

**City of Carson City  
Agenda Report**

**Date Submitted:** 4/9/13

**Agenda Date Requested:** 4/18/13

**Time Requested:** Consent

**To:** Mayor and Supervisors

**From:** Fire Department

**Subject Title:** For Possible Action: To authorize Carson City to submit an application for a State of Nevada, Department of Transportation Intermodal Planning/Transit Section grant in an amount of \$44,300. *(Tom Tarulli)*

**Staff Summary:** The Board of Supervisors is required to authorize the submittal of applications for grants in excess of \$25,000, pursuant to policy. The Department of Transportation grant provides financial assistance to help agencies purchase transit vehicles. This grant application was due April 15<sup>th</sup> this action will allow the grant to proceed as submitted. The grant is for the purchase of a wheelchair van to expand transportation of wheelchair bound medical patients.

**Type of Action Requested:** (check one)  
 Resolution  Ordinance  
 Formal Action/Motion  Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to authorize Carson City to submit an application for a State of Nevada, Department of Transportation Intermodal Planning/Transit Section grant in an amount of \$44,300.

**Explanation for Recommended Board Action:** This application will provide a one additional van to add to our current fleet of wheelchair vans.

**Applicable Statute, Code, Policy, Rule or Regulation:** N/A

**Fiscal Impact:** up to \$4,430

**Explanation of Impact:** This grant requires a cost share/match of 10%.

**Funding Source:** General fund

**Alternatives:** Do not submit the grant application and.

**Supporting Material:** Grant Application

**Prepared By:** R. Stacey Giomi, Fire Chief

Reviewed By: Robert S. Higgins  
(Fire Chief)  
[Signature]  
(City Manager)  
Neil A. Rowlands  
(District Attorney)  
Unilil Alonzo  
(Finance Director)

Date: 4/9/13  
Date: 4/8/13  
Date: 4/9/13  
Date: 4/9/13

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
2) \_\_\_\_\_ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

**PUBLIC NOTICE**

**STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
INTERMODAL PLANNING/TRANSIT SECTION  
FEDERAL GRANT APPLICATION  
FEDERAL FISCAL YEAR 2014 (10/01/13 THRU 09/30/14)**

Separate applications are required for each Federal Transit Administration Program applied for.  
For further information or assistance, please contact the Transit Division at  
**775-888-7466 or 775-888-7463**

**Applications must be postmarked or hand delivered on or before:**

**April 15, 2013**

Nevada Department of Transportation  
Multimodal Transportation Planning/Transit Section  
1263 S. Stewart Street  
Carson City, NV 89712

**All documents must be signed by persons with signature authority and their legal counsel.**

**Categories and Criteria** — Below are the categories which will be used to rank all submitted applications for FTA funding. It is important to address each category as it pertains to your organization. Funding allocation will be based on how your application ranks among all submitted applications.

**Mission/Vision Statement (Page 5 of the application)**

Applicant's vision/mission statement: Include the organization's mission statement which clearly states the use of the proposed project funds. It needs to be clear how this funding enhances the organization's objective.

**Service (Page 10 of the application)**

Access type: Discuss equal access to your program and use of this service by all persons eligible. This includes, but is not limited to, the Federal Civil Rights Compliance and Activity issues involving Title VI non discrimination, Equal Employment Opportunity, Disadvantaged Business Enterprises and Americans with Disabilities Act; and state access and disability statutes, policies and guidelines.

Service area: List anticipated/proposed routes, schedules, trip priorities, etc. Describe the geographic service area including scheduled and non-scheduled trips to adjoining areas. Please don't include brochures. This needs to be a written document.

**Vehicle (Page 6 and 7 of the application)**

(Page 6) Identify vehicle(s) requested as well as if the vehicle(s) is a replacement or an expansion vehicle. Please note any special vehicle(s) options to be requested. (i.e. 4-wheel drive, bike racks, etc.)

(Page 7) Existing vehicle inventory: Describe the existing vehicle fleet. Please list all vehicles in your inventory whether obtained through NDOT or another source.

Insurance: A Certificate of Insurance will need to be provided upon receipt of a vehicle. The state requires minimum liability coverage and NDOT requires full coverage for the vehicle as long as NDOT holds title. (The standard insurance for a paratransit vehicle under this program is Liability and Property Damage Insurance with a limit of \$1,000,000. for each occurrence, for bodily injury, and property damage, naming the Department of Transportation as an additional insured. This shall be maintained through the useful life of the vehicle and until NDOT releases lien of the title.)

**Budget (Page 8 and 9)**

**Administration:** The administrative portion of the budget cannot exceed 15% of the overall budget.

**Revenue:** This source is separate from the match source. This source offsets the overall budget. This can be in the form of farebox contributions/revenue, donations, or agency financial assistance from service groups, businesses charities, etc.

**Match source/availability:** The source of the matching funds must be verifiable. A letter stating the monetary commitment from the contributing agency/entity must be included in the application, behind the budget sheets.

**Project Justification (Page 10)**

Please complete page 10 detailing your agency and its purpose to ensure proper ranking of your application.

**Maintenance and Safety (Please include within the submitted Application Packet)**

A maintenance plan is required whether there is an existing plan or if a new plan will be developed. This plan should include documented vehicle maintenance/accident repairs and ensure oversight for routine scheduled or non-scheduled maintenance activities.

Training: A training policy is required: At a minimum the policy should contain the frequency, the type and who will be trained in safety, substance abuse awareness, passenger sensitivity, and customer service.

**Drug and Alcohol Policy (Please include within the submitted Application Packet)**

Sub-recipients of 5309 and 5311 FTA funds are required to comply with regulations issued by the FTA on drug and alcohol testing, 49 C.F.R. Part 655. Among other requirements, these regulations require that all safety sensitive employees be tested for drug and alcohol use, pre-employment (drug only), random, reasonable suspicion and post accident, that certifications be made and reports submitted. There are limited exceptions to the testing requirements for contract maintenance workers under Section 5309 and 5311 and for volunteers. Annual reporting of the testing results must be submitted to NDOT by sub recipients on Management Information System (MIS) forms.

**Customer Satisfaction and Community Support (Please include within the submitted Application Packet)**

Letters of Support: Provide any current (within the past 12 months) letters of support, if available, for the services.

Survey Reports: Include a summary of informal survey results and on-board rider satisfaction if available.

Other: Include any other indications of community support for the program. This can include considerations for funding from groups, strong rider interest, documentation of high levels of interest by client groups at City Council/Supervisors/Commissioners meetings, etc.

## FTA Funding Sources

For your application to be considered complete, please only check one funding source. If multiple funding sources are desired please submit a separate application for each.

5310 (Capital/Vehicle) Funds  \_\_\_\_\_  
5310 (3rd Party Operating) Funds \_\_\_\_\_

This program (49 U.S.C. 5310) provides formula funding to States for the purpose of assisting private nonprofit organizations or Governmental entities in meeting the transportation needs of the elderly and persons with disabilities.

5311 (Capital/Vehicle) Funds \_\_\_\_\_  
5311 (Operating) Funds \_\_\_\_\_  
5311 (Administration) Funds \_\_\_\_\_

This program (49 U.S.C. 5311) provides formula funding to states for the purpose of supporting public transportation in rural areas (populations less than 50,000). Funds may be used for capital, operating, and administrative assistance to state agencies, local public bodies, Indian tribes, nonprofit organizations and operators of public transportation services.

For more information on the programs above please refer to FTA's website:  
[http://www.fta.dot.gov/funding/grants\\_financing\\_263.html](http://www.fta.dot.gov/funding/grants_financing_263.html)

If you have questions regarding which funding source is appropriate for your service please feel free to contact the NDOT Transit Section at (775) 888-7466 or (775) 888-7463.

Project funding from the programs listed above is subject to the availability of grant funding and the amount of project funding requests received.

APPLICATION CHECKLIST			
INCOMPLETE APPLICATIONS WILL BE RETURNED			
APPLICANT REVIEW	PAGE	APPLICATION CHECKLIST WITH ITEMS REQUIRED	STAFF REVIEW
X	4	FTA FUNDING SOURCES	<input type="checkbox"/>
X	5-6	FEDERAL GRANT APPLICATION	<input type="checkbox"/>
X	7	VEHICLE INVENTORY	<input type="checkbox"/>
X	8-9	BUDGET	<input type="checkbox"/>
X	following budget	MATCH SOURCE DOCUMENTATION	<input type="checkbox"/>
X	10	PROJECT JUSTIFICATION	<input type="checkbox"/>
X	following project justification	AUTHORIZING RESOLUTION	<input type="checkbox"/>
X	1-14	SPECIAL SECTION 13 (c) WARRANTY OPINION OF COUNSEL	<input type="checkbox"/>
X	APPENDIX A	FEDERAL FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES	<input type="checkbox"/>
X	include in application packet	ADA POLICY	<input type="checkbox"/>
X	include in application packet	DRUG AND ALCOHOL POLICY (5311)	<input type="checkbox"/>
X	include in application packet	VEHICLE/FACILITY MAINTENANCE POLICY	<input type="checkbox"/>
X	include in application packet	TRAINING POLICY	<input type="checkbox"/>
X	include in application packet	VEHICLE POLICY (driver/rider information)	<input type="checkbox"/>
X	include in application packet	COMPLAINT RESOLUTION POLICY	<input type="checkbox"/>
X	include in application packet	PUBLIC NOTICE- (Please review Appendix A "Certifications and Assurances #04" - Protections for Private Transportation Providers	<input type="checkbox"/>
X	include in application packet	CURRENT LETTERS OF SUPPORT (From previous 12 month period of service )	<input type="checkbox"/>

\*Please provide 1 original application and 1 copy



APPLICANT SIGNATURE

NDOT STAFF SIGNATURE

**PLEASE BE ADVISED THAT UPON ACCEPTANCE OF THIS APPLICATION FOR FTA FUNDING THERE MAY BE ADDITIONAL OBLIGATORY REQUIREMENTS UPON ENTERING INTO AN EXECUTED AGREEMENT INCLUDING BUT NO LIMITED TO THE FOLLOWING:**

**Quarterly Ridership Report (NDOT approved form)**

**Quarterly Vehicle Performance Measurement Report (NDOT approved form)**

**Quarterly written copies of current routes, schedules, and fares of the Transportation System**

**Quarterly written Progress Report (detailing any changes or additions to the System)**

**Insurance policy certificates, declaration pages and endorsements designating the Nevada Department of Transportation as an additional insured evidencing Commercial Liability, General Liability, Collision, and Comprehensive Liability Insurance, with a limit of not less than One Million and no/100 Dollars (\$1,000,000.00) per occurrence.**

**Annual U.S. Department of Transportation Drug and Alcohol Testing Management Information System (MIS) Data Collection Form**



STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION AND MULTIMODAL PLANNING/TRANSIT SECTION  
FEDERAL GRANT APPLICATION  
FEDERAL FISCAL YEAR 2014 (10/01/13 THRU 09/30/14)

Please fill out a separate application for each Grant Program you are applying for. Attach the original signed documents along with 1 complete copy of your application package and send to the Nevada Department of Transportation Multimodal Transportation Planning/Transit Section 1263 S. Stewart Street Carson City NV, 89712. Please retain 1 complete copy for your records.

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**Applicant** Carson City on behalf of the Carson City Fire Department

\*If you are a County applying on behalf of a transit system, please provide names and addresses for both the County and the transit system.

**Physical Address** 777 S. Stewart St. Carson City, NV 89701

**Mailing Address** same

**Contact Person/Official** R. Stacey Giomi

**Title** Fire Chief

**Telephone** 775-283-7150

**Fax** 775-887-2209

**E-mail address** sgioml@carson.org

**Federal Tax ID#** 88-6000189

**DUNS #** 762889851

**Type of Agency**

- Private Non-Profit
- Private For-Profit
- Governmental Agency
- Tribal Agency (Sovereign Nation)
- Other (describe)

**Type of Service**

- Senior Center/Disabled Workshop
- Demand-Response (Dial-a-Ride, Door to Door)
- Deviated Fixed-Route
- Fixed route
- Other (describe)

**Mission/Vision Statement:** The mission of the Carson City Fire Department is to serve the community with pride, commitment, and compassion. Approval of this grant will enhance our organization's ability to serve our community by providing skilled transportation for wheelchair bound individuals between medical facilities in Carson City.

\*\*The service we provide is a demand type service; however, it is limited to demand from the state-licensed hospitals in Carson City, including Carson -Tahoe Medical Center, Sierra Surgery Hospital, Carson-Tahoe Cancer Center, Carson-Tahoe Continuing Care Hospital, Senior Pathways, and Carson-Tahoe Behavioral Health Center.

SERVICE

Clientele Served     Elderly (60+ years old)  
                            Persons with disabilities  
                            Low Income/Welfare  
                            Commuters  
                            General Public (18-59 years old)  
                            Children (under age 5)  
                            Children (5-7 years old)  
                            Children (8-17 years old)

Location             Non-Urban Area (Rural under 50,000 population)  
                            Small Urban Area (50,000 - 200,000 population)  
                            Las Vegas  
                            Reno  
                            Carson City

Cities Served    Carson City \_\_\_\_\_  
                           \_\_\_\_\_   
                           \_\_\_\_\_   
                           \_\_\_\_\_   
                           \_\_\_\_\_   
                           \_\_\_\_\_

Counties Served    Carson City is a combined City/County Government \_\_\_\_\_  
                           \_\_\_\_\_   
                           \_\_\_\_\_   
                           \_\_\_\_\_   
                           \_\_\_\_\_   
                           \_\_\_\_\_

VEHICLE/BUSES REQUESTED

Quantity	VEHICLE DESCRIPTION	Estimated Cost	
	Mini van w/Ramp & Dropped Floor	\$44,500.00	
one (1)	3 ambulatory w/2 wheelchair or	\$44,300.00	
***GETTING NEW ESTIMATES	5 ambulatory passengers	\$44,300.00	
	Paratransit Type Bus w/Lift	\$74,000.00	
	16 ambulatory w/1 wheelchair	\$74,000.00	
	Paratransit Shuttle Bus w/Lift	\$77,000.00	
	10 ambulatory w/3 wheelchair or	\$77,000.00	
	12 ambulatory w/2 wheelchair or	\$71,000.00	
	20 ambulatory passengers	\$75,000.00	
	Other please attach estimate*		
	TOTAL QUANTITY	TOTAL COST	\$44,300

\*Staff may ask for additional documentation



# Modes



Bus  
(MB)



Commuter  
Bus (CB)



Intercity Bus  
(IB)



Demand  
Response  
(DR)



Taxi  
(DT)



Ferryboat  
(FB)



Vanpool  
(VP)

**BUDGET (PAGE 1 OF 2)**

<b><u>ADMINISTRATION</u></b>	
<b>Administrative Staff Salary/Benefits</b> <small>(Director/Bookkeeper/Secretary, etc.)</small>	\$15,000
<b>Office Facility Expenses</b> <small>(Insurance/Rent, etc)</small>	
<b>Office Expenses</b> <small>(Supplies/Phones/Utilities, etc)</small>	\$1,250
<b>Marketing/Promotional</b>	
<b>Other (Please describe)</b>	
<b>(A) TOTAL ADMIN. EXPENSES \$16,250</b>	

<b><u>REVENUE</u></b> <small>(INCLUDING PROJECTED FAREBOX REVENUE)</small>	
Source	Dollar Amount
Transport charges	\$72,000
<b>(D) TOTAL REVENUE \$72,000</b>	

<b><u>OPERATING EXPENSES</u></b>	
<b>Operations Salary/Benefits</b> <small>(Mgr/Drivers/Dispatchers/Maintenance, etc)</small>	\$33,464
<b>Vehicle Expenses</b> <small>(Licensing/Fuel/Maint./Insurance, etc)</small>	\$5,000
<b>Facilities Expenses</b> <small>(Rent/Utilities/Supplies, etc)</small>	
<b>Uniforms</b> <small>(Drivers/Maint./etc.)</small>	\$1,000
<b>3rd Party Contracts</b>	
<b>(B) TOTAL OPERATING EXPENSES \$39,464</b>	

<b><u>MATCH</u></b>	
Source	Dollar Amount
City General Fund	\$4,430
<b>(E) TOTAL MATCH \$4,430</b>	

<b><u>CAPITAL EXPENSES</u></b>	
<b>Office</b> <small>Furniture/Computer/Communications Equip, etc.</small>	
<b>Vehicle Leases</b>	
<b>Other</b>	\$44,300
<b>(C) TOTAL CAPITAL EXPENSES \$44,300</b>	

**BUDGET (Page 2 of 2)**

TOTAL ADMINISTRATION EXPENSES    \$16,250                      (A) From Page 1

TOTAL OPERATING EXPENSES        \$39,464                      (B) From Page 1

TOTAL CAPITAL EXPENSES            \$44,300                      (C) From Page 1

TOTAL EXPENSES                      \$100,014

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TOTAL EXPENSES                      \$100,014

TOTAL REVENUE                        \$72,000                      (D) From Page 1

\*NET PROJECTED EXPENSES         \$28,014

(\*Net projected expenses= total expenses minus revenue.)

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**FTA FUNDS REQUESTED**

(5311 60%, 5311 VEHICLE 80%, 5310 3RD Party 80%, 5310  
VEHICLE 80%, 5309 80% OF NET PROJECTED EXPENSE)

\$35,440

**STATE MATCH**

(IF APPLICABLE, 5311 VEHICLE 10%, 5310 VEHICLE 10% OF NET  
PROJECTED EXPENSE)

\$4,430

**GRANTEE MATCH**

(5311 40%, 5311 VEHICLE 10%, 5310 3RD PARTY 20%, 5310  
VEHICLE 10%, 5309 20% of NET PROJECTED EXPENSE)

\$4,430

(E) From Page 1

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ESTIMATED ANNUAL HOURS OF SERVICE    2,496                      (From Page 1)

This is the number of hours you estimate you will operate transit services for the next year (Oct. 1 thru Sept. 30)

\*COST PER REVENUE SERVICE HOUR    \$11.22

(\*Cost per service hour equals the net projected expenses divided by the estimated annual hours of service.)

## PROJECT JUSTIFICATION

1. Please describe in detail your transportation program and how this funding will enhance the services offered.

Our transportation program is designed to shuttle patients from licensed health care facilities within the community to other health care facilities or to the patient's home. All patients are wheelchair-bound due to their medical conditions. Our drivers are all Emergency Medical Technicians (EMT's). The funding of this van will allow us to expand our services to licensed nursing homes and physicians offices. The intent is to divert wheelchair-bound patients away from transport via our paramedic level ambulances. Charges for ambulance transport exceed \$1,000 per trip; charges for wheelchair transport are at a base rate of \$45, plus \$6 per mile.

2. Describe the transportation services currently being provided by your organization and/or others in the same region.

We currently offer wheelchair services to Carson-Tahoe Health Care, Sierra Surgery Hospital and Carson-Tahoe Continuing Care Hospital. We offer ambulance services to all of Carson City. Carson City RTC provides scheduled transit services on a fixed route as well as on-demand service to ambulatory individuals and some wheelchair-bound individuals. Our services are specifically intended to transport individuals who are less able to care for themselves due to their medical conditions. We offer EMT transportation with oxygen for these patients. This existing transit service doesn't offer the same level of transportation.

3. Provide a detailed picture of your organization. Provide information regarding how your organization came to be. Include the future vision for the organization.

Our organization was formed in 1873 as a volunteer fire fighting agency. We expanded to the provision of Emergency Medical Services in 1983. Due to extremely high call volume for our ambulance services, we expanded in 2012 to add vans to transport wheelchair-bound patients in an effort to divert this type of patient from paying very high ambulance fees and taking these ambulances out of service for less serious medical issues.

4. Describe any (proposed or currently in use) connectivity/coordination efforts with surrounding area transit providers (future/existing).

This is non-traditional service and won't directly connect to any existing transit providers. We are a city agency and do work with Carson City RTC; however, the patients we transport cannot appropriately be transported in public transit vehicles due to their medical conditions. In the seven months we've been in operation, we've transported an average of 162 individuals per month over a total of 11,000 miles to areas all over Nevada and northwestern California.





Please print out this document, fill in and obtain signatures, then include with your Application Package to the Nevada Department of Transportation.

**Special Section 13(c) Warranty  
OPINION OF COUNSEL**

The APPLICANT Carson City on Behalf of the Carson City Fire Department

(Name of Transportation Provider)

has agreed to be the legally and financially responsible party for the performance of terms and conditions of the following (and incorporated herein by reference) Special Section 13( c ) Warranty, for this grant request.

This will serve as the requisite opinion of Counsel that the APPLICANT is legally capable of assuming the legal and financial responsibilities for the terms and conditions of the Warranty.

I have reviewed the pertinent federal, state, and local laws and regulations, and I am of the opinion that there is no legal impediment to the APPLICANT assuming these responsibilities.

Furthermore, as a result of my examinations, I can find no pending litigation or legislation that might in any way adversely affect the APPLICANT'S ability to assume and discharge these Responsibilities.

**Neil Rombardo, District Attorney**

(Printed name of Legal Counsel)



(Signature of Legal Counsel)


Dated 4/9/13

**Larry Werner**

(Printed name of APPLICANT'S authorized representative)

**City Manager**

(Printed title of APPLICANT'S authorized representative)



(Signature of APPLICANT'S authorized representative)

Dated 4/9/13

## **Special Section 13(c) Warranty for Application to the Small Urban and Rural Program**

The following language shall be made part of the contract of assistance with the State or other public body charged with allocation and administration of funds provided under Section 18 of the Act:

### A. General Application

The Public Body ("Nevada Department of Transportation ") agrees that, in the absence of waiver by the Department of Labor, the terms and conditions of this warranty, as set forth below, shall apply for the protection of the transportation related employees of any employer providing transportation service assisted by the Project ("Recipient"), and the transportation related employees of any other surface public transportation providers in the transportation service area of the project.

The Public Body shall provide to the Department of Labor and maintain at all times during the Project an accurate, up-to-date listing of all existing transportation providers which are eligible Recipients of transportation assistance funded by the Project, in the transportation service area of the Project, and any labor organizations representing the employees of such providers.

Certification by the Public Body to the Department of Labor that the designated Recipients have indicated in writing acceptance of the terms and conditions of the warranty arrangement will be sufficient to permit the flow of Section 18 funding in the absence of a finding of non-compliance by the Department of Labor.

### B. Standard Terms and Conditions

(1) The Project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect employees of the Recipient and of any other surface public transportation provider in the transportation service area of the Project. It shall be an obligation of the Recipient and any other legally responsible party designated by the Public Body to assure that any and all transportation services assisted by the Project are contracted for and operated in such a manner that they do not impair the rights and interests of affected employees. The term "Project," as used herein, shall not be limited to the particular facility, service, or operation assisted by Federal funds, but shall include any changes, whether organizational, operational, technological, or otherwise, which are a result of the assistance provided. The phrase "as a result of the Project," shall when used in this arrangement, include events related to the Project occurring in anticipation of, during, and subsequent to the Project and any program of efficiencies or economies related thereto; provided, however, that volume rises and falls of business, or changes in volume and character of employment brought about by causes other than the Project (including any economies or efficiencies unrelated to the Project) are not within the purview of this arrangement.

An employee covered by this arrangement, who is not dismissed, displaced or otherwise worsened in his position with regard to his employment as a result of the Project, but who is dismissed, displaced or otherwise worsened solely because of the total or partial termination of the Project, discontinuance of Project services, or exhaustion of Project funding shall not be deemed eligible for a dismissal or displacement allowance within the meaning of paragraphs (6) and (7) of the Model agreement or applicable provisions of substitute comparable arrangements.

(2)(a) Where employees of a Recipient are represented for collective bargaining purposes, all Project services provided by that Recipient shall be provided under and in accordance with any collective bargaining agreement applicable to such employees which is then in effect.

(2)(b) The Recipient or legally responsible party shall provide to all affected employees sixty (60) days' notice of intended actions which may result in displacements or dismissals or rearrangements of the working forces. In the case of employees represented by a union, such

notice shall be provided by certified mail through their representatives. The notice shall contain a full and adequate statement of the proposed changes, and an estimate of the number of employees affected by the intended changes, and the number and classifications of any jobs in the Recipient's employment available to be filled by such affected employees.

(2)(c) The procedures of this subparagraph shall apply to cases where notices involve employees represented by a union for collective bargaining purposes. At the request of either the Recipient or the representatives of such employees negotiations for the purposes of reaching agreement with respect to the application of the terms and conditions of this arrangement shall commence immediately. If no agreement is reached within twenty (20) days from the commencement of negotiations, any party to the dispute may submit the matter to dispute settlement procedures in accordance with paragraph (4) of this warranty. The foregoing procedures shall be complied with and carried out prior to the institution of the intended action.

(3) For the purpose of providing the statutory required protections including those specifically mandated by Section 13(c) of the Act, the Public Body will assure as a condition of the release of funds that the Recipient agrees to be bound by the terms and conditions of the National (Model) Section 13(c) Agreement executed July 23, 1975, identified below, provided that other comparable arrangements may be substituted therefore, if approved by the Secretary of Labor and certified for inclusion in these conditions.

(4) Any dispute or controversy arising regarding the application, interpretation, or enforcement of any of the provisions of this arrangement which cannot be settled by and between the parties at interest within thirty (30) days after the dispute or controversy first arises, may be referred by any such party to any final and binding disputes settlement procedure acceptable to the parties, or in the event they cannot agree upon such procedure, to the Department of Labor or an impartial third party designated by the Department of Labor for final and binding determination. The compensation and expenses of the impartial third party, and any other jointly incurred expenses, shall be borne equally by the parties to the proceeding and all other expenses shall be paid by the party incurring them.

In the event of any dispute as to whether or not a particular employee was affected by the Project, it shall be his obligation to identify the Project and specify the pertinent facts of the Project relied upon. It shall then be the burden of either the Recipient or other party legally responsible for the application of these conditions to prove that factors other than the Project affected the employee. The claiming employee shall prevail if it is established that the Project had an effect upon the employee even if other factors may also have affected the employee.

(5) The Recipient or other legally responsible party designated by the Public Body will be financially responsible for the application of these conditions and will make the necessary arrangements so that any employee covered by these arrangements, or the union representative of such employee, may file claim of violation of these arrangements with the Recipient within sixty (60) days of the date he is terminated or laid off as a result of the Project, or within eighteen (18) months of the date his position with respect to his employment is otherwise worsened as a result of the Project. In the latter case, if the events giving rise to the claim have occurred over an extended period, the 18-month limitation shall be measured from the last such event. No benefits shall be payable for any period prior to six (6) months from the date of the filing of any claim.

(6) Nothing in this arrangement shall be construed as depriving any employee of any rights or benefits which such employee may have under existing employment or collective bargaining agreements, nor shall this arrangement be deemed a waiver of any rights of any union or of any represented employee derived from any other agreement or provision of federal, state or local law.

(7) In the event any employee covered by these arrangements is terminated or laid off as a result of the Project, he shall be granted priority of employment or reemployment to fill any vacant position within the control of the Recipient for which he is, or by training or retraining within a reasonable period, can become qualified. In the event training or retraining is required by such employment or reemployment, the Recipient or other legally responsible party

designated by the Public Body shall provide or provide for such training or retraining at no cost to the employee.

(8) The Recipient will post, in a prominent and accessible place, a notice stating that the Recipient has received federal assistance under the Urban Mass Transportation Act and has agreed to comply with the provisions of Section 13(c) of the Act. This notice shall also specify the terms and conditions set forth herein for the protection of employees. The Recipient shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the proper application, administration, and enforcement of these arrangements and to the proper determination of any claims arising thereunder.

(9) Any labor organization which is the collective bargaining representative of employees covered by these arrangements, may become party to these arrangements by serving written notice of its desire to do so upon the Recipient and the Department of Labor. In the event of any disagreement that such labor organization represents covered employees, or is otherwise eligible to become a party to these arrangements, as applied to the Project, the dispute as to whether such organization shall participate shall be determined by the Secretary of Labor.

(10) In the event the Project is approved for assistance under the Act, the foregoing terms and conditions shall be made part of the contract of assistance between the federal government and the Public Body or Recipient of federal funds; provided, however, that this arrangement shall not merge into the contract of assistance, but shall be independently binding and enforceable by and upon the parties thereto, and by any covered employee or his representative, in accordance with its terms, nor shall any other employee protective agreement merge into this arrangement, but each shall be independently binding and enforceable by and upon the parties thereto, in accordance with its terms.

#### C. Waiver

As a part of the grant approval process, either the Recipient or other legally responsible party designated by the Public Body may in writing seek from the Secretary of Labor as waiver of the statutory required protections. The Secretary will waive these protections in cases, where at the time of the requested waiver, the Secretary determines that there are no employees of the Recipient or of any other surface public transportation providers in the transportation service area who could be potentially affected by the Project. A 30-day notice of proposed waiver will be given by the Department of Labor and in the absence of timely objection, the Department of Labor will review the matter and determine whether a waiver shall be granted. In the absence of waiver, these protections shall apply to the Project.

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### **APPENDIX TO THE SPECIAL WARRANTY FOR SECTION 18**

The following provisions of the 7/23/75 National (Model) Section 13(c) Agreement, set forth below, are incorporated into the "Special Section 13(c) Warranty for Application to the Small Urban and Rural Program" (Special Warranty), sometimes referred to as the Section 18 Warranty or the Section 5311 Warranty, as provided for in Section B(3) of the Special Warranty.

(Omitted Paragraphs: 1, 2, 5, 15, 22, 23, 24, 26, 27, 28, and 29)

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(3) All rights, privileges, and benefits (including pension rights and benefits) of employees covered by this agreement (including employees having already retired) under existing collective bargaining agreements or otherwise, or under any revision or renewal thereof, shall be preserved and continued; provided, however, that such rights, privileges and benefits which are not foreclosed from further bargaining under applicable law or contract may be modified by collective bargaining and agreement by the Recipient and the union involved to substitute other rights, privileges and benefits. Unless otherwise provided, nothing in this agreement shall be deemed to restrict any rights the Recipient may otherwise have to direct the working forces and

manage its business as it deems best, in accordance with the applicable collective bargaining agreement.

**(4)** The collective bargaining rights of employees covered by this agreement, including the right to arbitrate labor disputes and to maintain union security and checkoff arrangements, as provided by applicable laws, policies and/or existing collective bargaining agreements, shall be preserved and continued. [ (footnote.) *As an addendum to this agreement, there shall be attached where applicable the arbitration or other dispute settlement procedures or arrangements provided for in the existing collective bargaining agreements or any other existing agreements between the Recipient and the Union, subject to any changes in such agreements as may be agreed upon or determined by interest arbitration proceedings.*] Provided, however, that this provision shall not be interpreted so as to require the Recipient to retain any such rights which exist by virtue of a collective bargaining agreement after such agreement is no longer in effect.

The Recipient agrees that it will bargain collectively with the union or otherwise arrange for the continuation of collective bargaining, and that it will enter into agreement with the union or arrange for such agreements to be entered into, relative to all subjects which are or may be proper subjects of collective bargaining. If, at any time, applicable law or contracts permit or grant to employees covered by this agreement the right to utilize any economic measures, nothing in this agreement shall be deemed to foreclose the exercise of such right.

**(6)(a)** Whenever an employee, retained in service, recalled to service, or employed by the Recipient pursuant to paragraphs (5), (7)(e), or (18) hereof is placed in a worse position with respect to compensation as a result of the Project, he shall be considered a "displaced employee", and shall be paid a monthly "displacement allowance" to be determined in accordance with this paragraph. Said displacement allowance shall be paid each displaced employee during the protective period following the so long as the employee is unable, in the exercise of his seniority rights, to obtain a position producing compensation equal to or exceeding the compensation he received in the position from which he was displaced, adjusted to reflect subsequent general wage adjustments, including cost of living adjustments where provided for.

**(b)** The displacement allowance shall be a monthly allowance determined by computing the total compensation received by the employee, including vacation allowances and monthly compensation guarantees, and his total time paid for during the last twelve (12) months in which he performed compensated service more than fifty per centum of each such months, based upon his normal work schedule, immediately preceding the date of his displacement as a result of the Project, and by dividing separately the total compensation and the total time paid for by twelve, thereby producing the average monthly compensation and the average monthly time paid for. Such allowance shall be adjusted to reflect subsequent general wage adjustments, including cost of living adjustments where provided for. If the displaced employee's compensation in his current position is less in any month during his protective period than the aforesaid average compensation (adjusted to reflect subsequent general wage adjustments, including cost of living adjustments where provided for), he shall be paid the difference, less compensation for any time lost on account of voluntary absences to the extent that he is not available for service equivalent to his average monthly time, but he shall be compensated in addition thereto at the rate of the current position for any time worked in excess of the average monthly time paid for. If a displaced employee fails to exercise his seniority rights to secure another position to which he is entitled under the then existing collective bargaining agreement, and which carries a wage rate and compensation exceeding that of the position which he elects to retain, he shall thereafter be treated, for the purposes of this paragraph, as occupying the position he elects to decline.

**(c)** The displacement allowance shall cease prior to the expiration of the protective period in the event of the displaced employee's resignation, death, retirement, or dismissal for cause in accordance with any labor agreement applicable to his employment.

**(7)(a)** Whenever any employee is laid off or otherwise deprived of employment as a result of the Project, in accordance with any collective bargaining agreement applicable to his employment, he shall be considered a "dismissed employee" and shall be paid a monthly dismissal allowance

to be determined in accordance with this paragraph. Said dismissal allowance shall first be paid each dismissed employee on the thirtieth (30th) day following the day on which he is "dismissed" and shall continue during the protective period, as follows:

<u>Employee's length of service</u> <u>prior to adverse effect</u>	<u>Period of protection</u> <u>equivalent period</u>
1 to 6 years	6 years
6 years or more	6 years

The monthly dismissal allowance shall be equivalent to one-twelfth (1/12th) of the total compensation received by him in the last twelve (12) months of his employment in which he performed compensation service more than fifty per centum of each such months based on his normal work schedule to the date on which he was first deprived of employment as a result of the Project. Such allowance shall be adjusted to reflect subsequent general wage adjustments, including cost of living adjustments where provided for.

(b) An employee shall be regarded as deprived of employment and entitled to a dismissal allowance when the position he holds is abolished as a result of the Project, or when the position he holds is not abolished but he loses that position as a result of the exercise of seniority rights by an employee whose position is abolished as a result of the Project or as a result of the exercise of seniority rights by other employees brought about as a result of the Project, and he is unable to obtain another position, either by the exercise of his seniority rights, or through the Recipient, in accordance with subparagraph (e). In the absence of proper notice followed by an agreement or decision pursuant to paragraph (5) hereof, no employee who has been deprived of employment as a result of the Project shall be required to exercise his seniority rights to secure another position in order to qualify for a dismissal allowance hereunder.

(c) Each employee receiving a dismissal allowance shall keep the Recipient informed as to his current address and the current name and address of any other person by whom he may be regularly employed, or if he is self-employed.

(d) The dismissal allowance shall be paid to the regularly assigned incumbent of the position abolished. If the position of an employee is abolished when he is absent from service, he will be entitled to the dismissal allowance when he is available for service. The employee temporarily filling said position at the time it was abolished will be given a dismissal allowance on the basis of that position, until the regular employee is available for service, and thereafter shall revert to his previous status and will be given the protections of the agreement in said position, if any are due him.

(e) An employee receiving a dismissal allowance shall be subject to call to return to service by his former employer after being notified in accordance with the terms of the then-existing collective bargaining agreement. Prior to such call to return to work by his employer, he may be required by the Recipient to accept reasonably comparable employment for which he is physically and mentally qualified, or for which he can become qualified after a reasonable training or retraining period, provided it does not require a change in residence or infringe upon the employment rights of other employees under then-existing collective bargaining agreements.

(f) When an employee who is receiving a dismissal allowance again commences employment in accordance with subparagraph (e) above, said allowance shall cease while he is so reemployed, and the period of time during which he is so reemployed shall be deducted from the total period for which he is entitled to receive a dismissal allowance. During the time of such reemployment, he shall be entitled to the protections of this agreement to the extent they are applicable.

(g) The dismissal allowance of any employee who is otherwise employed shall be reduced to the extent that his combined monthly earnings from such other employment or self-employment, any benefits received from any unemployment insurance law, and his dismissal allowance exceed the amount upon which his dismissal allowance is based. Such employee, or his union representative, and the Recipient shall agree upon a procedure by which the Recipient shall be kept currently informed of the earnings of such employee in employment other than with his former employer, including self-employment, and the benefits received.

(h) The dismissal allowance shall cease prior to the expiration of the protective period in the event of the failure of the employee without good cause to return to service in accordance with the applicable labor agreement, or to accept employment as provided under subparagraph (e) above, or in the event of his resignation, death, retirement, or dismissal for cause in accordance with any labor agreement applicable to his employment.

(I) A dismissed employee receiving a dismissal allowance shall actively seek and not refuse other reasonably comparable employment offered him for which he is physically and mentally qualified and does not require a change in his place of residence. Failure of the dismissed employee to comply with this obligation shall be grounds for discontinuance of his allowance; provided that said dismissal allowance shall not be discontinued until final determination is made either by agreement between the Recipient and the employee or his representative, or by final arbitration decision rendered in accordance with paragraph (15) of this agreement that such employee did not comply with this obligation.

**(8)** In determining length of service of a displaced or dismissed employee for purposes of this agreement, such employee shall be given full service credits in accordance with the records and labor agreements applicable to him and he shall be given additional service credits for each month in which he receives a dismissal or displacement allowance as if he were continuing to perform services in his former position.

**(9)** No employee shall be entitled to either a displacement or dismissal allowance under paragraphs (6) or (7) hereof because

of the abolishment of a position to which, at some future time, he could have bid, been transferred, or promoted.

**(10)** No employee receiving a dismissal or displacement allowance shall be deprived, during his protected period, of any rights, privileges, or benefits attaching to his employment, including, without limitation, group life insurance, hospitalization and medical care, free transportation for himself and his family, sick leave, continued status and participation under any disability or retirement program, and such other employee benefits as Railroad Retirement, Social Security, Workmen's Compensation, and unemployment compensation, as well as any other benefits to which he may be entitled under the same conditions and so long as such benefits continue to be accorded to other employees of the bargaining unit, in active service or furloughed as the case may be.

**(11)(a)** Any employee covered by this agreement who is retained in the service of his employer, or who is later restored to service after being entitled to receive a dismissal allowance, and who is required to change the point of his employment in order to retain or secure active employment with the Recipient in accordance with this agreement, and who is required to move his place of residence, shall be reimbursed for all expenses of moving his household and other personal effects, for the traveling expenses for himself and members of his immediate family, including living expenses for himself and his immediate family, and for his own actual wage loss during the time necessary for such transfer and for a reasonable time thereafter, not to exceed five (5) working days. The exact extent of the responsibility of the Recipient under this paragraph, and the ways and means of transportation, shall be agreed upon in advance between the Recipient and the affected employee or his representatives.

(b) If any such employee is laid off within three (3) years after changing his point of employment in accordance with paragraph (a) hereof, and elects to move his place of residence back to his original point of employment, the Recipient shall assume the expenses, losses and costs of moving to the same extent provided in subparagraph (a) of this paragraph (11) and paragraph (12)(a) hereof.

(c) No claim for reimbursement shall be paid under the provisions of this paragraph unless such claim is presented to the Recipient within ninety (90) days after the date on which the expenses were incurred.

(d) Except as otherwise provided in subparagraph (b), changes in place of residence, subsequent to the initial changes as a result of the Project, which are not a result of the Project but grow out of the normal exercise of seniority rights, shall not be considered within the purview of this paragraph.

**(12)(a)** The following conditions shall apply to the extent they are applicable in each instance to any employee who is retained in the service of the employer (or who is later restored to service after being entitled to receive a dismissal allowance), who is required to change the point of his employment as a result of the Project, and is thereby required to move his place of residence.

If the employee owns his own home in the locality from which he is required to move, he shall, at his option, be reimbursed by the Recipient for any loss suffered in the sale of his home for less than its fair market value, plus conventional fees and closing costs, such loss to be paid within thirty (30) days of settlement or closing on the sale of the home. In each case, the fair market value of the home in question shall be determined, as of a date sufficiently prior to the date of the Project, so as to be unaffected thereby. The Recipient shall, in each instance, be afforded an opportunity to purchase the home at such fair market value before it is sold by the employee to any other person and to reimburse the seller for his conventional fees and closing costs.

If the employee is under a contract to purchase his home, the Recipient shall protect him against loss under such contract, and in addition, shall relieve him from any further obligation thereunder.

If the employee holds an unexpired lease of a dwelling occupied by him as his home, the Recipient shall protect him from all loss and cost in securing the cancellation of said lease.

(b) No claim for loss shall be paid under the provisions of this paragraph unless such claim is presented to the Recipient within one year after the effective date of the change in residence.

(c) Should a controversy arise in respect to the value of the home, the loss sustained in its sale, the loss under a contract for purchase, loss and cost in securing termination of a lease, or any other question in connection with these matters, it shall be decided through a joint conference between the employee, or his union, and the Recipient. In the event they are unable to agree, the dispute or controversy may be referred by the Recipient or the union to a board of competent real estate appraisers selected in the following manner: one (1) to be selected by the representatives of the employee, and one (1) by the Recipient, and these two, if unable to agree within thirty (30) days upon the valuation, shall endeavor by agreement with ten (10) days thereafter to select a third appraiser or to agree to a method by which a third appraiser shall be selected, and failing such agreement, either party may request the State and local Board of Real Estate Commissioners to designate within ten (10) days a third appraiser, whose designation will be binding upon the parties and whose jurisdiction shall be limited to determination of the issues raised in this paragraph only. A decision of a majority of the appraisers shall be required and said decision shall be final, binding, and conclusive. The compensation and expenses of the neutral appraiser including expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the compensation of the appraiser selected by such party.

(d) Except as otherwise provided in paragraph (11)(b) hereof, changes in place of residence, subsequent to the initial changes as a result of the Project, which are not a result of the Project but grow out of the normal exercise of seniority rights, shall not be considered within the purview of this paragraph.

(e) "Change in residence" means transfer to a work location which is either (A) outside a radius of twenty (20) miles of the employee's former work location and farther from his residence than was his former work location, or (B) is more than thirty (30) normal highway route miles from his residence and also farther from his residence than was his former work location.

**(13)** A dismissed employee entitled to protection under this agreement may, at his option within twenty-one (21) days of his dismissal, resign and (in lieu of all other benefits and protections



provided in this agreement) accept a lump sum payment computed in accordance with section (9) of the Washington Job Protection Agreement of May 1936:

<u>Length of Service</u>	<u>Separation Allowance</u>
1 year and less than 2 years	3 months' pay
2 year and less than 3 years	6 months' pay
3 years and less than 5 years years	9 months' pay
5 years and less than 10 years	12 months' pay
10 years and less than 15 years	12 months' pay
15 years and over	12 months' pay

In the case of an employee with less than one year's service, five days' pay, computed by multiplying by 5 the normal daily earnings (including regularly scheduled overtime, but excluding other overtime payments) received by the employee in the position last occupied, for each month in which he performed service, will be paid as the lump sum.

(a) Length of service shall be computed as provided in Section 7(b) of the Washington Job Protection Agreement, as follows:

For the purposes of this agreement, the length of service of the employee shall be determined from the date he last acquired an employment status with the employing carrier and he shall be given credit for one month's service for each month in which he performed any service (in any capacity whatsoever) and twelve (12) such months shall be credited as one year's service. The employment status of an employee shall not be interrupted by furlough in instances where the employee has a right to and does return to service when called. In determining length of service of an employee acting as an officer or other official representative of an employee organization, he will be given credit for performing service while so engaged on leave of absence from the service of a carrier.

(b) One month's pay shall be computed by multiplying by 30 the normal daily earnings (including regularly scheduled overtime, but excluding other overtime payments) received by the employee in the position last occupied prior to time of his dismissal as a result of the Project.

**(14)** Whenever used herein, unless the context requires otherwise, the term "protective period" means that period of time during which a displaced or dismissed employee is to be provided protection hereunder and extends from the date on which an employee is displaced or dismissed to the expiration of six (6) years therefrom, provided, however, that the protective period for any particular employee during which he is entitled to receive the benefits of these provisions shall not continue for a longer period following the date he was displaced or dismissed than the employee's length of service, as shown by the records and labor agreements applicable to his employment prior to the date of his displacement or his dismissal.

**(16)** Nothing in this agreement shall be construed as depriving any employee of any rights or benefits which such employee may have under any existing job security or other protective conditions or arrangements by collective bargaining agreement or law where applicable, including P.L. 93-236, enacted January 2, 1974; provided that there shall be no duplication of benefits to any employees, and, provided further, that any benefit under the agreement shall be construed to include the conditions, responsibilities, and obligations accompanying such benefits.

**(17)** The Recipient shall be financially responsible for the application of these conditions and will make the necessary arrangements so that any employee affected as a result of the Project may file a claim through his union representative with the Recipient within sixty (60) days of the date he is terminated or laid off as a result of the Project, or within eighteen (18) months of the date his position with respect to his employment is otherwise worsened as a result of the Project; provided, in the latter case, if the events giving rise to the claim have occurred over an extended period, the 18-month limitation shall be measured from the last such event; provided, further, that no benefits shall be payable for any period prior to six (6) months from the date of the filing of the claim. Unless such claims are filed with the Recipient with said time limitations, the Recipient shall thereafter be relieved of all liabilities and obligations related to said claims. The

Recipient will fully honor the claim, making appropriate payments, or will give notice to the claimant and his representative of the basis for denying or modifying such claim, giving reasons therefore. In the event the Recipient fails to honor such claim, the Union may invoke the following procedures for further joint investigation of the claim by giving notice in writing of its desire to pursue such procedures. Within ten (10) days from the receipt of such notice, the parties shall exchange such factual material as may be requested of them relevant to the disposition of the claim and shall jointly take such steps as may be necessary or desirable to obtain from any third party such additional factual materials as may be relevant. In the event the claim is so rejected by the Recipient, the claim may be processed to arbitration as hereinabove provided by paragraph (15). Prior to the arbitration hearing, the parties shall exchange a list of intended witnesses. In conjunction with such proceedings, the impartial arbitrator shall have the power to subpoena witnesses upon the request of any party and to compel the production of documents and other information denied in the pre-arbitration period which is relevant to the disposition of the claim.

Nothing included herein as an obligation of the Recipient shall be construed to relieve any other urban mass transportation employer of the employees covered hereby of any obligations which it has under existing collective bargaining agreements, including but not limited to obligations arising from the benefits referred to in paragraph (10) hereof, nor make any such employer a third-party beneficiary of the Recipient's obligations contained herein, nor deprive the Recipient of any right of subrogation.

**(18)** During the employee's protective period, a dismissed employee shall, if he so requests, in writing, be granted priority of employment to fill any vacant position within the jurisdiction and control of the Recipient, reasonably comparable to that which he held when dismissed, for which he is, or by training or retraining can become, qualified; not, however, in contravention of collective bargaining agreements related thereto. In the event such employee requests such training or re-training to fill such vacant position, the Recipient shall provide for such training or re-training at no cost to the employee. The employee shall be paid the salary or hourly rate provided for in the applicable collective bargaining agreement for such position, plus any displacement allowance to which he may be otherwise entitled. If such dismissed employee who has made such request fails, without good cause, within ten (10) days to accept an offer of a position comparable to that which he held when dismissed for which he is qualified, or for which he has satisfactorily completed such training, he shall, effective at the expiration of such ten-day period, forfeit all rights and benefits under this agreement.

As between employees who request employment pursuant to this paragraph, the following order where applicable shall prevail in hiring such employees:

(a) Employees in the craft or class of the vacancy shall be given priority over employees without seniority in such craft or class;

(b) As between employees having seniority in the craft or class of the vacancy, the senior employees, based upon their service in that craft or class, as shown on the appropriate seniority roster, shall prevail over junior employees;

(c) As between employees not having seniority in the craft or class of the vacancy, the senior employees, based upon their service in the crafts or classes in which they do have seniority as shown on the appropriate seniority rosters, shall prevail over junior employees.

**(19)** This agreement shall be binding upon the successors and assigns of the parties hereto, and no provisions, terms, or obligations herein contained shall be affected, modified, altered, or changed in any respect whatsoever by reason of the arrangements made by or for the Recipient to manage and operate the system.

Any such person, enterprise, body, or agency, whether publicly - or privately-owned, which shall undertake the management or operation of the system, shall agree to be bound by the terms of this agreement and accept the responsibility for full performance of these conditions.

**(20)** The employees covered by this agreement shall continue to receive any applicable coverage under Social Security, Railroad Retirement, Workmen's Compensation, unemployment compensation, and the like. In no event shall these benefits be worsened as a result of the Project.

**(21)** In the event any provision of this agreement is held to be invalid, or otherwise unenforceable under the federal, State, or local law, in the context of a particular Project, the remaining provisions of this agreement shall not be affected and the invalid or unenforceable provision shall be renegotiated by the Recipient and the interested union representatives of the employees involved for purpose of adequate replacement under 13(c) of the Act. If such negotiation shall not result in mutually satisfactory agreement, any party may invoke the jurisdiction of the Secretary of Labor to determine substitute fair and equitable employee protective arrangements for application only to the particular Project, which shall be incorporated in this agreement only as applied to that Project, and any other appropriate action, remedy, or relief.

**(25)** If any employer of the employees covered by this agreement shall have rearranged or adjusted its forces in anticipation of the Project, with the effect of depriving an employee of benefits to which he should be entitled under this agreement, the provisions of this agreement shall apply to such employee as of the date when he was so affected.

## Mass Transit Employee Protections

### **Title 49 U.S.C. Sec. 5333(b) (also known as Section 13(c) of the Federal Transit Act).**

(1) As a condition of financial assistance under sections 5307-5312, 5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(j)(5) of this title, the interests of employees affected by the assistance shall be protected under arrangements the Secretary of Labor concludes are fair and equitable. The agreement granting the assistance under sections 5307-5312, 5318(d), 5323(a)(1), (b), (d), and (e), 5328, 5337, and 5338(j)(5) shall specify the arrangements.

(2) Arrangements under this subsection shall include provisions that may be necessary for -

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise;

(B) the continuation of collective bargaining rights;

(C) the protection of individual employees against a worsening of their positions related to employment;

(D) assurances of employment to employees of acquired mass transportation systems;

(E) assurances of priority of reemployment of employees whose employment is ended or who are laid off; and

(F) paid training or retraining programs.

(3) Arrangements under this subsection shall provide benefits at least equal to benefits established under section 11326 of this title.

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### **Title 49 U.S.C. Section 11326 ( formerly codified at 49 U.S.C. Section 11347). (formerly Section 5(2)(f) of the Interstate Commerce Act).**

**This Section is incorporated into Section 5333(b) by reference.**

Sec. 11326. Employee protective arrangements in transactions involving rail carriers

(a) Except as otherwise provided in this section, when approval is sought for a transaction under sections 11324 and 11325 of this title, the Board shall require the rail carrier to provide a fair arrangement at least as protective of the interests of employees who are affected by the transaction as the terms imposed under section 5(2)(f) of the Interstate Commerce Act before February 5, 1976, and the terms established under section 24706(c) of this title. Notwithstanding this part, the arrangement may be made by the rail carrier and the authorized representative of its employees. The arrangement and the order approving the transaction must require that the employees of the affected rail carrier will not be in a worse position related to their employment as a result of the transaction during the 4 years following the effective date of the final action of the Board (or if an employee was employed for a lesser period of time by the rail carrier before the action became effective, for that lesser period).

(b) When approval is sought under sections 11324 and 11325 for a transaction involving one Class II and one or more Class III rail carriers, there shall be an arrangement as required under subsection (a) of this section, except that such arrangement shall be limited to one year of severance pay, which shall not exceed the amount of earnings from the railroad employment of that employee during the 12-month period immediately preceding the date on which the application for approval of such transaction is filed with the Board. The amount of such severance pay shall be reduced by the amount of earnings from railroad employment of that employee with the acquiring carrier during the 12-month period immediately following the effective date of the transaction. The parties may agree to terms other than as provided in this subsection.

(c) When approval is sought under sections 11324 and 11325 for a transaction involving only Class III rail carriers, this section shall not apply.

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**Sec. 24706. Notice of Discontinuance**

**This section is incorporated into Section 11326, by reference, and is therefore applicable to Section 5333(b) mass transit employee protections.**

**(a) Notice of Discontinuance**

(1) Except as provided in subsection (b) of this section, at least 90 days before a discontinuance under section 24704 or 24707(a) or (b) of this title, Amtrak shall give notice of the discontinuance in the way Amtrak decides will give a State, a regional or local authority, or another person the opportunity to agree to share the cost of any part of the train, route, or service to be discontinued.

(2) Notice of the discontinuance under section 24704 or 24707(a) or (b) of this title shall be posted in all stations served by the train to be discontinued at least 14 days before the discontinuance.

**(b) Discontinuance for Lack of Appropriations**

(1) Amtrak may discontinue service under section 24704 or 24707(a) or (b) of this title during -

(A) the first month of a fiscal year if the authorization of appropriations and the appropriations for Amtrak are not enacted at least 90 days before the beginning of the fiscal year; and

(B) the 30 days following enactment of an appropriation for Amtrak or a rescission of an appropriation.

(2) Amtrak shall notify each affected State or regional or local transportation authority of a discontinuance under this subsection as soon as possible after Amtrak decides to discontinue the service.

**(c) Employee Protective Arrangements.**

(1) Amtrak or a rail carrier (including a terminal company) shall provide fair and equitable arrangements to protect the interests of employees of Amtrak or a rail carrier, as the case may be, affected by a discontinuance of intercity rail passenger service, including a discontinuance of service provided by a rail carrier under a facility or service agreement under section 24308(a) of this title under a modification or ending of the agreement or because Amtrak begins providing that service. Arrangements shall include provisions that may be necessary for

- (A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise;
- (B) the continuation of collective bargaining rights;
- (C) the protection of individual employees against a worsening of their positions related to employment;
- (D) assurances of priority of reemployment of employees whose employment is ended or who are laid off; and
- (E) paid training and retraining programs.

(2) With respect to Amtrak's obligations under this subsection and in an agreement to carry out this subsection involving only Amtrak and its employees, a discontinuance of intercity rail passenger service does not include an adjustment in frequency, or seasonal suspension of intercity rail passenger trains that causes a temporary suspension of service, unless the adjustment or suspension reduces passenger train operations on a particular route to fewer than 3 round trips a week at any time during a calendar year.

(3) Arrangements under this subsection shall provide benefits at least equal to benefits established under section 11347 of this title.

(4) A contract under this chapter or section 24308(a) of this title shall specify the terms of protective arrangements.

(5) This subsection does not impose on Amtrak an obligation of a rail carrier related to a right, privilege, or benefit earned by an employee because of previous service performed for the carrier.

(6) This subsection does not apply to Amtrak Commuter.

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**REPEAL OF 49 U.S.C. Section 24706**

SELECTED PORTIONS of PL 105-134, December 2, 1997, 111 Stat 2570

**Sec. 1(a)**

(a) SHORT TITLE.--This Act may be cited as the "Amtrak Reform and Accountability Act of 1997".

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**SUBTITLE C - EMPLOYEE PROTECTION REFORMS**

**Sec. 141. Railway Labor Act Procedures**

\* \* \* \* \*

(e) NO PRECEDENT FOR FREIGHT. - Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act.

**Sec. 142. Service Discontinuance**

(a) REPEAL.--Section 24706(c) is repealed.

(b) EXISTING CONTRACTS.--Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees

relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.--Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

## REFERENCES:

Nevada Department of Transportation (NDOT) FTA grant application packet  
[www.nevadadot.com](http://www.nevadadot.com) Public Involvement and Meetings/Transportation Planning/Public Transit/Apply for Grant Funding

Federal Transit Administration (FTA) grant programs  
[http://www.fta.dot.gov/funding/grants\\_financing\\_263.html](http://www.fta.dot.gov/funding/grants_financing_263.html)

Federal Fiscal 2012 Certifications and Assurances  
[http://www.fta.dot.gov/documents/2012\\_Certs\\_Appendix\\_A.pdf](http://www.fta.dot.gov/documents/2012_Certs_Appendix_A.pdf)

Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 (SAFETEA)  
[www.fhwa.dot.gov/reauthorization/](http://www.fhwa.dot.gov/reauthorization/)

United States Department of Transportation (USDOT)  
[www.dot.gov](http://www.dot.gov)

Federal Transit Administration (FTA)  
[www.fta.dot.gov](http://www.fta.dot.gov)

Title 49 USC Chapter 53 Grant Programs  
[http://www.fta.dot.gov/legislation\\_law/12915.html](http://www.fta.dot.gov/legislation_law/12915.html)

Best Practices Procurement Manual  
[http://www.fta.dot.gov/grants/13054\\_6037.html](http://www.fta.dot.gov/grants/13054_6037.html)

OMB Circulars A-102 Uniform Administrative Requirements for Grants  
[http://www.whitehouse.gov/omb/circulars\\_a102](http://www.whitehouse.gov/omb/circulars_a102)

OMB Circular A-122 Cost Principals for Non-Profit Organizations  
[http://www.whitehouse.gov/omb/circulars\\_a122\\_2004/](http://www.whitehouse.gov/omb/circulars_a122_2004/)

OMB Circular A-87 Cost Principals for State, Local and Indian Tribal Governments  
[http://www.whitehouse.gov/omb/circulars\\_a087\\_2004/](http://www.whitehouse.gov/omb/circulars_a087_2004/)

Americans with Disabilities Act (ADA)  
[www.fta.dot.gov/civil\\_rights.html](http://www.fta.dot.gov/civil_rights.html)

Drug and Alcohol Regulations  
<https://www.federalregister.gov/articles/2001/08/09/01-19234/prevention-of-alcohol-misuse-and-prohibited-drug-use-in-transit-operations>

United States of American Department of Transportation FTA Master Agreement  
<http://www.fta.dot.gov/documents/14-Master.pdf>

Data Universal Numbering System (DUNS) information  
<http://www.dnb.com/get-a-duns-number.html>

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

### PREFACE

*Except as the Federal Transit Administration (FTA or we) determines otherwise in writing, before FTA may award Federal transit assistance (funding or funds) to support a public transportation Project, an authorized representative (you) of the Project sponsor (Applicant) must select certain Certifications and Assurances required by Federal law or regulation. You must select all Certifications and Assurances required of your Applicant to support its applications for FTA funding during Federal fiscal year (FY) 2013.*

*We request that you read each Certification and Assurance and select those that will apply to all Projects for which your Applicant might seek FTA funding. Only if you select adequate Certifications and Assurances on your Applicant's behalf, as required by Federal law or regulation, may FTA award Federal funding for your Applicant's Project.*

*We have consolidated our Certifications and Assurances into twenty-four (24) Groups. At a minimum, you must select the assurances in Group 01. If your Applicant requests more than \$100,000, you must also select the "Lobbying" Certification in Group 02, unless your Applicant is an Indian tribe or organization or a tribal organization. Depending on the nature of your Applicant and its Project, your Applicant may need to select some of the Certifications and Assurances in Groups 03 through 24. However, instead of selecting individual Groups of Certifications and Assurances, you may make a single selection that will encompass all Groups of Certifications and Assurances applicable to all our programs. FTA and your Applicant understand and agree that not every provision of these twenty-four (24) Certifications and Assurances will apply to every Applicant or every Project FTA funds. The type of Project and Applicant will determine which Certifications and Assurances apply.*

*Your Applicant also understands and agrees that these Certifications and Assurances are pre-award requirements, generally required by Federal law or regulation, and do not include all Federal requirements that may apply to your Applicant or its Project. Our FTA Master Agreement MA(19) for Federal FY 2013, <http://www.fta.dot.gov/documents/19-Master.pdf>, contains a list of most of those requirements.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take the appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Your Applicant understands and agrees that when you apply for funding on behalf of a consortium, joint venture, partnership, or team, you must identify the activities each*



## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

*member will perform and the extent to which each member of that consortium, joint venture, partnership, or team will be responsible for compliance with the Certifications and Assurances you select on behalf of your Applicant, except as FTA determines otherwise in writing.*

*We expect you to submit your Applicant's FY 2013 Certifications and Assurances and its applications for funding in TEAM-Web. You must be registered in TEAM-Web to submit the FTA FY 2013 Certifications and Assurances on behalf of your Applicant. The TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of the "View/Modify Recipients" page contains fields for selecting among the twenty-four (24) Groups of Certifications and Assurances and a designated field for selecting all twenty-four (24) Groups. If FTA agrees that you cannot submit your Applicant's FY 2013 Certifications and Assurances electronically, you must submit the Signature Page(s) in Appendix A of this Notice marked to show the Groups of Certifications and Assurances your Applicant is providing.*

*Be aware that these Certifications and Assurances have been prepared in light of:*

- *FTA's latest authorization legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, June 6, 2012,*
- *The Continuing Appropriations Resolution, 2013 (CR), Pub. L. 112-175, September 28, 2012.*
- *The FTA "Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the FTA FY 2013 Apportionments, Allocations, Program Information and Interim Guidance," 77 Fed. Reg. 663670, October 16, 2012 (FTA FY 2013 Apportionments Notice), and*
- *FTA's authorizing legislation in effect in FY 2012 or a previous fiscal year.*

*With certain exceptions, projects financed in FY 2013 with funds made available or appropriated for FY 2012 or a previous fiscal year must be in compliance with the requirements for that type of project in effect for the fiscal year for which the funding was derived, except as superseded by MAP-21 cross-cutting requirements that apply instead.*

### **GROUP 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.**

*You must select the Certifications and Assurances in Group 01 on behalf of your Applicant for FTA funding except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the*

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

*validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, before FTA may provide funding for your Applicant's Project, you must select the Certifications and Assurances in Group 01 on behalf of your Applicant. Any provision of the Certifications and Assurances in Group 01 that does not apply will not be enforced.*

### **A. Assurance of Authority of the Applicant and Its Representative.**

On behalf of your Applicant, you certify that both you and your Applicant's attorney who sign these Certifications, Assurances, and Agreements affirm that both your Applicant and you, as its authorized representative, may undertake the following activities on behalf of your Applicant, in compliance with applicable State, local, or Indian tribal laws and regulations, and your Applicant's by-laws or internal rules:

1. Execute and file its application for Federal funds,
2. Execute and file its Certifications, Assurances, and Agreements binding its compliance,
3. Execute Grant Agreements or Cooperative Agreements, or both, with FTA,
4. Comply with applicable Federal laws and regulations, and
5. Follow applicable Federal guidance.

### **B. Standard Assurances.**

On behalf of your Applicant, you assure that your Applicant understands and agrees to the following:

1. Your Applicant will comply with all applicable Federal statutes and regulations to carry out any FTA funded Project,
2. Your Applicant is under a continuing obligation to comply with the terms and conditions of the FTA Grant Agreement or Cooperative Agreement for its Project, including the FTA Master Agreement incorporated by reference and made part of the latest amendment to the Grant Agreement or Cooperative Agreement,
3. Your Applicant recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect Project implementation,
4. Your Applicant understands that Presidential executive orders and Federal guidance, including Federal policies and program guidance, may be issued concerning matters affecting your Applicant or its Project,
5. Your Applicant agrees that the most recent Federal laws, regulations, and guidance will apply to its Project, unless FTA determines otherwise in writing,
6. In light of recent FTA legislation applicable to FTA and except as FTA determines otherwise in writing, your Applicant agrees that requirements for FTA programs may vary depending on the fiscal year for which the funding for those programs was appropriated:
  - a. In some instances, FTA has determined that Federal statutory or regulatory program and eligibility requirements for FY 2012 or a specific previous fiscal year will apply to:

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- (1) New grants and cooperative agreements, and
- (2) New amendments to grants and cooperative agreements that:
  - (a) Have been awarded Federal funds made available or appropriated for FY 2012 or the previous fiscal year, or
  - (b) May be awarded Federal funds appropriated for FY 2012 or the previous fiscal year, but
- b. In other instances, FTA has determined that MAP-21 will apply to the Federal funds made available or appropriated for FY 2012 or a previous fiscal year, and
- c. For all FTA funded Projects, the following MAP-21 cross-cutting requirements supersede conflicting provisions of previous Federal law and regulations:
  - (1) Metropolitan and Statewide Planning,
  - (2) Environmental Review Process,
  - (3) Agency Safety Plans,
  - (4) Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),
  - (5) Costs Incurred by Providers of Public Transportation by Vanpool,
  - (6) Revenue Bonds as Local Match,
  - (7) Debt Service Reserve,
  - (8) Government's Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,
  - (9) Private Sector Participation,
  - (10) Bus Testing,
  - (11) Buy America,
  - (12) Corridor Preservation,
  - (13) Rail Car Procurements,
  - (14) Veterans Preference/Employment,
  - (15) Alcohol and Controlled Substance Testing, and
  - (16) Other provisions as FTA may determine.

*(See the Federal Transit Administration, "Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and FTA FY 2013 Apportionments, Allocations, Program Information and Interim Guidance," 77 Fed. Reg. 663670, October 16, 2012.)*

### **C. Intergovernmental Review Assurance.**

*(The assurance in Group 01.C does not apply to an Indian tribe, an Indian organization or a tribal organization that applies for funding made available or appropriated for FTA's Public Transportation on Indian Reservations Program authorized by 49 U.S.C. 5311(c)(1), as amended by MAP-21 or to FTA's Tribal Transit Program authorized by former 49 U.S.C. 5311(c)(1) in effect in FY 2012 or a previous fiscal year.)*

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

To facilitate compliance with U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that it has submitted or will submit each application for Federal funding to the appropriate State and local agencies for intergovernmental review, as required by those regulations.

### D. Nondiscrimination Assurance.

On behalf of your Applicant, you assure that:

1. Your Applicant will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in any U.S. DOT or FTA funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits on the basis of race, color, national origin, religion, sex, disability, or age:
  - a. Federal transit laws, specifically 49 U.S.C. 5332, as amended by MAP-21 (prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, or age, and in employment or business opportunity),
  - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d,
  - c. The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*,
  - d. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
  - e. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
  - f. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
  - g. Any other applicable Federal statutes that may be signed into law or Federal regulations that may be promulgated,
2. Your Applicant will comply with Federal guidance implementing Federal nondiscrimination laws and regulations, except to the extent FTA determines otherwise in writing,
3. As required by 49 CFR 21.7:
  - a. Your Applicant will comply with 49 U.S.C. 5332, as amended by MAP-21, 42 U.S.C. 2000d, and 49 CFR part 21 in the manner:
    - (1) It conducts each Project,
    - (2) It undertakes property acquisitions, and
    - (3) It operates its Project facilities, including:
      - (a) Its entire facilities, and
      - (b) Its facilities operated in connection with its Project,
  - b. This assurance applies to your Applicant's entire Project and to all parts of its facilities, including the facilities it operates to implement its Project,
  - c. Your Applicant will promptly take the necessary actions to carry out this assurance, including:
    - (1) Notifying the public that discrimination complaints about transportation-

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- related services or benefits may be filed with U.S. DOT or FTA, and
  - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,
- d. If your Applicant transfers FTA funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
  - (1) While the property is used for the purpose that the Federal funding is extended, and
  - (2) While the property is used for another purpose involving the provision of similar services or benefits,
- e. The United States has a right to seek judicial enforcement of any matter arising under:
  - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
  - (2) U.S. DOT regulations, 49 CFR part 21, and
  - (3) This assurance,
- f. Your Applicant will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may request to comply with:
  - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
  - (2) U.S. DOT regulations, 49 CFR part 21, and
  - (3) Federal transit laws, 49 U.S.C. 5332, as amended by MAP-21,
- g. Your Applicant will comply with Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA determines otherwise in writing,
- h. Your Applicant will extend the requirements of 49 U.S.C. 5332, as amended by MAP-21, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Participant, including:
  - (1) Any Subrecipient,
  - (2) Any Transferee,
  - (3) Any Third Party Contractor or Subcontractor at any tier,
  - (4) Any Successor in Interest,
  - (5) Any Lessee, or
  - (6) Any other Third Party Participant in its Project,
- i. Your Applicant will include adequate provisions to extend the requirements of 49 U.S.C. 5332, as amended by MAP-21, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including:
  - (1) Each subagreement,
  - (2) Each property transfer agreement,
  - (3) Each third party contract or subcontract at any tier,
  - (4) Each lease, or
  - (5) Each participation agreement, and
- j. The assurances you have made on behalf of your Applicant will remain in effect as long as:
  - (1) Federal funding is extended to your Applicant's Project,
  - (2) Your Applicant's Project property is used for a purpose for which the

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- Federal funding is extended,
- (3) Your Applicant's Project property is used for a purpose involving the provision of similar services or benefits, or
  - (4) Your Applicant retains ownership or possession of its Project property, and
4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR 27.9, and consistent with 49 U.S.C. 5307(c)(1)(D)(iii), as amended by MAP-21, you assure that:
- a. Your Applicant will comply with the following prohibitions against discrimination on the basis of disability, which are a condition of approval or extension of any FTA funding awarded to:
    - (1) Construct any facility,
    - (2) Obtain any rolling stock or other equipment,
    - (3) Undertake studies,
    - (4) Conduct research, or
    - (5) Participate in or obtain any benefit from any FTA administered program, and
  - b. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no otherwise qualified people with a disability will, because of their disability, be:
    - (1) Excluded from participation,
    - (2) Denied benefits, or
    - (3) Otherwise subjected to discrimination.

### E. Suspension and Debarment Certification.

On behalf of your Applicant, you certify that:

1. Your Applicant will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the provisions of U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180,
2. To the best of your knowledge and belief, and your Applicant's knowledge and belief, that your Applicant's Principals and Subrecipients at the first tier:
  - a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:
    - (1) Debarred,
    - (2) Suspended,
    - (3) Proposed for debarment,
    - (4) Declared ineligible,
    - (5) Voluntarily excluded, or
    - (6) Disqualified,
  - b. Your Applicant's management has not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

rendered against any of them for:

- (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,
  - (2) Violation of any Federal or State antitrust statute, or
  - (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,
- c. Your Applicant is not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding Section 1.b of this Certification,
- d. Your Applicant has not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,
- e. If, at a later time, your Applicant receives any information that contradicts the statements of subparagraphs 2.a – 2.d above, your Applicant will promptly provide that information to FTA,
- f. Your Applicant will treat each lower tier contract or lower tier subcontract under its Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
- (1) Equals or exceeds \$25,000,
  - (2) Is for audit services, or
  - (3) Requires the consent of a Federal official, and
- g. Your Applicant will require that each covered lower tier contractor and subcontractor:
- (1) Comply and facilitate compliance with the Federal requirements of 2 CFR parts 180 and 1200, and
  - (2) Assure that each lower tier participant in its Project is not presently declared by any Federal department or agency to be:
    - (a) Debarred from participation in your Applicant's federally funded Project,
    - (b) Suspended from participation in your Applicant's federally funded Project,
    - (c) Proposed for debarment from participation in your Applicant's federally funded Project,
    - (d) Declared ineligible to participate in your Applicant's federally funded Project,
    - (e) Voluntarily excluded from participation in your Applicant's federally funded Project, or
    - (f) Disqualified from participation in your Applicant's federally funded Project, and
3. Your Applicant will provide a written explanation as indicated on its Signature Page or a page attached in FTA's TEAM-Web if it or any of its principals, including any of its first tier Subrecipients or any of its Third Party Participants at a lower tier, is unable to certify compliance with to the preceding statements in

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

this Certification 01.E.

### F. U.S. OMB Assurances in SF-424B and SF-424D.

*The assurances in Group 01.F are consistent with the U.S. OMB assurances required in the U.S. OMB SF-424B and SF-424D, updated as necessary to reflect changes in Federal laws and regulations.*

1. *Administrative Activities.* On behalf of your Applicant, you assure that:
  - a. For every project described in any application your Applicant submits, your Applicant has adequate resources to properly plan, manage, and complete its Project, including:
    - (1) The legal authority to apply for Federal funding,
    - (2) The institutional capability,
    - (3) The managerial capability, and
    - (4) The financial capability (including funds sufficient to pay the non-Federal share of Project cost),
  - b. Your Applicant will give limited access and the right to examine Project-related materials, including, but not limited to:
    - (1) FTA,
    - (2) The Comptroller General of the United States, and
    - (3) If appropriate, the State, through any authorized representative,
  - c. Your Applicant will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance, and
  - d. Your Applicant will establish safeguards to prohibit employees from using their positions for a purpose that results in:
    - (1) A personal or organizational conflict of interest, or personal gain, or
    - (2) The appearance of a personal or organizational conflict of interest or personal gain.
2. *Project Specifics.* On behalf of your Applicant, you assure that:
  - a. Following receipt of an FTA award, your Applicant will begin and complete Project work within the time periods that apply,
  - b. For FTA funded construction Projects:
    - (1) Your Applicant will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
    - (2) Your Applicant will, to the extent practicable, provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
    - (3) Your Applicant will include a covenant to assure nondiscrimination during the useful life of its Project in its title to federally funded real property,
    - (4) To the extent FTA requires, your Applicant will record the Federal interest in the title to FTA funded real property or interests in real property, and



## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- (5) To the extent practicable, absent permission and instructions from FTA, your Applicant will not alter the site of the FTA funded construction Project or facilities by:
    - (a) Disposing of the underlying real property or other interest in the site and facilities,
    - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
    - (c) Changing the terms of the underlying real property title or other interest in the site and facilities, and
  - c. Your Applicant will furnish progress reports and other information as FTA or the State may require.
3. Statutory and Regulatory requirements. On behalf of your Applicant, you assure that:
- a. Your Applicant will comply with all Federal statutes relating to nondiscrimination that apply, including, but not limited to:
    - (1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
    - (2) The prohibitions against discrimination on the basis of sex, as provided in:
      - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
      - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25,
    - (3) The prohibitions against discrimination on the basis of age in federally funded programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,
    - (4) The prohibitions against discrimination on the basis of disability in federally funded programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
    - (5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*
    - (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,
    - (7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,
    - (8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,
    - (9) The confidentiality requirements for the records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended,

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- 42 U.S.C. 290dd – 290dd-2, and
- (10) The nondiscrimination provisions of any other statute(s) that may apply to its Project,
- b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 *et seq.*, and the MAP-21 amendment to 49 U.S.C. 5323(b), regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes, your Applicant will provide for fair and equitable treatment of displaced persons or persons whose property is acquired as a result of federally funded programs, and:
- (1) Your Applicant has the necessary legal authority under State and local laws and regulations to comply with:
    - (a) The Uniform Relocation Act, 42 U.S.C. 4601 *et seq.*, as specified by 42 U.S.C. 4630 and 4655, and
    - (b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR 24.4, and
  - (2) Your Applicant has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations, because:
    - (a) Your Applicant will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,
    - (b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, your Applicant will provide fair and reasonable relocation payments and assistance for displacement, resulting from any FTA funded Project, of:
      - 1 Families and individuals, and
      - 2 Partnerships, corporations, or associations,
    - (c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, your Applicant will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such displaced:
      - 1 Families and individuals, and
      - 2 Partnerships, corporations, or associations,
    - (d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement, your Applicant will make available comparable replacement dwellings to families and individuals,
    - (e) Your Applicant will:
      - 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
      - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,
    - (f) Your Applicant will be guided by the real property acquisition policies of 42 U.S.C. 4651 and 4652 to the greatest extent practicable under State law,
    - (g) Your Applicant will pay or reimburse property owners for their

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. 4631,
- (h) Your Applicant will execute the necessary implementing amendments to third party contracts and subagreements financed with FTA funding,
  - (i) Your Applicant will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances,
  - (j) Your Applicant will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, relating to any FTA funded Project involving relocation or land acquisition, and
  - (k) Your Applicant will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,
- c. To the extent practicable, your Applicant will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures,
- d. Your Applicant will, to the extent practicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:
- (1) The National Research Act, as amended, 42 U.S.C. 289 *et seq.*, and
  - (2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11,
- e. Your Applicant will, to the extent practicable, comply with the labor standards and protections for federally funded Projects of:
- (1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 – 3144, 3146, and 3147,
  - (2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively, and
  - (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*,
- f. Your Applicant will, to the extent practicable, comply with any applicable environmental standards that may be prescribed to implement Federal laws and executive orders, including, but not limited to:
- (1) Following the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 – 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,
  - (2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. 7606 note,
  - (3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. 4321 note,

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- (4) Following the evaluation of flood hazards in floodplains provisions of Executive Order No. 11988, 42 U.S.C. 4321 note,
- (5) Complying with the assurance of Project consistency with the approved State management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 – 1465,
- (6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 – 7671q,
- (7) Complying with the protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,
- (8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544,
- (9) Complying with the environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation Project as required by 49 U.S.C. 303(b) and 303(c),
- (10) Complying with the protection of the components of the national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and
- (11) Complying with and facilitating compliance with:
  - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,
  - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and
  - (c) Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note,
- g. To the extent practicable, complying with the following Federal requirements for the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal funding:
  - (1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and
  - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4,
- h. To the extent practicable, obtaining a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR 41.117(d), before accepting delivery of any FTA funded building,
- i. To the extent practicable, complying with, and assuring its Subrecipients located in special flood hazard areas comply with, section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:
  - (1) Participating in the Federal flood insurance program, and
  - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more,

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- j. To the extent practicable, complying with:
- (1) The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds, including a Federal loan, grant agreement, or cooperative agreement, and
  - (2) 49 U.S.C. 5323(l)(2), as amended by MAP-21, and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding made available or authorized for 49 U.S.C. chapter 53 and 23 U.S.C. 142(a)(2) to whom the Hatch Act does not otherwise apply,
- k. Performing the financial and compliance audits as required by the:
- (1) Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*,
  - (2) U.S. OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” Revised, and
  - (3) Most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT, and
- l. To the extent practicable, complying with all the provisions of all other Federal laws or regulations that apply, and follow Federal guidance governing your Applicant and its Project, except to the extent that FTA has expressly approved otherwise in writing.

### GROUP 02. LOBBYING.

*Except if your Applicant is an Indian Tribe exempted from these requirements by 31 U.S.C. 1352, you must select the Certification in Group 02 if your Applicant seeks:*

- *A Federal grant or cooperative agreement exceeding \$100,000, or*
- *A Federal loan (including a line of credit), loan guarantee, or loan insurance exceeding \$150,000.*

*Your Applicant is ultimately responsible for compliance with the Certification and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant’s Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, FTA may not provide funding for your Applicant’s Project for which Group 02 applies unless you select the Certification in Group 02 on behalf of your Applicant. Any provision of the Certification in Group 02 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that:

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1. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," specifically 49 CFR 20.110:
  - a. The lobbying restrictions of this Certification apply to your Applicant's requests:
    - (1) For \$100,000 or more in Federal funding for a grant or cooperative agreement, and
    - (2) For \$150,000 or more in Federal funding for a loan, line of credit, or loan guarantee, and
  - b. Your Certification on behalf of your Applicant applies to the lobbying activities of:
    - (1) Your Applicant,
    - (2) Your Applicant's Principals, and
    - (3) Your Applicant's Subrecipients at the first tier,
2. To the best of your knowledge and belief:
  - a. No Federal appropriated funds have been or will be paid by or on its behalf to any person to influence or attempt to influence:
    - (1) An officer or employee of any Federal agency regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance, and
    - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance,
  - b. Your Applicant will submit a complete OMB Standard Form-LLL, "Disclosure of Lobbying Activities (Rev. 7-97)," consistent with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
    - (1) An officer or employee of any Federal agency regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance, and
    - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance, and
  - c. Your Applicant will include the language of this Certification in the award documents for all subawards at all tiers, including, but not limited to:
    - (1) Subcontracts,
    - (2) Subgrants,
    - (3) Subagreements, and
    - (4) Third party contracts under a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance,
3. Your Applicant understands that:
  - a. This Certification is a material representation of fact that the Federal government relies on, and
  - b. Your Applicant must submit this Certification before the Federal government may

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- award funding for a transaction covered by 31 U.S.C. 1352, including a:
- (1) Federal grant or cooperative agreement, or
  - (2) Federal loan, line of credit, loan guarantee, or loan insurance, and
4. Your Applicant also understands that any person who does not file a required Certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### GROUP 03. PRIVATE SECTOR PROTECTIONS.

*You must select the Assurance and enter into the Agreements in Group 03 on behalf of your Applicant if your Applicant intends to acquire public transportation property or operate public transportation supported with FTA capital or operating funds, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, before FTA may provide funding for your Applicant's Project that involves the acquisition of public transportation property or operations of public transportation that affect your Applicant's acquisitions or operations, you must select the Assurance in Group 03.A and enter into the Agreements in Group 03.B and Group 03.C on behalf of your Applicant. Any provision of the Assurance and Agreements in Group 03 that does not apply will not be enforced.*

#### A. Private Sector Property Protections.

*For FTA to make the findings necessary to protect private transportation providers, as required by 49 U.S.C. 5323(a)(1), you must select the Assurances in Group 03.A on behalf of your Applicant:*

1. *If your Applicant is a:*
  - a. *State,*
  - b. *Local government, or*
  - c. *Indian tribal government, and*
2. *If you are applying for or will apply on your Applicant's behalf for 49 U.S.C. chapter 53 funding to:*
  - a. *Acquire the property of a private transit operator, or*
  - b. *Operate public transportation in competition with or in addition to a public transportation operator.*

To facilitate FTA's ability to make the findings required by 49 U.S.C. 5323(a)(1), on

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

behalf of your Applicant, you assure that:

1. Your Applicant has or will have:
  - a. Determined that the funding is essential to carrying out a Program of Projects as required by 49 U.S.C. 5303, 5304, and 5306,
  - b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
  - c. Paid just compensation under State or local laws to the company for any franchise or property acquired, and
2. Your Applicant has completed the actions described in subsection 1 of this Certification before it:
  - a. Acquires the property or an interest in the property of a private provider of public transportation, or
  - b. Operates public transportation equipment or facilities:
    - (1) In competition with transportation service provided by an existing public transportation operator, or
    - (2) In addition to transportation service provided by an existing public transportation operator.

### **B. Charter Service Agreement.**

*You must enter into the Charter Service Agreement in Group 03.B on behalf of your Applicant if you apply for funding to acquire or operate transit facilities and equipment, unless your Applicant qualifies for an exception under Federal law and regulations.*

As required by 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," 49 CFR part 604, specifically 49 CFR 604.4, on behalf of your Applicant, you are entering into the following Charter Service Agreement:

1. General Requirements. FTA's "Charter Service" regulations apply as follows:
  - a. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired by FTA recipients for transportation Projects with Federal funding derived from:
    - (1) Federal transit laws, 49 U.S.C. chapter 53, or
    - (2) 23 U.S.C. 133 or 142,
  - b. FTA's charter service restrictions extend to:
    - (1) Your Applicant, when it becomes a recipient of Federal funding authorized for or made available for:
      - (a) Federal transit laws, 49 U.S.C. chapter 53, or
      - (b) 23 U.S.C. 133 or 142,
    - (2) Any Third Party Participant that receives Federal funding derived from:
      - (a) Federal transit laws, 49 U.S.C. chapter 53, or
      - (b) 23 U.S.C. 133 or 142,
  - c. A Third Party Participant includes any:
    - (1) Subrecipient at any tier,
    - (2) Lessee,



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- (3) Third Party Contractor or Subcontractor at any Tier, and
  - (4) Other Third Party Participant in your Applicant's Project,
  - d. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives FTA funding made available or authorized for your Applicant's Project will engage in charter service operations, except as permitted under:
    - (1) Federal transit laws, specifically 49 U.S.C. 5323(d) and (g),
    - (2) FTA regulations, "Charter Service," 49 CFR part 604, to the extent consistent with 49 U.S.C. 5323(d) and (g),
    - (3) Any other Federal Charter Service regulations, or
    - (4) Federal guidance, except as FTA determines otherwise in writing,
  - e. You and your Applicant agree that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
  - f. You and your Applicant agree that:
    - (1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives FTA funding made available or authorized for its Project that has engaged in a pattern of violations of FTA's Charter Service regulations by:
      - (a) Conducting charter operations prohibited by Federal transit laws and FTA's Charter Service regulations, or
      - (b) Otherwise violating your Applicant's Charter Service Agreement it has elected in its latest annual Certifications and Assurances, and
    - (2) These corrective measures and remedies may include:
      - (a) Barring Your Applicant or any Third Party Participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds,
      - (b) Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations, or
      - (c) Any other appropriate remedy that may apply, and
2. Exceptions. Apart from exceptions to the charter service restrictions in FTA's Charter Service Regulations, FTA has established the following additional exceptions to those restrictions:
- a. FTA's Charter Service restrictions do not apply to your Applicant seeking funding made available or appropriated for 49 U.S.C. 5307 to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, provided that your Applicant uses that FTA funding for program purposes only,
  - b. FTA's Charter Service restrictions do not apply to your Applicant seeking funding made available or appropriated for 49 U.S.C. 5310 to be used for New Freedom activities that would have been eligible for assistance under repealed 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, provided your Applicant uses that FTA funding for program purposes only, and

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- c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that recipient provides a private intercity or charter transportation operator reasonable access to that recipient's federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes as specified in 49 U.S.C. 5323(r), as amended by MAP-21.

### C. School Bus Agreement.

*You must enter into the School Bus Agreement in Group 03.C on behalf of your Applicant if you apply for funding to acquire or operate transit facilities and equipment, unless your Applicant qualifies for an exception under Federal law and regulations.*

As required by 49 U.S.C. 5323(f) and (g), as amended by MAP-21, and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), as amended by MAP-21, on behalf of your Applicant, you are entering into the following School Bus Agreement:

1. FTA's "School Bus Operations" regulations restrict school bus operations (as defined in the FTA regulations) using facilities and equipment acquired with Federal funding derived from:
  - a. Federal transit laws, 49 U.S.C. chapter 53, or
  - b. 23 U.S.C. 133 or 142,
2. FTA's school bus operations restrictions extend to:
  - a. Your Applicant, when it becomes a recipient of Federal funding made available or authorized for:
    - (1) Federal transit laws, 49 U.S.C. chapter 53, or
    - (2) 23 U.S.C. 133 or 142,
  - b. Any Third Party Participant that receives Federal funding derived from:
    - (1) Federal transit laws, 49 U.S.C. chapter 53, or
    - (2) 23 U.S.C. 133 or 142,
3. A Third Party Participant includes any:
  - a. Subrecipient at any tier,
  - b. Lessee,
  - c. Third Party Contractor or Subcontractor at any tier, and
  - d. Other Third Party Participant in the Project,
4. You and your Applicant agree, and will obtain the agreement of any Third Party Participant involved in your Applicant's Project, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
  - a. Federal transit laws, specifically 49 U.S.C. 5323(f) and (g), as amended by MAP-21,
  - b. FTA regulations, "School Bus Operations," 49 CFR Part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), as amended by MAP-21,
  - c. Any other Federal School Bus regulations, or

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- d. Federal guidance, except as FTA determines otherwise in writing,
5. You and your Applicant agree that the latest School Bus Agreement you have selected on its behalf in FTA's latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
6. You and your Applicant agree that FTA will bar your Applicant or any Third Party Participant that has violated this School Bus Agreement from receiving Federal transit funding in an amount FTA considers appropriate.

### GROUP 04. PROCUREMENT AND PROCUREMENT SYSTEM.

*We request that you select the Procurement and Procurement System Certification, on behalf of your Applicant, by selecting the Certification in Group 04, especially if your Applicant is a State, local, or Indian tribal government with a certified procurement system, as provided in 49 CFR 18.36(g)(3)(ii).*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Any provision of the Certification in Group 04 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that your Applicant's procurements and procurement system will comply with all Federal laws and regulations in accordance with applicable Federal guidance, except to the extent FTA has approved otherwise in writing.

### GROUP 05. ROLLING STOCK REVIEWS AND BUS TESTING.

*You must select the Certifications in Group 05 on behalf of your Applicant if your Applicant, using FTA funds, intends to acquire:*

- *Rolling stock for use in revenue service. or*
- *A new bus model.*

*The Certifications in Group 05 are required for such acquisitions listed above regardless of whether the FTA funds used were made available or appropriated for:*

- *49 U.S.C. chapter 53, as amended by MAP-21, or*
- *Former 49 U.S.C. chapter 53 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient*

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*or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, before FTA may provide funding for your Applicant's Project to acquire rolling stock or a new bus model, you must select the Certifications in Group 05 on behalf of your Applicant. Any provision of the Certifications in Group 05 that does not apply will not be enforced.*

### **A. Rolling Stock Reviews.**

(If your Applicant seeks FTA funding for rolling stock for use in revenue service.)

On behalf of your Applicant, you certify that in procuring revenue service rolling stock for use in revenue service:

1. Your Applicant will comply with:
  - a. Federal transit laws, specifically 49 U.S.C. 5323(m), and
  - b. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, and
2. As provided in 49 CFR 663.7:
  - a. Your Applicant will conduct or cause to be conducted the required pre-award and post-delivery reviews, and
  - b. Your Applicant will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

### **B. Bus Testing.**

(If your Applicant seeks FTA funding to acquire a new bus model.)

On behalf of your Applicant, you certify that:

1. Because the MAP-21 cross-cutting requirement "Bus Testing" applies to all acquisitions of new buses and new bus models that require bus testing, your Applicant will comply with:
  - a. 49 U.S.C. 5318, as amended by MAP-21, and
  - b. FTA regulations, "Bus Testing," 49 CFR part 665, to the extent these regulations are consistent with 49 U.S.C. 5318, as amended by MAP-21,
2. As required by 49 CFR 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration:
  - a. Your Applicant will not spend any Federal funds appropriated under 49 U.S.C. chapter 53 to acquire that bus until:
    - (1) The bus has been tested at FTA's bus testing facility, and
    - (2) It has received a copy of the test report prepared on that new bus model, and

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- b. Your Applicant will not authorize final acceptance of the bus until:
  - (1) The bus has been tested at FTA's bus testing facility,
  - (2) It has received a copy of the test report prepared on that new bus model,
3. Your Applicant will ensure that the bus that is tested has met the performance standards consistent with those regulations, including:
  - a. Performance standards for:
    - (1) Maintainability,
    - (2) Reliability,
    - (3) Performance (including braking performance),
    - (4) Structural integrity,
    - (5) Fuel economy,
    - (6) Emissions, and
    - (7) Noise, and
  - b. Minimum safety performance standards established under 49 U.S.C. 5329, as amended by MAP-21, and
4. After FTA has issued regulations authorized by 49 U.S.C. 5318(e)(2), as amended by MAP-21, your Applicant will ensure that the bus that is tested has received a passing aggregate test score under the "Pass/Fail" standard established under 49 U.S.C. 5318(e)(2), as amended by MAP-21.

### GROUP 06. DEMAND RESPONSIVE SERVICE.

*You must select the Certification in Group 06 on behalf of your Applicant if your Applicant is a public entity, operates demand responsive service and intends to use FTA funding to acquire a non-rail vehicle that is not accessible, but financed with FTA funds made available or appropriated for:*

- *49 U.S.C. chapter 53, as amended by MAP-21, or*
- *Former 49 U.S.C. chapter 53 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, before FTA may provide funding for your Applicant's Project to acquire a non-rail transit vehicle that is not accessible, you must select the Certification in Group 06 on behalf of your Applicant. Any provision of the Certification in Group 06 that does not apply will not be enforced.*

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR part 37, specifically 49 CFR 37.77(d), on behalf of your

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Applicant, you certify that:

1. Your Applicant offers public transportation services equivalent in level and quality of service to:
  - a. Individuals with disabilities, including individuals who use wheelchairs, and
  - b. Individuals without disabilities, and
2. Viewed in its entirety, your Applicant's service for individuals with disabilities is:
  - a. Provided in the most integrated setting feasible, and
  - b. Equivalent to the service it offers individuals without disabilities with respect to:
    - (1) Response time,
    - (2) Fares,
    - (3) Geographic service area,
    - (4) Hours and days of service,
    - (5) Restrictions on priorities based on trip purpose,
    - (6) Availability of information and reservation capability, and
    - (7) Constraints on capacity or service availability.

### GROUP 07. INTELLIGENT TRANSPORTATION SYSTEMS.

*You must select the Assurance in Group 07 on behalf of your Applicant if your Applicant applies for Federal funding to support:*

- *An Intelligent Transportation Systems (ITS) Project, or*
- *A Project in support of an ITS Project.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, before FTA may provide funding for your Applicant's Project to support an ITS Project or a Project that supports an ITS project, you must select the Assurances in Group 07 on behalf of your Applicant. Any provision of the Assurance in Group 07 that does not apply will not be enforced.*

On behalf of your Applicant, you assure that:

1. As used in this assurance, the term Intelligent Transportation Systems (ITS) Project is defined to include any Project that in whole or in part finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the "National ITS Architecture," and
2. As provided in 23 U.S.C. 517(d), any ITS Project your Applicant undertakes that is funded with appropriations made available from the Highway Trust Fund, including amounts made available to deploy intelligent transportation systems, will conform to

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the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. 517(a) or (c), unless your Applicant obtains a waiver as provided in 23 U.S.C. 517(d)(2).

### **GROUP 08. INTEREST AND FINANCING COSTS AND LEASING COSTS.**

*You must select the Certifications in Group 08 on behalf of your Applicant if your Applicant's Project involves interest, financing or leasing costs supported with FTA funds made available or appropriated for:*

- *49 U.S.C. chapter 53, as amended by MAP-21, or*
- *Former 49 U.S.C. chapter 53 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, before FTA may provide funding for the interest, financing or leasing costs that are a part of or connected with your Applicant's Project, you must select the Certifications in Group 08 on behalf of your Applicant. Any provision of the Certifications in Group 08 that does not apply will not be enforced.*

#### **A. Interest and Financing Costs.**

*You must select the Certification in Group 08.A if your Applicant intends to reimburse interest or other financing costs for Projects funded by the Urbanized Area Formula Program, Fixed Guideway Capital Investment Program, or the New Starts or Small Starts Program within the Capital Investment Program.*

On behalf of your Applicant, you certify that:

1. Your Applicant will not seek reimbursement for interest or other financing costs unless:
  - a. It is eligible to receive Federal funding for those costs, and
  - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, to the extent FTA may require, and
2. Your Applicant will comply with the same favorable financing cost provisions for:
  - a. Urbanized Area Formula Projects funded by MAP-21 or previous FTA enabling legislation,
  - b. Projects under Full Funding Grant Agreements funded by MAP-21 or previous FTA enabling legislation,

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- c. Projects with Early Systems Work Agreements funded by MAP-21 or previous FTA enabling legislation,
- d. Fixed Guideway Capital Investment Projects funded by previous FTA enabling legislation,
- e. State of Good Repair Projects funded by MAP-21,
- f. Bus and Bus Facilities Projects funded by MAP-21, and
- g. Low or No Emission Vehicle Development Projects funded by MAP-21.

### **B. Acquisition of Capital Assets by Lease.**

*You must select the Certification in Group 08.B if your Applicant intends to use FTA funding to acquire capital assets through a lease.*

On behalf of your Applicant, you certify and assure that, as required by FTA regulations, "Capital Leases," 49 CFR part 639, specifically 49 CFR 639.15(b)(1) and 49 CFR 639.21, if your Applicant acquires any capital asset through a lease financed with Federal funding authorized under 49 U.S.C. chapter 53:

1. Your Applicant will not use Federal funding authorized under 49 U.S.C. chapter 53 to finance the cost of leasing any capital asset until:
  - a. It performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset, and
  - b. It completes these calculations before the later of:
    - (1) Entering into the lease, or
    - (2) Receiving a capital grant for the asset, and
2. Your Applicant will not enter into a capital lease for which FTA can provide only incremental Federal funding unless your Applicant has adequate financial resources to meet its future lease obligations if Federal funding is not available.

### **GROUP 09. TRANSIT ASSET MANAGEMENT AND AGENCY SAFETY PLANS.**

*Except as FTA determines otherwise in writing, you must select the Certifications in Group 09 on behalf of your Applicant if your Applicant seeks FTA funds made available or appropriated for:*

- 49 U.S.C. chapter 53, as amended by MAP-21, or
- Former 49 U.S.C. chapter 53 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead, including:
  - Transit Asset Management Provisions (and Asset Inventory and Condition Reporting), and
  - Agency Safety Plans.

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient*



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*documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, before FTA may provide funding made available or appropriated for 49 U.S.C. chapter 53, you must select the Certifications in Group 09 on behalf of your Applicant. Any provision of the Certifications in Group 09 that does not apply will not be enforced.*

### **A. Transit Asset Management Plan.**

*You must select the Certification in Group 09.A on behalf of your Applicant if your Applicant applies, as a direct Recipient, of funding made available or appropriated for 49 U.S.C. chapter 53, as amended by MAP-21 or for former 49 U.S.C. chapter 53 in effect in FY 2012 or a previous fiscal year, except as superseded MAP-21 cross-cutting requirement, "Transit Asset Management Provisions (and Asset Inventory and Condition Reporting)" instead.*

On behalf of your Applicant, you certify that your Applicant will comply, and each Subrecipient will:

1. Follow Federal guidance issued that implements transit asset management system provisions of 49 U.S.C. 5326, as amended by MAP-21, except as FTA determines otherwise in writing, and
2. Comply with the final Federal regulations that implement the transit asset management system required by 49 U.S.C. 5326, as amended by MAP-21, after those regulations have been issued as required by 49 U.S.C. 5326(e), as amended by MAP-21.

### **B. Public Transportation Agency Safety Plan.**

*You must select the Certification in Group 09.B on behalf of your Applicant if your Applicant is a State government, local government, or any other operator of a public transportation system and seeks funding made available or appropriated for 49 U.S.C. chapter 53, as amended by MAP-21, or for former 49 U.S.C. chapter 53 in effect in FY 2012 or a previous fiscal year, except as superseded by the MAP-21 cross-cutting requirement, "Agency Safety Plans."*

On behalf of your Applicant, you certify that your Applicant will:

1. Follow Federal guidance issued that implements the safety plan provisions of 49 U.S.C. § 5329(a) – (d), as amended by MAP-21, except as FTA determines otherwise in writing, and
2. Comply with the final Federal regulations that implement the safety plan requirements of 49 U.S.C. § 5329(a) – (d), as amended by MAP-21, after within one year after FTA has issued that plan as required by 49 U.S.C. 5329(b), as amended by MAP-21.

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### GROUP 10. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

*Except as FTA determines otherwise in writing, you must select the Certification in Group 10 on behalf of your Applicant if your Applicant is required to comply with the alcohol and controlled substance testing requirements of:*

- 49 U.S.C. 5331, as amended by MAP-21, or
- Former 49 U.S.C. 5331 in effect in FY 2012 or a previous fiscal year, except as superseded instead by the MAP-21 cross-cutting requirement, "Alcohol and Controlled Substance Testing."

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, before FTA may provide funding for your Applicant's Project, you must select the Certification in Group 10 on behalf of your Applicant. Any provision of the Certification that does not apply will not be enforced.*

As required by 49 U.S.C. 5331, as amended by MAP-21, and FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," specifically 49 CFR part 655, subpart I, on behalf of your Applicant, you certify that:

1. Your Applicant has established and implemented:
  - a. An alcohol misuse testing program, and
  - b. A controlled substance testing program,
2. Your Applicant has complied with or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. 5331, as amended by MAP-21, and
3. Further, should your Applicant reside in a State that permits marijuana use for medical or recreational purposes, your Applicant has complied or will comply with the Federal controlled substance testing requirements of 49 CFR part 655.

### GROUP 11. FIXED GUIDEWAY CAPITAL INVESTMENT PROGRAM (NEW STARTS, SMALL STARTS, AND CORE CAPACITY) AND CAPITAL INVESTMENT PROGRAM IN EFFECT BEFORE MAP-21.

*The Certification in Group 11 is in addition to other Certifications and Assurances listed previously that are required for the New Starts, Small Starts, or Core Capacity Programs within the MAP-21 Fixed Guideway Capital Investment Program and also for the Capital Investment Program financed with funds made available or appropriated for former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year.*

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*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, you must select the Certification in Group 11 on behalf of your Applicant if your Applicant seeks financing for its:*

- *Fixed Guideway Capital Investment Program Project financed with funds made available or appropriated for 49 U.S.C. 5309, as amended by MAP-21, or*
- *Capital Investment Project financed with funds made available or appropriated for former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead.*

*FTA has determined that MAP-21 requirements will apply to all funding for New Starts, Small Starts, or Core Capacity projects irrespective of whether they are financed with MAP-21 funds or funds made available or appropriated for FY 2012 or a previous fiscal year. Except as FTA determines otherwise in writing, before FTA may provide funding for your Applicant's New Starts, Small Starts, or Core Capacity Project, you must select the Certification in Group 11 on behalf of your Applicant. Any provision of the Certification in Group 11 that does not apply will not be enforced.*

Except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately, and
4. Your Applicant will comply with:
  - a. The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
  - b. The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21.

### **GROUP 12. STATE OF GOOD REPAIR PROGRAM.**

*Although 49 U.S.C. 5337, as amended by MAP-21, did not require special Certifications and Assurances for the State of Good Repair Program, other Certifications and Assurances within Appendix A to this Notice are required for State of Good Repair*

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### *Program funding.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take the appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Therefore, we encourage you to select the Certification in Group 12 if your Applicant seeks State of Good Repair Program funding authorized by 49 U.S.C. 5337, as amended by MAP-21.*

On behalf of your Applicant, you certify that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately, and
4. Your Applicant will comply with:
  - a. The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
  - b. The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21.

### **GROUP 13. FIXED GUIDEWAY MODERNIZATION GRANT PROGRAM.**

*The Certification in Group 13 is in addition to other Certifications and Assurances listed previously that are required for Fixed Guideway Modernization Grant Program funding.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, you must select the Certifications in*

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*Group 13 on behalf of your Applicant if your Applicant seeks funding for its Fixed Guideway Modernization Project under 49 U.S.C. 5309(b)(2) in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

*Before FTA may provide funding made available or appropriated for any of these Projects, on behalf of your Applicant, you must have selected the Certification in Group 13 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Certification in Group 13 that does not apply will not be enforced.*

The following Certifications for Fixed Guideway Modernization Grant Program funding are required by former 49 U.S.C. 5309(c)(2) and former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately, and
4. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21.

### **GROUP 14. BUS AND BUS FACILITIES PROGRAMS.**

*The Certifications in Group 14A are in addition to other Certifications and Assurances listed previously that are required for Bus and Bus Facilities Program funding.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, you must select the Certifications in Group 14, on behalf of your Applicant, if your Applicant seeks financing for its:*

- *Bus and Bus Facilities Formula Grant Program financed with funds made available or appropriated for 49 U.S.C. 5339, as amended by MAP-21, or*

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- *Bus and Bus Related Equipment and Facilities Project financed with funds made available or appropriated for former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a previous fiscal year.*

*In administering these programs, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

*These two programs have or will have funding available during FY 2013. Accordingly, if your Applicant seeks funding made available or authorized by 49 U.S.C. 5339, as amended by MAP-21, or former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, you should provide the two subgroups of Certifications in Group 14, on behalf of your Applicant, to assure that FTA can select the type of funding it considers most suitable.*

*Before FTA may provide funding made available or appropriated for your Applicant's Project, on behalf of your Applicant, you must have selected the Certifications in Group 14 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Certifications in Group 14 that does not apply will not be enforced.*

### **A. Bus and Bus Facilities Formula Grants Program**

*You must select the Certification in Group 14.A if your Applicant seeks funding for its Bus or Bus Facilities Formula Project financed with funds made available or appropriated for 49 U.S.C. 5339, as amended by MAP-21.*

The following Certification for Bus and Bus Facilities Formula Grants Program funding are required by 49 U.S.C. 5339(b), as amended by MAP-21, which states that "The requirements of section 5307 apply to recipients of grants made under this section." Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately,
4. Your Applicant will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C.5339, as amended by MAP-21, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,

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- b. Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
- c. Any individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
- d. Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C.5339, as amended by MAP-21, your Applicant will comply with the:
  - a. General provisions for FTA programs of 49 U.S.C. 5323, as amended by MAP-21, and
  - b. Third party procurement requirements of 49 U.S.C. 5325, as amended by MAP-21,
6. Your Applicant has complied with or will comply with 49 U.S.C. 5307(b), as amended by MAP-21, because it:
  - a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5339,
  - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
  - d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by U.S. DOT under 49 U.S.C. 5336 with federally funded transportation services supported by United States Government sources other than U.S. DOT,
  - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), as amended by MAP-21, your Applicant:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from approved non-Federal sources except if otherwise authorized by law, and
  - c. Will provide the local share funds when needed,
8. Your Applicant will comply with:
  - a. The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
  - b. The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,

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9. Your Applicant has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
10. Your Applicant will comply with requirements for Public Transportation Agency Safety Plan requirements of 49 U.S.C. 5329, as amended by MAP-21.

### **B. Bus and Bus Related Equipment and Facilities Grant Program (Discretionary).**

*You must select the Certification in Group 14.B if your Applicant seeks funding for its Bus or Bus Related Equipment and Facilities Project financed with funds made available or appropriated for former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a previous fiscal year. In administering these programs, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

*Except as FTA determines otherwise in writing, you must select the Certification in Group 14.B on behalf of your Applicant if your Applicant seeks funding for its discretionary Bus and Bus Related Equipment and Facilities Project. Before FTA may provide funding made available or appropriated for the discretionary Bus and Bus Related Equipment and Facilities Program, on behalf of your Applicant:*

- *In FY 2013, you must have selected the Certifications and Assurances required by former 49 U.S.C. 5307(d)(1)(A) – (C) and (H) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead, or*
  - *You must have selected the Certification in Group 14.B.*
- Any provision of the Certification in Group 14.B that does not apply will not be enforced.*

The following Certification for discretionary Bus and Bus Related Equipment and Facilities Grant Program funding are required by former 49 U.S.C. 5309(c)(2), which applies the requirements of former 49 U.S.C. 5307(d)(1)(A), (B), (C), and (H) in effect in FY 2012 or a previous fiscal year to this Program, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately, and
4. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by



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MAP-21.

### GROUP 15. URBANIZED AREA FORMULA GRANT PROGRAMS AND JOB ACCESS AND REVERSE COMMUTE (JARC) FORMULA GRANT PROGRAM.

*The Certifications in Group 15 are in addition to other Certifications and Assurances listed previously that are required for the Urbanized Area Formula Grants Programs or Job Access and Reverse Commute (JARC) Formula Grant Program funding.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, you must select the Certifications in Group 15, on behalf of your Applicant, if your Applicant seeks financing for its:*

- *Urbanized Area Formula Project financed with funds made available or appropriated for 49 U.S.C. 5307, as amended by MAP-21, which among other things, authorizes funding for JARC Projects and Project Activities,*
- *Urbanized Area Formula Project financed with funds made available or appropriated for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, or*
- *Job Access and Reverse Commute Project financed with funds made available or appropriated for former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year.*

*In administering these programs, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

*These three programs have or will have funding available during FY 2013. Accordingly, if your Applicant seeks funding made available or authorized by 49 U.S.C. 5307 or former 49 U.S.C. 5316, you should provide the three subgroups of Certifications in Group 15, on behalf of your Applicant, to assure that FTA can select the type of funding it considers most suitable.*

*Before FTA may provide funding made available or appropriated for any of these Projects, on behalf of your Applicant, you must have selected the Certifications in Group 15 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Certifications in Group 15 that does not apply will not be enforced.*

#### **A. Urbanized Area Formula Program under MAP-21.**

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*You must select the Certification in Group 15.A if your Applicant seeks funding for its Urbanized Area Formula Project financed with funds made available or appropriated for 49 U.S.C. 5307, as amended by MAP-21.*

The following Certification for the Urbanized Area Formula Program funding made available or appropriated for MAP-21 are required by 49 U.S.C. 5307(c)(1), as amended by MAP-21. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately,
4. Your Applicant will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C. 5307, as amended by MAP-21, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - c. Any individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
  - d. Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C. 5307, as amended by MAP-21, your Applicant will comply with the:
  - a. General provisions for FTA programs of 49 U.S.C. 5323, and
  - b. Third party procurement requirements of 49 U.S.C. 5325,
6. Your Applicant has complied with or will comply with 49 U.S.C. 5307(b), as amended by MAP-21, because it:
  - a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5307,
  - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed

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- Program of Projects and its performance as an Applicant or Recipient,
- d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by U.S. DOT under 49 U.S.C. 5336 with federally funded transportation services supported by United States Government sources other than U.S. DOT,
  - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), as amended by MAP-21, your Applicant:
    - a. Has or will have the amount of funds required for the local share,
    - b. Will provide the local share funds from approved non-Federal sources except if otherwise authorized by law, and
    - c. Will provide the local share funds when needed,
  8. As required by 49 U.S.C. 5307(c)(1)(H) and 49 U.S.C. 5309(c)(2), as amended by MAP-21, your Applicant will comply with:
    - a. The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
    - b. The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,
  9. As required by 49 U.S.C. 5307(c)(1)(I), as amended by MAP-21, your Applicant has a locally developed process to solicit and consider public comment before:
    - a. Raising a fare, or
    - b. Implementing a major reduction of public transportation,
  10. Each fiscal year:
    - a. Your Applicant will ensure that at least one (1) percent of the amount of the 49 U.S.C. 5307 funding apportioned to the urbanized area is spent for public transportation security Projects as described in 49 U.S.C. 5307(c)(1)(J)(i) including:
      - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
      - (2) Increased camera surveillance of an area in or adjacent to that system,
      - (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
      - (4) Any other Project intended to increase the security and safety of an existing or planned public transportation, or
    - b. The Designated Recipients in your Applicant's urbanized area will certify that such expenditures for transportation security Projects are not necessary, (Information about the intentions of your Designated Recipients in the Applicant's urbanized area must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Program application in TEAM-Web),
  11. If your Applicant serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:

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- a. Each fiscal year, your Applicant will ensure that at least one (1) percent of the amount apportioned to the urbanized area is spent for Associated Transit Improvements, as defined in 49 U.S.C. 5302(1), as amended by MAP-21,
  - b. Your Applicant will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:
    - (1) A list of its Associated Transit Improvement Projects or Project activities during that Federal fiscal year using those 49 U.S.C. 5307 funds, or
    - (2) Sufficient information to demonstrate that the Designated Recipients in its area together have spent one (1) percent of the amount of funding that must be made available to them for Associated Transit Improvement Projects or Project activities, or have included the same information in a separate report attached in TEAM-Web, and
  - c. The report of your Applicant's Associated Transit Improvement Projects or Project activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
12. Your Applicant will comply with its Public Transportation Agency Safety Plan as required by 49 U.S.C. 5329, as amended by MAP-21.

### **B. Urbanized Area Formula Program Before MAP-21 Became Effective.**

*You must select the Certification in Group 15.B if your Applicant seeks funding for its Urbanized Area Formula Project financed with funds made available or appropriated for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

The following Certification for the Urbanized Area Formula Grants Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately,
4. Your Applicant will ensure that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any elderly individual,

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- b. Any handicapped individual, as described in 49 CFR part 27,
  - c. Any individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
  - d. Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead:
- a. Your Applicant will use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - b. Your Applicant will not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
  - c. As provided by the MAP-21 cross-cutting requirement, "Buy America," your Applicant will comply with 49 U.S.C. 5323(j), as amended by MAP-21,
  - d. Your Applicant will comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - e. As provided by MAP-21 cross-cutting requirements, your Applicant will comply with applicable railcar option restrictions of 49 U.S.C. 5325(e), as amended by MAP-21, and
  - f. As required by the MAP cross-cutting requirement, "Veterans Preference/Employment," your Applicant will comply with 49 U.S.C. 5325(k), as amended by MAP-21,
6. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, former 49 U.S.C. 5307(b) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 requirements that apply instead:
- a. For a capital project that will substantially affect a community or the public transportation service of a community, your Applicant:
    - (1) Has provided an adequate opportunity for public review and comment on its Project,
    - (2) After providing notice, has held a public hearing on the project if the project affects significant economic, social, or environmental interests,
    - (3) Has considered the economic, social, and environmental effects of the project, and
    - (4) Has found that the project is consistent with official plans for developing the community,
  - b. The notice of a hearing your Applicant published:
    - (1) Included a concise description of the proposed project, and
    - (2) Was published in a newspaper of general circulation in the geographic area the project will serve, and
  - c. Your Applicant's application for a capital grant that will substantially affect a community, or the public transportation service of a community under former 49 U.S.C. chapter 53 in effect in FY 2012 or a previous fiscal year for a capital project described in paragraph (1) will include the following:
    - (1) A Certification that the applicant has complied with the requirements of

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- 49 U.S.C. 5323(b)(1)(C), and
- (2) In the environmental record for the project, evidence that your Applicant has complied with the requirements of 49 U.S.C. 5323(b)(1)(C).
7. Your Applicant:
- Has or will have the amount of funds required for the local share by former 49 U.S.C. 5307(e) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead,
  - Will provide the local share funds from approved non-Federal sources except as permitted by former 49 U.S.C. 5307(e) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead, and
  - Will provide the local share funds when needed,
8. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21,
9. Your Applicant has a locally developed process to solicit and consider public comment before:
- Raising a fare, or
  - Implementing a major reduction of public transportation,
10. Each fiscal year:
- Your Applicant will spend at least one (1) percent of its 49 U.S.C. 5307 funding for public transportation security Projects (limited to capital Projects if your Applicant serves an urbanized area with a population of 200,000 or more), including:
    - Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
    - Increased camera surveillance of an area in or adjacent to that system,
    - Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
    - Any other Project intended to increase the security and safety of an existing or planned public transportation, or
  - Your Applicant will certify that such expenditures for transportation security Projects are not necessary,  
(Information about your Applicant's intentions must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Program application in TEAM-Web),
11. If your Applicant serves an urbanized area with a population of at least 200,000 individuals:
- Each fiscal year, your Applicant will ensure that at least one (1) percent of the amount apportioned to the urbanized area is spent for Transit Enhancements, as defined in former 49 U.S.C. 5302(a)(15),
  - Your Applicant will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year
    - A list of its Transit Enhancement Project activities during that Federal fiscal year using those former 49 U.S.C. 5307 funds, or

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- (2) Sufficient information to demonstrate that the Designated Recipients in your Applicant's urbanized area together have spent one (1) percent of the amount of funding that must be made available to them for Transit Enhancements or have included the same information in a separate report attached in TEAM-Web, and
  - c. The report of your Applicant or the Designated Recipients' Transit Enhancement Projects or Project activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
12. As required by the MAP-21 cross-cutting requirement, "Agency Safety Plans," your Applicant will comply with its Public Transportation Agency Safety Plan, as required by 49 U.S.C. 5329, as amended by MAP-21.

### C. Job Access and Reverse Commute (JARC) Formula Grant Program.

You must select the Certification in Group 15.C if your Applicant seeks funding for its JARC Project financed with funds made available or appropriated for former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year. In administering program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.

1. The following Certification for the Urbanized Area Formula Grants Program are required by former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. Your Applicant will make awards of JARC funding on a competitive basis following:
    - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5316, and
    - (2) A statewide solicitation for applications for JARC funding in compliance with former 49 U.S.C. 5316,
  - b. Any allocations to Subrecipients of JARC funding authorized by former 49 U.S.C. 5316 will be distributed on a fair and equitable basis,
  - c. As required by former 49 U.S.C. 5316:
    - (1) The projects your Applicant has selected or will select for funding made available or appropriated for that program were derived from a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated,
    - (2) That locally developed, coordinated plan was produced through a process that included:
      - (a) Representatives of public, private, and nonprofit transportation providers,
      - (b) Representatives of public, private, and nonprofit human services

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- providers, and
- (c) Participation by the public,
- d. Before your Applicant transfers funds to a project funded by former 49 U.S.C. 5336, that project has been or will have been coordinated with private nonprofit providers of services,
- e. Before using funds apportioned for projects serving an area other than that for which funding was apportioned under former 49 U.S.C. 5316:
- (1) The State's chief executive officer, or his or her designee, will have certified that all the JARC program objectives of former 49 U.S.C. 5316 are being met in the area from which the funding would be derived, and
  - (2) If the State has a statewide program for meeting the JARC program objectives of former 49 U.S.C. 5316, the funds can be used for projects anywhere in the State, and
- f. The requirements of former 49 U.S.C. 5307 will apply to the JARC Program, authorized by former 49 U.S.C. 5316, and
2. The following Certifications for the JARC Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
- a. Your Applicant has or will have, and will require each Subrecipient to have:
    - (1) The legal capacity to carry out its proposed Projects,
    - (2) The financial capacity to carry out its proposed Projects,
    - (3) The technical capacity to carry out its proposed Projects,
    - (4) The necessary capacity to carry out the safety aspects of its proposed Projects, and
    - (5) The necessary capacity to carry out the security aspects of its proposed Projects,
  - b. Your Applicant has or will have, and will require each Subrecipient to have satisfactory continuing control over the use of Project equipment and facilities,
  - c. Your Applicant will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,
  - d. Your Applicant will ensure, and will require each Subrecipient to ensure, that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
    - (1) Any elderly individual,
    - (2) Any handicapped individual, as described in 49 CFR part 27,
    - (3) Any individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
    - (4) Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395



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*et seq.*),

- e. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead, your Applicant will, and will require each Subrecipient to:
  - (1) Use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a), and
  - (2) Not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
- f. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, former 49 U.S.C. 5307(c) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 requirements that apply instead:
  - (1) For a capital project that will substantially affect a community or the public transportation service of a community, your Applicant:
    - (a) Has provided an adequate opportunity for public review and comment on its Project,
    - (b) After providing notice, has held a public hearing on the project if the project affects significant economic, social, or environmental interests,
    - (c) Has considered the economic, social, and environmental effects of the project, and
    - (d) Has found that the project is consistent with official plans for developing the community,
  - (2) The notice of a hearing your Applicant published:
    - (a) Included a concise description of the proposed project, and
    - (b) Was published in a newspaper of general circulation in the geographic area the project will serve, and
  - (3) Your Applicant's application for a capital grant that will substantially affect a community, or the public transportation service of a community under former 49 U.S.C. chapter 53 in effect in FY 2012 or a previous fiscal year for a capital project described in paragraph (1) will include the following:
    - (a) A Certification that the applicant has complied with the requirements of 49 U.S.C. 5323(b)(1)(C), as amended by MAP-21, and
    - (b) In the environmental record for the project, evidence that your Applicant has complied with the requirements of 49 U.S.C. 5323(b)(1)(C).
- g. Your Applicant:
  - (1) Has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the local share by former 49 U.S.C. 5307(e) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead,
  - (2) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds from approved non-Federal sources except as

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permitted by former 49 U.S.C. 5307(e) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead, and

- (3) Will provide and, as necessary, will provide the local share funds when needed,
- h. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21,
- i. Your Applicant has or will have, and will require each Subrecipient to have a locally developed process to solicit and consider public comment before:
  - (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation, and
- j. To the extent applicable, as required by the MAP-21 cross-cutting requirement, "Agency Safety Plans," your Applicant will comply with and, as necessary, will require each Subrecipient to comply with its Public Transportation Agency Safety Plan, as required by 49 U.S.C. 5329, as amended by MAP-21.

### **GROUP 16. SENIORS/ELDERLY/INDIVIDUALS WITH DISABILITIES AND NEW FREEDOM PROGRAMS.**

*The Certifications in Group 16 are in addition to other Certifications and Assurances listed previously that are required for Seniors/Elderly/Individuals with Disabilities or New Freedom Program funding.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, you must select the Certifications in Group 16, on behalf of your Applicant, if your Applicant seeks financing for its:*

- *Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Project, financed or to be financed with funds made available or appropriated for 49 U.S.C. 5310, as amended by MAP-21, which among other things authorizes funding for New Freedom Projects and Project Activities,*
- *Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Project financed or to be financed with funds made available or appropriated for former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year,*  
*or*
- *New Freedom Project financed or to be financed with funds made available or*

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*appropriated for former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year.*

*In administering these programs, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

*These three programs have or will have funding available during FY 2013. Accordingly, if your Applicant seeks funding made available or authorized by 49 U.S.C. 5310 or former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, you should provide the three subgroups of Certifications in Group 16, on behalf of your Applicant, to assure that FTA can select the type of funding it considers most suitable. Before FTA may provide funding made available or appropriated for any of these Projects, on behalf of your Applicant, you must have selected the Certifications in Group 16 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Certifications in Group 16 that does not apply will not be enforced.*

### **A. Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.**

*You must select the Certification in Group 16.A if your Applicant seeks funding for its Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Project financed with funds made available or appropriated for 49 U.S.C. 5310, as amended by MAP-21.*

1. The following Certification for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. 5310, as amended by MAP-21. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. Each of your Applicant's Subrecipients is:
    - (1) A private nonprofit organization, or
    - (2) A State or local governmental authority that:
      - (a) Is approved by a State to coordinate services for seniors and individuals with disabilities; or
      - (b) Certifies that there are no private nonprofit organizations readily available in the area to provide services authorized under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program,
  - b. Your Applicant will comply with the following Project selection and planning requirements:
    - (1) The Projects your Applicant has selected or will select for funding made available or appropriated for 49 U.S.C. 5310, as amended by MAP-21, are included in a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated,

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- (2) That public transit-human services transportation plan was developed and approved through a process that included participation by:
    - (a) Seniors,
    - (b) Individuals with disabilities,
    - (c) Representatives of public, private, and nonprofit transportation providers,
    - (d) Representatives of public, private, and nonprofit human services providers, and
    - (e) Other members of the public; and
  - (3) To the maximum extent feasible, the services funded by 49 U.S.C. 5310, as amended by MAP-21, will be coordinated with transportation services funded by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services,
- c. As required by 49 U.S.C. 5310(e)(2)(B), as amended by MAP-21, your Applicant certifies that if it allocates funds received under 49 U.S.C. 5310, as amended by MAP-21, to Subrecipients, it will have allocated those funds on a fair and equitable basis,
  - d. Your Applicant will transfer a facility or equipment financed with funding made available or appropriated for a grant under 49 U.S.C. 5310, as amended by MAP-21, to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, as amended by MAP-21, only if:
    - (1) The recipient in possession of the facility or equipment consents to the transfer, and
    - (2) The facility or equipment will continue to be used as required under 49 U.S.C. 5310, as amended by MAP-21, and
  - e. The requirements of 49 U.S.C. 5307, as amended by MAP-21, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities, authorized by 49 U.S.C. 5310, as amended by MAP-21, and
2. FTA has determined certain requirements of 49 U.S.C. 5307, as amended by MAP-21, to be appropriate for which some require Certifications. Therefore, as specified under 49 U.S.C. 5307(c)(1), as amended by MAP-21, your Applicant certifies that:
    - a. Your Applicant has or will have, and will require each Subrecipient to have, the:
      - (1) Legal capacity to carry out its proposed Projects,
      - (2) Financial capacity to carry out its proposed Projects,
      - (3) Technical capacity to carry out its proposed Projects,
      - (4) Necessary capacity to carry out the safety aspects of its proposed Projects, and
      - (5) Necessary capacity to carry out the security aspects of its proposed Projects,
    - b. Your Applicant has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and

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- facilities,
- c. Your Applicant will maintain, and will require each Subrecipient to maintain its Project equipment and facilities adequately,
  - d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, your Applicant will, and will require each Subrecipient to:
    - (1) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, as amended by MAP-21, and
    - (2) Comply with the third party procurement requirements of 49 U.S.C. 5325, as amended by MAP-21,
  - e. Your Applicant:
    - (1) Has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the local share by 49 U.S.C. 5307(d), as amended by MAP-21,
    - (2) Will provide and, as necessary, will require each Subrecipient to provide the local share funds from approved non-Federal sources, except as permitted by 49 U.S.C. 5307(d), as amended by MAP-21, and
    - (3) Will provide and, as necessary, will require each Subrecipient to provide the local share funds when needed,
  - f. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with:
    - (1) The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
    - (2) The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21, and
  - g. To the extent applicable, your Applicant will comply with, and require its Subrecipients to comply with the requirements for a Public Transportation Agency Safety Plan provided by 49 U.S.C. 5329(d), as amended by MAP-21, to the extent FTA so requires.

### **B. Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program.**

*You must select the Certification in Group 16.B if your State Applicant seeks funding for its Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Project financed with funds made available or appropriated for former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

1. The following Certification for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant,

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you certify that:

- a. Each of your State Applicant's Subrecipients is:
  - (1) A private nonprofit organization, if the public transportation service that would undertake public transportation capital projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities is:
    - (a) Unavailable,
    - (b) Insufficient, or
    - (c) Inappropriate,
  - (2) A State or local governmental authority that:
    - (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or
    - (b) Certifies that:
      - 1 There are not any nonprofit organizations readily available in the area to provide public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities, and
      - 2 When public transportation is:
        - a Insufficient,
        - b Inappropriate, or
        - c Unavailable,
- b. The Projects your State Applicant has selected or will select for funding made available or appropriated for former 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
  - (1) Locally developed, and
  - (2) Coordinated,
- c. That public transit-human services transportation plan was developed and approved through a process that included participation by:
  - (1) Elderly Individuals,
  - (2) Individuals with disabilities,
  - (3) Representatives of public, private, and nonprofit transportation providers,
  - (4) Representatives of human services providers, and
  - (5) Other members of the public,
- d. To the maximum extent feasible, the services funded will be coordinated with transportation services funded by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services,
- e. If your State Applicant allocates funds received under former 49 U.S.C. 5310 to Subrecipients, your State Applicant will have allocated those funds on a fair and equitable basis,
- f. The Program of Projects your State Applicant has submitted or will submit contains or will contain an assurance that the Program provides for the maximum feasible coordination of transportation services funded by former 49 U.S.C. 5310 with transportation services funded by other Government sources, and

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- g. Your Applicant will comply with the requirements of former 49 U.S.C. 5307 that FTA determined will apply to the former Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program,
2. The following Certification for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:
- a. Your State Applicant and each of its Subrecipients have or will have the:
    - (1) Legal capacity to carry out its proposed Projects,
    - (2) Financial capacity to carry out its proposed Projects,
    - (3) Technical capacity to carry out its proposed Projects,
    - (4) Necessary capacity to carry out the safety aspects of its proposed Projects, and
    - (5) Necessary capacity to carry out the security aspects of its proposed Projects,
  - b. Your State Applicant and each Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
  - c. Your State Applicant and each of its Subrecipients will maintain its Project equipment and facilities adequately,
  - d. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead, your Applicant will, and will require each Subrecipient to, do the following:
    - (1) Use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
    - (2) Not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
    - (3) As provided by the MAP-21 cross-cutting requirement, "Buy America," comply with 49 U.S.C. 5323(j), as amended by MAP-21,
    - (4) Comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
    - (5) As provided by MAP-21 cross cutting requirement, "Rail Car Procurement," comply with the railcar option restrictions of 49 U.S.C. 5325(e), as amended by MAP-21, and
    - (6) As required by the MAP-21 cross-cutting requirement, "Veterans Preference/Employment," comply with 49 U.S.C. 5325(k), as amended by MAP-21,
  - e. Your State Applicant:
    - (1) Has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the local share by former 49 U.S.C. 5307(e) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead,
    - (2) Will provide and, as necessary, will require each Subrecipient to provide

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the local share funds from approved non-Federal sources except as permitted by former 49 U.S.C. 5307(e) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead, and

- (3) Will provide and, as necessary, will require each Subrecipient to provide the local share funds when needed,
- f. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21, and
- g. To the extent applicable, as required by the MAP-21 cross-cutting requirement, "Agency Safety Plans," your State Applicant will comply with and, as necessary, will require each Subrecipient to comply with, its Public Transportation Agency Safety Plan, as required by 49 U.S.C. 5329, as amended by MAP-21.

### C. New Freedom Program.

*You must select the Certification in Group 16.C if your Applicant seeks funding for its New Freedom Project financed with funds made available or appropriated for former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

1. The following Certification for the New Freedom Program is required by former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. Your Applicant will make awards of New Freedom funding on a competitive basis after conducting:
    - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5317, or
    - (2) A statewide solicitation for applications for New Freedom funding in compliance with former 49 U.S.C. 5317,
  - b. Any allocations to Subrecipients of New Freedom funding authorized by former 49 U.S.C. 5317 will be distributed on a fair and equitable basis,
  - c. Your Applicant will comply with the following Project selection and planning requirements:
    - (1) The projects your Applicant has selected or will select for funding made available or appropriated for that program were derived from a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated,
    - (2) That locally developed and coordinated plan was produced through a process that included:



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- (a) Representatives of public, private, and nonprofit transportation providers,
    - (b) Representatives of public, private, and nonprofit human services providers, and
    - (c) Participation by the public,
  - d. Before your Applicant transfers funds to a project funded by former 49 U.S.C. 5311(c), former 49 U.S.C. 5336, or both:
    - (1) The funding to be transferred may be made available only to projects eligible for funding made available or appropriated for former 49 U.S.C. 5317, and
    - (2) The Applicant will have consulted with responsible local officials and publicly owned operators of public transportation in each area for which the amount to be transferred was originally awarded,
  - e. Your Applicant may transfer funds to another Subrecipient only if it has consulted with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was awarded, as provided by former 49 U.S.C. 5317, and
  - f. The requirements of former 49 U.S.C. 5307, as determined by FTA, will apply to the New Freedom Program, authorized by former 49 U.S.C. 5317, and
2. The following Certification for the New Freedom Program is required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
- a. Your Applicant has or will have, and will require each Subrecipient to have, the:
    - (1) Legal capacity to carry out its proposed Projects,
    - (2) Financial capacity to carry out its proposed Projects,
    - (3) Technical capacity to carry out its proposed Projects,
    - (4) Necessary capacity to carry out the safety aspects of its proposed Projects, and
    - (5) Necessary capacity to carry out the security aspects of its proposed Projects,
  - b. Your Applicant has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,
  - c. Your Applicant will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,
  - d. When carrying out a procurement under former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year superseded by MAP-21 cross cutting requirements that apply, your Applicant will, and will require each Subrecipient to do the following:
    - (1) Use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),

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- (2) Not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
  - (3) As provided by the MAP-21 cross-cutting requirement, "Buy America," your Applicant will comply with 49 U.S.C. 5323(j), as amended by MAP-21,
  - (4) Comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - (5) As provided by MAP-21 cross cutting requirement, "Rail Car Procurement," comply with the railcar option restrictions of 49 U.S.C. 5325(e), as amended by MAP-21, and
  - (6) As required by the MAP-21 cross-cutting requirement, "Veterans Preference/Employment," comply with 49 U.S.C. 5325(k), as amended by MAP-21,
- e. Your Applicant:
- (1) Has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the local share required by former 49 U.S.C. 5317(g) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that may apply instead,
  - (2) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds from approved non-Federal sources except as permitted by former 49 U.S.C. 5317(g) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead, and
  - (3) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds when needed,
- f. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21, and
- g. To the extent applicable, as required by the MAP-21 cross-cutting requirement, "Agency Safety Plans," your Applicant will comply with and, as necessary, will require each Subrecipient to comply with, its Public Transportation Agency Safety Plan, as required by 49 U.S.C. 5329, as amended by MAP-21.

### **GROUP 17. RURAL/OTHER THAN URBANIZED AREAS/APPALACHIAN DEVELOPMENT/OVER-THE-ROAD BUS ACCESSIBILITY PROGRAMS.**

*The Certifications and Assurances in Group 17 are in addition to other Certifications and Assurances listed previously that are required for Rural/Other Than Urbanized Areas/Appalachian Development/or Over-the-Road Bus Accessibility Program funding.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as*

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*FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, you must select the Certifications and Assurances in Group 17, on behalf of your Applicant, if your Applicant seeks financing for its:*

- *Formula Grants for Rural Areas Project financed with funding made available or appropriated for 49 U.S.C. 5311(b), as amended by MAP-21, (Separate Certifications and Assurances have been established in Group 18 for an Indian tribe that is an Applicant for a Public Transportation on Indian Reservations Project financed with funding made available or appropriated for 49 U.S.C. 5311(c)(1), as amended by MAP-21.)*
- *Formula Grants for Other Than Urbanized Areas Project financed with funding made available or appropriated for former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year,*
  - *Separate Certifications and Assurances have been established in Group 18 for an Indian tribe that is an Applicant for "Tribal Transit" Project financed with funding made available or appropriated for former 49 U.S.C. 5311(c)(1) in effect in FY 2012 or a previous fiscal year.*
- *Appalachian Development Public Transportation Assistance Project financed with funding made available or appropriated for 49 U.S.C. 5311(c)(2), as amended by MAP-21, or*
- *Over-the-Road Bus Accessibility Project financed with funding made available or appropriated for section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. 5310 note.*

*In administering these programs, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

*These four programs have or are likely to have funding available during FY 2013. Accordingly, if your Applicant seeks funding made available or authorized by 49 U.S.C. 5311 or former section 3038 of TEA-21, you should provide these Certifications in Group 17, on behalf of your Applicant, to assure that FTA can select the type of funding it considers most suitable.*

*Before FTA may provide funding made available or appropriated for any of these Projects, on behalf of your Applicant, you must have selected the Certifications in Group 17 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Certifications and Assurances in Group 17 that does not apply will not be enforced.*

### **A. Formula Grants for Rural Areas Program.**

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*You must select the Certification in Group 17.A if your Applicant seeks funding for its Formula Grants for Rural Areas Project financed with funds made available or appropriated for 49 U.S.C. 5311(b), as amended by MAP-21.*

The following Certification applies to each State or State organization serving as your Applicant for funding made available or appropriated for the Rural Areas Formula Project authorized by 49 U.S.C. 5311(b), as amended by MAP-21. On behalf of your Applicant, you certify and assure that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant's Project equipment and facilities will be adequately maintained,
4. Your Applicant's program has provided for a fair distribution of Federal funding made available or appropriated for 49 U.S.C. 5311(b), as amended by MAP-21 within the State, including Indian reservations,
5. Your Applicant's program provides or will provide the maximum feasible coordination of public transportation service funded by 49 U.S.C. 5311(b), as amended by MAP-21, with transportation service funded by other Federal sources,
6. Your Applicant's Projects in its Formula Grants for Rural Areas Program are included in:
  - a. The Statewide Transportation Improvement Program, and
  - b. To the extent applicable, a Metropolitan Transportation Improvement Program,
7. Your Applicant has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g), as amended by MAP-21, and
  - a. Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
  - b. Will provide the local share funds when needed,
8. Your Applicant may transfer a facility or equipment acquired using a grant under 49 U.S.C. 5311(b) to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
  - a. The recipient in possession of the facility or equipment consents to the transfer, and
  - b. The facility or equipment will continue to be used as required under 49 U.S.C. 5311, as amended by MAP-21, and
9. Each fiscal year:
  - a. Your Applicant will spend at least fifteen (15) percent of its 49 U.S.C. 5311

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funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities, including:

- (1) Planning and marketing for intercity bus transportation,
  - (2) Capital grants for intercity bus facilities,
  - (3) Joint-use facilities,
  - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
  - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
- b. Your Applicant will provide to the Federal Transit Administrator a Certification of the Governor of the State that:
- (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
  - (2) The State's intercity bus service needs are being met adequately.

### **B. Formula Grants for Other Than Urbanized Areas Program.**

*You must select the Certification in Group 17.B if your Applicant seeks funding for its Formula Grant for Other Than Urbanized Areas Project financed with funds made available or appropriated for former 49 U.S.C. 5311(b), in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

The following Certification applies to each State or State organization serving as your Applicant for funding made available or appropriated for the Formula Grants for Other Than Urbanized Areas Project authorized by 49 U.S.C. 5311(b)(2) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. On behalf of your Applicant, you certify and assure that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant's Project equipment and facilities will be adequately maintained,
4. Your Applicant's program has provided for a fair distribution of Federal funding made available or appropriated for 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year, within the State, including Indian reservations,
5. Your Applicant's program provides or will provide the maximum feasible coordination of public transportation service funded by former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year, with transportation service funded

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by other Federal sources,

6. Your Applicant's Projects in its Formula Grants for Rural Areas Program are included in:
  - a. The Statewide Transportation Improvement Program, and
  - b. To the extent applicable, a Metropolitan Transportation Improvement Program,
7. Your Applicant has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g) in effect in FY 2012 or a previous fiscal year, and:
  - a. Will provide the local share funds from approved non-Federal sources except as permitted by Federal law,
  - b. Will provide the local share funds when needed,
8. Your Applicant may transfer a facility or equipment acquired using a grant under 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
  - a. The Recipient in possession of the facility or equipment consents to the transfer, and
  - b. The facility or equipment will continue to be used as required under 49 U.S.C. 5311 in effect in FY 2012, and
9. Each fiscal year:
  - a. Your Applicant will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State with eligible activities, including:
    - (1) Planning and marketing for intercity bus transportation,
    - (2) Capital grants for intercity bus shelters,
    - (3) Joint-use stops and depots,
    - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
    - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
  - b. Your Applicant will provide to the Federal Transit Administrator a Certification of the Chief Executive Officer of the State that:
    - (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
    - (2) The State's intercity bus service needs are being met adequately.

### **C. Appalachian Development Public Transportation Assistance Program.**

*You must select the Certification in Group 17.C if your Applicant seeks funding for Appalachian Development Public Transportation Assistance Project financed with funds made available or appropriated for former 49 U.S.C. 5311(c)(2), as amended by MAP-21.*

On behalf of your Applicant, you certify and assure that, in addition to other Certifications and Assurances your Applicant must provide, if your Applicant is

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unable to use its funding made available or appropriated for this program for public transportation purposes, your Applicant may use the funding for a highway provided that it provides notice and an opportunity for comment and appeal to affected public transportation providers and the Applicant in approving the use determines that local transit needs are being addressed, as required by 49 U.S.C. 5311(c)(2)(D), as amended by MAP-21.

### **D. Over-the-Road Bus Accessibility Program.**

*You must select the Assurance in Group 17.D if your Applicant seeks funding for its Over-the-Road Bus Accessibility Project financed with funds made available or appropriated for repealed section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

The Applicant assures that it will comply with all applicable Federal statutes and regulations, and follow applicable Federal guidance in carrying out any Over-the-Road Bus Accessibility Project supported by the FTA grant. The Applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The Applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and affect the implementation of the project.

The Applicant assures that the Federal requirements for the Over-the-Road Bus Accessibility Program during FY 2012 will apply to the project, unless FTA issues a written determination otherwise. Certifications and Assurances for funding to be awarded under this program in FY 2013 are included in these FTA Certifications and Assurances for FY 2013. Each Applicant must submit Group 01 ("Required Certifications and Assurances for Each Applicant"). Each Applicant seeking more than \$100,000 in Federal funding must provide both Group 01, and Group 02, ("Lobbying").

### **GROUP 18. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS AND "TRIBAL TRANSIT" PROGRAMS.**

*The Certifications in Group 18 are in addition to other Certifications and Assurances listed previously that are required for Public Transportation on Indian Reservations Program funding or "Tribal Transit" Program funding.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient*

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*documentation from each Subrecipient and other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, you must select the Certifications in Group 18, on behalf of your Applicant, if your Applicant seeks financing for its:*

- *Formula or discretionary Public Transportation on Indian Reservations Project financed with funding made available or appropriated for 49 U.S.C. 5311(c)(1), as amended by MAP-21, or*
- *Discretionary "Tribal Transit" Project financed with funding made available or appropriated for former 49 U.S.C. 5311(c)(1) in effect in FY 2012 or a previous fiscal year.*

*In administering these programs, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

*Before FTA may provide funding made available or appropriated for any of these Projects, on behalf of your Applicant, you must have selected the Certifications in Group 18 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Certifications in Group 18 that does not apply will not be enforced.*

### **A. Public Transportation on Indian Reservations Program.**

*You must select the Certification in Group 18.A if your Applicant seek funding for its Public Transportation on Indian Reservations Project financed with funds made available or appropriated for 49 U.S.C. 5311(c)(1), as amended by MAP-21.*

FTA has established terms and conditions for direct Public Transportation on Indian Reservations Program grants financed with funding made available or appropriated for 49 U.S.C. 5311(c)(1), as amended by MAP-21. On behalf of your Applicant, you certify and assure that:

1. Your Applicant has or will have the necessary legal, financial, and managerial capability to:
  - a. Apply, receive and disburse 49 U.S.C. 5311(c)(1) funding, and
  - b. Carry out each Project, including the:
    - (1) Safety aspects of its proposed Projects, and
    - (2) Security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant's Project equipment and facilities will be adequately maintained,
4. Your Applicant's Project will achieve maximum feasible coordination with transportation service funded by other Federal sources,
5. Your Applicant will:
  - a. Have a procurement system that complies with U.S. DOT regulations,



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- “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR part 18, specifically 49 CFR 18.36, or
- b. Inform FTA promptly that its procurement system does not comply with those U.S. DOT regulations, and
6. Your Applicant will comply with the Certifications, Assurances, and Agreements in:
- a. Group 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
  - b. Group 05.B (Bus Testing),
  - c. Group 06 (Demand Responsive Service),
  - d. Group 07 (Intelligent Transportation Systems), and
  - e. Group 10 (Alcohol and Controlled Substances Testing).

### **B. “Tribal Transit” Program.**

*You must select the Certification in Group 18.B if your Applicant seeks funding for its “Tribal Transit” Project financed with funds made available or appropriated for former 49 U.S.C. 5311(c)(1), in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

FTA has established terms and conditions for direct “Tribal Transit” Program grants financed with funding made available or appropriated for former 49 U.S.C. 5311(c)(1) in effect in FY 2012 or a previous fiscal year, except as superseded as MAP-21 cross-cutting requirements that apply instead. On behalf of your Applicant you certify that:

1. Your Applicant has or will have the necessary legal, financial, and managerial capability to:
  - a. Apply, receive and disburse 49 U.S.C. 5311(c)(1) funding, and
  - b. Carry out each Project, including the:
    - (1) Safety aspects of its proposed Projects, and
    - (2) Security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant’s Project equipment and facilities will be adequately maintained,
4. Your Applicant’s Project will achieve maximum feasible coordination with transportation service funded by other Federal sources,
5. Your Applicant will:
  - a. Have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR part 18, specifically 49 CFR 18.36, or
  - b. Inform FTA promptly that its procurement system does not comply with those U.S. DOT regulations, and

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6. Your Applicant will comply with the Certifications, Assurances, and Agreements in:
  - a. Group 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
  - b. Group 05.B (Bus Testing),
  - c. Group 06 (Demand Responsive Service),
  - d. Group 07 (Intelligent Transportation Systems), and
  - e. Group 10 (Alcohol and Controlled Substances Testing).

### GROUP 19. LOW OR NO EMISSION/CLEAN FUELS GRANT PROGRAM

*The Certifications in Group 19 are in addition to other Certifications and Assurances listed previously that are required for Low or No Emission Vehicle Deployment Program funding or Clean Fuels Grant Program funding.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, you must select the Certifications in Group 19, on behalf of your Applicant, if your Applicant seeks financing for its:*

- *Discretionary Low or No Emission Vehicle Deployment Project financed with funding made available or appropriated for 49 U.S.C. 5312(d)(5), as amended by MAP-21, or*
- *Discretionary Clean Fuels Grant Program Project financed with funding made available or appropriated for former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year.*

*In administering these programs, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

*Before FTA may provide funding made available or appropriated for any of these Projects, on behalf of your Applicant, you must have selected the Certifications in Group 19 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Certifications in Group 19 that does not apply will not be enforced.*

#### **A. Low or No Emission Vehicle Deployment.**

*You must select the Certification in Group 19.A, if your Applicant seeks funding for its Low or No Emission Vehicle Development Project financed with funds made*

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*available or appropriated for 49 U.S.C. 5312(d)(5), as amended by MAP-21.*

The following Certification for Low or No Emission Vehicle Deployment Program funding made available or appropriated for MAP-21 is required by 49 U.S.C. 5312(d)(5)(C) and by 49 U.S.C. 5307(c)(1), as amended by MAP-21. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately,
4. Your Applicant will ensure that, during non-peak hours, for transportation using or involving a facility or equipment funded for its Project, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability), and cannot use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
  - c. Any individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
  - d. Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under this Program, your Applicant will comply with the:
  - a. General provisions for FTA programs of 49 U.S.C. 5323, and
  - b. Third party procurement requirements of 49 U.S.C. 5325,
6. Your Applicant:
  - a. Has informed or will inform the public of the amounts of its funding available under this Program,
  - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,

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- d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Has assured or will assure that the proposed Program of Projects provide for coordination of transportation services with federally funded transportation services supported by United States Government sources other than U.S. DOT,
  - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
  - g. Has made or will make the final list of Projects available to the public,
7. Your Applicant:
    - a. Has or will have the amount of funds required for the local share,
    - b. Will provide the local share funds from approved non-Federal sources, except if otherwise authorized by law, and
    - c. Will provide the local share funds when needed,
  8. Your Applicant will comply with:
    - a. The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
    - b. The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,
  9. Your Applicant has a locally developed process to solicit and consider public comment before:
    - a. Raising a fare, or
    - b. Implementing a major reduction of public transportation, and
  10. Your Applicant will comply with its Public Transportation Agency Safety Plan as required by 49 U.S.C. 5329, as amended by MAP-21.

### **B. Clean Fuels Grant Program.**

*You must select the Certification in Group 19.B if your Applicant seeks funding for its Clean Fuels Grant Project financed with funds made available or appropriated for former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

The following Certification for Clean Fuels Grant Program funding made available or appropriated for former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year is required by former 49 U.S.C. 5308(d)(1) and former 49 U.S.C. 5307(d)(1), except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed projects,
  - b. Financial capacity to carry out its proposed projects,
  - c. Technical capacity to carry out its proposed projects,
  - d. Safety aspects of its proposed projects, and

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- e. Security aspects of its proposed projects,
2. Your Applicant has or will have satisfactory continuing control over the use of project equipment and facilities,
3. Your Applicant will maintain the project equipment and facilities adequately,
4. Your Applicant will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving project facilities or equipment supported under former 49 U.S.C. 5308:
  - a. Elderly individuals,
  - b. Individuals with disabilities, or
  - c. Individuals presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 *et seq.* or 42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead:
  - a. Your Applicant will use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - b. Your Applicant will not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
  - c. As provided by the MAP-21 cross-cutting requirement, "Buy America," your Applicant will comply with 49 U.S.C. 5323(j), as amended by MAP-21,
  - d. Your Applicant will comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - e. As provided by MAP-21 cross cutting requirement, "Rail Car Procurement," your Applicant will comply with the railcar option restrictions of 49 U.S.C. 5325(e), as amended by MAP-21, and
  - f. As required by the MAP-21 cross-cutting requirement, "Veterans Preference/Employment," your Applicant will comply with 49 U.S.C. 5325(k), as amended by MAP-21,
6. Your Applicant has complied with or will comply with former 49 U.S.C. 5307(c) because it:
  - a. Has informed or will inform the public of the amounts of its Clean Fuels Grant Program funds available under 49 U.S.C. 5308, and the projects it proposes to undertake,
  - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, the projects proposed to be funded,
  - c. Has published or will publish a list of its projects in a way that affected citizens, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed projects and its performance,
  - d. Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
  - e. Has assured or will assure that the proposed Program of Projects provide for coordination of transportation services with federally funded transportation

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- services supported by United States Government sources other than U.S. DOT,
- f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
  - g. Has made or will make the final list of projects available to the public,
7. Your Applicant:
- a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
  - c. Will provide the local share funds when needed,
8. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21
9. Your Applicant has a locally developed process to solicit and consider public comment before:
- a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
10. Consistent with the MAP-21 cross-cutting requirement, "Safety," your Applicant will comply with its Public Transportation Agency Safety Plan requirements of 49 U.S.C. 5329, as amended by MAP-21.

### GROUP 20. PAUL S. SARBANES TRANSIT IN PARKS PROGRAM

*The Certification in Group 20 is in addition to other Certifications and Assurances listed previously that are required for Paul S. Sarbanes Transit in Parks Program funding, former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, you must select the Certification in Group 20, on behalf of your Applicant, if your Applicant seeks financing for its Paul S. Sarbanes Transit in Parks Project financed with funds made available or appropriated for former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year.*

*Before FTA may provide funding made available or appropriated for your Project, on*

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

*behalf of your Applicant, you must have selected the Certification in Group 20 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks.*

1. The following Certification for the Paul S. Sarbanes Transit in Parks Program (Parks Program) is required by former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. Your Applicant will consult with the appropriate Federal land management agency during the planning process, and
  - b. The requirements of former 49 U.S.C. 5307, as determined by FTA, will apply to the Parks Program, authorized by former 49 U.S.C. 5320, and
2. FTA has determined certain requirements of former 49 U.S.C. 5307 to be appropriate for the Parks Program, of which some require Certifications. Therefore as specified under former 49 U.S.C. 5307(d)(1), except as superseded by MAP-21 cross-cutting requirements, you certify that:
  - a. Your Applicant has or will have the:
    - (1) Legal capacity to carry out its proposed projects,
    - (2) Financial capacity to carry out its proposed projects,
    - (3) Technical capacity to carry out its proposed projects,
    - (4) Safety aspects of its proposed projects, and
    - (5) Security aspects of its proposed projects,
  - b. Your Applicant has or will have satisfactory continuing control over the use of project equipment and facilities,
  - c. Your Applicant will maintain the project equipment and facilities adequately,
  - d. When carrying out a procurement under former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead:
    - (1) Your Applicant will use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
    - (2) Your Applicant will not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
    - (3) As provided by the MAP-21 cross-cutting requirement, "Buy America," your Applicant will comply with 49 U.S.C. 5323(j), as amended by MAP-21,
    - (4) Your Applicant will comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
    - (5) As provided by MAP-21 cross cutting requirement, "Rail Car Procurement," comply with the railcar option restrictions of 49 U.S.C. 5325(e), as amended by MAP-21, and
    - (6) As required by the MAP-21 cross-cutting requirement, "Veterans Preference/Employment," your Applicant will comply with 49 U.S.C. 5325(k), as amended by MAP-21,
  - e. Your Applicant has complied or will comply with the requirements of former 49 U.S.C. 5307(c). Specifically, your Applicant:

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- (1) Has made or will make available to the public information on the amounts available for the Parks Program, former 49 U.S.C. 5320, and the projects it proposes to undertake,
  - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, projects to be financed,
  - (3) Has published or will publish a list of proposed projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant,
  - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
  - (5) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
  - (6) Has made or will make the final list of projects available to the public,
- f. Your Applicant:
- (1) Has or will have the amount of funds required for the local share,
  - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
  - (3) Will provide the local share funds when needed,
- g. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21, and
- h. Your Applicant has a locally developed process to solicit and consider public comment before:
- (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation.

### GROUP 21. STATE SAFETY OVERSIGHT GRANT PROGRAM.

*The Assurance in Group 21 is in addition to other Certifications and Assurances required for State Safety Oversight Grant Program funding.*

*At the time the FY 2013 Certifications and Assurances for various FTA programs were issued, the Certification and Assurance requirements for the State Safety Oversight Grant Program, authorized under 49 U.S.C. 5329(e)(6), as amended by MAP-21, were not formally established.*

*In the interim, however, please select the Assurance for Group 21 if you are applying, on behalf of your Applicant, for funding for a State Safety Oversight Project.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your*



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*Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, before FTA provides funding made available or appropriated for a State Safety Oversight Project, on behalf of your Applicant you should select the Assurance in Group 21 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Assurance in Group 21 that does not apply will not be enforced.*

On behalf of your Applicant, you assure that your Applicant will comply with the requirements of those Certifications and Assurances FTA determines will apply to an Applicant for funding made available or appropriated for the State Safety Oversight Program, as required by 49 U.S.C. 5329(e)(6), as amended by MAP-21.

### **GROUP 22. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.**

*The Assurance in Group 22 is in addition to other Certifications and Assurances listed previously required for Public Transportation Emergency Relief Program funding.*

*At the time the FY 2013 Certifications and Assurances for various FTA programs were issued, the Certification and Assurance requirements for the Public Transportation Emergency Relief Program, authorized under 49 U.S.C. 5324, as amended by MAP-21, were not formally established.*

*In the interim, however, please select the Assurance for Group 22 if you apply, on behalf of your Applicant, for funding for a Public Transportation Emergency Relief Project.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

*Except as FTA determines otherwise in writing, before FTA provides funding made available or appropriated for a Public Transportation Emergency Relief Project, on behalf of your Applicant you should select the Assurance in Group 22 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Assurance in Group 22 that does not apply will not be enforced.*

As required by 49 U.S.C. 5324(d)(1), as amended by MAP-21, on behalf of your Applicant, you assure that your Applicant will comply with the requirements of the

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Certifications and Assurances as FTA determines will apply to an Applicant for funding made available or appropriated for the Public Transportation Emergency Relief Program.

### GROUP 23. EXPEDITED PROJECT DELIVERY PILOT PROGRAM.

*The Certification in Group 23 is in addition to other Certifications and Assurances listed previously that are required for funding under the Expedited Project Delivery Pilot Program.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.*

*If you apply on behalf of your Applicant for funds made available or appropriated for the Expedited Project Delivery Pilot Program authorized by section 20008(b) of MAP-21, you must select the Certification in Group 23.*

*Before FTA may provide funding made available or appropriated for your Applicant's Project, on behalf of your Applicant, you must have selected the Certification in Group 23 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Certification in Group 23 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that, in addition to other Certifications and Assurances required in connection with its application for funding, your Applicant's existing public transportation system is in a state of good repair, as required by section 20008(b)(5)(D) of MAP-21.

### GROUP 24. INFRASTRUCTURE FINANCE PROGRAMS.

*The Certification in Group 24 are in addition to other Certifications and Assurances listed previously that are required for Infrastructure Finance Program funding.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to itself or its Project, even if a Subrecipient or other Third Party Participant may be involved in your Applicant's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participant to assure the validity of applicable Certifications and Assurances selected on behalf of your Applicant.*

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*Except as FTA determines otherwise in writing, you must select the Certifications in Group 24, on behalf of your Applicant, if your Applicant seeks financing for its:*

- *TIFIA Project financed with funds made available or appropriated for 23 U.S.C. 601 – 609, as amended by MAP-21, or previous legislation authorizing funding for TIFIA Projects, or*
- *Deposits to its State Infrastructure Bank.*

*In administering these programs, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

*Before FTA may provide funding made available or appropriated for your Applicant's Projects, on behalf of your Applicant, you must have selected the Certifications and Assurances in Group 24 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks. Any provision of the Certifications and Assurances in Group 24 that does not apply will not be enforced.*

### **A. Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.**

*The Certifications and Assurances apply to requests for Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance, whether derived from appropriations for MAP-21 or appropriations in effect in FY 2012 or a previous fiscal year. If you apply on behalf of your Applicant for TIFIA credit assistance authorized by 23 U.S.C. 601 – 609, you must select the Certifications and Assurances in Group 24.A.*

On behalf of your Applicant, you certify and assure that as required by 49 U.S.C. 5323(o), as amended by MAP-21, your Applicant certifies that Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, apply to any Project under 49 U.S.C. chapter 53 that receives TIFIA support or financing under 23 U.S.C. 601 – 609, as amended by MAP-21.

1. To comply with 49 U.S.C. 5307, specifically 49 U.S.C. 5307(d)(1), on behalf of your Applicant, you certify that:
  - a. Your Applicant has or will have the:
    - (1) Legal capacity to carry out its proposed Projects,
    - (2) Financial capacity to carry out its proposed Projects,
    - (3) Technical capacity to carry out its proposed Projects,
    - (4) Necessary capacity to carry out the safety aspects of its proposed Projects, and
    - (5) Necessary capacity to carry out the security aspects of its proposed Projects,
  - b. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
  - c. Your Applicant will maintain its Project equipment and facilities adequately,

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- d. Your Applicant will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a TIFIA-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare will be charged to the following individuals:
- (1) A senior,
  - (2) An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - (3) An individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
  - (4) An individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
- e. When carrying out a TIFIA-funded procurement, your Applicant will comply with:
- (1) 49 U.S.C. 5323, and
  - (2) 49 U.S.C. 5325,
- f. Your Applicant has complied with or will comply with 49 U.S.C. 5307(b), as amended by MAP-21, because it:
- (1) Has made or will make available to the public information on amounts of its TIFIA funding request(s),
  - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
  - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - (5) Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by U.S. DOT under TIFIA with federally funded transportation services supported by United States Government sources other than U.S. DOT,
  - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - (7) Has made or will make the final Program of Projects available to the public,
- g. Your Applicant:
- (1) Has or will have at least (twenty) 20 percent of the TIFIA net project

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- costs required for the local share,
  - (2) Will provide the local share funds from approved non-Federal sources, and
  - (3) Will provide the local share funds when needed,
  - h. Your Applicant will comply with:
    - (1) The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
    - (2) The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,
  - i. Your Applicant has a locally developed process to solicit and consider public comment before:
    - (1) Raising a fare, or
    - (2) Implementing a major reduction of public transportation, and
  - j. Your Applicant will comply with the 49 U.S.C. 5329(d) requirements for a Public Transportation Agency Safety Plan, and
2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, your Applicant agrees that it will not seek reimbursement for interest and other financing costs incurred in connection with its Project that must be in compliance with those requirements unless:
- a. It is eligible to receive Federal funding for those expenses, and
  - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
3. To comply with the requirements of 49 U.S.C. 5337(a)(4), your Applicant agrees that it will adopt a transit asset management plan that complies with 49 U.S.C. 5326(d).

### **B. State Infrastructure Banks (SIB) Program.**

*The Certifications and Assurances apply to requests for State Infrastructure Bank (SIB) funding, whether derived from appropriations for MAP-21 or appropriations for Fiscal Year 2012 or a previous fiscal year. If you apply on behalf of your State Applicant for funding to deposit in its SIB, we request that you select the Certifications and Assurances in Group 24.B.*

On behalf of the State organization serving as your Applicant for funding for its State Infrastructure Bank (SIB) Program, you certify and assure that:

1. Your Applicant will comply with the following applicable Federal laws establishing the various SIB programs since 1995:
- a. 23 U.S.C. 610, as amended by MAP-21,
  - b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
  - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or
  - d. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181,

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2. Your Applicant will comply with or follow the Cooperative Agreement establishing the State's SIB program between:
  - a. Your Applicant and FHWA, FRA, and FTA, or
  - b. Your Applicant and FHWA and FTA,
3. Your Applicant will comply with or follow the Grant Agreement that provides FTA funding for the SIB and is between your Applicant and FTA including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that any provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
  - a. 23 U.S.C. 610, as amended by MAP-21,
  - b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
  - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note,
  - d. Federal guidance pertaining to the SIB Program,
  - e. The Cooperative Agreement establishing the State's SIB Program, or
  - f. The FTA Grant Agreement,
4. As required by 49 U.S.C. 5323(o), Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, as amended by MAP-21, apply to any Project under 49 U.S.C. chapter 53 that receives SIB support or financing under 23 U.S.C. 610 (or any support from 23 U.S.C. 601 - 609),
5. As required by 49 U.S.C. 5323(o) and 49 U.S.C. 5307(d)(1):
  - a. Your Applicant has or will have the:
    - (1) Legal capacity to carry out its proposed Projects,
    - (2) Financial capacity to carry out its proposed Projects,
    - (3) Technical capacity to carry out its proposed Projects,
    - (4) Necessary capacity to carry out the safety aspects of its proposed Projects, and
    - (5) Necessary capacity to carry out the security aspects of its proposed Projects,
  - b. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
  - c. Your Applicant will maintain its Project equipment and facilities adequately,
  - d. Your Applicant will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a SIB-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare will be charged to the following individuals:
    - (1) A senior,
    - (2) An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
    - (3) An individual presenting a Medicare card issued to himself or herself

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- pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
- (4) An individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
- e. When carrying out a procurement under a SIB-financed Project, your Applicant will comply with the:
    - (1) General provisions for FTA programs of 49 U.S.C. 5323, and
    - (2) Third party procurement requirements of 49 U.S.C. 5325,
  - f. Your Applicant has complied with or will comply with 49 U.S.C. 5307(b), as amended by MAP-21, because it:
    - (1) Has made or will make available to the public information on amounts of its funding requested under the SIB program,
    - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
    - (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
    - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
    - (5) Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by U.S. DOT under 49 U.S.C. 5336 and the SIB Program with federally funded transportation services supported by United States Government sources other than U.S. DOT,
    - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
    - (7) Has made or will make the final Program of Projects available to the public,
  - g. Your Applicant:
    - (1) Has or will have the amount of funds required for the local share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
    - (2) Will provide the local share funds from approved non-Federal sources, and
    - (3) Will provide the local share funds when needed,
  - h. Your Applicant will comply with the:
    - (1) The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
    - (2) The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,
  - i. Your Applicant has a locally developed process to solicit and consider public

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comment before:

- (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation, and
- j. As required by 49 U.S.C. 5307(c)(1)(L), it will comply with the 49 U.S.C. 5329(d) requirements for a Public Transportation Agency Safety Plan, and
2. As required by 49 U.S.C. chapter 53, your Applicant certifies that it will not seek reimbursement for interest and other financing costs incurred in connection with its Project unless:
- a. It is eligible to receive Federal funding for those expenses, and
  - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
3. To comply with the requirements of 49 U.S.C. 5337(a)(4), your Applicant agrees that it will adopt a transit asset management plan that complies with 49 U.S.C. 5326(d).

Selection and Signature Page(s) follow.



## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

### FEDERAL FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: Carson City on Behalf of the Carson City Fire Department

The Applicant agrees to comply with applicable provisions of Groups 01 – 24. X

OR

The Applicant agrees to comply with applicable provisions of the Groups it has selected:

<u>Group</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	_____
02.	Lobbying.	_____
03.	Private Sector Protections.	_____
04.	Procurement and Procurement System.	_____
05.	Rolling Stock Reviews and Bus Testing.	_____
06.	Demand Responsive Service.	_____
07.	Intelligent Transportation Systems.	_____
08.	Interest and Finance Costs and Leasing Costs.	_____
09.	Transit Asset Management and Agency Safety Plans.	_____
10.	Alcohol and Controlled Substances Testing.	_____
11.	Fixed Guideway Capital Investment Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21.	_____
12.	State of Good Repair Program.	_____
13.	Fixed Guideway Modernization Grant Program.	_____
14.	Bus/Bus Facilities Programs.	_____
15.	Urbanized Area Formula Programs and Job Access and Reverse Commute (JARC) Program.	_____
16.	Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program.	_____
17.	Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.	_____
18.	Public Transportation on Indian Reservations and "Tribal Transit Programs.	_____
19.	Low or No Emission/Clean Fuels Grant Programs.	_____
20.	Paul S Sarbanes Transit in Parks Program.	_____
21.	State Safety Oversight Program.	_____
22.	Public Transportation Emergency Relief Program.	_____
23.	Expedited Project Delivery Pilot Program.	_____
24.	Infrastructure Finance Programs.	_____

**FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES**

**FEDERAL FISCAL YEAR 2013 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**  
**(Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)**

**AFFIRMATION OF APPLICANT**

Name of Applicant: Carson City on Behalf of the Carson City Fire Department

Name and Relationship of Authorized Representative: Larry Werner, City Manager

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these Certifications and Assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its authorized representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2013, irrespective of whether the individual that acted on its Applicant's behalf continues to represent the Applicant.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply, as provided, to each Project for which the Applicant seeks now, or may later seek FTA funding during Federal Fiscal Year 2013.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature 

Date: 4/9/13

Name Larry Werner, City Manager

Authorized Representative of Applicant

**AFFIRMATION OF APPLICANT'S ATTORNEY**

For (Name of Applicant): Carson City on Behalf of the Carson City Fire Department

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

Signature 

Date: 4/9/13

Name Neil Rombardo, District Attorney

Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.