Regional/State Equitable Development Plan has been prepared and the project directly supports that Equitable Development Plan;

- the project sponsor has used environmental justice tools such as the EJSCREEN to consider impacts to environmental justice communities (<https://ejscreen.epa.gov/mapper/>);
- a Local/Regional/State Energy Baseline Study has been prepared and the project directly supports that study;
- the project supports a modal shift in freight or passenger movement to reduce vehicle miles traveled;
- the project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both;
- the project supports the installation of electric vehicle charging stations;
- the project promotes energy efficiency, for example through reduction in vessel dwell time or use of cold ironing technology at ports;
- the project serves the renewable energy supply chain;
- the project improves disaster preparedness and resiliency;
- the project supports bringing existing idle or dilapidated infrastructure that is currently causing environmental harm into a state of good repair (*e.g.*, brownfield redevelopment);
- the project supports or incorporates the construction of energy- and location- efficient buildings;
- the project includes new or improved pedestrian/cycling connections, where relevant; or

- the project proposes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both.

(6) a description of 1) previously undertaken activities for the project to improve racial equity by incorporating planning and adopting policies related to racial equity and reducing barriers to opportunity; and/or 2) how the project proactively addresses racial equity and barriers to opportunity, including automobile dependence as a form of barrier, or redresses prior inequities and barriers to opportunity. Examples of relevant planning or policy activities may include, but are not limited to:

- a racial equity impact analysis for the project;
- documentation of equity-focused community outreach and public engagement in the project's planning in underserved communities;
- an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, or other activities designed to ensure racial equity in the overall project delivery and implementation;
- direct partnerships with underserved communities to proactively address barriers to opportunity or redress past inequities and barriers to opportunity, such as with land

banks and/or land trusts for equitable and fair transfer of excess right-of-way; or

- plans or policies that result in hiring from local communities.

Demonstration of how the project proactively addresses racial equity and barriers to opportunity may include, but are not limited to:

- inclusion of physical barrier mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that are directly related to the project and either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities;
- new or improved walking, biking, and rolling access for the disabled to reverse the disproportional impacts of crashes on people of color, and mitigate neighborhood bifurcation; or
- new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities.

(7) a detailed scope of work;

(8) a description of all public and private parties responsible for delivering the project;

(9) a project budget that includes the request amount, all funds to be used for the project and how each source of funds will be spent;

- (10) an initial project schedule including milestones for complying with Federal and program requirements; and
- (11) information necessary for the Department to determine that the project satisfies project requirements described in Sections B and C and to assess the selection criteria specified in Section E.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant must: 1) be registered in SAM before submitting its application; 2) provide a valid unique entity identifier in its application; and 3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. DOT may not make a Transportation Demonstration grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOT is ready to make a Transportation Demonstration grant, DOT may determine that the applicant is not qualified to receive the grant and use that determination as a basis for making a grant to another applicant.

4. Submission Dates and Times

Applications must be submitted to Grants.gov.

(a) Deadline

Applications must be submitted by 5:00 PM Eastern Time on Friday, June 25, 2021. To submit an application through Grants.gov, applicants must:

- (1) Obtain a Data Universal Numbering System (DUNS) number;
- (2) Register with the System for Award Management (SAM) at www.SAM.gov;

- (3) Create a Grants.gov username and password; and
- (4) The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from Grants.gov and login at Grants.gov to authorize the applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

Please note that the Grants.gov registration process usually takes 2-4 weeks to complete and that DOT will not consider late applications that are the result of failure to register or comply with Grants.gov applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If applicants experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1(800) 518-4726, Monday-Friday from 7:00 a.m. to 9:00 p.m. Eastern Time.

(b) Late Applications

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact Shira Bergstein at shira.bergstein@dot.gov prior to the application deadline with the Grants.gov user name of the registrant and details of the technical issue experienced.

The applicant must provide:

- (1) Details of the technical issue experienced;
- (2) Screen capture(s) of the technical issues experienced
- (3) The "Legal Business Name" for the applicant that was provided in the SF-424;

- (4) The AOR name submitted in the SF-424;
- (5) The DUNS number associated with the application; and
- (6) The Grants.gov Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the registration process before the deadline; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its website; (3) failure to follow all instructions in this notice of funding opportunity; and (4) technical issues experienced with the applicant’s computer or information technology environment. After DOT reviews all information submitted and contact the Grants.gov Help Desk to validate reported technical issues, DOT staff will contact late applicants to approve or deny a request to submit a late application through Grants.gov. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

5. Funding Restrictions

Unless authorized in writing by DOT, an expense incurred before a grant is obligated will not be reimbursed. Additionally, unless authorized by DOT in writing after DOT’s Transportation Demonstration Grant selections, any costs incurred prior to DOT’s obligation of funds for a project (“pre-award costs”) are ineligible for reimbursement.² See section F.1. of this NOFO for information on the payment mechanism for funding awarded under this program.

6. Other Submission Requirements

² Pre-award costs are only costs incurred directly pursuant to the negotiation and anticipation of the Transportation Demonstration Program award where such costs are necessary for efficient and timely performance of the scope of work, as determined by DOT. Costs incurred under an advance construction (23 U.S.C. 115) authorization before the DOT announces that a project is selected for a Transportation Demonstration Program grant cannot be charged to FY 2021 Transportation Demonstration Grant funds.

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid applications through Grants.gov will be eligible for award.

Applicants are strongly encouraged to make submissions in advance of the deadline.

E. Application Review Information

1. Criteria

The Department will only award projects that expand intermodal and multimodal freight and cargo transportation infrastructure, including airport development under chapter 471 of title 49, United States Code. Therefore, the Department will assess whether the project increases the efficiency of freight movements and business competitiveness. The Department will consider whether the project improves intermodal and multimodal freight connectivity to enhance the overall efficiency and resiliency of the freight system, including whether the project expands choices available to shippers and enhances competition among carriers.

Cost share will not be evaluated as a selection criterion under the Transportation Demonstration Program.

2. Review and Selection Process

DOT reviews all eligible applications received by the deadline. The Department will only evaluate applications from eligible applicants as defined in Section C.1. for eligible projects as defined in Section C.2. For each eligible application, Department staff will assess whether the project expands intermodal and multimodal freight and cargo transportation infrastructure. DOT may ask any applicant to supplement data in its application, including information needed to clarify eligibility. The applications will be rated as Responsive or Non-Responsive based on whether the project expands intermodal and multimodal freight and cargo transportation

infrastructure. The Secretary or his designee will select awards from all eligible, Responsive projects for award.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. DOT must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. DOT will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notice

Following the evaluation outlined in Section E, the Secretary or his designee will notify selected projects in writing.

Recipients of Transportation Demonstration Program funding will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds without 1) clear demonstration of hardships of the reimbursement mechanism and 2) written approval from the Department. Instead, program funds will reimburse recipients only after an obligation agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. Section C.5. of this NOFO describes restrictions on the use of pre-award authority under the Transportation Demonstration Program.

2. Administrative and National Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 C.F.R part 200 and DOT's implementation at 2 C.F.R part 1201.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. If DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Additionally, applicable Federal laws, rules and regulations of the relevant operating administration administering the project will apply to the projects that receive grant awards, including planning requirements, Service Outcome Agreements, Stakeholder Agreements, Buy America compliance, and other requirements under DOT's other aviation, highway, transit, railroad, and port grant programs.

(a) Program Requirements

(1) Consider Climate Change and Environmental Justice Impacts

Projects receiving Transportation Demonstration Program funds must demonstrate effort to consider climate change and environmental justice impact as described in Section A. Projects

that have not sufficiently considered climate change and environmental justice in their planning will be required to do before receiving funds for construction, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619).

(2) Encourage Racial Equity and Remove Barriers to Opportunity

Projects receiving Transportation Demonstration Program funds must demonstrate effort to improve racial equity and reduce barriers to opportunity as described in Section A. Projects that have not sufficiently considered climate change and environmental justice in their planning will be required to do before receiving funds for construction, consistent with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009).

(3) Incorporate Good-Paying Jobs

Infrastructure investment under the Transportation Demonstration Program provides opportunities for workers to find good-paying jobs with the choice to join a union. The Department anticipates working with selected applicants to advance the policy priority of expanding access to good-paying jobs through measures such as labor agreements and/or local hiring provisions. Recipients of Transportation Demonstration Program funds may be required to incorporate contracting and procurement requirements related to project labor agreements and inclusive local participation goals to the extent permitted by Federal law and DOT regulations.³

3. Reporting

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any

³ Contracts awarded with geographic hiring preferences are eligible for assistance under DOT financial assistance programs only if the recipient makes the certifications required under section 199B of division L of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260.

period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently FAPIIS) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available. Funding recipients must comply with Federal suspension and disbarment requirements, including under 2 CFR §180.335, §180.350, and Part 1200.

G. Federal Awarding Agency Contacts

For further information concerning this notice please contact Shira Bergstein at (202) 493-0286. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions.

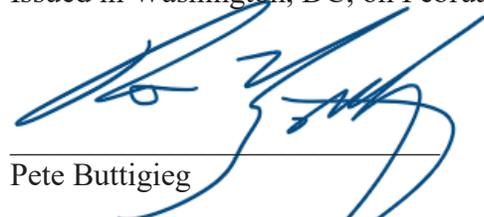
H. Other information

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-

reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it “Contains Confidential Business Information (CBI)”; (2) mark each page that contains confidential information with “CBI”; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 C.F.R. § 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

Issued in Washington, DC, on February 25, 2021



Pete Buttigieg
Secretary of Transportation