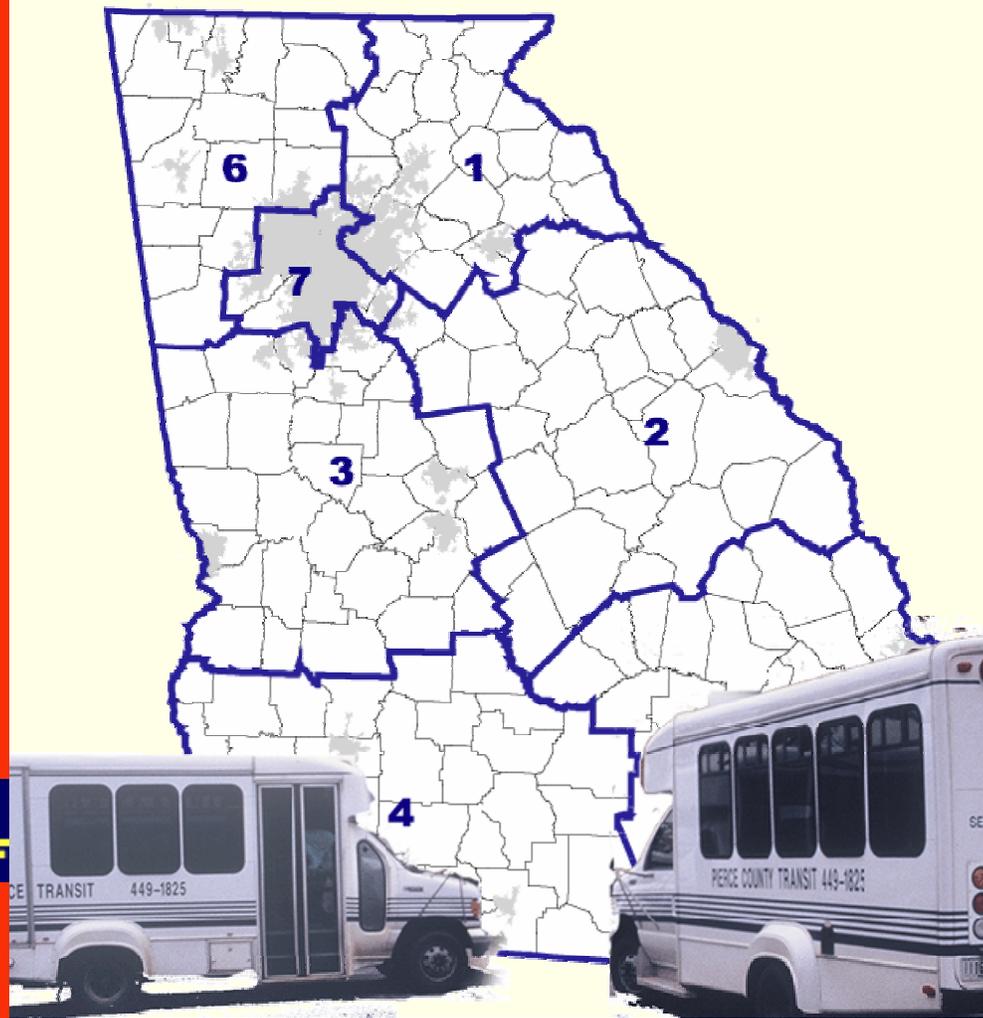


# Administrative Guide and Grant Application

For Rural Public Transportation  
Programs  
Title 49 U.S.C. Section 5311

**JANUARY 2006—DECEMBER 2006  
FUNDING CYCLE**



Georgia Department of  
Transportation

Office of Intermodal  
Programs

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## **DISCLAIMER**

The contents of this report reflect the views of the persons preparing the document and those individuals are responsible for the facts and the accuracy of the data presented herein. The contents of this report do not necessarily reflect the view or policies of the Georgia Department of Transportation or the Federal Transit Administration. This report does not constitute a standard, specification, or regulation.

# INTRODUCTION

The Georgia Rural Public Transportation Program Administrative Guide for Local Programs provides general information on the Georgia Rural Public Transportation Program as well as the application forms and requirements for applying for local project funds during the funding cycle beginning January 2006 and concluding December 2006. Appendix A presents the Section 5311 application schedule for grants covering this 12-month period.

The Administrative Guide includes two major sections: 1) general program information and 2) grant application instructions for the Federal Transit Administration (FTA) Section 5311 Program. This document outlines the necessary application procedures for local grant recipients under the Section 5311 Program.

The application consists of two major parts. Part I – Project Description includes a detailed summary of the existing or proposed local public transportation programs. Major emphasis is given to development of the Project Description, which reflects the Rural Public Transportation Program's orientation to functioning as a government operated enterprise. Part II – Compliance Requirements consists of certifications, assurances, resolutions and other requirements that are standard to federally-sponsored projects. These must be signed and submitted with the Project Description in order for the application to be complete.

In addition to the Administrative Guide, the Georgia Department of Department of Transportation (GDOT) publishes the Georgia State Management Plan for Rural Public Transportation, a document that presents the policies and procedures that have been established for how the State manages and administers the FTA Section 5311 Program. The Georgia State Management Plan is targeted primarily at Federal and State program staff. It is available from GDOT upon request. In addition, GDOT is currently developing a comprehensive local program manual that will be distributed to local Section 5311 grantees upon completion. In the interim, the guidance in this application package should serve as the primary resource

for local applicants and grantees. Additional information and guidance may be obtained by contacting the GDOT District Public Transportation Coordinator (PTC) in your District. Appendix B of the Administrative Guide provides a District map and PTC contact information.

# GENERAL PROGRAM INFORMATION

## Introduction

The Section 5311 Program offers local areas an opportunity to provide transit services improving access to business, commercial and activity centers. Section 5311 is the name of the Federal funding program administered by the FTA to provide assistance for rural public transportation. Federal funds are allocated to the states on a formula basis, and can be used for capital assistance, operating assistance, planning, and program administration. GDOT is responsible for administering the program. GDOT is the recipient of those funds, and it in turn provides Federal funding (and a limited amount of state capital funding) to local subrecipients in Georgia. This program has been in existence in Georgia since 1979, and until 1990, it was known as the Section 18 program. The Section 5311 Program has had a significant influence on mobility in rural communities. Ridership continues to increase while these programs provide necessary mobility to non-urban local areas. A successful Section 5311 Program requires a close partnership between the local and state interests. The success of this partnership will continue to influence mobility for rural residents.

## State Program Goals

Georgia has established the following statewide goals for the Section 5311 program:

- **Goal: Basic Mobility to Serve All Georgians:**
  - serving those persons with the most critical needs for access and mobility, especially those without alternatives
  - providing service without any trip purpose restrictions or eligibility requirements—including medical, social services, personal shopping, business, and employment trips
  - serving all areas with appropriate levels of service, subject to the required local or regional participation
  - addressing economic development—through employment trips, services to support local employment sites, new ones, etc.

- **Goal: Program Implementation:**
  - partnering with the FTA in the administration of the Section 5311 program, meeting all FTA program requirements
  - managing a program of excellence that provides timely management direction, guidance, and reimbursement to allow local entities to provide quality service
  - partnering with local or regional entities to plan services to meet locally identified needs
  - partnering with local or regional entities to operate the services
  - providing technical assistance to help local providers improve effectiveness, efficiency, safety, and quality of service
  - providing technical information, policy analyses, and program management data to support transit program development
  
- **Goal: Efficiency and Effectiveness:**
  - while maximizing ridership, recognizing that there are significant differences in population density, trip characteristics, and client needs (accessibility, assistance, etc.) which will affect usage
  - subject to performance requirements appropriate to the area and type of service
  - with the appropriate type of service—demand-responsive, subscription route, route-deviation, or fixed-route
  - using the appropriate vehicle type—accessible if needed, sedan, van, small bus, large bus
  
- **Goal: Safe, Secure Quality Service:**
  - operating equipment that is within its design life, inspected for safety and overall condition
  - operated by staff meeting the highest qualifications—appropriate license (Commercial Drivers License (CDL) if required), safe driving and criminal records checked, drug and alcohol tested, etc.
  - operated by a staff that is trained to proficiency in all necessary skills:
    - Defensive Driving
    - Passenger Assistance
    - First Aid and CPR
  - providing a safe and secure service to the riders
  
- **Goal: Accessible Service—Usable by Persons with Disabilities:**
  - providing service that is accessible (adequate number of accessible lift- or ramp-equipped vehicles)
  - using operators trained to proficiency in passenger assistance, lift use, restraints, mobility devices (folding, stowage, etc.)
  - user information and outreach to ensure that persons needing the service are aware of it and can obtain information
  
- **Goal: Coordinated Provision of Transportation in Rural Areas:**
  - coordinated policies at the state level through interagency coordination
  - coordinated at regional/local level—shared vehicles, shared ride, coordinated management—where it will result in more cost-effective, quality service that meets client and general public transit rider needs.

## **State Role in Program Administration**

As the designated recipient of Section 5311 funding, GDOT functions as a conduit for funds and financial programming. It is responsible for performing the following functions in the management and oversight of the program:

- Development of grant application and program guidance materials,
- Development of program information materials and dissemination to prospective applicants,
- Allocation of available funds in a fair and equitable manner,
- Development and application of evaluation criteria to select projects for funding,
- Preparation of the Rural Transportation Improvement Program (RTIP) as the rural component of the Statewide Transportation Improvement Program (STIP), and the Section 5311 Program of Projects (POP),
- Negotiation and execution of grant contracts between GDOT and local subrecipients,
- Processing reimbursement payment requests from subrecipients, and preparing requests for Federal reimbursement,
- Monitoring and evaluation of the local provision of transportation under the program, including data collection and compilation, reporting to FTA, and ensuring compliance with state and Federal regulations,
- Provision of technical assistance to subrecipients to assist them in grants management, compliance, and the provision of safe, effective, and efficient services.

Program administration by GDOT follows all FTA requirements for this program, including those contained in FTA Circular 9040.1E (grant management guidelines for the Other Than Urbanized Areas Program), FTA Circular 4220.1E (Third Party Contracting Requirements), and 49 CFR Part 18, the Common Rule “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments” among other requirements.

## **Planning Requirements**

All sub-recipients are required to have an updated RTIP annually. The RTIP is the programming document for projecting capital and operating expenditures for a three-year period and in turn serves as the basis for developing the Section 5311 application each year. Additionally, under Section 135 of Title I of the ISTEA, all Federal funds programmed for transit projects must be included in a STIP. Section 5311 is included in this requirement. Metropolitan Planning Organizations (MPO) are responsible for transportation planning and programming in metropolitan areas. Where Section 5311 projects are being proposed within the MPO's current planning/study area boundaries, or which may include areas expected to become urbanized within 20 years, they must be included in the MPO's Transportation Improvement Program (TIP) and subsequently in the STIP. The GDOT's Office of Intermodal Programs is responsible for insuring that Section 5311 projects are included in the STIP.

## **Local Role in Program Administration and Operations**

The GDOT shares a partnership role with local governments committed to operating rural public transportation programs. Local city and county governments are eligible recipients for the Section 5311 Program and the operations of public transportation services. The public agency may elect to operate the system by contract through a Third Party Operator (TPO). If the TPO is used, the public agency continues to have full contract responsibility and fiscal accountability. A sample purchase of service agreement is presented in Appendix C. The public agency is accountable for all financial matters and for compliance with Federal and State program requirements. These are outlined in the following documents:

1. Georgia State Management Plan
2. Administrative Guide for Local Programs
3. FTA Circular 9040.1E
4. FTA Circular 4220.1E

Program administration by the subrecipient public agency is required to follow FTA Circular 9040.1E regulations calling for continuous administrative and management oversight of project

operations. In part, this administrative and oversight responsibility also involves maintaining separate accounts of charter operations and conducting an annual independent audit report which reflects the revenues and expenses incurred and supported to the project.

The public agency is responsible for the conduct and submission of an annual audit under the Single Audit Act of 1984, as amended, following the guidelines set forth in OMB Circular A-133. The audit should be performed by an independent certified public accountant and should include; 1) a report of Federal financial assistance, 2) the auditors report on the study and evaluation of internal control systems, 3) compliance with applicable laws and regulations and, 4) a report of any findings or questioned costs. The public agency is responsible for the submission of the audit report to the Office of Intermodal Programs within 30 days of its completion and not later than nine months from the fiscal period covered by the audit. The public agency has six months to file notice of corrective action it has taken upon notification of any findings or questioned costs. Requests for payment by local subrecipients must be made using the GDOT reimbursement form.

### **Local Public Transportation System Goals**

The public transportation system goal is to develop and maintain an effective and efficient network of transportation services available to the public. The system should be safe, clean, reliable and responsive to travel needs of all citizens. It should also be supportive of local economic activity by facilitating access to local markets, industries and commerce.

Public transportation service operations have the characteristics of a business with operating costs, payrolls and revenues. As a publicly supported operating service, it has the added responsibility of public accountability. The aim of systems operations should be to serve the community. Service should be funded to the maximum extent possible by the generation of revenues through the farebox.

### **Types of Service**

The following types of service are appropriate for rural public transportation programs:

- A. Demand-response or route deviation service. Demand-response is a type of service where individual passengers can request door-to-door or curb-to-curb transportation from a specific

location to another specific location at a certain time. Route deviation service operates along a public way on a fixed-route, but which may deviate from the route occasionally in response to take a passenger to a destination or pick one up from an origin, after which it returns to the regular route.

- B. **Contract and subscription service.** Subscription service is a type of demand response service in which routes and schedules are pre-arranged to meet the travel needs of riders who sign up for the service in advance. Often these riders are clients of human service agencies, who contract with the transportation operator to provide the service on behalf of the agency. This type of service may be provided by a Section 5311 program only to the extent that it does not violate FTA Charter Bus restrictions.

Fixed-route, fixed schedule service may also be appropriate in areas of sufficient population density. Fixed-route services operate along a prescribed path on a fixed schedule, serving pre-established stops and sometimes flag stops. However, such service usually requires the provision of separate complementary paratransit service under the provisions of the Americans with Disabilities Act (ADA) (described later in this section). In most rural areas and small communities, route deviation service will be the appropriate and cost-effective way to implement scheduled services that comply with the ADA requirements. Implementation of fixed-route, fixed-schedule service with ADA complementary paratransit should only be considered after planning efforts have determined that the projected demand will support such service, and that ADA requirements can be met in a cost-effective manner.

### **Serving the General Public**

The Section 5311 program provides assistance for the provision of public transportation services. As such, transportation services that use vehicles purchased using the Section 5311 funds or subsidized by Section 5311 operating funding must be open to the general public, and advertised as such.

Section 5311 funded services may be designed to maximize use by members of the general public who are transportation-disadvantaged persons, including elderly persons and persons with disabilities. Coordinated human service transportation which primarily serves elderly persons and persons with disabilities, but which is not restricted from carrying other members of the public, is considered available to the general public if it is marketed as public transit service.

While coordination with human service transportation is encouraged, and Purchase of Service contracts may comprise a significant portion of services operated on your Section 5311 vehicles, you must

ensure that the general public is able to use the service and make the general public aware that the service is available through marketing and outreach. Further, the general public should not be denied service as a result of Purchase of Service contracts that consume all of the available capacity for the service during regular operating hours. Section 5311 recipients are subject to Federal charter bus restrictions, which may apply to some Purchase of Service contracts, are described in the Compliance Requirements in this Administrative Guide.

### **Service Policy**

Transit programs are expected to meet minimum criteria established in GDOT's Rural Public Transportation Service Policy. The policy criterion establishes a guide for evaluation of the program operations and applications for funding. These include:

- A. Services should not be duplicative of other transportation services;
- B. Vehicles should be utilized to reach a goal of 500 one-way passenger trips per vehicle month **or** be operated 120 hours per month **or** 1,000 vehicle miles per month;
- C. Vehicles should be available for public transportation service on a daily basis;
- D. Vehicle trips for contract, charter or subscription service should recover fully allocated costs;
- E. The system should aim to recover a minimum of 20 percent of its public transportation costs as a goal from farebox revenues generated through regular public transportation operations, with a minimum of ten percent farebox recovery required. **The total of all purchase of service agreements should recover the fully allocated operating costs.**

A complete list of Georgia's general operating guidelines for rural public transportation programs is presented in Appendix D.

### **Criteria for Project Approval**

A project may be approved if the costs are reasonable and justified as detailed in the project description portion of the application. In addition, project approval is dependent on the following:

1. Compliance with Service Policy guidelines;
2. Completion of an application including the Project Description and Compliance Requirements;
3. Inclusion of capital and/or operating assistance requests in the RTIP.

### **Eligible Project Expenses**

The GDOT Section 5311 program makes available two types of assistance to subrecipients. Capital assistance provides funding for the purchase of equipment needed to provide public transportation, and operating assistance provides funding towards the provision of services. Under the Georgia program, administrative costs are treated as part of the operating budget and funded at the same ratio of Federal to local funds.

### **Restrictions on Eligible Operating Expenses**

Federal funding may be applied to system operational deficits subject to the availability of funds. Federal participation is allowed up to 50 percent of the eligible net operating deficit (gross eligible operating expenses less operating revenues). These expenses must be justified. Eligible operating expenses include, but are not limited to, driver, mechanic, and dispatcher salaries, licenses, vehicle insurance, drug/alcohol testing, uniforms, maintenance and repairs (includes oil, tire and parts), and fuel. Monthly service fees for cell phones and/or two-way radio services are eligible operating expenses. Operating revenues include farebox and agency contract revenues. At the local subrecipient's discretion, these may be treated as operating revenues or local match. Georgia policy requires a minimum of ten percent farebox recovery.

### **Policy on Allocation of Costs between Operating and Administrative**

Actual costs attributable to the administration of the project should be included as operating expenses, and as operating expenses they are reimbursed at the same ratio as all operating expenses (up to 50% of the net operating deficit, subject to available Federal funds). Administrative costs can include director, supervisor, bookkeeper, and secretary salaries, training/travel, marketing, telephone, office

supplies, standard overhead, computer software, and rental/lease expenses (including spare vehicle lease expenses) approved by GDOT. Audit expenses are included as an “other” expense. GDOT’s goal is to limit administrative expenses to 20 percent of total operating expenses, and the 20 percent guidelines are used as an evaluation criteria. If budgeted administrative costs exceed this level, GDOT requires additional justification supporting the request.

### **Policy on Eligibility of Capital Costs**

Eligible capital expenses may include the following:

1. Vehicles,
2. Communication equipment,
3. Wheelchair lifts,
4. Equipment installation costs,
5. Computer equipment and purchase of software (laptops are not an eligible capital expense and monthly software maintenance or lease fees are an operating expense), or
6. Office equipment.

Vehicles can be purchased to replace existing transit vehicles that have reached the end of their useful life based on GDOT useful life standards, or for service expansion if indicated based on unmet demand and high utilization of the existing fleet. Currently no vehicles may be purchased as spares, or as additions to a fleet that would displace other operating vehicles to the role of spares. In the event a vehicle is down due to major vehicle repairs, back-up vehicles are available for short-term lease at \$.10 per mile. Lease vehicle expenses are treated as operating expenses.

Although GDOT recognizes that the use of computers can assist public transportation operators by facilitating the effective use of operations and fiscal information to improve public services, laptop computers are not an eligible capital expense.

Regarding the purchase of lift-equipped vehicles, GDOT enforces Federal regulations under the requirement “that prior to purchasing or leasing of new vehicles for use in a system, the operator shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities.” The exception

to this is... “if the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities, it may purchase new vehicles that are not readily accessible to and usable by individuals with disabilities.” Equivalent service is evaluated with respect to the following service characteristics:

1. Response time,
2. Fares,
3. Geographic area of service,
4. Hours and days of service,
5. Restrictions on trip purpose,
6. Availability of information and reservations capability,
7. Capacity constraints.

Local applicants are required to demonstrate compliance with the above prior to receiving vehicles not equipped with accessible equipment. A new certification of equal access is included as part of the Grant Application. All systems must have, at a minimum, one wheelchair equipped vehicle available for service. However, GDOT requires that each Section 5311 provider must meet the current demands of the disabled population, and if one lift-equipped vehicle is not sufficient to meet that demand, then additional lift-equipped vehicles are required.

It should also be noted that GDOT’s Section 5311 capital program at present does not provide funding for purchase of land or construction of facilities, such as maintenance facilities or intermodal terminals.

## **Local Share and Local Funding Requirements**

### **Capital**

Local funding for capital acquisition will at a minimum be ten percent of the costs. Required local participation could be greater depending upon the availability of State and Federal funds.

## **Operating**

Local funding for operations is required to cover the non-federal costs of the net deficit. Under the GDOT Section 5311 program ten percent of the public transportation operating costs must be provided from fare income or other local dollars. The remaining 90 percent of the operating cost is considered the net operating deficit. Federal funding may be provided for up to 50 percent of the net operating deficit; the remaining 50 percent (or more) must be provided from local funds.

Income from human service transportation provided under contract (called Purchase of Service or POS funding) may be used either to reduce the net project cost (if treated as revenue) or to provide local match for Section 5311 operating assistance at the discretion of the local program. In either case, the cost of providing the contracted service is included in the total project cost. If used as local match, POS contract revenues may be used to offset the local match up to the maximum level of local match funding required. Excess Purchase of Services is NOT profit and shall be returned to next year's public transit program. All POS agreements should recover the fully allocated operating costs.

While GDOT does not prohibit a subrecipient from using income from human service agency contracts as a source of local match, the state may elect to regard the degree to which a subrecipient demonstrates local financial commitment to the project from other sources of local funds as a rating factor in its discretionary allocation decisions (as allowed under 49 U.S.C. & Section 5311(e)(2)).

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## **Project Duration**

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For this application package, all Section 5311 capital and operating project(s) should cover a 12-month funding period (January 2006 through December 2006). Projects will be funded on a yearly basis. The only exception is for new programs scheduled to initiate service at mid year. These applications should cover a period of up to 18 months ending in December of 2007. The subsequent application for such a system would also cover 18 months, ending in June of 2009, at which time the new program would apply on the same schedule as all other programs for the Fiscal Year July 2009 to June 2010. For example, a new system beginning operation in July of 2006 should apply for funding for a period of 18 months, ending in December 2007, with the subsequent application also for 18 months, from January 2008 through June of 2009. See Appendix A for this year's Section 5311 application schedule.

## **Procurement**

Under Georgia's Section 5311 State Management Plan, local Section 5311 programs in Georgia do not procure vehicles or develop facilities with Section 5311 funding. GDOT procures vehicles funded under the Section 5311 program, and city and county government subrecipients may also purchase other types of equipment (such as computers) through the state, as appropriate and allowed by the State Purchasing Division, Department of Administration. All other purchases are the responsibility of the local grantees. Typical local Section 5311 procurements include contracts with TPOs for operations, contracts with maintenance providers, computer hardware and software, office equipment, and communications equipment (mobile radios).

All purchases and contracts made with Section 5311 funding must comply with FTA and state procurement requirements, as appropriate to the size and type of the purchase. Purchase of unnecessary or duplicative items must be avoided. Grantees are required to analyze procurement and to investigate alternatives that will result in an economical approach (such as consolidating or breaking out purchases).

### **GDOT Concurrence**

GDOT must concur with local Section 5311 solicitation documents prior to the initiation of the procurement process for all items or services purchased with capital funds valued at more than \$5,000. This includes approval of bid specifications for equipment and requests for proposal for TPO contracts. GDOT must also concur in writing with the recommendation for award prior to the execution of a local contract or purchase order of \$2,500 or more. The city or county requesting the purchase will submit their request to the District PTC for review and recommendation. If the District PTC concurs, they will submit the request to OIP who will review for approval. OIP responds by notifying the District PTC whether the procurement request was approved or not, and then the PTC notifies the city or county. Again, no approval is required if the capital purchase item is less than \$2,500.

## Competitive Procurement

Grantees must conduct procurement transactions in a manner that provides for full and open competition, and are prohibited from restricting competition in federally-supported procurement transactions. In general, more expensive projects require a more formalized procurement process to ensure that fair competition and the best value, while vendors for less expensive projects may be selected through a relatively informal basis.

The following table summarizes the procurement methods required by the FTA and GDOT based upon the size and type of procurement. As noted previously, this manual does not address bus purchases or facilities development, as they are not procured locally with Section 5311 funding. FTA requirements are based on the financial value of the project:

Under \$2,500	Procurement by Micro-Purchases: No competitive process is required if grantee determines that the price is fair and reasonable. Documentation should include the determination that the price is fair and reasonable, and how the determination was derived.
\$2,500-\$100,000	Procurement by Small Purchase Procedures: Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies or other property. FTA requires price or rate quotations obtained from “an adequate” number of “qualified sources”.

Aside from these requirements, subrecipients must follow their own adopted procurement policies. Often these are city or county procurement policies. Section 5311 subrecipients should obtain a copy of these procurement policies, and keep them updated and on file for reference in any procurements conducted with Section 5311 funding.

Alternative procurement methods recognized by FTA include:

- **Procurement by Sealed Bids/Invitation For Bid (IFB):** To be feasible, this method of procurement requires several conditions. It should be possible to develop a complete, adequate and realistic description or specification of the goods or services in question. There are two or more responsible bidders willing and able to compete effectively, and the procurement lends itself to a firm fixed price contract, and the selection can be made principally on price.

- **Procurement by Competitive Proposal/Request for Proposals (RFP):** Normally conducted with more than one likely proposer, this method is used when the goods or services being sought are difficult to fully specify or describe completely, when there are multiple evaluation factors, and when the award will be made to the firm whose proposal is most advantageous with price and other factors considered. Subrecipients using this method should have a means of conducting technical evaluations of the proposals.
- **Procurement by Noncompetitive Proposals (Sole Source):** In this case, a proposal is solicited from only one source, or if after solicitation from a number of sources competition is found to be inadequate. This can be used only when the award of a contract is infeasible under other procurement strategies (IFB or RFP), and the item is available only from a single source, or the public requirement will not permit a delay from a competitive procurement process. A cost analysis verifying proposed cost data and evaluating specific elements of costs and profits is required.

These procurement methods could be used for purchases in the \$2,500-\$100,000 range (and above), depending on the goods or services being purchased. Subrecipients considering use of any of these methods should read all of the relevant sections of FTA Circular 4220.1E, and contact GDOT staff for assistance in conducting an open, fair, and competitive procurement process.

Local grantees must maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Local grantees must also maintain records detailing the history of each procurement.

All FTA-funded contracts (including Section 5311) must contain all required FTA clauses. These are provided in Appendix E and are available from the District Coordinator, and they are available on line at [http://www.fta.dot.gov/6092\\_16165\\_ENG\\_HTML.htm](http://www.fta.dot.gov/6092_16165_ENG_HTML.htm).

### **Third-Party Contract Responsibilities: Compliance with Federal and State Requirements**

Most of the Federal and State requirements regarding the use of local Section 5311 grant funds that apply to the primary recipient of Section 5311 grants (counties, municipalities, and RDCs) also apply to third-party contractors, subrecipients, and/or lessees. This includes such requirements as drug and alcohol testing for safety-sensitive positions, possession of a valid Commercial Driver's License (CDL) by operators (and mechanics that test-drive vehicles calling for CDLs), and meeting all ADA service

requirements. The subrecipient is responsible for monitoring third party operators for compliance with all of these Section 5311 program requirements.

### **Grantee Self-Certification**

As part of the annual certifications and assurances submitted with the grant application, all Section 5311 grantees must "self-certify" that their procurement system meets FTA requirements and that the grantee has the technical capacity to comply with Federal procurement requirements. GDOT will monitor compliance with FTA, GDOT and local procurement requirements as part of local Section 5311 compliance reviews. If GDOT becomes aware of circumstances that might invalidate a grantee's self-certification, GDOT will investigate.

### **Maintenance Requirements**

Vehicles must be maintained in good working order. Local area operators are required to follow the manufacturer's recommended maintenance schedule for Section 5311-funded property—including vehicles, wheelchair lifts, and other accessibility equipment. Each Section 5311 system should have a documented maintenance policy and plan with goals and objectives, and implement the planned program. The condition of vehicles, including accessibility equipment, will be monitored through GDOT vehicle inspections conducted by the District Public Transportation Coordinators in the spring and fall of each year. Guidance addressing the use, purchase, maintenance, insurance, and disposition of vehicles is provided in a separate memorandum available from GDOT. This separate document also includes model forms for pre- and post-trip inspections, a recommended maintenance schedule, and a model of a local maintenance policy.

Vehicle maintenance involves two major components: preventive maintenance (PM) and the repair function, both of which should be monitored and evaluated through a maintenance management information system (MIS), which could range from a reliable, complete, and centralized paper file on each vehicle to a computerized program utilizing specialized vehicle maintenance software. Preventive maintenance activities include daily pre-trip inspections by the vehicle operators, including daily checking of wheelchair lifts and associated accessibility equipment.

Maintenance and repair services may be provided in-house or under contract to the Section 5311 program. If the system contracts for maintenance, it must monitor the contractor to ensure compliance with FTA/GDOT requirements. If the vehicles are operated by a TPO, the subrecipient must monitor their maintenance activities to ensure that the public investment in the vehicle fleet is protected.

This PM program should be described in a **written maintenance policy** that incorporates the GDOT recommended maintenance standards at a minimum. A local operator may wish to add additional services based on local experience or conditions (for example, more frequent air filter changes in a dusty environment, or checking mirror mounts at each service, etc.). Local procedures regarding maintenance records should also be included in the maintenance policy (who keeps the records, are they part of a computerized system, what is kept on file, etc.). A sample written PM policy statement is provided in the separate guidance memorandum regarding vehicles, and an electronic version can be obtained from the District PTC to serve as basis for a local written maintenance policy.

### **Private Sector Participation**

As part of the application approval process, each applicant must assure that all private for-profit providers have been notified of the proposed project and that they have had adequate opportunity to present their views and offer service proposals for consideration. GDOT requires local applicants to notify all private providers operating in the service area through a published notice or individual letters and to annually review existing services (Exhibit 8A of the Administrative Guide). Private sector coordination requirements are presented in Appendix F. Public hearing requirements can be found in Appendix G. Procedures for determining if there are willing and able private charter providers are presented in Appendix H. Other requirements of the ongoing program are reviewed annually in the program compliance certification review described later in this document.

The application itself requires information on the following topics:

1. A description of current participation of private providers in Section 5311 supported services.
2. A description of all efforts to provide written notice to private providers of proposed services.
3. A description of all forums, meetings, hearings, or other opportunities for involving the private sector early in the project development process.

Applicants are required to address these first three requirements in the application process by completing and signing the Private Enterprise Coordination Certification. The remaining requirements 4 - 9 are to be addressed, as appropriate, maintained on file and kept current by the applicant. These include:

4. Methods for periodically reviewing services to determine whether they can be provided more efficiently by the private sector.
5. Description of private sector proposals, if any, offered for consideration, and the rationale for inclusion and exclusion.
6. Any locally established criteria for making public/private service decisions.
7. The local methodology for making true cost comparison when there are two or more operators interested in providing service.
8. Any complaints from private operators and how these were resolved.
9. Description of the local mechanism for resolving conflicts or complaints involving private operators.

### **GDOT Charter Service Policy**

Section 5311 subrecipients and their contractors are prohibited from using federally-funded equipment and facilities to provide charter service except on an incidental basis and then only when one or more of the seven exceptions described below are met. The purpose of this prohibition is to protect private bus operators from unfair competition from transit operators who have access to Federal and State funds for purchasing buses, and to Federal funds for their operation.

This prohibition applies to bus or van service provided by direct recipients, subrecipients, or TPOs that provide bus or van service financed with Section 5311 funds. In addition, if charter service is operated with federally-funded vehicles, it must be incidental, and it must recover its fully-allocated cost, including the full cost of operation and the capital cost of the vehicles.

### **What is Charter Service?**

Charter service is defined as transportation using buses or vans, or facilities funded under the acts of a group of persons who pursuant to a common purpose, under a single contract, at a fixed charge (in

accordance with the carrier's tariff) for the vehicle or service, have acquired the exclusive use of the vehicle or service to travel together under an itinerary either specified in advance or modified after having left the place of origin. This definition includes the incidental use of FTA funded equipment for the exclusive transportation of school students, personnel, and equipment.

### **What is “Incidental”?**

FTA defines “incidental” service as service that does not interfere with or detract from the provision of mass transportation service, does not shorten the mass transit life of the equipment or facilities, and recovers fully allocated costs. Thus charter service that is not “incidental” might include any charter service performed during the period when the system is offering regularly scheduled service, or including the miles operated in charter service as part of the useful life of the vehicle, or charging less than the fully allocated cost for the service. It therefore implies that any charter service operated with federally-funded vehicles would not only need to meet one of the seven exceptions to the prohibition, but would have to recover the fully-allocated cost, and the system would have to keep track of the miles operated in charter service and subtract them from the actual vehicle mileage when determining eligibility for replacement.

### **Seven Exceptions to the Prohibition on Charter Service**

Each Section 5311 subrecipient is prohibited from providing any charter service using federally-funded equipment or facilities if there is at least one private charter operator willing and able to provide the service that the grantee proposes to provide. FTA provides for seven exceptions that would make “incidental” charter service allowable:

1. There are no “willing and able” private operators. This must be determined through a public participation process as specified by the FTA. This process includes:
  - Placing a notice in newspapers of general circulation within the proposed geographic charter service area, and
  - Sending a copy of the notice to all private charter operators in the proposed charter service area as well as any other operator that so requests, and

- Sending a copy of the notice to the United Bus Owners of America and the American Bus Association.

These notices must be made at least 60 days in advance of providing the charter service, and must include a number of items specified by the FTA.

Details on these requirements can be found in 49 CFR Part 604 Section 11, revised as of Oct. 1, 1997. A URL for this document is: <http://www.fta.dot.gov/library/legal/49604.htm>.

A description of the required procedures for determining whether there are any “willing and able” private operators for special trips is provided in Appendix H of this document.

2. Provisions of FTA-funded vehicles or service to private operators to satisfy a capacity need or for accessible equipment.
3. In a non-urbanized area, the service offered by willing and able operators creates a hardship due to minimum duration requirements or distance between charter origin and operator location.
4. Special event service is needed where private operators are not capable of providing the service. A special events exception requires the grantee to submit its petition to FTA at least 90 days prior to the event. The petition must describe the event, explain how it is special, and explain the amount of charter service that private operators are not capable of providing. The FTA Administrator will issue a written decision denying or granting the request in whole or in part.
5. The service is provided under contract to a private, non-profit organization or governmental entity wherein the trip is for a majority of disabled persons, the organization is a social service agency in receipt of funds (primarily DHR) as noted in 49 CFR Part 604, Appendix A, or is an organizational eligible to receive public welfare assistance funds.
6. In a non-urbanized area, the service is provided under contract to a government entity or private, non-profit organization that certifies more than 50 percent of passengers will be elderly.
7. The local grantee has established a formal agreement with all willing and able private charter operators.

A more detailed explanation of these seven allowable exceptions to the prohibition on charter bus service can be found in the FTA Charter Bus policy (49 CFR Part 604, found online at <http://www.fta.dot.gov/library/legal/49604.htm>), which prescribes the procedures that a subrecipient must follow in order to provide charter service.

As part of its annual grant application, GDOT requires Section 5311 applicants to either certify that they will not perform any charter service (Exhibit 9A), or if they intend to offer charter service they must sign the intent to charter certification (Exhibit 9B), and then follow the procedures described above (and in more detail in Appendix H) for determining if there are any willing and able private operators, and to meet the requirements associated with one or more of the seven exceptions.

A Section 5311 applicant wishing to perform charters under the first exception must include documentation in their application demonstrating that they have followed the required public participation process, including copies of the advertisement announcing the intention to perform charter service, copies of the letters to all potential private providers of charter service in the service area, copies of the letters to the American Bus Association and the United Motorcoach Association, and copies of any correspondence received as a result of the advertisement or notifying letters. If the system wishes to provide service under this exception, the public participation process to identify willing and able operators need be conducted only once a year (unless there is a substantial change in the marketplace, such as the local charter operator going out of business), as part of the grant application process.

Two of the seven exceptions (Numbers 3 and 6) apply only to operators in non-urbanized areas, i.e., Section 5311 operators. Exception Number 5 is also a likely scenario for a Section 5311 applicant. If the applicant wishes to provide charter services under one of these exceptions, they must follow the procedure in Appendix H to provide documentation in their application supporting their claim to meet that exception, specifically denoting in the application itself which exception is being used to support their charter policy. Also note that the charter party must sign the appropriate certification (see Appendix H) and the subrecipient should submit that along with their notice to GDOT whenever a charter movement is planned.

If a transit operator determines that they satisfy one of the seven exceptions and would like to provide the special service, they are still required to inform GDOT in writing of the proposed service each time it is scheduled. The letter must be sent to the District PTC at least 30 days prior to the scheduled date of the service, requesting GDOT concurrence and stating the purpose of the service along with a detailed account of the exception(s) being fulfilled, and demonstrating that the proposed charge for the service will cover the fully-allocated cost of providing it. The service may only be operated after GDOT concurrence is provided.

## **Fully-Allocated Cost of Charter Service**

In addition to the requirements regarding the exceptions, as noted above, the FTA requires that the service be “incidental”, and that as “incidental” service the rates charged for any charter service performed under one or more of the seven exceptions must cover the fully-allocated cost of providing the service. Fully-allocated means not only the direct costs such as driver wages and benefits, fuel, insurance, etc., but also the proportionate share of maintenance, administration, use of facilities, etc. -- basically all costs. It also includes the capital cost of the vehicles used for charter, which most public transit operators do not include in their operating budget.

In order to help operators set charter rates that meet or exceed their fully-allocated cost, GDOT has provided a worksheet that allows Section 5311 operators proposing to do charter service (under one of the seven exceptions) to compute their fully-allocated hourly cost. This form is included in Appendix H. A transit operator proposing to perform charter services should complete this form and include it in their application package, demonstrating that their charter rates would cover the fully-allocated cost. The GDOT worksheet will help the operator determine their fully-allocated operating cost per service hour, add a factor for vehicle use, and compare it to their proposed rate.

Note also that GDOT requires a separate accounting of all the charter miles operated by each vehicle, and that these miles are not included in the assessment of vehicle life when applying the vehicle replacement guidelines. For example, if a federally-funded transit vehicle is used 20,000 miles for charters, it will be eligible for replacement at 120,000 miles, rather than the 100,000 mile standard normally applied. In the future, the RMIS will be modified to collect charter miles by vehicle as part of the monthly reporting process, for now subrecipients are required to submit charter miles operated separately, along with their monthly report information.

## **GDOT Meals-on-Wheels Service Policy**

The purpose of the Section 5311 program is to provide funding and assistance for public passenger transportation services. FTA does not explicitly prohibit meals-on-wheels programs under the Section 5311 program. However, incidental use of a Section 5311 vehicle for non-passenger transportation on an

occasional or regular basis must not result in a reduction of service quality or availability of public transportation service.

Specific language on this topic can be found in FTA Circular 9040.1E, which provides guidance on the administration of the transit assistance program for nonurbanized areas under 49 U.S.C. § 5311. Transit service providers receiving assistance under Section 5311 may coordinate and assist in providing meal delivery service for homebound persons on a regular basis if the meal delivery service:

1. Does not conflict with the provision of transit services.
2. Does not result in a reduction of services to transit passengers.
3. Covers the fully-allocated cost of providing the service – it is expected that the operating costs attributable to meal delivery will be assumed by the nutrition program which provides the meals.

As in the case of charter services, GDOT requires that operators providing meals-on-wheels service charge the fully-allocated cost of providing this service. A subrecipient can calculate their fully-allocated hourly operating cost using the fully-allocated cost form provided in Appendix H. This form must be included in the application package if a subrecipient intends to provide meals-on-wheels services (which should be explicitly mentioned in the application description of services). A subrecipient must also keep a separate accounting of all the meals-on-wheels miles operated by each vehicle, which will be subtracted from the actual mileage on a vehicle when assessing useful life replacement purposes.

Finally, there are restrictions to Section 5311 capital assistance. Specifically, funds may not be used to:

1. Purchase special vehicles used solely for meal delivery
2. Purchase specialized equipment – i.e. racks, heating units, or refrigeration units related to meal delivery.

Section 5311 operators providing service to the DHR Coordinated Transportation program should be aware that it does not fund or provide meals-on-wheels services. Any such service operated by Section 5311 operators must be under a separate contract with the Area Agency on Aging in that locality.

## **Coordination**

The Georgia Section 5311 program and application reflect a perspective that many local projects will be coordinated with other programs, as can be seen in the policies addressing POS revenue which can be used as local match or as revenue, at local discretion. Similarly, the GDOT monthly reporting forms collect data on utilization of Section 5311 vehicles by clients of particular agencies. Many Section 5311 funded vehicles, owned by counties and cities, are operated by TPOs who also provide client transportation under other state programs. In 2002, approximately half of overall Section 5311 ridership consisted of clients of other agencies, and approximately two-thirds of Section 5311 providers served other client groups. About ten percent carry non-emergency Medicaid trips for the Department of Community Health (DCH) under its brokerage program. GDOT provides guidance in the application in how the applicant can assess whether or not POS revenues cover the fully-allocated operating cost of the service provided. GDOT policy is that such services should cover their fully-allocated operating costs.

## **Americans with Disabilities Act**

### **ADA Requirements for Demand-Responsive Systems in Non-Urbanized Areas**

Under ADA, the service provided to persons with disabilities, including persons who use wheelchairs, must be equivalent to the level and quality of service offered to persons without disabilities. All grant applications require local signatures on the FTA Standard Certifications and Assurances page, including Assurance Number 09, the Certification for Demand Responsive Service, which requires the subrecipient to assure that it meets the equivalency tests. If a subrecipient is applying for a non-accessible vehicle, they must also submit the *Certification of Equal Access for Persons with Disabilities*, and the completed GDOT *Equivalency Analysis for Demand-Responsive Public Transportation* (both found in Exhibit 13) as part of the application. GDOT reviews these local certifications as part of the annual grant application process.

GDOT recognizes that there are ADA requirements that apply to subrecipients providing demand-responsive or route deviation services, which are eligible service types under the GDOT Section 5311 program. The GDOT Section 5311 program does not currently fund any fixed-route transit service as an

eligible service, unless a local Transit Development Plan is completed that would show the feasibility of the service and how the ADA complementary paratransit requirements would be met. ADA requires every public transit operator providing fixed-route transit service to prepare a paratransit plan addressing the way in which that system will provide complementary paratransit service to eligible users. There are no such plans or services currently in effect. However, there are a number of ADA requirements that apply to the Section 5311 demand-responsive services. Specific guidance on several of these is provided below.

### **Purchase of Non-Lift Equipped Vehicles**

GDOT requires that all Section 5311 systems must have, at a minimum, one wheelchair equipped vehicle available for service. GDOT further requires that each Section 5311 provider must meet the current demands of the disabled population, and if one lift-equipped vehicle is not sufficient to meet that demand, then additional lift-equipped vehicles are required.

In general, public transit systems must purchase only accessible vehicles meeting the standards set forth in 49 CFR Part 38. However, systems that offer only demand-responsive service may purchase non-accessible vehicles ... “if the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities, it may purchase new vehicles that are not readily accessible to and usable by individuals with disabilities.” Equivalent service is evaluated with respect to the following service characteristics:

(1) Response time	(5) Restrictions on trip purpose
(2) Fares	(6) Availability of information and reservations capability
(3) Geographic area of service	(7) Capacity constraints
(4) Hours and days of service	

GDOT requires that subrecipients be able to provide equivalent service with their current level of fleet accessibility before allowing the subrecipient to order a non lift-equipped vehicle. If a local applicant is requesting capital funding for the purchase of a non-accessible vehicle they must demonstrate

compliance with the above by signing the *Certification of Equal Access for Persons with Disabilities* (Exhibit 13), and attaching a completed GDOT *Equivalency Analysis for Demand-Responsive Public Transportation* (also part of Exhibit 13) as part of the application.

### **Requirements Regarding Lift Maintenance and Maintaining Accessible Service**

GDOT maintenance requirements include a requirement that subrecipients promptly repair any accessibility defects noted during the required pre-trip inspection, and that pre-trip inspection forms and procedures require that a lift be cycled before leaving the storage yard. An operator with an inoperable lift must report it immediately. If during the daily inspection the lift is found to be inoperable, the vehicle is ordered out-of-service as soon as a lift-equipped replacement vehicle is available and it remains out-of-service until repairs are made and the vehicle is re-inspected. In these cases, the PTC works with the subrecipient to obtain a replacement accessible vehicle from the state's lease fleet until the vehicle is repaired, inspected, and returned to service. The accessible replacement lease vehicle should be placed in service as soon as possible. In some cases it may take a day or two to obtain the spare vehicle, so these rural systems may use the vehicle with the inoperable lift until an accessible replacement vehicle is available, but no longer than five days, as allowed by FTA regulations (49 CFR 37.163 (e)). The same situation applies if an accessible vehicle has a breakdown of some other type, or must be removed from service for maintenance—an accessible vehicle must be obtained from the state lease fleet as soon as possible, and the system's own accessible vehicle repaired and returned to service. In no case should an accessible vehicle with a broken lift be in service for more than five days.

Once the agency's own accessible vehicle is removed from service for repair, GDOT gives the subrecipient seven days to repair the lift and have the vehicle re-inspected by the PTC prior to returning it to service. The accessible replacement vehicle from the GDOT statewide spare lease fleet must remain in service until the agency's own vehicle has been repaired, inspected and returned to service.

GDOT is providing subrecipients with a form to document the dates of every incident in which an accessible vehicle must be removed for service. This form is also included in Exhibit 13 "Accessible Vehicle Out-of-Service/Returned to Service Documentation Worksheet".

## **Policy and Information Regarding Personal Care Attendants, Persons with Respirators (Oxygen Tanks), and Service Animals**

GDOT requires that subrecipients under the Section 5311 program meet all ADA service provisions, including:

- Service to persons using respirators or portable oxygen,
- Permitting service animals to accompany individuals with disabilities in vehicles and facilities, and
- Permitting personal care attendants to accompany persons with disabilities in vehicles and facilities.

Subrecipients should have a written policy stating these policies on file, and include this information in their public information flyer and in any other public information such as a web-site. GDOT provides \$1,500 per year, per system for marketing, and this funding is to be used to provide public information including printing a flyer. GDOT also has a model or template that a subrecipient can use for their flyer, including the appropriate language. It is in Microsoft Publisher, and can be modified locally to include the specific names, logos, hours of service, etc. It is available through the District PTC.

### **ADA Compliance Monitoring**

Monitoring of local compliance will take place during the complete compliance review conducted by GDOT every three years, and during site visits associated with the semi-annual vehicle inspections conducted by the District PTCs. The purpose of the monitoring is to make sure that the following questions are satisfactorily answered on a continuing basis:

- A. Is the vehicle ADA accessible?
- B. Are the lifts being cycled before service is provided?
- C. Have you denied service over the last six months? How much? Why?
- D. Have you refused service animals?
- E. How do you ensure that service animals are allowed?
- F. How are you meeting ADA regulations?

GDOT's RMIS vehicle inventory includes data on whether or not a vehicle is accessible, so the PTCs know which vehicles should be accessible. The vehicle inspection form includes questions regarding the condition of the lift and other accessibility equipment. In addition, GDOT's recommended pre-trip inspection forms require daily cycling of the lift, and the compliance review and site visits include a review of files on completed pre-trip inspections. In addition the on-site review and compliance monitoring will review the log of dates showing when accessible vehicles are out-of-service due to failures and repairs (of any type) or maintenance, demonstrating that no accessible vehicle is operated for more than five days with an inoperative lift. The review will also include checking on public information to make sure that it informs the public that the policy of the subrecipient is that persons with respirators (portable oxygen tanks), personal care attendants, and service animals are permitted.

### **Interstate Service Requirements**

In order to legally carry passengers across state lines, private (for-profit or non-profit) Section 5307, 5310, and 5311 recipients or contract operators are required to register as a "for-hire" carrier with the Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation (USDOT) and obtain a USDOT number<sup>1</sup>.

- **"For Hire"** – a "for hire" status results from public funding, indirect contract revenue, purchase-of-service agreements, and subsidies for individual trips. Operators transporting school children and/or teachers to and/from school; taxicab service with seating capacity less than seven passengers; and daily commuter service (a single, daily roundtrip) for fewer than 15 are exempt operations.
- **Crossing State Lines** – any small portion of a route that takes place in another state qualifies a service as interstate, even if pick-up and drop-off points are in Georgia.

There are two cases in which registration is not required. Public entities who:

- 1) provide service entirely within the boundary of a municipality, even if the municipal boundary crosses state lines, or
- 2) provide service entirely within the commercial zone of a municipality, even if the commercial zone boundary crosses state lines

need not register with FMCSA.

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<sup>1</sup> Source: Community Transportation Association of America, *Mobility Across State Lines: Interstate Service Registration & Regulations* (Technical Assistance Brief #23).

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However, a public entity that directly operates service that crosses state lines and does not meet either the requirements of 1) and 2) above, would need to register with the FMCSA. For example, a service operated across state lines, outside the commercial zone of a municipality, would require registration. In addition, it would appear that if a county contracts with a TPO to operate the vehicles, and the TPO carries passengers across state lines, it (the TPO) would have to register and obtain a USDOT number:

### **Insurance Requirements for Interstate Operation**

To register and obtain a USDOT number an operator must first meet minimum insurance requirements. These vary depending on whether or not the service is provided under an agreement that provides FTA funding. The FMCSA minimum insurance requirements for "...passenger carriers providing transportation within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under 49 U.S.C. 5307, 5310, and 5311..."<sup>2</sup> are liability insurance at least at the highest level required for any of the States in which the transit services will be provided. Minimum liability insurance requirements in the states surrounding Georgia that regulate public motor carriers are listed in Table 1. These levels may need to be verified with the responsible state agencies in each state, which are also listed along with their phone numbers. At this time it appears that a Georgia Section 5311 subrecipient meeting the Georgia insurance requirements would need to purchase additional liability insurance to operate into NC or TN, but not AL, FL, or SC.

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<sup>2</sup> 49 U.S.C. 31138(e).

**Table 1: SUMMARY OF LIABILITY INSURANCE REQUIREMENTS IN ADJACENT STATES**

State	Required Coverage: Bodily Injury One person/All persons/property liability.	Agency specifying limits:
Georgia	Vehicles 15 passengers or less: \$100,000/\$300,000/\$50,000 Vehicles over 15 passengers: \$100,000/\$500,000/\$50,000	GDOT Section 5311 Administrative Guide; Public Service Commission (404- 656-4501) (eff. 7/1/05)
Alabama	1-5 passenger vehicles: \$25,000/\$50,000/\$10,000 5-20 passenger vehicles: \$50,000/\$200,000/\$30,000 Vehicles seating more than 20 passengers: \$100,000/\$500,000/\$50,000	Alabama Public Service Commission (334-242-5200) Rule 4.3: General Liability Insurance
Florida	Nonpublic sector buses: \$100,000/\$300,000/\$50,000	Florida Department of Highway Safety and Motor Vehicles, Motor Carrier Services (850-488-6921) Chapter 627, 627.7415
North Carolina	Any vehicle with a seating capacity of 15 passengers or less: \$1,500,000 (total) Vehicles with seating capacity of 16 passengers or more: \$5,000,000 (total)	North Carolina Utilities Commission (919-733-7328) Rules, Chapter 2 Rule R2-36 Security for the Protection of the Public
South Carolina	1-7 passenger vehicles: \$25,000/\$50,000/\$10,000 8-15 passenger vehicles: \$25,000/\$100,000/\$10,000 16 or more passengers: \$25,000/\$300,000/\$10,000	South Carolina Public Service Commission (803-896-5100) Rule 103-172
Tennessee	Any vehicle with a seating capacity of 15 passengers or less: \$1,500,000 (total) Vehicles with seating capacity of 16 passengers or more: \$5,000,000 (total)	Tennessee Department of Safety, Tennessee Highway Patrol Commercial Vehicle Enforcement Division (615-251-5175) Rule 1340-6-1-.19

### Applications to FMCSA

In Appendix M there are three forms that a Section 5311 operator would need to submit to FMCSA. The first page is a copy of the form that needs to be submitted to the FMCSA to be eligible for this special financial responsibility provision that applies to Section 5311, 5307, and 5310 operators. This form is not available on the FMCSA website, though the general application for a USDOT number is available on-line ([www.fmcsa.gov](http://www.fmcsa.gov)). It is recommended that counties, cities, or TPO's applying under this

exemption print out or copy the applicable forms to request operating authority (OP-1(P) and a USDOT number (MCS-150)) (both also in Appendix M), and mail them in together with the request for special financial responsibility coverage form and a cover letter explaining the nature of the Section 5311 entity. If the city or county contracts with a TPO for service operation, the letter should explain the contractual relationship of the TPO with the Section 5311 recipient (a city or county). A copy of the contract might also be needed to demonstrate the nature of the agreement. Forms certifying to the insurance levels must be sent by the insurance carrier to FMCSA within 90 days of the operator's application.

In addition, S. 5307, 5310, and 5311 operators are supposed to be exempt from the FMCSA registration fee, but this needs to be requested in the letter.

The FMCSA office in Atlanta can be found at:

Federal Motor Vehicle Safety Administration  
Southern Service Center  
61 Forsyth Street, S.W., Suite 17T75  
Atlanta, GA 30303

Voice: (404) 562-3600  
Fax: (404) 562-3704

Section 5311 operators should be aware that many FMCSA staff have not dealt with FTA grant recipients (their focus is interstate trucking and intercity/charter bus), and they are likely to be unaware of these provisions and exemptions. There are examples elsewhere in the country of Section 5311 operators being cited by FMCSA inspectors for not having a USDOT number and the appropriate insurance levels. In some cases the Section 5311 operators have found it easier to simply obtain the higher insurance levels applicable to private for-profit operators than dispute the FMCSA. Private entities operating for hire service that crosses state lines and not operating under an agreement that involves the FTA funding programs (Section 5311, Section 5310 or Section 507), you are subject to additional, higher insurance requirements under the FMCSA. Private operators not funded by an FTA program who run vehicles with a seating capacity under nine passengers must carry at least the highest level of liability insurance coverage required by the states in which they operate. The regulation also requires *non-FTA* grantees operating vehicles with a seating capacity of 9-15 passengers to carry a minimum of \$1.5 million coverage, and for vehicles with a seating capacity of 16 passengers or more a minimum level of \$5 million.

Private operators must identify a retained legal entity or “process agent” in each state where operations are to be authorized (a location where legal papers can be served in the event that the transit agency faces legal action). The USDOT provides a list of some of the companies providing this service ([www.fmcsa.dot.gov/factsfigs/licensing/Agents.htm](http://www.fmcsa.dot.gov/factsfigs/licensing/Agents.htm)).

Federal requirements exempt services operated by local governments and those operated under an agreement with Section 5307, 5310, and 5311 funds from the higher insurance coverages required of private operators. However, it is recommended that you carry documentation of your exemption (either proof of local government ownership and operation, or the exemption granted by FMCSA) on board all vehicles engaged in interstate travel.

Medical Assistance transportation providers may also need special coverage for long-distance trips. Check with your insurance carrier to determine your geographic coverage ranges.

### **Additional Regulatory Requirements**

Appendix I provides additional information regarding regulatory requirements of the Rural Public Transportation Program.

# RURAL PUBLIC TRANSPORTATION APPLICATION

The Rural Public Transportation Application is made up of two parts:

## **PART I - PROJECT DESCRIPTION**

## **PART II - COMPLIANCE REQUIREMENTS**

The Project Description outlines what the public transportation program will accomplish and how it will approach management of resources and operations. The Compliance Requirements are necessary to receive Federal funds.

The following instructions should be followed carefully while developing the application:

## **PART I - PROJECT DESCRIPTION**

The Project Description should outline the public transportation program operations and finances clearly and its relation to Local and State public transportation system goals. The Project Description serves as the basis for the application as well as an annual operations program for the transit service. Exhibit 1 lists the necessary components for the Project Description portion (Part 1) of the grant application and should be used to insure that all required paperwork has been included.

For new applicants and renewals, all elements of Part I need to be included in the Application along with the Executive Summary.

The following sections should be included in the Project Description:

### **Executive Summary**

The Executive Summary is a one page outline of the Project's key elements (See page 21). Information about the following items should be included:

1. Who is the applicant?
2. Who is the contact person?

3. Address, phone number, and e-mail address of the contact person
4. If TPO, address, phone number, and e-mail address of the contact person
5. Specify the number of years that the rural transportation program has been operating
6. Summary of program objectives for the application period
7. Brief description of markets served
8. Brief description of benefits to the community (economic and non-economic)
9. Number of vehicles in total fleet
10. Number of lift-equipped vehicles in total fleet
11. Number of mobile radios or other communications equipment in total fleet
12. Description of capital items requested for application period\*
13. Brief description of marketing methods proposed
14. Total Federal and local operating funds budgeted
15. Total Federal, State, and local capital funds budgeted
16. Grand total of Federal, State and local funds budgeted
17. Source(s) of local match (e.g., county or city governments or Purchase of Service Revenue)
18. Revenue target from purchase of service income
19. Farebox Revenue – 10 percent required.

**\*If vehicles are being requested for expansion purposes, show “Expansion” beside description. If vehicles are being requested for replacement purposes, show “Replacement” and the four digit number of the vehicle which will be replaced beside the vehicle description.**

The dollar amounts listed in the Executive Summary should match those listed in the financial portion of the Project Description including the proposed budget.

The format for the Executive Summary is outlined below:

**EXECUTIVE SUMMARY**

- 1. APPLICANT: \_\_\_\_\_
- 2. CONTACT PERSON: \_\_\_\_\_
- 3. ADDRESS, PHONE, E-MAIL: \_\_\_\_\_
- 4. IF TPO, NAME, CONTACT, ADDRESS, PHONE, E-MAIL \_\_\_\_\_  
\_\_\_\_\_
- 5. NUMBER OF YEARS PROGRAM HAS BEEN OPERATING: \_\_\_\_\_
- 6. PROGRAM OBJECTIVES: \_\_\_\_\_  
\_\_\_\_\_
- 7. MARKETS SERVED (including Purchase of Service (POS)): \_\_\_\_\_  
\_\_\_\_\_
- 8. COMMUNITY BENEFITS: \_\_\_\_\_  
\_\_\_\_\_
- 9. NUMBER OF VEHICLES IN PROGRAM: \_\_\_\_\_
- 10. NUMBER THAT ARE LIFT-EQUIPPED: \_\_\_\_\_
- 11. NUMBER OF MOBILE RADIOS OR OTHER COMMUNICATION EQUIPMENT: \_\_\_\_\_
- 12. DESCRIPTION OF CAPITAL ITEMS BEING REQUESTED (If Replacement Vehicle enter vehicle number and mileage as of June 30, 2005), if expansion, enter "Expansion":  
2006 \_\_\_\_\_  
2007 \_\_\_\_\_
- 13. DESCRIPTION OF PROPOSED MARKETING EFFORTS: \_\_\_\_\_  
\_\_\_\_\_

**TOTAL BUDGET REQUESTED:**

- 13. Operating: Federal \$ \_\_\_\_\_ Local \$ \_\_\_\_\_
- 14. Capital: Federal \$ \_\_\_\_\_ State \$ \_\_\_\_\_ Local \$ \_\_\_\_\_
- 15. Grand Total: Federal \$ \_\_\_\_\_ State \$ \_\_\_\_\_ Local \$ \_\_\_\_\_
- 16. Source(s) of Local Match: \_\_\_\_\_
- 17. REVENUE TARGET FROM POS: \$ \_\_\_\_\_
- 18. FAREBOX REVENUE: \$ \_\_\_\_\_

## **The Organization**

This section describes in detail the management and objectives of the operation. It also explains the organizational position held by the transit operations within the local government structure. The section should include the following:

1. Identify the Local Government - the names and positions should be outlined for those responsible for setting objectives for the rural public transportation system.
2. List the near-term (one-year) objectives for the local government.
3. Identify the Transit System Management Team - their names, positions (titles) and qualifications should be stated.
4. List the near-term (one-year) objectives of the management team. These may differ but not conflict with those of the local government. The local government may have adopted transit program objectives complementing other local development initiatives. The transit system management team's objectives may be focused on transit operations improvements. The two should be complementary and represent the transit operation program objectives for the application year.
5. A description of the organizational position of the transit operations within the local government structure needs to be included. It would be appropriate to delineate how the other departments of the local government relate to the activities of the transit program. The description should also reference the flow of information to the Commission or Council.
6. If the local government has selected a TPO through the privatization process, this section should identify the responsibilities of the TPO and the local government. At a minimum, the following areas should be described in detail:
  - A. Describe how the local government monitors the TPO contract.
  - B. Describe the flow of data, especially financial data.
  - C. Amount the TPO is charging for the services.
  - D. Basis for the charges (i.e. cost per passenger, miles, hour, etc.).

All contracts made with Section 5311 funding must comply with FTA and state procurement requirements, as appropriate to the size and type of the contract. The FTA requirements are detailed in FTA Circular C 4220.1E, "Third Party Contracting Requirements" (available online through [www.fta.dot.gov](http://www.fta.dot.gov)) and the State of Georgia Procurement Manual issued by the Department of

Administrative Services (DOAS) (available online through [www.doas.state.ga.us](http://www.doas.state.ga.us)). Proposed TPO contract(s) must be submitted for Department review and approval with the Project Description. The selected third party operators and the selection process must be approved by GDOT prior to awarding a third party contract. Upon execution, a copy of the **signed** TPO contract must be submitted to GDOT. TPO selection needs to go through a competition selection process.

## **The Market**

This section focuses on the main purpose of the transit service being provided to the community. Markets can be classified in a variety of ways. They can be demographic markets (e.g. seniors), agency client groups (e.g. Department of Human Resources (DHR) program clients), geographic markets (e.g. north end of the County), trip purpose markets (e.g. works trips, medical trips) and location markets (e.g. trade school, industrial park, hospital). Services addressing these markets may be financed by different sources or programs, including POS Contracts, public transportation operating assistance (Section 5311) and charters (user fees).

In this section, there should be a description of the markets served by the transit operation including any proposed purchase of service or charter. Services provided by purchase of service contracts and charter should not interfere with the provision of regular public transportation services. Any proposed expansions into new markets by the system should be described. All service modifications that will be made to serve new markets or to better serve existing markets should be included.

## **The Operations**

The Operations Section should provide insight into the functioning of the transit system.

The following should be included in this section:

## Capital Inventory

Describe the capital resources available for providing the service. This should include an inventory of vehicle(s) by four digit ID number, mileage as of June 30th of the current year, and other information as required by FTA (see the example on the next page).

If a new vehicle is being requested in this application, **justification** must be included. Also, indicate whether the requested vehicle(s) is for expansion of the fleet or replacement of an existing vehicle that has ADA accessible features. If it is to replace an existing vehicle, identify the vehicle to be replaced with an **asterisk\*** beside the DOT vehicle number in the above inventory. **(See example for vehicle number 1443 on next page)**. If mobile radio equipment is being requested, **a copy of the current unexpired license and frequency must be attached to the application** and identified as such. Replaced vehicles should be turned in to the district office within thirty (30) working days after the delivery of a new vehicle. An order will not be submitted for a replacement or expansion vehicle until all titles for existing fleet have been applied for and are on file at Office of Intermodal Programs.

All capital equipment being requested should be included in the RTIP and the Metropolitan Planning Organization's TIP if the project is within an MPO planning/study boundary (See Section on Planning Requirements.) The Department is responsible for inclusion of these projects in the STIP.

This section should also include a description of the operations format that describes the service being provided and how operations are organized. How are calls for services scheduled? What array of services is provided (charter, purchase of service, commuter)? What efforts have been made towards coordination of service? Are there any local service policies in place? Include your fare schedule.

## Service Quality and Performance

Quality control of operations is an important item. Describe the following:

1. How customer complaints are handled
2. How the budget is monitored
3. How the operating and financial data is captured



A description of operating performance for each vehicle should be included for:

1. The last calendar year
2. The projected current year
3. The projected application period. Note: Please use the following format.

1. Operating Performance for Last Calendar Year:

Vehicle #	OWPT/Mo.*	HRS./Mo.	Miles/Mo.

\*OWPT = One-Way Passenger Trip

2. Operating Performance Projected for Current Year:

Vehicle #	OWPT/Mo.	HRS./Mo.	Miles/Mo.

3. Operating Performance Projected for Application Period:

Vehicle #	OWPT/Mo.	HRS./Mo.	Miles/Mo.

If service criteria was not met during the current year, then steps should be outlined in this section that will be implemented during the remainder of the current year and, if necessary, during the application period to improve the operating performance.

## **General Operating Guidelines**

In addition to the service criteria, rural public transportation programs are encouraged to meet the program guidelines and requirements (Appendix D).

### **The Marketing Program**

Marketing of system services is an important function, which serves to provide information to customers, develops community recognition of the public transportation services and stimulates new ridership. The following should be included:

1. Describe marketing methods planned for the application period.
2. What are they intended to accomplish?
3. Give an estimated cost breakdown for each of the planned marketing methods. (The total should agree with the marketing line item in the budget).
4. Describe the methods in place for evaluating the effectiveness of the marketing system and who is responsible for this evaluation.

Marketing funds may be used to offset the cost of printed materials, for example: schedules, flyers, posters, website, etc. With prior GDOT District approval, marketing funds may also be used to offset the cost of creating radio and/or television spots, for example: renting audio and video equipment. It is expected that feature articles or public service announcements will be used to inform the public concerning the services provided by the rural transit system.

### **Financial Data**

Successful management of a business operation can be linked to budget administration. In this section, the financial portion of the transit system will be detailed to collect all the data needed to complete the project operating budget (Exhibit 2). The following should be included:

1. Begin this section with an explanation of the most recent year's financial performance, including any balances left in the budget and/or expenses incurred but not reimbursed. (A copy of December's reimbursement request or the final reimbursement request for the most recent year must be attached).
2. An explanation of the program income, excluding capital, must be included for the last calendar year, the projected current year and the projected application period (See the following example).

**PROGRAM INCOME**

Source	Last Calendar Year (actual)	Current budget Year	Projected Application Period
POS (Agency)			
POS (Agency)			
Medicaid Transportation			
Fares			
Section 5311			
Local Share- P.O.S., County or City funds, etc. (specify)			*
Other (specify)			
TOTAL			

\*Should equal local total on Exhibit 2, Application Budget.

3. All active and proposed POS contracts must be attached along with the POS Computation Worksheet found in Exhibit 3.
4. Applicants should forward to the Department copies of all Purchase of Service Contract(s) executed after the application is submitted. POS Contract(s) will then become a part of the Section 5311 contract documentation.
5. The POS Contract(s) should follow the example in Appendix C. At a minimum the contract must include the following:
  - A. Date of contract execution
  - B. Legal names of contracting parties
  - C. Details of transportation services to be provided, for example:
    1. Number of hours per day

2. Number of days per week
  3. Number of vehicles to be used per day
  4. Service destinations.
- D. What will be the basis for payment to the provider? (Total payments should at a minimum cover fully allocated costs as outlined in the Exhibit 3 – POS Computation Worksheet)
- E. Contract duration; start and end dates. If possible, the Purchase of Service contract should run on a State Fiscal Year cycle.
6. Services provided for the Department of Human Resources (DHR) or the Department of Community Health (DCH) or other social service programs should be reimbursed in an amount sufficient to cover the fully allocated operating cost. A POS Computation Worksheet should be submitted to show that this is being done. (Two sample worksheets are included that demonstrate the system's POS revenue both meeting and not meeting the average Fully Allocated Operating Cost).
  7. A revised Operating Assistance Reimbursement form has been added in Exhibit 4. This is a standardized form that is required for use when submitting your reimbursement forms. This form has been revised to incorporate the purchase of service language as indicated in paragraph No. 10 on the next page and to make it consistent with the reimbursement format in the RMIS on-line management information system.
  8. All increases in budget line items from the current year's budget must be explained and justified. Separate accounts for farebox, purchase of service, and charter revenues (if applicable) must be documented. Transferring funds from drug/alcohol testing and training line items will not be approved. This is to ensure that sufficient funds will be available for any required testing and to encourage systems to take advantage of training opportunities.
  9. Systems should aim to recover 20 percent of public transportation costs from the farebox revenues generated through regular operations, with **a minimum ten percent farebox recovery required** for this funding period. All purchase of service agreements should recover the fully allocated costs. If no fare is charged, County/City is responsible to cover the ten percent farebox requirements. Fare is defined as cash given by passengers as payment for rides, excludes charter revenue.
  10. Funds received by POS may be treated as local rather than Federal funds. Income from contracts to provide human service transportation may be used either to reduce the net project cost as revenues or to provide local match for Section 5311 operating assistance. In either case, the cost of providing the contract service is included in the total project cost.

In the application budget (Exhibits 2 and 4), POS may be treated either as a revenue or local match. If POS is treated as revenue, then the transit agency will subtract POS revenues from Total Expenses along with farebox revenues to derive the Net Operating Deficit. If POS is treated as local match, then the transit agency will subtract only farebox revenue from total expenses to derive the Net Operating Deficit. Although POS appears in two places on the budget application form, it is only to be entered in one place depending on how it is treated, either as revenue or local match. It will never be both.

Excess Purchase of Service is NOT profit and shall be returned to next year's public transit program.

11. The budget for the application period should be presented using the format shown in Exhibits 2 and 4 of this guide. (Projected expenses should balance with projected revenues for the application period). The budget has been revised to incorporate changes relating to purchase of service (see #10 above) as well as making it consistent with the budget format presented in the new RMIS on-line management information system.

## PART II - COMPLIANCE REQUIREMENTS

All applicants must include the following certification and assurances in order to receive Federal funds for the purpose of providing rural public transportation. Also, additional regulatory requirements must be reported in order to participate in the program.

### 1. Annual Listing of FTA's Certifications and Assurances

The certifications and assurances required for this funding period grant application were published in the Federal Register /Vol. 69, No. 206, October 26, 2004 (See Appendix E).

This register contains FTA's comprehensive compilation of the Federal Fiscal Year 2005 Certifications and Assurances to be used in connection with all Federal assistance programs. The 16 categories of certifications and assurances are listed on the other side of the signature page document Exhibit 5.

The certification consists of two pages that must be signed and included in the application (Exhibit 5). **Please be aware that this process only excludes you from submitting documents previously required with your application, NOT from collecting documents and having them on file.**

### 2. Intergovernmental Review Process

The applicant should submit the results of an intergovernmental consultation review from the state, regional and metropolitan clearinghouses as applicable (Exhibit 6). The State Clearinghouse Office provides the application identifier designation number.

### 3. **Authorizing Resolution**

The authorizing resolution is a resolution passed by the ruling council or commission of the local area authorizing the filing of an application naming the person authorized to execute the contract and sign assurances on behalf of the public body (Exhibit 7). If a commission is comprised of a sole commissioner, the resolution should reflect this in the title of the designated official. Note that the resolution must be witnessed, notarized and have a county seal. If the county does not have a county seal, then so indicate.

### 4. **Private Enterprise Coordination**

A requirement of the Section 5311 Program is to insure, to the maximum extent feasible, that private for-profit transportation providers have been given a fair and timely opportunity to participate in the development of the local transportation plans and program, and have been afforded every feasible opportunity to provide the proposed transit service.

To insure that all private for-profit providers have been notified of the proposed project and that they have had adequate opportunity to present their views and to offer their own service proposals for consideration, the applicant should satisfy the following requirements:

- A. List private providers operating in the service area
- B. Notify private providers through one of the following methods:
  - 1. Public notice published in newspaper, or
  - 2. Letter sent to each private provider
- C. Complete and sign the Private Enterprise Coordination Certification in Exhibit 8A.

If the applicant chooses to publish a public notice in the newspaper (B. 1. above), this notice can be combined with the Opportunity for Public Hearing Notice (See Exhibit 8B). If the Private Enterprise Notice is combined with the Opportunity for Public Hearing Notice, the Opportunity for Public Hearing Notice requirements must be met completely. A publisher's affidavit is needed per combined notice. After the date of publication, a minimum of fifteen (15) days should be allowed for public comment.

To avoid a second notice of “No Response”, have the publisher print in the advertisement that if there is no response by the deadline date, GDOT will proceed with the project(s) as described (See Exhibit 8B). Also, submit correspondence to the Office of Intermodal Programs and maintain a file that there was no response for a public hearing.

**Note** - The Private Enterprise Notice does **not** substitute for the Charter Service Notice. These are two separate program requirements and should not be confused. Also, comments resulting from the Public Notice should be included in the application. Please indicate if no response was received.

Appendix F outlines other ongoing requirements for private enterprise coordination which is not a part of the application process but includes documentation that must be maintained on file.

If the County/City elects to operate the system through a third party operator, each of the criteria outlined in Appendix D must be followed.

## 5. **Charter Service**

An Applicant seeking FTA assistance to acquire and/or operate transportation equipment or facilities acquired with Federal assistance authorized by 49 U.S.C. chapter 53 (except 49 U.S.C. 5310) or Title 23, U.S.C. must enter into the following charter agreement. FTA may not provide assistance for those projects until the Application provides this certification by selecting Category VII (Exhibit 5).

See Appendix H for definitions of charter services, exceptions, and procedures to determine if there are **any** willing and able private charter operators, and Exhibit H-1 for example of advertisement for charter services. The applicants with no intent to provide charter service must sign certification as indicated on Exhibit 9A. **All applicants must provide either Exhibit 9A or 9B.**

## 6. **Public Hearing Requirements**

An applicant for capital program assistance or other Federal assistance (except Urbanized Area Formula Program Assistance), that will substantially affect a community or its transit service, must provide the following certification. FTA may not award Federal assistance until the applicant provides their certification by selecting Category IV on the Comprehensive Certification/Assurance document

(Exhibit 5). Notices should be published in a newspaper of general circulation. The notice should allow interested persons to comment within 15 days following publication of the notice. A copy of the advertisement along with the publisher's affidavit should be included in the grant application. Public hearing requirements are for grants requesting capital assistance. See Exhibit 8B for an example of a combined notice for Private Enterprise Coordination and the Rural Public Transportation Program. See Appendix G for public hearing requirements.

## **7. Labor Protection**

Compliance with fair labor practices is required. All applicants must agree in writing to accept the standard terms and conditions of the special Section 5333(b) Labor Warranty for the Section 5311 programs, as outlined in Exhibit 10.

Even though FTA has incorporated the Labor and Protection Certification/Assurances into their comprehensive certification and assurance checklist, the Department of Labor still requires that the labor protection documents be signed and reported to their Department before a contract is executed. *Signed agreement (Exhibit 10) must be in the Office of Intermodal Programs by November 1, 2005 if application is not already submitted.*

## **8. FTA Title VI Data Collection and Reporting**

All applicants for Nonurbanized Area Formula assistance must have completed civil rights program information as required in FTA Circular 9040.1E. Title VI updates must be submitted to the Georgia Department of Transportation annually. An updated submission of the Title VI Data Collection, reporting and monitoring activities, should be included in the grant application as Exhibit 11. (Due to time constraints, this information may be submitted anytime prior to issuance of the State contract.)

## **9. Substance Abuse Certification**

Applicants must certify that they have established and implemented an alcohol misuse prevention program in accordance with the terms of 49 CFR, Part 655, and has also established and implemented an

anti-drug program in accordance with the terms of 49 CFR, Part 40 (Exhibit 12). Also new requirements published by FTA are included in Appendix I.

#### **10. Certification of Equal Access for Persons with Disabilities**

Applicants who are purchasing vehicles without the access features required by 49 CFR Part 38, must certify that when viewed in its entirety, the demand-responsive passenger transportation program provides disabled persons with access equal to that provided to any other persons in terms of the following criteria:

1. Response time,
2. Fares,
3. Geographic area of service,
4. Hours and days of service,
5. Restrictions based on trip purpose,
6. Availability of information and reservation capability, and
7. Constraints on capacity or service availability.

Applicants should complete the Certification of Equal Access for Persons with Disabilities found in Exhibit 13.

#### **11. Checklist**

Exhibit 1 lists the necessary components for the Compliance Requirements Section of a grant application and should be used to determine if all paperwork has been included. As a point of contact for GDOT staff, include the name and telephone number and e-mail address of the person responsible for compilation of the application.

## 12. Application Submission

All applications should be completed in the order shown in this manual. Completed applications should have original signatures. An original and one copy of the application should be submitted to the GDOT PTC in your District. **Original copies should not be stapled, bound, or folded** and should be prepared on standard 8 ½ by 11 paper size.

**EXHIBIT 1**  
**SECTION 5311 GRANT APPLICATION**  
**COVER SHEET & CHECKLIST**  
(For the Application Period January 2006 through December 2006)

Application Preparer \_\_\_\_\_ Phone No. \_\_\_\_\_

City/County \_\_\_\_\_ Exhibit number

**PART I:**

- |   |                          |           |
|---|--------------------------|-----------|
| Executive Summary                                       | <input type="checkbox"/> |           |
| The Organization  | <input type="checkbox"/> |           |
| The Market  | <input type="checkbox"/> |           |
| The Operations  | <input type="checkbox"/> |           |
| The Marketing Program                                   | <input type="checkbox"/> |           |
| Financial Data  | <input type="checkbox"/> |           |
| Budget (Printed from RMIS)                              | <input type="checkbox"/> |           |
| Copy of December Reimbursement Request or Final Request | <input type="checkbox"/> |           |
| Purchase of Service Agreement (If Applicable)           | <input type="checkbox"/> |           |
| Fully Allocated Cost Computation(s) (If Applicable)     | <input type="checkbox"/> | Exhibit 3 |
| Third Party Operator Agreement (If Applicable)          | <input type="checkbox"/> |           |
| Copy of Mobile Radio License (If Applicable)            | <input type="checkbox"/> |           |

**PART II:**

- |   |                          |                |
|---|--------------------------|----------------|
| 1. Annual Listing of Certification and Assurances | <input type="checkbox"/> | Exhibit 5      |
| 2. Clearinghouse Review Form (SC-4)               | <input type="checkbox"/> | Exhibit 6      |
| 3. Authorizing Resolution                         | <input type="checkbox"/> | Exhibit 7      |
| 4. Private Enterprise Coordination                |                          |                |
| a. Submit Exhibits 8A & 8B                        | <input type="checkbox"/> | Exhibits 8A/8B |
| 5. Charter Service:                               |                          |                |
| Certification of No Intent                        | <input type="checkbox"/> | Exhibit 9A     |
| Certification of Intent                           | <input type="checkbox"/> | Exhibit 9B     |
| 6. Section 5333(b) Labor Warranty                 | <input type="checkbox"/> | Exhibit 10     |
| 7. FTA Title VI Data Collection and Recording:    |                          |                |
| Part I. General Reporting Requirements            | <input type="checkbox"/> | Exhibit 11     |
| Part II. Grantees Monitoring Procedures           | <input type="checkbox"/> | Exhibit 11     |
| 8. Substance Abuse Certification                  | <input type="checkbox"/> | Exhibit 12     |
| 9. Certification of Equal Access                  | <input type="checkbox"/> | Exhibit 13     |

**Indicate by N/A any items that are not applicable.**

Reviewed:

Public Transportation Coordinator	Date
Financial Review/Compliance Review	Date
Programming Review	Date
Transit Vehicle Operations Review	Date

## EXHIBIT 2 SAMPLE BUDGET

RTP - [Print Preview]

File Edit View Reports Tools Window Help

1 of 1 Total: 100% 1 of 1

RTP Budget Report

Operation: SACC  
 Budget Year: 2004  
 Period: From 01/01/04 To 12/31/04

Administrative Budget		Cost	Operating Budget		Cost	Capital Budget	Qty	Cost
1. Director Salary	0	14. Director Salary	274,311	30. Roadway Pav	0	0	0	0
2. Supervisor Salary	50,800	15. Supervisor Salary	45,910	31. Roadway Pav	0	0	0	0
3. Roadwayer Salary	0	16. Mechanic Salary	0	32. Commence Pav	0	0	0	0
4. Assistant Salary	3,800	17. Fuel Expenses	24,910	34. Construction Pav / LIFE	0	0	0	0
5. Training Expenses	3,400	18. Oil Expenses	0	35. Routine Gas	0	0	0	0
6. Marketing Expenses	3,400	19. Tire Expenses	0	36. Routine Gas / LIFE	1	44,000	0	0
7. Telephone Expenses	3,400	20. Part Expenses	0	37. Routine Gas	0	0	0	0
8. Office Supplies	3,100	21. Maintenance & Repair	34,310	40. Routine Gas / LIFE	0	0	0	0
9. Rental Expenses	7,000	22. Insurance Expenses	6,400	41. Mobile Radio	0	0	0	0
10. Standard Overhead	0	23. Organizational Training	1,310	42. New Radio	0	0	0	0
11. Computer Software	0	24. Police Benefits	0	43. Computer Hardware	0	0	0	0
		25. License Expenses	3,300					
		26. Routine Expenses	10,000	44. Other	0	0	0	0
12. Misc	7,000	27. Misc	0	45. Other	0	0	0	0
13. Misc	0	28. Misc	0	46. Other	0	0	0	0
14. Misc	0	29. Misc	0	47. Misc	0	0	0	0
15. Other	0	30. Other	0					
<b>Total</b>	<b>82,800</b>	<b>Total</b>	<b>344,930</b>	<b>Total</b>	<b>44,000</b>			

Net Operating Summary			
Administrative Total / Ratio	82,800	24.30%	
Operating Total / Ratio	344,930	85.70%	
Total Operating Budget	427,730		
28. SACC Purchase of Routine (PDR) Revenue	0		
29. SACC Non-RTD Expenses	0		
Public Transportation Budget	427,730		
SACC 2004 Sign Revenue	85,470		
<b>Net Operating Total</b>	<b>513,200</b>		

Budget Summary				
OPERATING BUDGET TOTAL	513,200	Federal	State	Local
Portion of Budget (PDR) Local Funds	0			170,240
Revenue PDR Local Funds	45,000	0	4,000	4,000
Capital Budget Total	44,000	0	4,000	4,000
<b>Budget Grand Total</b>	<b>562,200</b>	<b>200,240</b>	<b>4,000</b>	<b>178,240</b>

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**EXHIBIT 3**  
**GEORGIA DEPARTMENT OF TRANSPORTATION**  
**SECTION 5311**  
**PURCHASE OF SERVICE (POS) COMPUTATION WORKSHEET**

**Formula for computing Fully Allocated Operation Cost per One-Way Passenger Trip (OWPT):**

**Formula:**

Expense Total / Estimated System Total OWPTs for Application Period = Average Cost per OWPT

Operating Expense Total (*from Administrative & Operating Budget of Exhibit 2*):

Estimated System Total OWPTs for the Application Period:

Fully Allocated Operating Cost per OWPT:

**Fully Allocated Operating Cost (FAOC) Information**

**Proposed POS Contracts for the Application Period:**

Name of Agency	Estimated OWPT's	Projected Revenue	Average Cost Per Trip
1.			#DIV/0!
2.			#DIV/0!
3.			#DIV/0!
4.			#DIV/0!
5.			#DIV/0!
Total	0	\$0	#DIV/0!

POS Revenue Should Meet the Average FAOC:

**EXHIBIT 3 (continued)**  
**EXAMPLE OF POS REVENUE THAT MEETS THE AVERAGE FAOC**

**Formula for computing Fully Allocated Operation Cost per One-Way Passenger Trip (OWPT):**

**Formula:**

Expense Total / Estimated System Total OWPTs for Application Period = Average Cost per OWPT

Operating Expense Total (*from Administrative & Operating Budget of Exhibit 2*): \$200,000

Estimated System Total OWPTs for the Application Period: 20,000

Fully Allocated Operating Cost per OWPT: \$10

**Fully Allocated Operating Cost (FAOC) Information**

**Proposed POS Contracts for the Application Period:**

Name of Agency	Estimated OWPT's	Projected Revenue	Average Cost Per Trip
1.	3,000	\$29,000	\$10
2.	2,000	\$21,000	\$11
3.	4,000	\$49,000	\$12
4.			
5.			
<b>Total</b>	<b>9,000</b>	<b>\$99,000</b>	<b>\$11</b>

POS Revenue Should Meet the Average FAOC: Meets

**EXHIBIT 3 (continued)**  
**EXAMPLE OF POS REVENUE THAT DOES NOT MEET THE AVERAGE FAOC**

**Formula for computing Fully Allocated Operation Cost per One-Way Passenger Trip (OWPT):**

**Formula:**

Expense Total / Estimated System Total OWPTs for Application Period = Average Cost per OWPT

Operating Expense Total (*from Administrative & Operating Budget of Exhibit 2*): \$200,000

Estimated System Total OWPTs for the Application Period: 20,000

Fully Allocated Operating Cost per OWPT: \$10

**Fully Allocated Operating Cost (FAOC) Information**

**Proposed POS Contracts for the Application Period:**

Name of Agency	Estimated OWPT's	Projected Revenue	Average Cost Per Trip
1.	3,000	\$15,000	\$5
2.	7,000	\$75,000	\$11
3.			
4.			
5.			
<b>Total</b>	<b>10,000</b>	<b>\$90,000</b>	<b>\$9</b>

POS Revenue Should Meet the Average FAOC: Does Not Meet

**EXHIBIT 3 (continued)**  
**FINANCIAL REPORTING FORM (TO ACCOMPANY REIMBURSEMENT REQUEST)**  
**January 2006 - December 2006 Funding Cycle**

**Grantee:** (County, City, or RDC)

**Reporting Period:**

Month(s) \_\_\_\_\_

Year \_\_\_\_\_

**Total Budget:**


**Total Net Project Cost:**

	<u>BUDGET</u>	<u>THIS PERIOD</u>	<u>YEAR-TO-DATE</u>	<u>BALANCE</u>
<b>ADMINISTRATIVE BUDGET</b>				
Director Salary			\$0.00	\$0.00
Supervisor Salary			\$0.00	\$0.00
Bookkeeper Salary			\$0.00	\$0.00
Secretary Salary			\$0.00	\$0.00
Training/Travel			\$0.00	\$0.00
Marketing			\$0.00	\$0.00
Telephone			\$0.00	\$0.00
Office Supplies			\$0.00	\$0.00
Rental Expenses			\$0.00	\$0.00
Standard Overhead			\$0.00	\$0.00
Computer Software Maintenance			\$0.00	\$0.00
Other			\$0.00	\$0.00
<b>Subtotal Administrative</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>OPERATING BUDGET</b>				
Driver Salary			\$0.00	\$0.00
Dispatcher Salary			\$0.00	\$0.00
Mechanic Salary			\$0.00	\$0.00
Fuel			\$0.00	\$0.00
Maintenance and Repair			\$0.00	\$0.00
Vehicle Insurance			\$0.00	\$0.00
Drug/Alcohol Testing			\$0.00	\$0.00
License			\$0.00	\$0.00
Uniforms			\$0.00	\$0.00
Other			\$0.00	\$0.00
<b>Subtotal Operations</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL EXPENSES</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**EXHIBIT 4 - EXAMPLE OF MONTHLY SECTION 5311 OPERATING ASSISTANCE REIMBURSEMENT FORM**  
**January 2006 - December 2006 Funding Cycle**

**Grantee:**

**Federal ID Number:**

**Contract Number:**

**Budget:**

**Projected Revenue:**

**Net Project Cost:**


**Billing Period:** Month \_\_\_\_\_ Year \_\_\_\_\_

**Invoice Date:**

**Section 5311 Federal Share:**

**Local Share:**

\$0.00
\$0.00

**OPERATING EXPENSE SUMMARY**

	THIS PERIOD	YEAR-TO-DATE	BALANCE	Percent of Total To Date	Quick Budget Check <sup>1</sup>
Total Eligible Operating Expenses <i>(Net Project Cost for the Period)</i>		\$0.00	\$0.00	#DIV/0!	OK
Purchase of Service Revenue		\$0.00	\$0.00	#DIV/0!	OK

**SUMMARY OF FUNDS REQUESTED**

Total Section 5311	\$0.00	\$0.00	\$0.00	#DIV/0!
Local Share	\$0.00	\$0.00	\$0.00	#DIV/0!

**REIMBURSEMENT REQUESTED**

Total Federal Share \$0.00

Submitted By: \_\_\_\_\_

Print or Type

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Reviewed By

\_\_\_\_\_  
Date

<sup>1</sup>Quick Budget Check:

Operating Expense - "Needs Review" displays if this period's operating expense exceeds 110% of the anticipated budgeted amount for that period, otherwise "OK" is displayed.

Revenue - "Needs Review" displays if this period's revenue is 10% less than the anticipated budgeted amount for that period, otherwise "OK" is displayed.

**EXHIBIT 4 - EXAMPLE OF QUARTERLY SECTION 5311 OPERATING ASSISTANCE REIMBURSEMENT FORM**  
**January 2006 - December 2006 Funding Cycle**

**Grantee:**

**Federal ID Number:**

**Contract Number:**

**Billing Period:** Months \_\_\_\_\_ Year \_\_\_\_\_

**Invoice Date:**

**Budget:**

**Projected Revenue:**

**Net Project Cost:**


**Section 5311 Federal Share:**

**Local Share:**

\$0.00
\$0.00

**OPERATING EXPENSE SUMMARY**

	<b>THIS PERIOD</b>	<b>YEAR-TO-DATE</b>	<b>BALANCE</b>	<b>Percent of Total To Date</b>	<b>Quick Budget Check<sup>1</sup></b>
Total Eligible Operating Expenses <i>(Net Project Cost for the Period)</i>		\$0.00	\$0.00	#DIV/0!	OK
Purchase of Service Revenue		\$0.00	\$0.00	#DIV/0!	OK

**SUMMARY OF FUNDS REQUESTED**

Total Section 5311	\$0.00	\$0.00	\$0.00	#DIV/0!
Local Share	\$0.00	\$0.00	\$0.00	#DIV/0!

**REIMBURSEMENT REQUESTED**

Total Federal Share \$0.00

Submitted By: \_\_\_\_\_

Print or Type

\_\_\_\_\_  
 Signature of Authorized Official      Date      Reviewed By      Date

<sup>1</sup>Quick Budget Check:

Operating Expense - "Needs Review" displays if this period's operating expense exceeds 110% of the anticipated budgeted amount for that period, otherwise "OK" is displayed.  
 Revenue - "Needs Review" displays if this period's revenue is 10% less than the anticipated budgeted amount for that period, otherwise "OK" is displayed.

**EXHIBIT 5**  
(Page 1 of 2)

**FEDERAL FY 2005 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE\***

(Alternative to Electronic Filing)

Name of Applicant: \_\_\_\_\_

The Applicant agrees to comply with applicable requirements of Categories 01 - 16. \_\_\_\_\_

( The Applicant may make this selection in lieu of individual selections below.)

OR

The Applicant agrees to comply with the applicable requirements of the following categories it has selected:

- |   |       |
|---|-------|
| 01. Required for Each Applicant   | _____ |
| 02. Lobbying Certification.   | _____ |
| 03. Private Mass Transportation Companies   | _____ |
| 04. Public Hearing  | _____ |
| 05. Acquisition of Rolling Stock  | _____ |
| 06. Bus Testing   | _____ |
| 07. Charter Service Agreement   | _____ |
| 08. School Transportation Agreement   | _____ |
| 09. Demand-Responsive Service   | _____ |
| 10. Alcohol Misuse and Prohibited Drug Use  | _____ |
| 11. Interest and other Financing Costs  | _____ |
| 12. Intelligent Transportation Systems  | _____ |
| 13. Urbanized Area Formula Program, Job Access and Reverse Commute Program, and the Clean Fuels Program | _____ |
| 14. Elderly and Persons with Disabilities Program   | _____ |
| 15. Nonurbanized Area Formula Program   | _____ |
| 16. State Infrastructure Bank (SIB) Program   | _____ |

(Both pages of this Signature Page must be appropriately completed and signed as indicated.)

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**\*Federal Register/Vol. 69, No. 206/October 26, 2004 (See Appendix E of this document)**

**EXHIBIT 5**  
(Page 2 of 2)

**FEDERAL FISCAL YEAR 2005 FTA CERTIFICATIONS AND ASSURANCES\***

Required of all Applicants for FTA financial assistance and  
all FTA Grantees with an active capital or formula project

**Name of Applicant:** \_\_\_\_\_

**Name and Relationship of Authorized Representative:** \_\_\_\_\_

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, regulations, executive orders, and federal requirements applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2005.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances in Appendix A, should apply, as required, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2005.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq., as implemented by U.S. DOT regulations, "Program Fraud Civil Remedies", 49 CFR part 31 apply to any certification, assurance, or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal Transit program authorized in 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 correct.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Name \_\_\_\_\_  
Authorized Representative of Applicant

**AFFIRMATION OF APPLICANTS ATTORNEY**

For \_\_\_\_\_ (Name of Applicant)

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state and local law 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 the project.

Date: \_\_\_\_\_  
\_\_\_\_\_ Applicant's Attorney

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) assistance) and each FTA Grantee with an active capital or formula project must provide an Attorney's affirmation of 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..

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\* **Federal Register/Vol. 69, No. 206/October 26, 2004**

**EXHIBIT 6\***

(Page 1 of 2)

**Georgia Intergovernmental Consultation Process**

**Intergovernmental Coordination Form**

Applicant: \_\_\_\_\_

Project Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Name and Title of Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Impacted City/Cities: \_\_\_\_\_

Impacted County/Counties: \_\_\_\_\_

Project Description (Nature, Purpose, Location):

The Section 5311 Program funds will be used to provide Rural Public Transit statewide. This application will provide funding for capital and/or operating expenses. It will, as well provide funding for the Intercity Bus Program, RTAP and State Administration of the Section 5311 program.

**FUNDING**

Federal Catalog Number: 20.509

<b>Source</b>	<b>\$Amount</b>	<b>Federal Program Name: Section 5311</b>
Basic Federal Grant	\$ _____	<b>Federal Agency Name:</b> Federal Transit Administration <b>Federal Agency's Address:</b> Atlanta Federal Center, Suite 17T50 61 Forsyth St. S.W., Atlanta, GA 30303-3109
State Matching Grant	\$ _____	
Local Matching Grant	\$ _____	<b>Name and Title of Contact Person:</b> Tony Dittmeier, Transportation Program Specialist <b>Telephone:</b> (404)562-3512
Other Matching Grant	\$ _____	
Total Cost	\$ _____	

Impacted Regional and Metropolitan Clearinghouse: \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorizing Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## EXHIBIT 6

(Page 2 of 2)

- \* **Please send completed form to: State Clearinghouse c/o Barbara Jackson, Office of Planning and Budget, Suite 8069, 270 Washington Street, S.W., Atlanta, Georgia 30334. (404) 656-2191, Fax#: (404) 656-7916.**
- \* **Send copy to the affected MPO (except Atlanta) if appropriate. Do Not Send to the Regional Development Center (RDC)**

The original form should be sent to the State Clearinghouse, c/o Barbara Jackson, Office of Planning and Budget, Suite 8069, 270 Washington Street, S.W., Atlanta, Georgia 30334. If the project is to be located in a locale served by a Metropolitan Clearinghouse, a legible copy must be sent to the appropriate MPO for review and approval (except in Atlanta).

When completing the Intergovernmental Consultation Form, the applicant must be sure to include the following information:

1. Identification of the applicant.
2. Federal program title, number and agency under which assistance is sought as listed in the latest **Catalog of Federal Domestic Assistance.**
3. Geographic location of the proposed project by type accompanied by a map (physical development only).
4. Brief description of the proposed project by type, purpose, general size, or scale, estimated cost, beneficiaries or other characteristic details.

- \* **Note:** The State Clearinghouse will coordinate area wide clearinghouse responses with the respective Regional Development Centers including ARC. **DO NOT SEND TO RDC.**

**EXHIBIT 7**  
(Page 1 of 2)

**AUTHORIZING RESOLUTION**

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR A GRANT FOR PUBLIC TRANSPORTATION ASSISTANCE UNDER SECTION 5311 OF THE FEDERAL TRANSIT LAWS UNDER CHAPTER 53 OF TITLE 49 OF THE UNITED STATES CODE.**

**WHEREAS**, the Federal Transit Administration and the Georgia Department of Transportation are authorized to make grant to non-urbanized areas for mass transportation projects; and

**WHEREAS**, the contract for financial assistance will impose certain obligations upon applicant, including the provision by it of the local share of project costs; and

**WHEREAS**, it is required by the United States Department of Transportation and the Georgia Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Federal Transit Act, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and under the United States Department of Transportation requirements thereunder; and

**NOW THEREFORE, BE IT RESOLVED BY (Applicant's Legal Name), hereinafter referred to as the "APPLICANT",**

1. That the (Title of Designated Official) hereinafter referred to as the "Official is authorized to execute and file an application on the behalf of the Applicant, a City/County government, with the Georgia Department of Transportation to aid in the financing of public transportation assistance pursuant to Section 5311 of the Federal Transit Act."
2. That the Official is authorized to execute and file such application and assurances or any other document required by the U.S. Department of Transportation and the Georgia Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
3. That the Official is authorized to execute and file all other standard assurances or any other document required by the Georgia Department of Transportation or the U.S. Department of Transportation in connection with the application for public transportation assistance.
4. That the Official is authorized to furnish such additional information as the U.S. Department of Transportation or the Georgia Department of Transportation may require in connection with the application of the project.
5. That the Official is authorized to execute grant contract agreements on behalf of the Applicant with the Georgia Department of Transportation in connection with the application for public transportation assistance.
6. That the applicant while making application to or receiving grants from the Federal Transit Administration will comply with FTA Circular 9040.1E, FTA Certifications and Assurances for Federal Assistance in FY 2005 as listed in Appendix E, and General Operating Guidelines as illustrated in Appendix D of the Georgia State Management Plan and Administrative Guide for Rural Public Transportation Programs.
7. That the Applicant has or will have available in the General Fund the required non-federal funds to meet local share requirements.

**EXHIBIT 7**  
(Page 2 of 2)

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
**Chairman of Commission or Sole Commissioner**

\_\_\_\_\_  
**Type Name and Title**

Signed, sealed and delivered this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ in the presence of

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Notary Public/Notary Seal**

**CERTIFICATE**

The undersigned duly qualified and acting (**Title of Certifying/Attesting Official**) of (**Applicant's Legal Name**) certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting held on

\_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
**Name of Certifying/Attesting Officer**

**County Seal**

\_\_\_\_\_  
**Title of Certifying/Attesting Officer**

**EXHIBIT 8A**

**PRIVATE ENTERPRISE COORDINATION CERTIFICATION**

**List of private providers operating in the service area:**

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**Date Notified:** \_\_\_\_\_

**Attach Notice and Affidavit from newspaper and copies of letters sent to private providers.**

**Last Day to Respond:** \_\_\_\_\_

**(Legal Name of City/County)** will annually review existing service and any proposed service changes to determine the feasibility of private providers providing the public service. An annual review will be scheduled and a review format will be developed to carry out this task. Private providers will be notified and their interest in the service provision will be assessed. Private providers will be invited to attend and be a part of the annual review process. Additional Private Enterprise requirements are outlined in Appendix F.

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Authorized Officer**

\_\_\_\_\_  
**Name and Title of Authorized Officer**

## EXHIBIT 8B

### NOTICE OF OPPORTUNITY FOR A PUBLIC HEARING PRIVATE ENTERPRISE COORDINATION RURAL PUBLIC TRANSPORTATION PROGRAM

**(Legal Name of City/County)** is applying for funding assistance under Title 49 U.S.C. Section 5311 of the Federal Transit Act pertaining to rural and small urban areas.

The **(Legal Name of City/County)** will offer general public transportation to all citizens of **(Legal Name of County/ City)** for any worthwhile purpose, including but not limited to shopping, medical treatment, social services and other purposes.

The **(Legal Name of City/County)** solicits private sector input and participation to assure that private for-profit transportation operators have a fair and timely opportunity to participate in the development of this program.

The **(Legal Name of City/County)** also solicits comments and concerns from the general population on local rural public transportation services.

The **(Legal Name of City/County)** also solicits comments and concerns from the disabled population and their representatives to assure that issues relating to the disabled are addressed in the service design proposed during the planning process.

Interested persons are invited to request that a public hearing be held to discuss the services being offered or development of the application.

Written comments, requests for a public hearing and/or written notice of intent by private for-profit transportation operators to provide or participate in the above services should be submitted no later than fifteen (15) days from the date of this publication to:

COMMISSION CHAIRMAN  
ADDRESS  
PHONE NUMBER

If no response is received within the fifteen (15) days, the Department of Transportation will proceed with the application.

**EXHIBIT 9A**

**CERTIFICATION OF NO INTENT OF CHARTER SERVICE**

**(Legal Name of City/County)** certifies that it does not intend to provide charter service with FTA funded equipment or facilities during the operating period of this application. Should the Applicant decide to provide charter service, the Applicant will notify the Georgia Department of Transportation no less than **90** days prior to implementation of this service.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Name and Title of Authorized Officer

## EXHIBIT 9B

### CERTIFICATION OF INTENT TO PERFORM CHARTER SERVICE

(Legal Name of City/County) certifies that it does intend to provide charter service with FTA funded equipment during the operating period of this application. This charter service will be provided under one or more of the exceptions to the FTA prohibition on charter service using federally-funded vehicles, as described below.

If a subrecipient desires to provide any charter service using FTA equipment it must first determine if there are any private charter operators willing and able to provide the charter service that the subrecipient wishes to provide. If there is at least one willing and able charter operator, the subrecipient is prohibited from providing charter service unless one or more of the following exceptions applies.

As the first step in this process is determining if there are any willing and able private operators, the subrecipient must conduct and document the process of public participation called for by FTA (described in more detail in Appendix H), including:

- a) Advertisement of intention to provide charter service (using the wording provided in Appendix H).
- b) Letters to all private operators in the service area (using the suggested wording in Appendix H).
- c) Letters to the American Bus Association and the United Motorcoach Association (see examples in Appendix H).

Copies of the advertisement, all letters, and any responses to this process, and any evaluation of responses as to their being willing and able, as defined by FTA, must be attached to this certification.

If there are no willing and able private operators, the subrecipient may elect to provide charter service under one or more of the following exceptions:

- 1) \_\_\_ No Willing and Able Operator.
- 2) \_\_\_ Contract with a private operator to provide charter service if:
  - a) the private operator is requested to provide charter service that exceeds its capacity, or
  - b) the private operator is unable to provide equipment that is accessible to the elderly and persons with disabilities.
- 3) \_\_\_ In a non-urbanized area, the subrecipient may petition FTA for an exception to provide charter service if:
  - a) the willing and able private operators impose minimum durations pursuant to State regulation, and the desired trip length is shorter than the mandatory trip length, or
  - b) The willing and able private operator(s) are located too far from the origin of the charter service.

- 4) \_\_\_\_\_ The subrecipient may petition the FTA Administrator for an exception to provide charter service to special events to the extent that private operators are not capable of providing the service.
- 5) \_\_\_\_\_ Subrecipient may contract with a governmental entity or a private, non-profit tax-exempt organization (under subsection 501(c)(1), 501(c)(3), 501(c)(4) or 501(c)(19) of the Internal Revenue Code) to provide charter service to that organization upon obtaining a certification from that organization which states that it meets one of three sets of specific conditions. The certifications have an exact wording which can be found in Appendix H, and must be obtained prior to executing a contract for charter services. The contract and certificate must be submitted to GDOT 90 days prior to conducting any charters under this exception, to allow GDOT sufficient time to petition FTA for permission in writing to conduct these trips.
- 6) \_\_\_\_\_ A subrecipient in a non-urbanized area may contract with a governmental entity or a private, non-profit tax-exempt organization (under subsection 501(c)(1), 501(c)(3), 501(c)(4) or 501(c)(19) of the Internal Revenue Code) to provide charter service to that organization upon obtaining a specific certification from that agency. That certification has a different exact wording which can also be found in Appendix H.
- 7) \_\_\_\_\_ A subrecipient may provide charter service where a formal agreement has been signed between the subrecipient and all willing and able charter operators.

**Incidental Nature of the Service**

(Name of City/County) will provide such charter services only on an incidental basis, meeting the tests of “incidental” service:

- Services shall not be provided during peak service hours, or conflict in any way with regular general public services.
- The proposed rate for charter service conducted during this period under these exceptions is \$ \_\_\_\_\_ per hour, which is equal to or exceeds the fully allocated cost of providing the service as calculated on the attached worksheet.
- The number of miles operated in charter service, by vehicle, will be recorded and provided to GDOT as part of its regular monthly reporting. It is understood that these miles will be subtracted from the actual mileage of the vehicle when evaluating vehicle replacement under GDOT mileage guidelines.

Should these vehicles/services be operated by a third-party operator under contract to (city/county name), all of these requirements and conditions will be passed on to that operator as part of the contract.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
Name and Title of Authorized Officer

**EXHIBIT 10**  
(Page 1 of 6)

**SPECIAL SECTION 5333(b) 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 Title 49 U.S.C. Section 5311:

**A. General application**

The Public Body Georgia DOT 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 services assisted by the Project (**Name of Application**) 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 5311 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, 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 (9) of the Model agreement or applicable provisions of substitute comparable arrangements.

## EXHIBIT 10

(Page 2 of 6)

(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 applications 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 49 U.S.C. Section 5333(b)<sup>1</sup>, 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 5333(b) Agreement executed July 23, 1975, identified below<sup>2</sup>, provided that other comparable arrangements may be substituted therefore, if approved by the Secretary of Labor and certified for inclusion in these conditions.

---

<sup>1</sup>Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurances of employment to employees of acquired mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training and retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to 49 U.S.C. Section 11347 [the codified citation of Section 5(2)(f) of the Act of February 4, 1987 (24 Stat. 379), as amended].

<sup>2</sup>For purposes of this warranty agreement, paragraphs (1);(2);(5);(15);(22);(23);(24);(26)(27);(28); and (29) of the Model Section 5333(b) Agreement, executed July 23, 1975 are to be omitted.

**EXHIBIT 10**  
(Page 3 of 6)

(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 employees. 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 or 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.

**EXHIBIT 10**  
(Page 4 of 6)

(8) The Recipient will post, in a prominent and accessible place, a notice stating that the Recipient has received federal assistance under 49 U.S.C. Chapter 53 and has agreed to comply with the provisions of 49 U.S.C. Section 5333(b). 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 a 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 49 U.S.C. Chapter 53, 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 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 a 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 waiver will become final at the end of the 30-day notice period. In the event 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.

**EXHIBIT 10**  
(Page 5 of 6)

**D. Acceptance**

The **Name of Applicant** does hereby adopt and accept all terms and conditions of this Special Section 5333(b) Warranty. Furthermore, the **(Name of Applicant)** assures that this agreement will be in force during the contractual period with the Georgia Department of Transportation for assistance under Section 5311 of the Federal Transit Act.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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**Signature of Authorized Officer**

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**Title of Authorized Officer**

**EXHIBIT 10**  
(Page 6 of 6)

**Project Description, Listing of Recipients, Eligible Surface Public Transportation Providers and Labor Representation**

<b>Project Description</b> (listing of capital equipment, type of service provided)*	<b>Recipients</b> Identify applicant of transportation assistance (legal entity) and the actual provider of the service	<b>Other Surface Public Transportation Providers</b> <i>(include taxis)</i>	<b>Union Representation of Employees, If Any</b>
	_____, GA		

Area Served by this project:

**Submit to the Office of Intermodal Programs by November 1, 2005 for reporting purposes to the U.S. Department of Labor.**

**\*Existing**

**EXHIBIT 11**  
(Page 1 of 3)

**FTA TITLE VI DATA COLLECTION AND REPORTING**

All applicants for FTA funding are required to maintain and provide GDOT and FTA with certain Title VI information. The required information is outlined in Part I - General Reporting Requirements. Updated information should be provided to the Department as conditions warrant, but at a minimum, **Part I should be submitted annually.**

Part II - Grantees Monitoring Procedures - For the purpose of this section, FTA is requiring that all grants that provide public transit service develop and implement procedures to monitor their level and quality of transit service to determine compliance with Title VI. These comparisons of the level and quality of transit service provided to the minority community, against overall system averages, will measure the actual realization of established service policies and standards. FTA requests that the following methodologies be incorporated in the grantee's monitoring procedures for reviewing levels and quality of service **(this is to be done annually)**. *The information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.*

**Part I - General Reporting Requirements:**

1. A list of any active lawsuits or complaints naming the applicant which allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits. The list should include:
  - (a) The date the lawsuit or complaint was filed;
  - (b) A summary of the allegation; and
  - (c) The status of the lawsuit or complaint.
2. A description of all pending applications for financial assistance, and financial assistance currently provided by other federal agencies.
3. A summary of all civil rights compliance review activities conducted in the last three years. The summary should include:
  - (a) The proposed reason for the review;
  - (b) The name of the agency or the organization that performed the review;
  - (c) A summary of the findings and recommendations of the review; and

## EXHIBIT 11

(Page 2 of 3)

- (d) A report on the status and/or disposition of such findings and recommendations.

### **STANDARDIZED MONITORING PROCEDURES**

#### **Part II - Grantees Monitoring Procedures**

I. **Level of Service Methodology** - This section will examine the recipients, minority community, service policy and standards. Census breakdowns must be obtained from the latest U.S. Census report, which is available at any RDC, MPO, or County Commissioner's Office.

- A. Select Cities/Counties that have a minority population which can be monitored and analyzed when collecting data (service should be monitored at a minimum of one month).
1. Select City/County where Section 5311 transportation is provided.
  2. Look at each City/County area where service is provided and determine the percentage of minority population to total population.
- B. Using the criteria listed below, provide an overview of the transit service:
1. Type of service
  2. Days and hours of operation
  3. Number of vehicles
  4. Number of wheelchair equipped vehicles
  5. Total seating capacity
  6. Service area
- C. Conduct a survey using the criteria listed below to determine the performance of rural transit in the area:
1. Total number of trips
  2. Total number of trips provided to minorities
  3. Percentage total (minority trips / total number of trips)
- D. Review the transit service provided and the provider's standards and policies. Make sure all State, Federal, Civil Rights and Title VI mandates and requirements are met. Also, in cases where there are findings, give recommendations.
- E. Compare the average performance for each City/County transit system to the grantee's service policies and standards. If there are findings, give recommendations.

**EXHIBIT 11**  
(Page 3 of 3)

- II. **Quality of Service Methodology** - This section will determine whether the quality of service is consistent among different user groups and the degree to which transit service is responsive to minority needs (service should be monitored at a minimum of one month).
- A. Select Cities/Counties where rural transit service is provided.
  - B. Conduct a survey and identify the users travel pattern (shopping trips, work trips, medical trips, etc.).
  - C. Conduct a survey and identify the travel pattern for minorities and non-minorities (shopping trips, work trips, medical trips, etc.).
  - D. Give a transit cost analysis using the survey results which identify the minority and non-minority travel pattern. Select the top three most traveled destinations and respond to the questions listed below:
    - 1. Cost per hour for transit service
    - 2. Total cost of trip destination
    - 3. Cost per mile of trip to destination
  - E. In using this methodology, the grantee must compare the overall quality of service of minorities with non-minorities and take action on the disparities

**EXHIBIT 12**

**Substance Abuse Certification**

I, \_\_\_\_\_, \_\_\_\_\_,  
(Type or Print Name of Official) (Type or Print Title of Official)

certify that \_\_\_\_\_ and its contractors, as required,  
(Type or Print County or City)

for the Section 5311 Rural Public Transportation Program, has established and implemented an alcohol misuse prevention program in accordance with the terms of 49 CFR, Part 655 and has also established and implemented an anti-drug program in accordance with the terms of 49 CFR, Part 40. I further certify that the employee training conducted under this part meets the requirements of 49 CFR, Part 40.

\_\_\_\_\_  
(Signature of Official)

(Date)

*NOTE: New (or first time) applicants must not sign this certification until authorized by the Georgia Department of Transportation (GDOT). Authorization will not be granted until the local Substance Abuse Testing Program is in place and has been reviewed and approved by the GDOT. New programs must be certified before they can begin operations.*

**EXHIBIT 13**

**CERTIFICATION OF EQUAL ACCESS FOR PERSONS WITH DISABILITIES**

(Required only for purchase of vehicle without access features required in 49 CFR part 38)

I hereby certify that when viewed in its entirety, the demand-responsive transportation program of \_\_\_\_\_ provides disabled persons with access equal to that afforded to any other persons in terms of the following criteria:

1. Response time,
2. Fares,
3. Geographic area of service,
4. Hours and days of service,
5. Restrictions based on trip purpose,
6. Availability of information and reservations capabilities, and
7. Constraints on capacity or service availability.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, 200 .

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(Signature)

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(Typed/Printed Name)

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(Title)

Please complete the attached ADA Equivalency Analysis for Demand-Responsive Public Transportation form and submit it with the application.

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**EXHIBIT 13 (continued)**

**ADA EQUIVALENCY ANALYSIS FOR DEMAND-RESPONSIVE  
PUBLIC TRANSPORTATION**

Completion of this form **is only required before purchase of a vehicle that is not equipped** with the access features required in 49 CFR Part 38, along with completion of the Certification of Equal Access for Persons with Disabilities.

Under GDOT policy, all grantees must have at least one lift-equipped vehicle (a vehicle that has all the required access features), and must have a sufficient number to offer equivalent service to persons with disabilities, when the program is viewed in its entirety, based on the criteria shown below. No non-accessible vehicles can be ordered unless the system is providing equivalent service for each of the criteria.

**Vehicle Accessibility Status:**

- 1) Total Current Section 5311 Demand-Responsive Fleet: \_\_\_\_\_ vehicles
- 2) Total Current Section 5311 Demand-Responsive accessible (lift-equipped):  
\_\_\_\_\_ vehicles
- 3) Total Section 5311 vehicles requested in this grant application:
  - (a) \_\_\_\_\_ Accessible Vehicles
  - (b) \_\_\_\_\_ Non-Accessible Vehicles
- 4) Total Projected Fleet at end of this Application Period:
  - (a) \_\_\_\_\_ Accessible Vehicles
  - (b) \_\_\_\_\_ Non-Accessible Vehicles

If the answer to question 3(b) is greater than zero, the applicant must complete all cells in this matrix:

Criteria	For Persons Without Disabilities	For Persons with Disabilities Requiring an Accessible Vehicle
Response Time (days or hours in advance that a trip must be scheduled):		
Fares: General Public fares		
Geographic area of service availability:		
Hours and days of service availability:		

Criteria	For Persons Without Disabilities	For Persons with Disabilities Requiring an Accessible Vehicle
Trip or usage restrictions based on trip purpose:		
Availability of information and reservations capabilities:		
Any constraints on capacity or service availability:		

If there are any differences in the answers between the two answer columns, please explain:

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Are there any requests for service that would require a wheelchair lift that you are presently unable to meet? If yes, please describe in terms of number, frequency, characteristics (trip purpose, location, etc.)

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Do these unmet trip requests differ in type or kind from unmet trip requests by persons who do not need an accessible vehicle?

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If there are any differences in the service characteristics for persons with and without disabilities, or if there are unmet requests for accessible demand-responsive service, the system should request lift-equipped, fully accessible vehicles until fully equivalent service can be provided.

**EXHIBIT 13 (continued)**  
**GEORGIA DEPARTMENT OF TRANSPORTATION**  
**SECTION 5311**  
**ACCESSIBLE VEHICLE OUT-OF-SERVICE/RETURNED TO SERVICE DOCUMENTATION WORKSHEET**  
**January 2006 - December 2006 Funding Cycle**

**Agency:** Sample County

<b>Vehicle #</b>	<b>Reported Date of Failure</b>	<b>Description of Failure/Service Required</b>	<b>Date Accessible Agency Vehicle Removed from Service</b>	<b>Date GDOT Lease Fleet Accessible Vehicle Placed in Service</b>	<b>Date Accessible Agency Vehicle Placed Back in Service</b>
<i>Example 1</i>	<i>4/15/2005</i>	<i>Lift door will not open</i>	<i>9/15/2004</i>	<i>n.a.</i>	<i>9/17/2004</i>
<i>Example 2</i>	<i>1/5/2005</i>	<i>Broken heater</i>	<i>1/6/2005</i>	<i>1/7/2005</i>	<i>1/11/2005</i>

Note: ADA regulations state that a subrecipient may not keep a vehicle with an inoperable lift in service for more than five days.

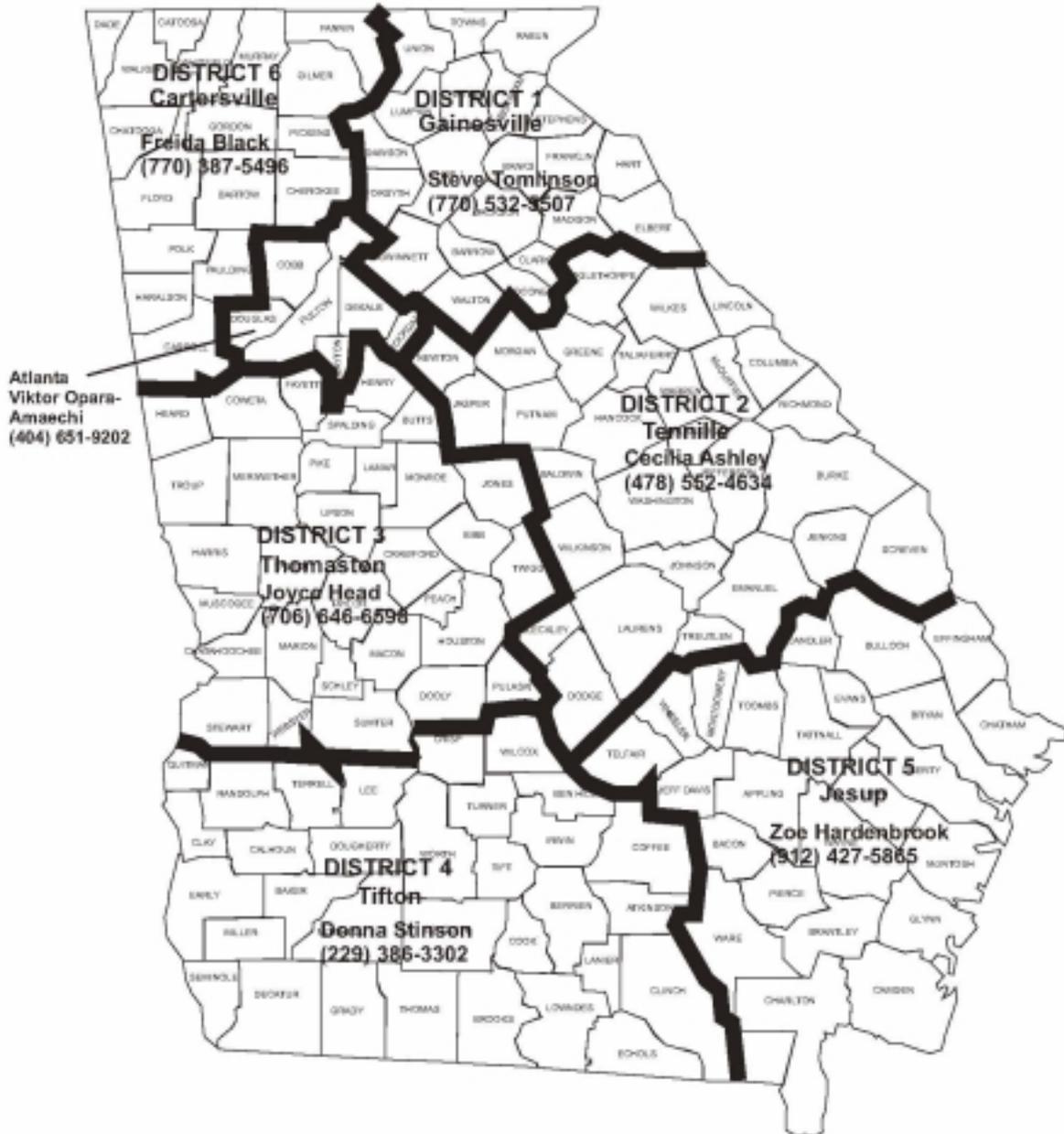
**APPENDIX A**

**SECTION 5311 APPLICATION SCHEDULE FOR  
JANUARY 2006 THROUGH DECEMBER 2006**

<b>ACTIVITY</b>	<b>DATE</b>
Submission of Project Applications	September 1 – 30, 2005
State Contract To Applicant	November, 2005

## APPENDIX B

### Georgia Department of Transportation District Offices & Boundaries



**APPENDIX C**

**SAMPLE PURCHASE OF SERVICE AGREEMENT**

This Agreement, executed this (day) of (month), (year), between the (Transportation Provider) hereinafter referred to as the "PROVIDER", and the (Transportation Purchaser), hereinafter referred to as the "PURCHASER".

WHEREAS, the PURCHASER is in need of transportation services from the PROVIDER,

NOW, THEREFORE, the PROVIDER and the PURCHASER do mutually agree as follows:

1. The PROVIDER will provide transportation services for patrons of the PURCHASER to (Service Destination).
2. The PROVIDER will provide transportation services (Monday) through (Friday) between the hours of \_\_\_\_ a.m. and \_\_\_\_ p.m. excluding the following: (list all days excluded, i.e. weekends, holidays, etc...).
3. The PROVIDER will furnish drivers, vehicles, maintenance and repair of vehicles; liability insurance on vehicles ; and all other cost for the vehicles used to carry out this AGREEMENT.
4. The PROVIDER will bill the PURCHASER each month based on fully allocated cost illustrated in Exhibit 3, as attached hereto and is incorporated as if fully set out herein. The PURCHASER will pay such billings within thirty (30) days of its receipt of the invoice. The PROVIDER will provide documentation of the number of hours, miles, vehicles provided and the number of one-way passenger trips.
5. The transportation services provided pursuant to this AGREEMENT SHALL BEGIN ON (Start Date) and shall continue through (Ending Date) unless sooner terminated as provided herein. Either party will have the right to terminate this AGREEMENT as of the first day of the month without liability for unperformed services by giving the other party written notice of such termination thirty (30) days in advance of the effective date thereto.
6. This AGREEMENT may be amended by mutual contest of the contracting parties. Such amendments must be made in writing to the PROVIDER and signed by both parties, attached and made a part of this AGREEMENT.
7. The PURCHASER hereby agrees to comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, 29 U.S. C. 794, and with the Americans with Disabilities Act of 1990.

IN WITNESS WHEREOF, the PROVIDER and the PURCHASER have executed this AGREEMENT as of the date first written above.

\_\_\_\_\_  
Name of PROVIDER Organization

Witness: \_\_\_\_\_

By: \_\_\_\_\_  
Name and Title of AUTHORIZED Official

Notary: \_\_\_\_\_

\_\_\_\_\_  
Name of PURCHASING Organization

Witness: \_\_\_\_\_

By: \_\_\_\_\_  
Name and Title of AUTHORIZED Official

Notary: \_\_\_\_\_

**APPENDIX D**  
**PROGRAM GUIDELINES AND REQUIREMENTS**  
**FOR**  
**RURAL PUBLIC TRANSPORTATION PROGRAMS**

**Definitions:**

**Guideline:** *Suggested procedure or performance level to be addressed by operator; serves as a benchmark for GDOT review of applications, reports, invoices. Budget amounts or performance results that do not meet the guidelines need to be explained or justified.*

**Requirement:** *Mandatory action or performance—must be completely addressed for operator to be in compliance.*

**OPERATIONS:**

**Guidelines:**

- Vehicles should be utilized to produce 500 one-way passenger trips (OWPT) per vehicle month **or** be operated a minimum of 120 hours per month **or** 1,000 vehicle miles per vehicle per month, on average.

**Requirement:**

- The State will conduct Biannual vehicle inspections in March/April and September/October. These inspections may be conducted by GDOT or the Department of Human Resources.

**BUDGET:**

**Guidelines:**

- A program goal is that the Administrative Cost to Total Operating Cost ratio not exceed 20%, based on actual costs to the local transit program. If the grant budget shows a ratio higher than this, the application should include an explanation and justification, relating the proposed costs to previous year expenditures and/or predicted changes.
- The target cost of vehicle insurance is \$2,500 per vehicle per year. If the grant budget shows a cost higher than this, the application should include an explanation and justification, relating the proposed costs to previous year expenditures and/or predicted changes (e.g. insurance bills).
- Line item cost increases included in the grant application budget that exceed 5% over the previous year should be accompanied by an explanation/justification relating the proposed costs to previous year expenditures and/or predicted changes. Increases greater than this may be subject to further review by GDOT.

**Requirements:**

- Fares must equal a minimum of 10% of the total budget minus the fully allocated operating cost of Purchase of Service (POS). This is achieved by subtracting the 10% from the total operating budget.
- Copies of proposed POS agreements must be provided to GDOT, with completed cost allocation table attached, if applicable.

- Copy of Proposed Third Party Operator Agreement must be attached, if applicable.
- Drug and alcohol testing costs should not exceed \$1,250.00 per program (without an explanation or justification).

**RTIP:**

**Guideline:**

- RTIP operating budgets should be based on actual operating expenses from the previous operating year (included with the final invoice), adjusted to reflect predicted changes (more operating funds for an expansion vehicle, predicted fuel cost increases, etc.)

**Requirements:**

- RTIP budgets must be updated annually.
- Application budgets cannot exceed RTIP or STIP figures (Administrative / Operating and Capital).
- Equipment budgets cannot exceed RTIP or STIP amounts.
- Vehicles to be replaced must be identified by the four digit DOT number in the RTIP and the Project Description in the grant application.

**CAPITAL:**

**Requirements:**

- Capital Equipment, if requested, must be in the RTIP.
- Copy of unexpired Mobile Radio license attached, if applicable.
- Capital items must reflect the prices in Appendix J of this application package.
- At least one vehicle per fleet must be equipped with a lift (**However, it is the responsibility of each Section 5311 provider to meet the current demands of the disabled population, and if one lift-equipped vehicle is not sufficient to meet that demand, then additional vehicles will be required**).
- Vehicles to be replaced must be up to five years (delivery date to application) or have over 100,000 miles by June 30.
- Expansion Vehicles must be adequately justified and included in the Comments section of the Section 5311 Application Submission Sheet.

## **APPENDIX E**

### **Grants and Cooperative Agreements; Fiscal Year 2005 Annual List of Certifications and Assurances; Notice**



# Federal Register

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Tuesday,  
October 26, 2004

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## Part II

### Department of Transportation

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Federal Transit Administration

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Fiscal Year 2005 Annual List of  
Certifications and Assurances for Federal  
Transit Administration Grants and  
Cooperative Agreements; Notice

**DEPARTMENT OF TRANSPORTATION  
Federal Transit Administration  
Fiscal Year 2005 Annual List of  
Certifications and Assurances for  
Federal Transit Administration Grants  
and Cooperative Agreements**

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** Appendix A of this Notice contains the Federal Transit Administration's (FTA) comprehensive compilation of the Federal Fiscal Year 2005 certifications and assurances to be used in connection with all Federal assistance programs FTA administers during Federal Fiscal Year 2005, in compliance with 49 U.S.C. 5323(n).

**EFFECTIVE DATE:** These certifications and assurances became effective on October 1, 2004, the first day of fiscal year 2005.

**FOR FURTHER INFORMATION**

**CONTACT:** FTA staff in the appropriate Regional Office listed below. For copies of other related documents, see the FTA Web site at <http://www.fta.dot.gov> or contact FTA's Office of Administration at (202) 366-4022.

**Region 1: Boston**

States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Telephone # 617-494-2055.

**Region 2: New York**

States served: New Jersey, New York, and the Virgin Islands. Telephone # 212-668-2170.

**Region 3: Philadelphia**

States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia. Telephone # 215-656-7100.

**Region 4: Atlanta**

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, and Tennessee. Telephone # 404-562-3500.

**Region 5: Chicago**

States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Telephone # 312-353-2789.

**Region 6: Dallas/Ft. Worth**

States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas. Telephone # 817-978-0550.

**Region 7: Kansas City**

States served: Iowa, Kansas, Missouri, and Nebraska. Telephone # 816-329-3920.

**Region 8: Denver**

States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. Telephone # 720-963-3300.

**Region 9: San Francisco**

States served: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands. Telephone # 415-744-3133.

**Region 10: Seattle**

States served: Alaska, Idaho, Oregon, and Washington. Telephone # 206-220-7954.

**SUPPLEMENTARY INFORMATION:** Before

FTA may award Federal financial assistance through a Federal grant or cooperative agreement, the Applicant must submit all certifications and assurances pertaining to itself and its project as required by Federal laws and regulations. These certifications and assurances must be submitted to FTA irrespective of whether the project is financed under the authority of 49 U.S.C. chapter 53, or Title 23, United States Code, or another Federal statute.

The Applicant's Annual Certifications and Assurances for Federal Fiscal Year 2005 cover all projects for which the Applicant seeks funding during Federal Fiscal Year 2005 through the next fiscal year until FTA issues annual Certifications and Assurances for Federal Fiscal Year 2006. An Applicant's Annual Certifications and Assurances applicable to a specific grant or cooperative agreement generally remain in effect for either the duration of the grant or cooperative agreement to project closeout or the duration of the project or project property when a useful life or industry standard is in effect, whichever occurs later; *except*, if the Applicant provides certifications and assurances in a later year that differ from certifications and assurances previously provided, the later certifications and assurances will apply to the grant, cooperative agreement, project, or project property, unless FTA permits otherwise.

*Background:* Since Federal Fiscal Year 1995, FTA has been consolidating the various certifications and assurances that may be required of its Applicants and the projects into a single document for publication in the **Federal Register**. FTA intends to continue publishing this document annually, often in conjunction with its publication of the FTA annual apportionment Notice, which sets forth the allocations of funds made available by the latest U.S. Department of Transportation (U.S. DOT) annual appropriations act.

*Federal Fiscal Year 2005 Changes:* Apart from minor editorial revisions, changes include the following:

(1) Added a new introductory paragraph explaining that:

(a) Not all certifications and assurances apply to all Applicants.

(b) The certifications and assurances are pre-award requirements and do not encompass all Federal requirements that may apply to the Applicant and its project.

(c) A comprehensive list of Federal requirements is contained in FTA Master Agreement for fiscal year 2005 at [http://www.fta.dot.gov/16000\\_16002\\_ENG.HTML.htm](http://www.fta.dot.gov/16000_16002_ENG.HTML.htm).

(2) Certification 13A(1)(j) has been revised to explain that in the case of an Applicant serving an urbanized area with a population of 200,000 or more, only capital security projects may be funded with the 1% of the urbanized area formula funds set aside by 49 U.S.C. 5307(d)(1)(J)(i) for transit security projects.

(3) The Affirmation of the Applicant portion of the Signature Page has been edited to clarify that the criminal fraud provisions of 18 U.S.C. 1001 apply to all certifications, assurances, agreements, and other submissions to FTA.

Text of Federal Fiscal Year 2005 Certifications and Assurances: The text of the certifications and assurances in Appendix A of this Notice also appears in TEAM-Web (<http://fiteamweb.fta.dot.gov/>) in the "Recipients" option at "View/Modify Recipients," at the "Cert's & Assurances" tab. The certification and assurances also appear on the FTA public Web site at [http://www.fta.dot.gov/grant\\_programs/applying\\_for\\_managing\\_grants/3946\\_ENG\\_HTML.htm](http://www.fta.dot.gov/grant_programs/applying_for_managing_grants/3946_ENG_HTML.htm). It is important that each Applicant be familiar with all sixteen (16) certification and assurance categories and their requirements, as they may be a prerequisite for receiving FTA financial assistance. Provisions of this notice supersede conflicting statements in any FTA circular containing a previous version of the Annual Certifications and Assurances.

The certifications and assurances contained in those FTA circulars are merely examples, and are not acceptable or valid for Federal Fiscal Year 2005; do not rely on the provisions of certifications and assurances appearing in FTA circulars.

*Significance of Certifications and Assurances:* Selecting and submitting certifications and assurances to FTA, either through TEAM-Web or submission of the Signature Page(s) of Appendix A, signifies the Applicant's intent to comply with the requirements of the certifications and assurances it has selected to the extent they apply to a project for which the Applicant submits an application for assistance in Federal Fiscal Year 2005.

*Requirement for Attorney's Signature:* FTA requires a current (Federal Fiscal Year 2005) affirmation, signed by the Applicant's attorney, of the Applicant's legal authority to certify compliance with the obligations imposed by the certifications and assurances the Applicant has selected. Irrespective of whether the Applicant makes a single selection for all 16 categories or selects individual options from the 16 categories, the Affirmation of Applicant's Attorney from a previous year is not acceptable.

*Deadline for Submission:* All Applicants for FTA formula program or capital investment program assistance, and current FTA grantees with an active project financed with FTA formula program or capital investment program assistance, are expected to provide Federal Fiscal Year 2005 Certifications and Assurances within 90 days from the date of this publication or with their first grant application in Federal Fiscal Year 2005, whichever is first. FTA encourages other Applicants to submit their certifications and assurances as soon as possible.

*Preference for Electronic Submission:* Applicants registered in TEAM-Web must submit their certifications and assurances, as well as their applications, in TEAM-Web. Only if an Applicant is unable to submit its certifications and assurances in TEAM-Web should the Applicant use the Signature Page(s) in Appendix A of this notice.

*Procedures for Electronic Submission:* The TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of "View/Modify Recipients" contains fields for selecting the categories of certifications and assurances to be submitted. Within that tab is a field for the Applicant's authorized representative to enter his or her personal identification number (PIN), which constitutes the Applicant's electronic signature for the certifications and assurances the Applicant has

selected; in addition, there is a field for the Applicant's attorney to enter his or her PIN, affirming the Applicant's legal authority to make and comply with the certifications and assurances the Applicant has selected. In certain circumstances, the Applicant may enter its PIN in lieu of its Attorney's PIN, provided that the Applicant has on file the Affirmation of Applicant's Attorney in Appendix A of this notice, written and signed by the attorney and dated this Federal fiscal year. For more information, Applicants may contact the appropriate Regional Office listed in this notice or the TEAM-Web Helpdesk.

*Procedures for Paper Submission:* If an Applicant is unable to submit its certifications and assurances electronically, it must mark the certifications and assurances it is making on the Signature Page(s) in Appendix A of this notice and submit it to FTA. The Applicant may signify compliance with all Categories by placing a single mark in the appropriate space or select the Categories applicable to itself and its projects. In certain circumstances, the Applicant may enter its signature in lieu of its Attorney's signature in the Affirmation of Applicant's Attorney section of the Signature Page(s), provided that the Applicant has on file the Affirmation of Applicant's Attorney in Appendix A of this notice, written and signed by the attorney and dated this Federal fiscal year. For more information, Applicants may contact the appropriate Regional Office listed in this notice.

*References.* The Transportation Equity Act for the 21st Century, Pub. L. 105-178, June 9, 1998, as amended by the TEA-21 Restoration Act, Pub. L. 105-206, July 22, 1998, 49 U.S.C. chapter 53, Title 23, United States Code, other Federal laws administered by FTA, U.S. DOT and FTA regulations at 49 CFR, and FTA Circulars.  
Issued on: October 19, 2004.

**Jennifer L. Dorn,**  
*Administrator.*

#### **Appendix A Federal Fiscal Year 2005 Certifications and Assurances for Federal Transit Administration Assistance Programs**

In accordance with 49 U.S.C. 5323(n), the following certifications and assurances have been compiled for Federal Transit Administration (FTA) assistance programs. FTA requests each Applicant to provide as many certifications and assurances as needed for all programs for which the Applicant intends to seek FTA assistance during Federal Fiscal Year 2005. FTA strongly encourages each Applicant to submit its certifications and assurances through

TEAMWeb, FTA's electronic management system,  
at <http://fiteamweb.fta.dot.gov>.

Sixteen (16) Categories of certifications and assurances are listed by numbers 01 through 16 in the TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of "View/Modify Recipients," and on the opposite side of the Signature Page(s) at the end of this document. Category 01 applies to all Applicants. Category 02 applies to all applications exceeding \$100,000. Categories (3) through 16 will apply to and be required or some, but not all, Applicants and projects.

FTA and the Applicant understand and agree that not every provision of these certifications and assurances will apply to every Applicant or every Project for which FTA provides Federal financial assistance through a grant agreement or cooperative agreement. The type of Project and the section of the statute authorizing Federal financial assistance for the Project will determine which requirements apply. The Applicant also understands and agrees that these certifications and assurances are preaward requirements and do not encompass all statutory and regulatory requirements that may apply to the Applicant or its Project. A comprehensive list of those requirements is contained in the current Master Agreement MA(11) for Federal Fiscal Year 2005 at

[http://www.fta.dot.gov/16000\\_16002\\_ENG\\_HTML.htm](http://www.fta.dot.gov/16000_16002_ENG_HTML.htm).

#### *1. Required of Each Applicant*

Each Applicant for FTA assistance must provide all certifications and assurances in this Category "01." FTA may not award any Federal assistance until the Applicant provides these certifications and assurances by selecting Category "01."

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

The authorized representative of the Applicant and the attorney who sign these certifications, assurances, and agreements affirm that both the Applicant and its authorized representative have adequate authority under applicable state and local law and the Applicant's by-laws or internal rules to:

(1) Execute and file the application for Federal assistance on behalf of the Applicant;  
(2) Execute and file the required certifications, assurances, and agreements on behalf of the Applicant binding the Applicant; and

(3) Execute grant agreements and cooperative agreements with FTA on behalf of the Applicant.

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

The Applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal requirements in carrying out any project supported by an FTA grant or cooperative agreement. The Applicant agrees

that it is under a continuing obligation to comply with the terms and conditions of the grant agreement or cooperative agreement issued for its project with FTA. The Applicant recognizes that Federal laws, regulations, policies, and administrative practices may be modified from time to time and those modifications may affect project implementation. The Applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise.

#### C. Intergovernmental Review Assurance

The Applicant assures that each application for Federal assistance it submits to FTA has been or will be submitted, as required by each state, for intergovernmental review to the appropriate state and local agencies. Specifically, the Applicant assures that it has fulfilled or will fulfill the obligations imposed on FTA by U.S. DOT regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17.

#### D. Nondiscrimination Assurance

As required by 49 U.S.C. 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21 at 21.7, the Applicant assures that it will comply with all requirements of 49 CFR part 21; FTA Circular 4702.1, "Title VI Program Guidelines for Federal Transit Administration Recipients," and other applicable directives, so that no person in the United States, on the basis of race, color, national origin, creed, sex, or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation related benefits) for which the Applicant receives Federal assistance awarded by the U.S. DOT or FTA.

Specifically, during the period in which Federal assistance is extended to the project, or project property is used for a purpose for which the Federal assistance is extended, or for another purpose involving the provision of similar services or benefits, or as long as the Applicant retains ownership or possession of the project property, whichever is longer, the Applicant assures that:

(1) Each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21, and

understands that this assurance extends to its entire facility and to facilities operated in connection with the project.

(2) It will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FTA. Upon request by U.S. DOT or FTA, the Applicant assures that it will submit the required information pertaining to its compliance with these requirements.

(3) It will include in each subagreement, property transfer agreement, third party contract, third party subcontract, or participation agreement adequate provisions to extend the requirements of 49 U.S.C. 5332 and 49 CFR part 21 to other parties involved therein including any subrecipient, transferee, third party contractor, third party subcontractor at any level, successor in interest, or any other participant in the project.

(4) Should it transfer real property, structures, or improvements financed with Federal assistance provided by FTA to another party, any deeds and instruments recording the transfer of that property shall contain a covenant running with the land assuring nondiscrimination for the period during which the property is used for a purpose for which the Federal assistance is extended or for another purpose involving the provision of similar services or benefits.

(5) The United States has a right to seek judicial enforcement with regard to any matter arising under the Act, regulations, and this assurance.

(6) It will make any changes in its 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FTA may request.

#### E. Assurance of Nondiscrimination on the Basis of Disability

As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR 27.9, the Applicant assures that, as a condition to the approval or extension of any Federal assistance awarded by FTA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FTA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal assistance administered by the FTA or any entity within U.S. DOT. The Applicant assures that project implementation and operations so assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*, and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*, and implementing U.S. DOT regulations at 49 CFR

parts 27, 37, and 38, and any applicable regulations and directives issued by other Federal departments or agencies.

#### F. Procurement Compliance Certification

The Applicant certifies that its procurements and procurement system will comply with all applicable third party procurement requirements of Federal laws, executive orders, regulations, FTA directives, and requirements, as amended and revised, and other requirements FTA may issue including FTA Circular 4220.1E, "Third Party Contracting Requirements," and any revisions thereto, to the extent those requirements are applicable. The Applicant certifies that it will include in its contracts financed in whole or in part with FTA assistance all clauses required by Federal laws, executive orders, or regulations, and will ensure that each subrecipient and each contractor will also include in its subagreements and its contracts financed in whole or in part with FTA assistance all applicable clauses required by Federal laws, executive orders, or regulations.

#### G. Certifications and Assurances Required by the U.S. Office of Management and Budget(OMB) (SF-424B and SF-424D) As required by OMB, the Applicant certifies that it:

(1) Has the legal authority to apply for Federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in its application;

(2) Will give FTA, the Comptroller General of the United States, and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives;

(3) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain;

(4) Will initiate and complete the work within the applicable project time periods following receipt of FTA approval;

(5) Will comply with all applicable Federal statutes relating to nondiscrimination including, but not limited to:

(a) Title VI of the Civil Rights Act, 42 U.S.C. 2000d, which prohibits discrimination on the basis of race, color, or national origin;

(b) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 through 1683, and 1685 through 1687, and U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25, which prohibit discrimination on the basis of sex;

(c) Section 504 of the Rehabilitation Act of

1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap;

(d) The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 through 6107, which prohibits discrimination on the basis of age;

(e) The Drug Abuse Office and Treatment Act of 1972, Pub. L. 92–255, March 21, 1972, and amendments thereto, 21 U.S.C. 1174 *et seq.* relating to nondiscrimination on the basis of drug abuse;

(f) The Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, Pub. L. 91–616, Dec. 31, 1970, and amendments thereto, 42 U.S.C. 4581 *et seq.* relating to nondiscrimination on the basis of alcohol abuse or alcoholism;

(g) The Public Health Service Act of 1912, as amended, 42 U.S.C. 290dd–3 and 290ee–3, related to confidentiality of alcohol and drug abuse patient records;

(h) Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*, relating to nondiscrimination in the sale, rental, or financing of housing;

(i) Any other nondiscrimination provisions in the specific statutes under which Federal assistance for the project may be provided including, but not limited to, 49 U.S.C. 5332, which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity, and section 1101(b) of the Transportation Equity Act for the 21st Century, 23 U.S.C. 101 note, which provides for participation of disadvantaged business enterprises in FTA programs; and

(j) Any other nondiscrimination statute(s) that may apply to the project;

(6) Will comply with, or has complied with, the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Relocation Act) 42 U.S.C. 4601 *et seq.*, which, among other things, provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in any purchase. As required by sections 210 and 305 of the Uniform Relocation Act, 42 U.S.C. 4630 and 4655, and U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR 24.4, the Applicant assures that it has the requisite authority under applicable state and local law to comply with the requirements of the Uniform Relocation Act, 42 U.S.C. 4601 *et seq.*, and U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, and will comply with or has complied with that Act and those U.S. DOT implementing regulations, including but not limited to the following:

(a) The Applicant will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24;

(b) The Applicant will provide fair and reasonable relocation payments and assistance as required by 42 U.S.C. 4622, 4623, and 4624; 49 CFR part 24; and any applicable FTA procedures, to or for families, individuals, partnerships, corporations, or associations displaced as a result of any project financed with FTA assistance; (c) The Applicant will provide relocation assistance programs offering the services described in 42 U.S.C. 4625 to such displaced families, individuals, partnerships, corporations, or associations in the manner provided in 49 CFR part 24 and FTA procedures;

(d) Within a reasonable time before displacement, the Applicant will make available comparable replacement dwellings to displaced families and individuals as required by 42 U.S.C. 4625(c)(3);

(e) The Applicant will carry out the relocation process in such manner as to provide displaced persons with uniform and consistent services, and will 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) In acquiring real property, the Applicant will be guided to the greatest extent practicable under state law, by the real property acquisition policies of 42 U.S.C. 4651 and 4652;

(g) The Applicant will pay or reimburse property owners for necessary expenses as specified in 42 U.S.C. 4653 and 4654, with the understanding that FTA will provide Federal financial assistance for the Applicant’s eligible costs of providing payments for those expenses, as required by 42 U.S.C. 4631;

(h) The Applicant will execute such amendments to third party contracts and subagreements financed with FTA assistance and execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement the assurances provided herein; and

(i) The Applicant agrees to make these assurances part of or incorporate them by reference into any third party contract or subagreement, or any amendments thereto, relating to any project financed by FTA involving relocation or land acquisition and provide in any affected document that these relocation and land acquisition provisions shall supersede any conflicting provisions;

(7) To the extent applicable, will comply with the Davis-Bacon Act, as amended, 40 U.S.C. 3141 *et seq.*, the Copeland “Anti-Kickback” Act, as amended, 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*, regarding labor standards for federally assisted subagreements;

(8) To the extent applicable, will comply with the flood insurance purchase

requirements of section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), requiring Applicants and subrecipients in a special flood hazard area to participate in the program and purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;

(9) Will comply with the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures;

(10) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities on which a construction project supported with FTA assistance takes place without permission and instructions from the awarding agency;

(11) To the extent required by FTA, will record the Federal interest in the title of real property and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project;

(12) Will comply with FTA requirements concerning the drafting, review, and approval of construction plans and specifications of any construction project supported with FTA assistance. As required by U.S. DOT regulations, “Seismic Safety,” 49 CFR 41.117(d), before accepting delivery of any building financed with FTA assistance, it will obtain a certificate of compliance with the seismic design and construction requirements of 49 CFR part 41;

(13) Will provide and maintain competent and adequate engineering supervision at the construction site of any project supported with FTA assistance to ensure that the complete work conforms with the approved plans and specifications, and will furnish progress reports and such other information as may be required by FTA or the state;

(14) Will comply with any applicable environmental standards that may be prescribed to implement the following Federal laws and executive orders:

(a) 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;

(b) Notification of violating facilities pursuant to Executive Order No. 11738, 42 U.S.C. 7606 note;

(c) Protection of wetlands pursuant to Executive Order No. 11990, 42 U.S.C. 4321 note;

(d) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988, 42 U.S.C. 4321 note;

(e) Assurance of project consistency with the approved state management program developed pursuant to the requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451–1465;

(f) Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401–7671q;

(g) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f–300j–6;

(h) Protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531–1544; and

(i) 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 (c);

(j) 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

(k) Provision of assistance to FTA in complying with section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f; the Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469a–469c; and Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note;

(15) To the extent applicable, will comply with the requirements of the Hatch Act, 5 U.S.C. 1501–1508, and 7324–7326, which limit 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 except, in accordance with 23 U.S.C. 142(g), the Hatch Act does not apply to a nonsupervisory employee of a transit system (or of any other agency or entity performing related functions) receiving FTA assistance to whom that Act does not otherwise apply;

(16) Will comply with the National Research Act, Pub. L. 93–348, July 12, 1974, as amended, 42 U.S.C. 289 *et seq.*, and U.S. DOT regulations, “Protection of Human Subjects,” 49 CFR part 11, regarding the protection of human subjects involved in research, development, and related activities supported by Federal assistance;

(17) Will comply with the Laboratory Animal Welfare Act of 1966, as amended, 7 U.S.C. 2131 *et seq.*, and U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4, regarding the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal assistance;

(18) Will have performed the financial and compliance audits as required by the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*, OMB Circular No. A–133, “Audits of

States, Local Governments, and Non-Profit Organizations,” Revised, and the most recent applicable OMB A–133

Compliance Supplement provisions for the Department of Transportation; and

(19) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the project.

## 2. Lobbying

An Applicant that submits or intends to submit an application for Federal assistance exceeding \$100,000 must provide the following certification. FTA may not award Federal assistance exceeding \$100,000 until the Applicant provides this certification by selecting Category “02.”

A. As required by U.S. DOT regulations, “New Restrictions on Lobbying,” at 49 CFR 20.110, the Applicant’s authorized representative certifies to the best of his or her knowledge and belief that for each application for Federal assistance exceeding \$100,000:

(1) No Federal appropriated funds have been or will be paid by or on behalf of the Applicant to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress regarding the award of Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and

(2) If any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application for Federal assistance, the Applicant assures that it will complete and submit Standard Form–LLL, “Disclosure Form to Report Lobbying,” including information required by the instructions accompanying the form, which form may be amended to omit such information as authorized by 31 U.S.C. 1352.

(3) The language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements).

B. The Applicant understands that this certification is a material representation of fact upon which reliance is placed and that submission of this certification is a prerequisite for providing Federal assistance for a transaction covered by 31 U.S.C. 1352. The Applicant also understands that any person who fails to file a required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## 3. Private Mass Transportation Companies

A state or local government Applicant seeking Federal assistance authorized by 49 U.S.C. chapter 53 to acquire the property or an interest in the property of a private mass transportation company or to operate mass transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing mass transportation company must provide the following certification. FTA may not award Federal assistance for that type of project until the Applicant provides this certification by selecting Category “03.” As required by 49 U.S.C. 5323(a)(1), the Applicant certifies that before it acquires the property or an interest in the property of a private mass transportation company or operates mass transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing mass transportation company, it has or will have:

A. Found that the assistance is essential to carrying out a program of projects as determined by the plans and programs of the metropolitan planning organization;

B. Provided for the participation of private mass transportation companies to the maximum extent feasible consistent with applicable FTA requirements and policies;

C. Paid just compensation under state or local law to a private mass transportation company for its franchises or property acquired; and

D. Acknowledged that the assistance falls within the labor standards compliance requirements of 49 U.S.C. 5333(a) and 5333(b).

## 4. Public Hearing

An Applicant seeking Federal assistance authorized by 49 U.S.C. chapter 53 for a capital project that will substantially affect a community or a community’s mass transportation service must provide the following certification. FTA may not award Federal assistance for that type of project until the Applicant provides this certification by selecting Category “04.” As required by 49 U.S.C. 5323(b), the Applicant certifies that it has, or before submitting its application, it will have:

A. Provided an adequate opportunity for a public hearing with adequate prior notice of the proposed project published in a newspaper of general circulation in the geographic area to be served;

B. Held that hearing and provided FTA a transcript or detailed report summarizing the issues and responses, unless no one with a significant economic, social, or environmental interest requests a hearing;

C. Considered the economic, social, and environmental effects of the proposed project; and

D. Determined that the proposed project is consistent with official plans for developing the urban area.

### 5. Acquisition of Rolling Stock

An Applicant seeking Federal assistance authorized by 49 U.S.C. chapter 53 to acquire any rolling stock must provide the following certification. FTA may not award any Federal assistance to acquire such rolling stock until the Applicant provides this certification by selecting Category “05.” As required by 49 U.S.C. 5323(m) and implementing FTA regulations at 49 CFR 663.7, the Applicant certifies that it will comply with the requirements of 49 CFR part 663 when procuring revenue service rolling stock. Among other things, the Applicant agrees to conduct or cause to be conducted the requisite pre-award and post-delivery reviews, and maintain on file the certifications required by 49 CFR part 663, subparts B, C, and D.

### 6. Bus Testing

An Applicant for Federal assistance appropriated or made available for 49 U.S.C. chapter 53 to acquire any new bus model or any bus model with a new major change in configuration or components must provide the following certification. FTA may not provide assistance for the acquisition of new buses until the Applicant provides this certification by selecting Category “06.” As required by FTA regulations, “Bus Testing,” at 49 CFR 665.7, the Applicant certifies that before expending any Federal assistance to acquire the first bus of any new bus model or any bus model with a new major change in configuration or components, or before authorizing final acceptance of that bus (as described in 49 CFR part 665), the bus model:

A. Will have been tested at a bus testing facility approved by FTA; and

B. Will have received a copy of the test report prepared on the bus model.

### 7. Charter Service Agreement

An Applicant seeking Federal assistance authorized by 49 U.S.C. chapter 53 (except 49 U.S.C. 5310), or Title 23, U.S.C. to acquire or operate any mass transportation equipment or facilities must enter into the following Charter Service Agreement. FTA may not provide assistance authorized by 49 U.S.C. chapter 53 (except 49 U.S.C. 5310), or by Title 23, U.S.C. for projects until the Applicant enters into this Charter Service Agreement by selecting Category “07.”

A. As required by 49 U.S.C. 5323(d) and FTA regulations, “Charter Service,” at 49 CFR 604.7, the Applicant agrees that it and each of its subrecipients and third party contractors at each tier will:

(1) Provide charter service that uses equipment or facilities acquired with Federal assistance authorized by 49 U.S.C. chapter 53 (except 49 U.S.C. 5310), or Title 23, U.S.C. for transportation projects, only to the extent that there are no private charter service operators willing and able to provide the charter service

that it or its subrecipients or third party contractors desire to provide, unless one or more of the exceptions in 49 CFR 604.9 applies; and

(2) Comply with the requirements of 49 CFR part 604 before providing any charter service using equipment or facilities acquired with Federal assistance authorized by 49 U.S.C. chapter 53 (except 49 U.S.C. 5310), or Title 23, U.S.C. for transportation projects.

B. As The Applicant understands that:

(1) The requirements of 49 CFR part 604 will apply to any charter service it or its subrecipients or third party contractors provide,

(2) The definitions of 49 CFR part 604 will apply to this Charter Service Agreement, and

(3) A violation of this Charter Service Agreement may require corrective measures and imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

### 8. School Transportation Agreement

An Applicant seeking Federal assistance authorized by 49 U.S.C. chapter 53 or by Title 23, U.S.C. to acquire or operate transportation facilities and equipment must enter into the following School Transportation Agreement. FTA may not provide assistance for such projects until the Applicant enters into this agreement by selecting Category “08.”

A. As required by 49 U.S.C. 5323(f) and implementing FTA regulations at 49 CFR 605.14, the Applicant agrees that it and each of its subrecipients and third party contractors at each tier will:

(1) Engage in school transportation operations in competition with private school transportation operators only to the extent permitted by 49 U.S.C. 5323(f), and Federal regulations; and

(2) Comply with the requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance authorized by 49 U.S.C. chapter 53 or Title 23 U.S.C. for transportation projects.

B. As The Applicant understands that:

(1) The requirements of 49 CFR part 605 will apply to any school transportation service it or its subrecipients or third party contractors provide,

(2) The definitions of 49 CFR part 605 will apply to this School Transportation Agreement, and

(3) A violation of this School Transportation Agreement may require corrective measures and imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

### 9. Demand Responsive Service

An Applicant that operates demand responsive service and applies for direct Federal assistance authorized for 49 U.S.C. chapter 53 to acquire non-rail mass

transportation vehicles is required to provide the following certification. FTA may not award direct Federal assistance authorized for 49 U.S.C. chapter 53 to an Applicant that operates demand responsive service to acquire non-rail mass transportation vehicles until the Applicant provides this certification by selecting Category “09.”

As required by U.S. DOT regulations, “Transportation Services for Individuals with Disabilities (ADA),” at 49 CFR 37.77(d), the Applicant certifies that its demand responsive service offered to persons with disabilities, including persons who use wheelchairs, is equivalent to the level and quality of service offered to persons without disabilities. When the Applicant’s service is viewed in its entirety, the Applicant’s service for persons with disabilities is provided in the most integrated setting feasible and is equivalent with respect to: (1) Response time, (2) fares, (3) geographic service area, (4) hours and days of service, (5) restrictions on trip purpose, (6) availability of information and reservation capability, and (7) constraints on capacity or service availability.

### 10. Alcohol Misuse and Prohibited Drug Use

If an Applicant is required by FTA regulations to provide the following certification concerning its activities to prevent alcohol misuse and prohibited drug use in its transit operations, FTA may not provide Federal assistance to that Applicant until it provides this certification by selecting Category “10.”

As required by FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” at 49 CFR part 655, subpart I, the Applicant certifies that it has established and implemented an alcohol misuse and antidrug program, and has complied with or will comply with all applicable requirements of FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR part 655.

### 11. Interest and Other Financing Costs

An Applicant that intends to request the use of Federal assistance for reimbursement of interest or other financing costs incurred for its capital projects must provide the following certification. FTA may not provide assistance to support those costs until the Applicant provides this certification by selecting Category “11.”

In compliance with 49 U.S.C. 5307(g), 49 U.S.C. 5309(g)(2)(B), 49 U.S.C. 5309(g)(3)(A), and 49 U.S.C. 5309(n), the Applicant certifies that it will not seek reimbursement for interest and other financing costs unless 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.

### 12. Intelligent Transportation Systems

An Applicant for FTA assistance for an Intelligent Transportation Systems (ITS) project, defined as 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,” must provide the following assurance. FTA may not award any Federal assistance for an ITS project until the Applicant provides this assurance by selecting Category “12.” 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.”

A. In accordance with section 5206(e) of TEA–21, 23 U.S.C. 502 note, the Applicant assures it will comply with all applicable requirements of Section V (Regional ITS Architecture) and Section VI (Project Implementation) of FTA Notice, “FTA National ITS Architecture Policy on Transit Projects,” at 66 FR 1455 *et seq.*, January 8, 2001, and other FTA requirements that may be issued in connection with any ITS project financed with Highway Trust Funds (including funds from the Mass Transit Account) or funds made available for the Intelligent Transportation Systems Program authorized by TEA–21, title V, subtitle C, 23 U.S.C. 502 note.

B. With respect to any ITS project financed with Federal assistance derived from a source other than Highway Trust Funds (including funds from the Mass Transit Account) or TEA–21, title V, subtitle C, 23 U.S.C. 502 note, the Applicant assures that it will use its best efforts to ensure that any ITS project it undertakes will not preclude interface with other intelligent transportation systems in the Region.

### 13. Urbanized Area, JARC, and Clean Fuels Programs

Each Applicant for Urbanized Area Formula Program assistance authorized by 49 U.S.C. 5307, each Applicant for Job Access and Reverse Commute Program assistance authorized by section 3037 of the Transportation Equity Act for the 21st Century, 49 U.S.C. 5309 note, and each Applicant for Clean Fuels Formula Program assistance authorized by 49 U.S.C. 5308 must provide the following certifications. FTA may not award Federal assistance for those programs until the Applicant provides these certifications and assurances by selecting Category “13.” A state or other Applicant providing certifications and assurances that require the compliance of its prospective subrecipients is expected to obtain sufficient documentation from those subrecipients to assure the validity of its certifications and assurances.

Each Applicant that received Transit Enhancement funds authorized by 49 U.S.C. 5307(k)(1) must list the projects carried out during that Federal fiscal year with those funds

in its quarterly report for the fourth quarter of the preceding Federal fiscal year.

That list constitutes the report of transit enhancement projects carried out during that fiscal year, which report is required to be submitted as part of the Applicant’s annual certifications and assurances, in accordance with 49 U.S.C. 5307(k)(3), and is therefore incorporated by reference and made part of the Applicant’s annual certifications and assurances. FTA may not award Urbanized Area Formula Program assistance to any Applicant that has received Transit Enhancement funds authorized by 49 U.S.C. 5307(k)(1), unless that Applicant’s quarterly report for the fourth quarter of the preceding Federal fiscal year has been submitted to FTA and includes the requisite list.

#### A. Certifications Required for the Urbanized Area Formula Program

(1) As required by 49 U.S.C. 5307(d)(1)(A) through (J), the Applicant certifies and assures as follows:

(a) It has or will have the legal, financial, and technical capacity to carry out the proposed program of projects;

(b) It has or will have satisfactory continuing control over the use of Project equipment and facilities;

(c) It will adequately maintain the equipment and facilities;

(d) It will ensure that elderly and handicapped persons, or any person 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.*), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized for 49 U.S.C. 5307, or for the Job Access and Reverse Commute Program at section 3037 of the Transportation Equity Act for the 21st Century (TEA–21), 49 U.S.C. 5309 note, not more than fifty (50) percent of the peak hour fare;

(e) In carrying out a procurement financed with Federal assistance authorized for the Urbanized Area Formula Program, 49 U.S.C. 5307, or the Job Access and Reverse Commute Program, section 3037 of TEA–21, 49 U.S.C. 5309 note, it: (1) Will use competitive procurement (as defined or approved by the Secretary), (2) will not use exclusionary or discriminatory specifications, and (3) will comply with applicable Buy America laws;

(f) It has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, it: (1) Has made available, or will make available, to the public information on the amounts available for the Urbanized Area Formula Program, 49 U.S.C. 5307 and, if applicable, the Job Access and Reverse Commute Grant Program, 49 U.S.C. 5309 note, and the program of projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including

private transportation providers, a proposed program of projects for activities to be financed; (3) has published or will publish a proposed program of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program 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 program of projects; (5) has ensured or will ensure that the proposed program of projects provides for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal Government source; (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) It has or will have available and will provide the amount of funds required by 49 U.S.C. 5307(e) and applicable FTA policy (specifying Federal and local shares of project costs);

(h) It will comply with: 49 U.S.C. 5301(a) (requirements for transportation systems that maximize mobility and minimize fuel consumption and air pollution); 49 U.S.C. 5301(d) (requirements for transportation of the elderly and persons with disabilities); 49 U.S.C. 5303 through 5306 (planning requirements); and 49 U.S.C. 5301(d) (special efforts to design and provide mass transportation for the elderly and persons with disabilities);

(i) It has a locally developed process to solicit and consider public comment before raising fares or implementing a major reduction of transportation; and

(j) As required by 49 U.S.C. 5307, each fiscal year, the Applicant will spend at least one (1) percent of its funds authorized by 49 U.S.C. § 5307(d)(1)(J) for transit security projects (this includes only capital projects in the case of an Applicant serving an urbanized area with a population of 200,000 or more), unless the Applicant has certified to FTA that such expenditures are not necessary and FTA accepts that certification. Transit security projects include increased lighting in or adjacent to a transit 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 transit system.

(2) As required by 49 U.S.C. 5307(k)(3), if it has received Transit Enhancement funds authorized by 49 U.S.C. 5307(k)(1), its quarterly report for the fourth quarter of the preceding Federal fiscal year includes a list of the projects

it has implemented during that fiscal year using those funds, and that report is incorporated by reference and made part of its certifications and assurances.

#### B. Certification Required for Capital Leasing

As required by FTA regulations, “Capital Leases,” at 49 CFR 639.15(b)(1) and 49 CFR 639.21, if the Applicant acquires any capital asset by lease financed with Federal assistance authorized for 49 U.S.C. 5307 or section 3037 of TEA–21, 49 U.S.C. 5309 note, the Applicant certifies as follows:

(1) It will not use Federal assistance authorized for 49 U.S.C. 5307 or section 3037 of TEA–21, 49 U.S.C. 5309 note, to finance the cost of leasing any capital asset until it performs calculations demonstrating that leasing the capital asset would be more cost effective than

purchasing or constructing a similar asset;

(2) It will complete these calculations before entering into the lease or before receiving a capital grant for the asset, whichever is later; and

(3) It will not enter into a capital lease for which FTA can provide only incremental Federal assistance unless it has adequate financial resources to meet its future obligations under the lease in the event Federal assistance is not available for capital projects in subsequent years.

#### C. Certification Required for the Sole Source Acquisition of an Associated Capital Maintenance Item

As required by 49 U.S.C. 5325(c), the Applicant certifies that when it procures an associated capital maintenance item as authorized by 49 U.S.C. 5307(b)(1), it will use competition, unless the original manufacturer or supplier of the item is the only source for that item and the price of that item is no more than the price similar customers pay for that item, and that for each such procurement, it will maintain sufficient records on file and easily retrievable for inspection by FTA.

#### D. Clean Fuels Formula Grant Program Certification

As required by 49 U.S.C. 5308(c)(2), the Applicant certifies that vehicles financed with Federal assistance provided for the Clean Fuels Formula Program, 49 U.S.C. 5308, will be operated only with clean fuels.

#### 14. Elderly and Persons With Disabilities Program

An Applicant that intends to administer the Elderly and Persons with Disabilities Program on behalf of a state must provide the following certifications and assurances. In providing certifications and assurances that require the compliance of its prospective subrecipients, the Applicant is expected to obtain sufficient documentation from those subrecipients to assure the validity of its certifications and assurances. FTA may not award assistance for the Elderly and Persons with Disabilities Program until the Applicant

provides these certifications and assurances by selecting Category “14.”

The Applicant administering, on behalf of the state, the Elderly and Persons with Disabilities Program authorized by 49 U.S.C. 5310 certifies and assures that the following requirements and conditions will be fulfilled:

A. The state organization serving as the Applicant and each subrecipient has or will have the necessary legal, financial, and managerial capability to apply for, receive, and disburse Federal assistance authorized for 49 U.S.C. 5310; and to implement and manage the project.

B. The state assures that each subrecipient either is recognized under state law as a private nonprofit organization with the legal capability to contract with the state to carry out the proposed project, or is a public body that has met the statutory requirements to receive Federal assistance authorized for 49 U.S.C. 5310.

C. The private nonprofit subrecipient’s application for 49 U.S.C. 5310 assistance contains information from which the state concludes that the transit service provided or offered to be provided by existing public or private transit operators is unavailable, insufficient, or inappropriate to meet the special needs of the elderly and persons with disabilities.

D. The state assures that sufficient non-Federal funds have been or will be committed to provide the required local share.

E. The state assures that, before issuing the state’s formal approval of a project, its Elderly and Persons with Disabilities Formula Program is included in the Statewide Transportation Improvement Program as required by 23 U.S.C. 135; all projects to be implemented in urbanized areas recommended for approval are included in the metropolitan Transportation Improvement Program in which the subrecipient is located; and any prospective subrecipient of capital assistance that is a public body has provided an opportunity for a public hearing.

F. The state recognizes that the subrecipient, rather than the state itself, will be ultimately responsible for implementing many Federal requirements covered by the certifications and assurances the state has signed. After having taken appropriate measures to secure the necessary compliance by each subrecipient, the state assures, on behalf of each subrecipient, that:

(1) The subrecipient has or will have by the time of delivery, sufficient funds to operate and maintain the vehicles and equipment financed with Federal assistance awarded for its project;

(2) The subrecipient has coordinated or will coordinate to the maximum extent feasible with other transportation providers and users, including social

service agencies authorized to purchase transit service;

(3) The subrecipient has complied or will comply with all applicable civil rights requirements;

(4) The subrecipient has complied or will comply with applicable requirements of U.S. DOT regulations regarding participation of disadvantaged business enterprises in U.S. DOT programs;

(5) The subrecipient has complied or will comply with Federal requirements regarding transportation of elderly persons and persons with disabilities;

(6) The subrecipient has complied or will comply with applicable provisions of 49 CFR part 605 pertaining to school transportation operations;

(7) Viewing its demand responsive service to the general public in its entirety, the subrecipient has complied or will comply with the requirement to provide demand responsive service to persons with disabilities, including persons who use wheelchairs, meeting the standards of equivalent service set forth in 49 CFR 37.77(c), before purchasing non-accessible vehicles for use in demand responsive service for the general public;

(8) The subrecipient has established or will establish a procurement system, and has conducted or will conduct its procurements in compliance with all applicable provisions of Federal laws, executive orders, regulations, FTA Circular 4220.1E, “Third Party Contracting Requirements,” as amended and revised, and other Federal requirements that may be applicable;

(9) The subrecipient has complied or will comply with the requirement that its project provide for the participation of private mass transportation companies to the maximum extent feasible;

(10) The subrecipient has paid or will pay just compensation under state or local law to each private mass transportation company for its franchise or property acquired under the project;

(11) The subrecipient has complied or will comply with all applicable lobbying requirements for each application exceeding \$100,000;

(12) The subrecipient has complied or will comply with all applicable nonprocurement suspension and debarment requirements;

(13) The subrecipient has complied or will comply with all applicable bus testing requirements for new bus models;

(14) The subrecipient has complied or will comply with applicable FTA Intelligent Transportation Systems architecture requirements to the extent required by FTA; and

(15) The subrecipient has complied or will comply with all applicable pre-award and post-delivery review requirements.

G. Unless otherwise noted, each of the subrecipient’s projects qualifies for a categorical exclusion and does not require further environmental approvals, as described in the joint FHWA/FTA regulations, “Environmental Impact and Related Procedures,” at 23 CFR 771.117(c). The state certifies that, until the required Federal environmental finding is made, financial assistance will not be provided for any project that does not qualify for a categorical exclusion

described in 23 CFR 771.117(c). The state further certifies that, until the required Federal conformity finding has been made, no financial assistance will be provided for a project requiring a Federal conformity finding in accordance with the U.S. Environmental Protection Agency's Clean Air Conformity regulations at 40 CFR parts 51 and 93.

H. The state assures that it will enter into a written agreement with each subrecipient stating the terms and conditions of assistance by which the project will be undertaken and completed.

I. The state recognizes the authority of FTA, U.S. DOT, and the Comptroller General of the United States to conduct audits and reviews to verify compliance with the foregoing requirements and stipulations, and assures that, upon request, the state and its subrecipients will make the necessary records available to FTA, U.S. DOT and the Comptroller General of the United States. The state also acknowledges its obligation under 49 CFR 18.40(a) to monitor project activities carried out by its subrecipients to assure compliance with applicable Federal requirements.

#### *15. Nonurbanized Area Formula Program*

An Applicant that intends to administer the Nonurbanized Area Formula Program on behalf of a state must provide the following certifications and assurances. In providing certifications and assurances that require the compliance of its prospective subrecipients, the Applicant is expected to obtain sufficient documentation from those subrecipients to assure the validity of its certifications and assurances.

The Applicant administering, on behalf of the state, the Nonurbanized Area Formula Program authorized by 49 U.S.C. 5311 certifies and assures that the following requirements and conditions will be fulfilled:

A. The state organization serving as the Applicant and each subrecipient has or will have the necessary legal, financial, and managerial capability to apply for, receive, and disburse Federal assistance authorized for 49 U.S.C. 5311; and to implement and manage the project.

B. The state assures that sufficient non-Federal funds have been or will be committed to provide the required local share.

C. The state assures that before issuing the state's formal approval of the project, its Nonurbanized Area Formula Program is included in the Statewide Transportation Improvement Program as required by 23 U.S.C. 135; and projects are included in a metropolitan Transportation Improvement Program, to the extent applicable.

D. The state has provided for a fair and equitable distribution of Federal assistance authorized for 49 U.S.C. 5311 within the state, including Indian reservations within the state.

E. The state recognizes that the subrecipient, rather than the state itself, will be ultimately responsible for implementing many Federal requirements covered by the

certifications and assurances the state has signed. After having taken appropriate measures to secure the necessary compliance by each subrecipient, the state assures, on behalf of each subrecipient, that:

(1) The subrecipient has or will have, by the time of delivery, sufficient funds to operate and maintain the vehicles and equipment financed with Federal assistance awarded for its project;

(2) The subrecipient has coordinated or will coordinate to the maximum extent feasible with other transportation providers and users, including social service agencies authorized to purchase transit service;

(3) The subrecipient has complied or will comply with all applicable civil rights requirements;

(4) The subrecipient has complied or will comply with applicable requirements of U.S. DOT regulations regarding participation of disadvantaged business enterprises in U.S. DOT programs;

(5) The subrecipient has complied or will comply with Federal requirements regarding transportation of elderly persons and persons with disabilities;

(6) The subrecipient has complied or will comply with the transit employee protective provisions of 49 U.S.C. 5333(b), by one of the following actions: (a) Signing the Special Warranty for the Nonurbanized Area Formula Program, (b) agreeing to alternative comparable arrangements approved by the Department of Labor (DOL), or (c) obtaining a waiver from DOL; and the state has certified the subrecipient's compliance to DOL;

(7) The subrecipient has complied or will comply with 49 CFR part 604 in the provision of any charter service provided with equipment or facilities acquired with FTA assistance;

(8) The subrecipient has complied or will comply with applicable provisions of 49 CFR part 605 pertaining to school transportation operations;

(9) Viewing its demand responsive service to the general public in its entirety, the subrecipient has complied or will comply with the requirement to provide demand responsive service to persons with disabilities, including persons who use wheelchairs, meeting the standards of equivalent service set forth in 49 CFR 37.77(c), before purchasing non-accessible vehicles for use in demand responsive service for the general public;

(10) The subrecipient has established or will establish a procurement system, and has conducted or will conduct its procurements in compliance with all applicable provisions of Federal laws, executive orders, regulations, FTA Circular 4220.1E, "Third Party Contracting Requirements," as amended and revised, and other Federal requirements that may be applicable;

(11) The subrecipient has complied or will comply with the requirement that its project provide for the participation of private enterprise

to the maximum extent feasible;

(12) The subrecipient has paid or will pay just compensation under state or local law to each private mass transportation company for its franchise or property acquired under the project;

(13) The subrecipient has complied or will comply with all applicable lobbying requirements for each application exceeding \$100,000;

(14) The subrecipient has complied or will comply with all applicable nonprocurement suspension and debarment requirements;

(15) The subrecipient has complied or will comply with all applicable bus testing requirements for new bus models;

(16) The subrecipient has complied or will comply with all applicable pre-award and post-delivery review requirements;

(17) The subrecipient has complied with or will comply with all assurances FTA requires for projects involving real property;

(18) The subrecipient has complied or will comply with applicable FTA Intelligent Transportation Systems architecture requirements, to the extent required by FTA; and

(19) The subrecipient has complied or will comply with applicable prevention of alcohol misuse and prohibited drug use program requirements, to the extent required by FTA.

F. Unless otherwise noted, each of the subrecipient's projects qualifies for a categorical exclusion and does not require further environmental approvals, as described in the joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," at 23 CFR 771.117(c). The state certifies that, until the required Federal environmental finding is made, financial assistance will not be provided for any project that does not qualify for a categorical exclusion described in 23 CFR 771.117(c). The state further certifies that, until the required Federal conformity finding has been made, no financial assistance will be provided for a project requiring a Federal conformity finding in accordance with the U.S. Environmental Protection Agency's Clean Air Conformity regulations at 40 CFR parts 51 and 93.

G. The state assures that it will enter into a written agreement with each subrecipient stating the terms and conditions of assistance by which the project will be undertaken and completed.

H. The state recognizes the authority of FTA, U.S. DOT, and the Comptroller General of the United States to conduct audits and reviews to verify compliance with the foregoing requirements and stipulations, and assures that, upon request, the state and its subrecipients will make the necessary records available to FTA, U.S. DOT and the Comptroller General of the United States. The state also acknowledges its obligation under 49 CFR 18.40(a) to monitor project activities carried out by its subrecipients to assure compliance with applicable Federal requirements.

I. In compliance with the requirements of 49 U.S.C. 5311(f), the state assures that it will expend not less than fifteen (15) percent of the amounts of Federal assistance as provided in 49

U.S.C. 5311(f) and apportioned during this Federal fiscal year to carry out a program within the state to develop and support intercity bus transportation, unless the chief executive officer of the state, or his or her designee, duly authorized under state law, regulations or procedures, certifies to the Federal Transit Administrator that the intercity bus service needs of the state are being adequately met.

#### 16. State Infrastructure Bank Program

An Applicant for a grant of Federal assistance for deposit in its State Infrastructure Bank (SIB) must provide the following certifications and assurances. In providing certifications and assurances that require the compliance of its prospective subrecipients, the Applicant is expected to obtain sufficient documentation from those subrecipients to assure the validity of its certifications and assurances. The state, serving as the Applicant for Federal assistance for its State Infrastructure Bank (SIB) Program authorized by either section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 101 note, or the State Infrastructure Bank Pilot Program, 23 U.S.C. 181 note, certifies and assures that the following requirements and conditions concerning any transit Project financed with Federal assistance derived from its SIB have been or will be fulfilled:

A. The state organization, which is serving as the Applicant (state) for Federal assistance for its SIB, agrees and assures the agreement of its SIB and the agreement of each recipient of Federal assistance derived from the SIB within the state (subrecipient) that each transit Project financed with Federal assistance derived from SIB will be administered in accordance with:

(1) Applicable provisions of section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 101 note, or of the State Infrastructure Bank Pilot Program, 23 U.S.C. 181 note, and any further amendments thereto;

(2) The provisions of any applicable Federal guidance that may be issued;

(3) The terms and conditions of Department of Labor Certification(s) of Transit Employee Protective Arrangements that are required by Federal law or regulations;

(4) The provisions of the FHWA and FTA cooperative agreement with the state to establish the state's SIB Program; and

(5) The provisions of the FTA grant agreement with the state that provides Federal assistance for the SIB, except that any provision of the Federal Transit Administration Master Agreement incorporated by reference into that grant agreement will not apply if it conflicts with any provision of National Highway System Designation Act of 1995, as amended, 23 U.S.C. 101 note, or section 1511 of TEA-21, as amended, 23 U.S.C. 181 note, Federal guidance pertaining to the SIB Program, the provisions of the cooperative agreement establishing the SIB

Program within the state, or the provisions of the FTA grant agreement.

B. The state agrees to comply with, and assures the compliance of the SIB and each subrecipient of assistance provided by the SIB with, all applicable requirements for the SIB Program, as those requirements may be amended from time to time. Pursuant to subsection 1511(h)(2) of TEA-21, 23 U.S.C. 181 note, the state understands and agrees that any previous cooperative agreement entered into with FHWA and FTA under section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 101 note, has been or will be revised to comply with the requirements of TEA-21.

C. The state assures that the SIB will provide Federal assistance from its Transit Account only for transit capital projects eligible under section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 101 note or under section 1511 of TEA-21, 23 U.S.C. 181 note, and that those projects will fulfill all requirements imposed on comparable capital transit projects financed by FTA.

D. The state understands that the total amount of funds to be awarded will not be immediately available for draw down. Consequently, the state assures that it will limit the amount of Federal assistance it draws down for deposit in the SIB to amounts that do not exceed the limitations specified in the grant agreement or the approved project budget for that grant agreement.

E. The state assures that each subrecipient has or will have the necessary legal, financial, and managerial capability to apply for, receive, and disburse Federal assistance authorized by Federal statute for use in the SIB, and to implement, manage, operate, and maintain the project and project property for which such assistance will support.

F. The state assures that sufficient non-Federal funds have been or will be committed to provide the required local share.

G. The state recognizes that the SIB, rather than the state itself, will be ultimately responsible for implementing many Federal requirements covered by the certifications and assurances the state has signed. After having taken appropriate measures to secure the necessary compliance by the SIB, the state assures, on behalf of the SIB, that:

(1) The SIB has complied or will comply with all applicable civil rights requirements;

(2) The SIB has complied or will comply with applicable requirements of U.S. DOT regulations regarding participation of disadvantaged business enterprises in U.S. DOT programs;

(3) The SIB will provide Federal assistance only to a subrecipient that is either a public or private entity recognized under state law as having the legal capability to contract with the state to carry out its proposed project;

(4) Before the SIB enters into an agreement with a subrecipient to disburse Federal assistance

for a project, the subrecipient's project is included in the Statewide Transportation Improvement Program; all projects in urbanized areas recommended for approval are included in the metropolitan Transportation Improvement Program in which the subrecipient is located; and the requisite certification that an opportunity for a public hearing has been provided;

(5) The SIB will not provide Federal financial assistance for any project that does not qualify for a categorical exclusion as described in 23 CFR 771.117(c) until the required Federal environmental finding has been made. Moreover, the SIB will provide no financial assistance for a project requiring a Federal conformity finding in accordance with the Environmental Protection Agency's Clean Air Conformity regulations at 40 CFR parts 51 and 93, until the required Federal conformity finding has been made;

(6) Before the SIB provides Federal assistance for a transit project, each subrecipient will have complied with the applicable transit employee protective provisions of 49 U.S.C. 5333(b) as required for that subrecipient and its project; and

(7) The SIB will enter into a written agreement with each subrecipient stating the terms and conditions of assistance by which the project will be undertaken and completed, including specific provisions that any security or debt financing instrument that the SIB may issue shall contain an express statement that the security or debt financing instrument does not constitute a commitment, guarantee, or obligation of the United States.

H. The state also recognizes that the subrecipient, rather than the state itself, will be ultimately responsible for implementing many Federal requirements covered by the certifications and assurances the state has signed. After having taken appropriate measures to secure the necessary compliance of each subrecipient, the state assures, on behalf of each subrecipient, that:

(1) The subrecipient has complied or will comply with all applicable civil rights requirements;

(2) The subrecipient has complied or will comply with applicable requirements of U.S. DOT regulations regarding participation of disadvantaged business enterprises in U.S. DOT programs;

(3) The subrecipient has complied or will comply with Federal requirements regarding transportation of elderly persons and persons with disabilities;

(4) The subrecipient has complied or will comply with the applicable transit employee protective provisions of 49 U.S.C. 5333(b) as required for that subrecipient and its project;

(5) The subrecipient has complied or will comply with 49 CFR part 604 in the provision of any charter service provided with equipment or facilities acquired with FTA assistance;

(6) The subrecipient has complied with or will

comply with applicable provisions of 49 CFR part 605 pertaining to school transportation operations;

(7) Viewing its demand responsive service to the general public in its entirety, the subrecipient has complied or will comply with the requirement to provide demand responsive service to persons with disabilities, including persons who use wheelchairs, meeting the standards of equivalent service set forth in 49 CFR 37.77(c), before purchasing non-accessible vehicles for use in demand responsive service for the general public;

(8) The subrecipient has established or will establish a procurement system, and has conducted or will conduct its procurements in compliance with all applicable provisions of Federal laws, executive orders, regulations, FTA Circular 4220.1E, "Third Party Contracting Requirements," as amended and revised, and other implementing requirements FTA may issue;

(9) The subrecipient has complied or will comply with the requirement that its project provides for the participation of private mass transportation companies to the maximum extent feasible;

(10) The subrecipient has paid or will pay just compensation under state or local law to each private mass transportation company for its franchise or property acquired under the project;

(11) The subrecipient has complied or will comply with all applicable lobbying requirements for each application exceeding \$100,000;

(12) The subrecipient has complied or will comply with all nonprocurement suspension and debarment requirements;

(13) The subrecipient has complied or will comply with all applicable bus testing requirements for new bus models;

(14) The subrecipient has complied or will comply with all applicable pre-award and post-delivery review requirements;

(15) The subrecipient has complied with or will comply with all assurances FTA requires for projects involving real property;

(16) The subrecipient has complied or will comply with applicable FTA Intelligent Transportation Systems architecture requirements, to the extent required by FTA; and

(17) The subrecipient has complied or will comply with applicable prevention of alcohol misuse and prohibited drug use program requirements, to the extent required by FTA.

I. The state recognizes the authority of FTA, U.S. DOT, and the Comptroller General of the United States to conduct audits and reviews to verify compliance with the foregoing requirements and stipulations, and assures that, upon request, the SIB and its subrecipients, as well as the states, will make the necessary records available to FTA, U.S. DOT and the Comptroller General of the United States. The state also acknowledges its obligation under 49 CFR 18.40(a) to monitor project activities carried out by the SIB and its subrecipients to

assure compliance with applicable Federal requirements.

## APPENDIX F

### PRIVATE ENTERPRISE COORDINATION REQUIREMENTS

Requirements 1-3 are addressed in the application process (Exhibit 8A).

1. The current participation of private providers in Section 5311 supported services.
2. All efforts to provide written notice to private providers of proposed services.
3. All forums, meetings, hearings, or other opportunities for involving the private sector early in the project development process

The remaining requirements 4-9 are to be addressed as appropriate, maintained on file, and kept current by the applicant.

4. Methods for periodically reviewing services to determine whether they can be provided more efficiently by the private sector.
5. Description of private sector proposals, if any, offered for consideration, and the rationale for inclusion and exclusion.
6. Any locally established criteria for making public/private service decisions.
7. The local methodology for making true cost comparison when there are two or more operators interested in providing service.
8. Any complaints from private operators and how these were resolved.
9. The local mechanism for resolving conflicts or complaints involving private operators.

## APPENDIX G

### PUBLIC HEARING REQUIREMENTS

*(For capital assistance projects that require a public hearing)*

The application should include the results of a public hearing. The procedures relating to the public hearing format are outlined below:

#### 1. Notice of Public Hearing

- A) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned; such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30-40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.
- B) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged.

#### 2. Conduct of Public Hearing

- A) Public hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.
- B) If a hearing is scheduled, it must be conducted even if no one from the public sector is in attendance. The hearing should be opened and the contents of the application presented. After the presentation, the opportunity for oral comment should be given prior to closing the hearing. The transcript of the hearing should reflect that the contents of the application were presented and the opportunity for public comment given.
- C) Provisions shall be made for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. The procedure for the submissions shall be described in the notice of public hearing. The final date for receipt of such statements or exhibits shall be at least ten days after the public hearing.

#### 3. Transcript

- A) The APPLICANT shall provide for the transcript of the oral proceedings at each public hearing. A copy of the transcript, advertisements and publisher affidavit is to be incorporated into the grant application.

## **APPENDIX H CHARTER POLICY AND PROCEDURES**

### **GDOT/FTA CHARTER SERVICE POLICY**

Section 5311 subrecipients, and their contractors, are prohibited from using federally-funded equipment and facilities to provide charter service except on an incidental basis and then only when one or more of the seven exceptions described below are met. This prohibition applies to bus or van service provided by **subrecipients or third party contractors** that provide bus or van service financed with Section 5311 funds.

#### **What is Charter Service?**

Charter service is defined as transportation using buses or vans, or facilities funded under the acts of a group of persons who pursuant to a common purpose, under a single contract, at a fixed charge (in accordance with the carrier's tariff) for the vehicle or service, have acquired the exclusive use of the vehicle or service to travel together under an itinerary either specified in advance or modified after having left the place of origin. This definition includes the incidental use of FTA funded equipment for the exclusive transportation of school students, personnel, and equipment.

#### **What is "Incidental"?**

FTA defines "incidental" service as service that does not interfere with or detract from the provision of mass transportation service, does not shorten the mass transit life of the equipment or facilities, and recovers fully allocated costs. Thus charter service that is not "incidental" might include any charter service performed during the period when the system is offering regularly scheduled service, or including the miles operated in charter service as part of the useful life of the vehicle, or charging less than the fully allocated cost for the service. It therefore implies that any charter service operated with federally-funded vehicles would not only need to meet one of the seven exceptions to the prohibition, but would have to recover the fully-allocated cost, and the system would have to keep track of the miles operated in charter service and subtract them from the actual vehicle mileage when determining eligibility for replacement.

If a subrecipient desires to provide any charter service using FTA equipment it must first determine if there are any private charter operators willing and able to provide the charter service that the subrecipient wishes to provide. If there is at least one willing and able charter operator, the subrecipient is prohibited from providing charter service unless one or more of the seven exceptions described below applies.

### **PROCEDURE FOR DETERMINING IF THERE ARE ANY WILLING AND ABLE PRIVATE CHARTER OPERATORS**

As the first step in this process is determining if there are any willing and able private operators, the subrecipient must conduct and document the process of public participation called for by FTA. GDOT requires that any subrecipient intending to perform charter service perform and document this procedure as part of the grant application process. The process will require at least 60 to 90 days, so if a subrecipient is intending to perform charter service this process should be initiated well before grant applications are due (and completed prior to beginning any charter service). The public participation process must at a minimum include:

1. Placing a notice in a newspaper(s) of general circulation within the proposed geographic charter service area (see example below).

2. Sending a copy of the notice to all private charter service operators in the proposed geographic charter service area and to any private charter service operator that requests notice; (see Exhibit H-1 for example).
3. Sending a copy of the notice to the United Motor Coach Association, 113 S.W. Street, 4<sup>th</sup> Floor, Alexandria, VA, 22134-2824, the American Bus Association, 1100 New York Avenue, N.W., Suite 1050, Washington D.C. 20005 and the Georgia Motorcoach Operators Association, P.O. Box 82, Gainesville, GA, 30503.

**The notice must:**

- A) State the recipient's name;
  - B) Describe the charter service that the recipient proposes to provide limited to day, times of day, geographic area, and categories of revenue vehicle, but not the capacity or the duration of charter service.
  - C) Include a statement providing any charter operator desiring to be considered willing and able with at least 30 days from the date of the notice to submit written evidence to prove that it is willing and able;
  - D) State the address to which the evidence must be sent;
  - E) Include a statement that the evidence necessary for the recipient to determine if a private charter operator is willing and able includes only the following:
    - 1) A statement that the private operator has the desire and the physical capability to actually provide the categories of revenue vehicle specified; and
    - 2) A copy of the documents to show that the private charter operator has the requisite legal authority to provide the proposed charter service and that it meets all necessary safety certification, licensing and other legal requirements to provide the proposed charter service.
  - F) Include a statement that the recipient shall review only that evidence submitted by the deadline, shall complete its review within 30 days of the deadline, and within 60 days of the deadline shall inform private operator that submitted evidence what the results of the review are.
  - G) Include a statement that the recipient shall not provide any charter service using equipment or facilities funded under Section 5311 to the extent that there is at least one willing and able private charter operator unless the recipient qualifies for one or more of the exceptions in 49 CFR Section 604.9(b).
4. Any recipient that desires to continue to provide charter service using FTA funded equipment or facilities shall follow the procedures in 49 CFR, Section 604.11(b) and (c) annually during the month in which it published its first notice to redetermine the extent to which there is at least one willing and able private charter operator.
  5. As allowed by FTA regulations, GDOT delegates the responsibility for this procedure to its subrecipients.

Details on these requirements can be found in 49 CFR Part 604 Section 11, revised as of Oct. 1, 1997. A URL for this document is: <http://www.fta.dot.gov/library/legal/49604.htm>.

## EXHIBIT H-1

### EXAMPLE OF ADVERTISEMENT FOR CHARTER SERVICE

The **(Legal Name of City/County)** is applying for Federal assistance under Title 49 U.S.C. Section 5311 pertaining to rural and small urban areas. As a part of the **(Name)** system operation we offer charter service on an incidental basis. Charter service is usually provided using **(Description of Vehicle\*)** and is limited to **(General Schedule for Charter Service\*\*)**. The service will transport contracting groups to **(Generalized Geographic Area of Service)**.

Any private charter operator willing and able to provide this service should submit written evidence within 30 days of the date of this notice. Evidence of willing and able should include a statement that there is the desire and the appropriate type of vehicles to provide the service, documentation of Public Service Commission (PSC) Certificate of Necessity and safety certifications, and licensing.

No submission will be considered after the deadline. Each private operator will be informed of the results of the review within 60 days of the deadline. If a private operator is identified, the **(Name of System)** will not provide charter service.

Please send the information to:

---

**Name and Address**

**\* Indicate if lift-equipped**

**\*\* Charter Service must be incidental-it may not conflict with regular transit service**

## EXCEPTIONS

Each Section 5311 subrecipient is prohibited from providing any charter service using federally-funded equipment or facilities if there is at least one private charter operator willing and able to provide the service that the grantee proposes to provide. There are, however, seven allowable exceptions, for “incidental” use only, that may be considered once the public participation process to identify will and able charter operators has been conducted. These are:

1. There are no “willing and able” private operators. This must be determined through a public participation process specified by the FTA and described in detail above.
2. The subrecipient can contract with a private operator to provide charter service if:
  - a) the private operator is requested to provide charter service that exceeds its capacity, or
  - b) the private operator is unable to provide equipment that is accessible to the elderly and persons with disabilities.
3. In a non-urbanized area, the subrecipient may petition FTA for an exception to provide charter service if:
  - c) the willing and able private operators impose minimum durations pursuant to State regulation, and the desired trip length is shorter than the mandatory trip length, or
  - d) The willing and able private operator(s) are located too far from the origin of the charter service.
4. The subrecipient may petition the FTA Administrator for an exception to provide charter service to special events to the extent that private operators are not capable of providing the service.
5. The subrecipient may contract with a governmental entity or a private, non-profit tax-exempt organization (under subsection 501(c)(1), 501(c)(3), 501(c)(4) or 501(c)(19) of the Internal Revenue Code) to provide charter service to that organization upon obtaining a certification from that organization which states that it meets one of three sets of specific conditions. For each condition, the subrecipient must have the chartering organization sign a certification that they meet the specific conditions of the exception, and include this certification with their application or any subsequent petition to provide these services. The contract and certificate must be submitted to GDOT 90 days prior to conducting any charters under this exception, to allow GDOT sufficient time to petition FTA for permission in writing to conduct these trips. The three conditions and the exact certification for each are:
  - (i) *[the entity/organization] certifies that it is a government entity or an organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4) or 501(c)(19) of the Internal Revenue Code; there will be a significant number of handicapped persons as passengers on this charter trip; the requested charter trip is consistent with the function and purpose of [the entity/organization]; and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended; and, section 19 of the Federal Mass Transit Act of 1964, as amended, and 49 CFR part 27; or, 45 CFR part 80; or*
  - (ii) *[the entity/organization] certifies that it is a government entity or an organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code; [the entity/organization] is a qualified social service agency under appendix A of 49 CFR part 604, as a recipient of funds, either directly or indirectly, under one or more of the Federal programs listed in appendix A; the requested charter trip is consistent with the function and purpose of [the entity/organization]; and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended; and, Section 19 of the Federal Mass Transit Act of 1964, as amended, and 49 CFR part 27; or, 45 CFR part 80.*

(iii) *[the entity/organization] certifies that it is a government entity or organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code: [the entity/organization] either receives or is eligible to receive directly or indirectly, from a State or local governmental body public welfare assistance funds for purposes whose implementation may require the transportation of a group of transit-advantaged or transit-dependent persons: following a petition presented by the State in which the entity or organization resides, FTA has determined in writing that an FTA recipient may contract directly with the entity or organization for charter services; the requested charter trip is consistent with the functions and purposes of the entity or organization; and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended; and section 19 of the Federal Mass Transit Act of 1964, as amended, and 49 CFR part 27; or, 45 CFR part 80.*

6. The subrecipient in a non-urbanized area may contract with a governmental entity or a private, non-profit tax-exempt organization (under subsection 501(c)(1), 501(c)(3), 501(c)(4) or 501(c)(19) of the Internal Revenue Code) to provide charter service to that organization upon obtaining this specific certification from that agency:

*[the entity/organization] certifies that it is a government entity or organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code: more than 50% of the passengers on this charter trip will be elderly; the requested charter trip is consistent with the function and purpose of [the entity/organization]; and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended; and Section 19 of the Federal Mass Transit Act of 1964, as amended, and 49 CFR part 27; or, 45 CFR part 80.*

7. A subrecipient may provide charter service where a formal agreement has been signed between the subrecipient and all willing and able charter operators.

An even more detailed explanation of the charter bus allowable exceptions can be found in the FTA Charter Bus policy (49 CFR Part 604, found online at <http://www.fta.dot.gov/library/legal/49604.htm>), which prescribes the procedures that a subrecipient must follow in order to provide charter service.

## **INCIDENTAL SERVICE: FULLY-ALLOCATED COST AND REDUCTION IN USEFUL VEHICLE LIFE**

In addition to the requirements regarding the exceptions, as noted above the FTA requires that the service be “incidental”, and that as “incidental” service the following conditions must be met:

- 1) Services shall not be provided during peak service hours, or conflict in any way with regular general public services.
- 2) The rate for charter service conducted during this period under these exceptions must equal or exceed the fully allocated cost of providing the service.
- 3) The number of miles operated in charter service must be subtracted from the actual miles in determining whether a vehicle has met its useful life.

The second requirement states that rates charged for any charter service performed under one or more of the seven exceptions must cover the fully-allocated cost of providing the service. Fully-allocated means not only the direct costs such as driver wages and benefits, fuel, insurance, etc. but also the proportionate share of maintenance, administration, use of facilities, etc.---basically all costs. It also includes the capital cost of the vehicles used for charter, which most public transit operators do not include in their operating budget.

In order to help operators set charter rates that meet or exceed their fully-allocated cost, Exhibit H-2 of Appendix H provides a worksheet that allows Section 5311 operators proposing to do charter service (under one of the seven exceptions) to compute their fully-allocated cost. A transit operator proposing to perform charter services should complete this form and include it in their application package, demonstrating that their charter rates would cover the fully-allocated cost. The GDOT worksheet will help the operator determine their fully-allocated operating cost per service hour, add a factor for vehicle use, and compare it to their proposed rate. The proposed charter rate from the worksheet must be included in the Certification of Intent to perform charter service found in Exhibit 9B.

Note also that GDOT requires a separate accounting of all the charter miles operated by each vehicle, and that these miles are not included in the assessment of vehicle life when applying the vehicle replacement guidelines. For example, if a federally-funded transit vehicle is used 20,000 miles for charters, it will be eligible for replacement at 120,000 miles, rather than the 100,000 mile standard normally applied. In the future the RMIS will be modified to collect charter miles by vehicle as part of the monthly reporting process, for now subrecipients are required to submit charter miles operated separately, along with their monthly report information.

**Should these vehicles/services be operated by a third-party operator under contract to (city/county name), all of these requirements and conditions will be passed on to that operator as part of the contract.**

**EXHIBIT H-2**  
**GEORGIA DEPARTMENT OF TRANSPORTATION**  
**SECTION 5311**  
**CHARTER SERVICE & MEALS ON WHEELS COMPUTATION WORKSHEET**

**Formula for computing Fully Allocated Operation Cost per Service Hour:**

***Formula:***

Expense Total/Estimated System Total Service Hours for Application Period = Average Cost per Service Hour

Operating Expense Total (*from Administrative & Operating Budget of Exhibit 2*):

Estimated System Total Service Hours for the Application Period:

Number of Vehicles Providing Service

Hours per Day Providing Service

Numbers of Days Per Year Providing Service

Total Service Hours

Fully Allocated Operating Cost (FAOC) per Service Hour

FAOC per Service Hour Plus Capital Depreciation Cost\*



***Proposed Charter Service and/or Meals on Wheels Service hourly rate must equal or exceed THIS NUMBER.***

This sheet must be attached to your charter certification and your grant application if you intend to provide either charter service and/or meals on wheels service.

\* Hourly Capital Depreciation Cost was determined by depreciating the largest vehicle offered by GDOT (\$47,000) over five years, divided by 250 service days, then divided by 10 hours per day.

## APPENDIX I

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### REGULATORY REQUIREMENTS OF THE RURAL PUBLIC TRANSPORTATION PROGRAM

#### **FTA Title VI Data Collection and Reporting**

**Grantees Monitoring Procedures** - For the purpose of this section, FTA is requiring that all grantees providing public transportation services develop and implement procedures to monitor their level and quality of transit service provided to the minority community, against overall system averages, measure the actual realization of established service policies and standards. FTA requests that the methodologies be incorporated into the grantee's monitoring procedures for reviewing levels and quality of service (shown in Exhibit 11). **Part I and II must be done annually.**

#### **Department of Labor Special Section 5333(b) Warranty**

FTA requires all grantees to indicate in writing that it accepts the terms and conditions of the "Special Section 5333(b) Warranty for Application to the Small Urban and Rural Program." This is shown in Exhibit 10. The Special Warranty has been certified by the Secretary of Labor as providing protections satisfying the requirements of Section 5333(b). Exhibit 10 consists of six pages. Please complete and send in by November 1, 2005. Provide information requested on pages 1, 5, and 6. **Please pay special attention to page 6 of 6 and provide all the information requested, such as the project description, other surface public transportation providers (including taxis), and union representation.**

#### **Distribution of Funds**

The distribution of funds for the Section 5311 Program, the non-urbanized population of each County is taken into account in the allocation of funds. The Section 5311 formula for allocation proportions project funds based on non-urbanized population and land area relative to the total for the state. Only 70% of the project monies are apportioned; 30% is set aside for discretionary programs and to supplement County and Congressional District allocations for eligible projects.

#### **Annual Program of Projects**

The Program of Projects is developed annually as part of the Department's submission to the Federal Transit Administration. The Program of Projects reflects the results of statewide planning and of application submitted by the Counties for Section 5311 Programs. The Program of Projects reflects the Department's estimated program of Section 5311 activities for the following year. Before a project can be included in Category A of the Program of Projects, it must meet all the criteria set forth for fundable projects. Category B projects may be included if it is the County's intention to complete the eligibility requirements within the period of the grant. Category C projects are not identified; this represents a temporary category for unexpected requirements of projects listed in Categories A and B or any new projects which might be identified after the application cycle has been completed.

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### **State Administration and Technical Assistance Program**

The GDOT through its District Offices, workshops and seminars provides technical assistance in the preparation of grant applications as well as program development, administration and operation. The Department utilizes 15 percent of apportioned funds for administration, planning and technical assistance in support of these programmed activities. Funding for additional technical assistance and training is provided through the Rural Transportation Assistance Program (RTAP).

### **Coordination**

The Department coordinates with other State agencies to encourage coordination at the local level. Through the state's Intergovernmental Consultation Process, projects are coordinated with all relevant state agencies and local agencies. This assures that the scope and all interested individuals know nature of the proposed project and they can comment on how the project complements other activities.

The Department also encourages coordination with other projects and transportation consumers. The Department has a Service Policy which sets out major criteria for project operations. The Service Criteria requires that the system should recover, at a minimum, 10% of its public transportation cost from farebox revenue generated through regular operations, with a goal of 20%. Cooperative agreements with other transportation consumers may be obtained through purchase of service agreements at the fully allocated cost .

### **Incidental Use**

During periods when a vehicle is not needed for specific grant related purposes, it may be used for other services only if such use is incidental to the primary purpose of the vehicle and does not interfere with the use of the vehicle for its grant intended purposes. All drivers for this use are required to be Section 5311 program drivers and activity should meet the Fully Allocated Cost (FAC).

### **Private Enterprise Coordination**

As part of the application approval process each applicant must assure that all private for-profit providers have been notified of the proposed project and that they have had adequate opportunity to present their views and offer service proposals for consideration. Other requirements of the ongoing program are reviewed annually in the program compliance certification review described later in this document.

Complaints should be resolved at the local level. Accordingly, a discrete local mechanism, preferably independent, should be established for resolving disputes in a manner which assure fairness to all parties. Complaints which cannot be resolved at the local level will be resolved at the State level according to the Rules and Regulations of Georgia Chapter 672-05 "Contested Cases Under the Administrative Procedure Act".

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### **Computer Equipment and Software**

The use of computers can assist public transportation operators by facilitating the effective use of operations and fiscal information to improve public services. Laptop computers are not an eligible capital expense.

### **Intercity Bus Transportation**

The Georgia Intercity Bus Program provides public transportation to points throughout the state, both rural and urban. The Program consists of three elements: Vehicle Purchase, Signage and Marketing program. Six intercity bus coaches have been purchased for leasing to Greyhound and Southeastern Stages through the FTA Section 5311(F) Intercity Bus Program. Of the total project cost 80 percent is federal while the remaining 20 percent is the local match from the private carriers. Future project includes hiring a consultant to complete a new study that updates the one previously completed in December, 1994.

### **Buy America Public Interest Waiver**

On Wednesday, March 15, 1995, FTA issued a public interest waiver under 49 U.S.C. and 49 C.F.R. 661.7(b) to exempt from its Buy America requirements, all purchases made with FTA financial assistance, including capital, planning and operating where the cost is \$2,500.00 or less. This exemption covers many small purchases including office and janitorial supplies, furnishings, maintenance supplies, equipment and other small purchases. The goal of this public interest waiver is to eliminate or reduce the administrative burdens associated with FTA requirements. On July 24, 1995, FTA raised the threshold for a small purchase to \$100,000.

### **Vehicle Insurance and Driver Requirements**

The Georgia codes and federal regulations require the following:

1. Vehicles with maximum capacity of 15 passengers or less - Liability coverage in an amount of \$100,000 for death or injury of one (1) person, \$300,000 in the event of injury or death of two (2) or more persons in a single accident including liability to and employees engaged in operation of the vehicles, and \$50,000 for property damage.
2. Vehicles with capacity over 15 passengers - Liability coverage in an amount of \$100,000 for the death or injury of one (1) person, \$500,000 in the event of injury or death of two (2) or more persons in a single accident including liability to any employees engaged in operation of the vehicles, and \$50,000 for property damage.
3. Collision, fire, theft and comprehensive coverage in an amount required to pay for any damages to the project vehicles and equipment.
4. All drivers of project equipment must possess a valid license. Georgia law requires a Commercial Driver's License (CDL) to operate a vehicle designed to transport more than 15 passengers (including driver). The CDL also requires a physical examination every two years. Contact the Department of Motor Vehicles for details regarding licensing requirements. These requirements apply to drivers involved with charter service as well.

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**State Program Management**

1. **Use** - Equipment shall be used for the purposes detailed in the grant application to the State. The conditions of the State application and capital contract apply for as long as the equipment is needed or for the useful life of the equipment. When no longer needed for the purposes outlined in the application, or after useful life is completed, equipment may be used in other activities as approved by the State. At no time may equipment be used to compete unfairly with private companies.

2. **Management of Equipment** - Property records must be maintained to include the following:

- \* description of the property
- \* serial number or other identification number
- \* the source of property
- \* identification of title holder
- \* acquisition date
- \* original cost of property
- \* date of disposal
- \* sale price of property

The State will also maintain vehicle records; local areas are required to report any change in vehicle status immediately. Local subrecipients must maintain records with the above information for computers, office equipment, furniture, or any other property paid for with Federal funds.

Local area operators are required to follow manufacturer's recommended maintenance schedule for vehicles and equipment.

3. **Capital Disposition** - The District Public Transportation Coordinator, using any or all of the evaluation criteria listed below as a general guidance, will make an evaluation of a vehicle's condition and useful life. In the event the District Public Transportation Coordinator concludes that the vehicle should be surplus, then a recommendation will be made to the Office of Intermodal Programs. Counties may purchase vehicles back by following DOAS disposition procedures.

**Criteria for Replacement of Vehicles:**

- A. 100,000 miles or five years old by June 30 of application year
- B. The vehicle is unserviceable and rehabilitation is not cost effective
- C. Vehicle utilization and productivity generally meets current GDOT operating criteria (Appendix D – operations)

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4. **Procurement** - Procurement must conform with the Official Code of Georgia Annotated Title 50, Chapter 5, Article 3, State Purchasing. The Georgia Procurement Manual issued by the Department of Administrative Services details requirements. Procurement must be approved prior to purchase. Purchase of unnecessary or duplicative items must be avoided. Grantees are required to analyze procurement and to investigate alternatives that will result in an economical approach. Records at a minimum must include the following:

- \* method of procurement
- \* selection of contract type
- \* selection of contractor
- \* basis for procurement

The Agency Purchasing Manual can be found at the following website address:

[http://tmp10.georgia.gov/vgn/images/portal/cit\\_1178350/37108101/procurementmanual.pdf](http://tmp10.georgia.gov/vgn/images/portal/cit_1178350/37108101/procurementmanual.pdf)

**Purchases should be made through DOAS unless otherwise approved.**

5. **Vehicle Monitoring Program** - All public transportation vehicles and equipment will be inspected Bi-annually in March-April and in September/October by GDOT or Department of Human Resources personnel using a common form. It is not intended that the vehicle inspection should substitute for or satisfy in any way State or Federal requirements for vehicular or passenger safety. However, should the vehicle condition result in reasonable doubt relative to the contractual requirement that the vehicle be maintained in good operating condition, the inspector may request the vehicle be withdrawn from service pending evaluation and correction of the deficiency. The District Representative may require non-critical deficiencies be corrected within 15 days of the inspection without the withdrawal of the vehicle from service.

### **Vehicle Maintenance Requirements**

Subrecipients must have the technical and managerial capability to maintain FTA-funded equipment and facilities. Project equipment and facilities must be maintained at a high level of cleanliness, safety, and mechanical soundness. All accessibility features and equipment must be kept in operating condition. Subrecipients must have procedures to track when preventive maintenance inspections are due and to schedule preventive maintenance inspections in a timely manner.

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Subrecipients must have a pre-trip inspection program that addresses vehicle condition, appearance, cleanliness, and safety. Deficiencies noted in a pre-trip inspection must be repaired in a timely manner and properly reviewed by management. Include some detail of your pre-trip inspection or checklist. GDOT is providing separate guidance on vehicle maintenance, including recommended pre-trip inspection forms.

Subrecipients must repair accessibility features promptly and take reasonable steps to continue service to persons with disabilities while repairs are made. Subrecipients must maintain a file on each FTA funded vehicle that contains daily logs, pre-trip inspection checklists, and repair records.

6. **Program Monitoring** - Monitoring of service is an established part of the program. The various monitoring activities assure compliance with the contract agreement, service goals, objectives, types of service provided and service criteria. Examples of monitoring techniques include site inspections, riding vehicles and interviews with system directors, transportation coordinators, dispatchers and drivers.

The monthly vehicle utilization report is required to be updated on the vehicle module of RMIS monthly.

Grantees must retain and provide access to program records and other records that are maintained as a part of the program regulations or the grant agreement, or otherwise pertinent to the program. Records must be retained for three years after the disposition of the equipment.

7. **Drug and Alcohol Testing Monitoring** – The Department will monitor drug and alcohol testing programs. The new requirements published by FTA are outlined below.

The omnibus Transportation Employee Testing Act of 1991 mandated the Secretary of Transportation to issue regulations to combat prohibited drug use and alcohol misuse in the transportation industry. In February 1994, Federal Transit Administration “FTA” adopted drug and alcohol testing rules, which were promulgated at 49 CFR part 655. The Act of 1991 required FTA to issue regulations requiring recipients of funds under 49 United States Code 5307, 5309, and 5311 to test safety-sensitive employees for the use of alcohol or drugs in violation of the law or federal regulation.

As a condition of FTA funding, the Act requires recipients to **ESTABLISH** alcohol and drug testing programs (POLICY). The Drug/Alcohol Testing Policy must be approved by GDOT prior to execution of new contract. The Act mandates four types of testing:

(1) Pre-Employment (2) Random (3) Reasonable Suspicion (4) Post Accident.

In addition, the Act permits return- to- duty and follow-up testing under specific circumstances. The Act requires that recipients follow the testing procedures set out by the Department of Health and Human Services (DHHS). The Act does not require recipients to follow a particular course of action when they learn that a safety-sensitive employee has violated a law or Federal regulation concerning alcohol or drug use. Rather, the Act directs FTA to issue regulations **establishing consequences** for the use or abuse of alcohol or drugs in violation of FTA regulations. Possible consequences include Education, Counseling, Rehabilitation programs and Suspension or Termination from employment.

## APPENDIX I

(page 7 of 8)

8. **Financial Management** - The Department's Fiscal Accounting and Control System (FACS) facilitates preparation of federally mandated program reports. The FACS tracks expenditures to assure conformance with these requirements.

9. **Reimbursement Guidelines** - The Section 5311 program is an ACTUAL COST reimbursement program which uses "generally accepted accounting principles" and the Standard for Audits of Governmental Organizations, Programs, Activities, and Functions, developed by the Comptroller General, dated February 27, 1981. Rural Public Transportation Programs are a partnership between the County/City and the Georgia Department of Transportation. The contract between the two parties is for a specific period of time, usually one year, and specifies a financial relationship between the parties. The financial relationship, which involves cost sharing throughout the contract performance period, must be consistent throughout the Section 5311 program. It is expected that each line item within the budget will be reimbursed through the life of the contract. If there are six months remaining on a twelve month contract, it is expected that approximately half of each line item would still be available for reimbursement.

10. **Audit and Contract Close-out Procedures**—The subrecipient is responsible for the conduct and submission of an annual audit under the Single Audit Act of 1984, as amended, following the guidelines set forth in OMB Circular A-133. The audit must be performed by an independent certified public accountant and should include; 1) a report of federal financial assistance, 2) the auditor's report on the study and evaluation of internal control systems, 3) compliance with applicable laws and regulations and, 4) a report of any findings or questioned costs. The subrecipient public agency is responsible for the submission of the audit report to GDOT within 30 days of its completion and not later than nine months from the fiscal period covered by the audit. The public agency has six months to file notice of corrective action it has taken upon notification of any findings or questioned costs.

Contract close-out procedures can be initiated in one of several ways. One way is initiated by the subrecipient. Upon completion of reimbursement for all capital items intended for purchase, the subrecipient must submit a final close-out letter (Exhibit K) to the District PTC for their review/recommendation. The District PTC will then forward this to the Office of Intermodal Programs (OIP) for approval. In closing out operating contracts, the subrecipient must submit the final reimbursement (also in Appendix K) along with the close-out letter to the District PTC for their review/recommendation. The District PTC will then forward this to the OIP for approval. Per the contract, the county/city has up to 90 days after the contract expiration date to submit the final reimbursement request. If this is not done within the 90 day period, the OIP may at its discretion use the last invoice submitted by the county/city as the final invoice for closing out the contract.

Alternatively, GDOT's Transit Planners will evaluate all grants for close-out potential within three years of activation, or if 95 percent of the funds have been disbursed. Based on this analysis, or upon receipt of final close-out letters and final reimbursement requests, the Transit Planners notify the Transit Program Manager of contracts that have been completed and are ready for close-out.

Grantees must retain and provide access to program records and other records that are maintained as part of the program regulations or the grant agreement, or otherwise pertinent to the program. Records must be retained for three years after the disposition of the equipment (for capital projects) and for three years after closeout of an operating grant.

11. **Budget Revisions**—The procedure for submitting budget revisions involves a request for revision from the subrecipient to the District PTC, who will review the request and transit it to the OIP for final review and concurrent. In order to ensure consistency, a standard budget revision form has been developed and made available for use by the subrecipient (Appendix L).

## **APPENDIX I**

(page 8 of 8)

12. **Capital Purchase Request Procedures.** County submits request to district public transportation coordinator who will review for concurrence. If they concur, they will submit request to OIP who will review for concurrence. OIP responds by notifying the district public transportation coordinator whether the county was approved or not. The county gets the results from the district public transportation coordinator. No request for approval is required if the amount of capital item to be purchased is less than \$5,000.00.

### **Rural Transit Assistance Program (RTAP)**

The Rural Transit Assistance Program is intended to be a broad and flexible program of training, technical assistance, research, and other support services for non-urbanized transit.

In keeping with the RTAP program objectives, the Department will place particular emphasis on fostering the development of State and local capacity for addressing the training and technical assistance needs to the rural/small urban transportation community. Additionally, the State Program will strive to improve the quality of information and technical assistance available through the development of training and technical assistance resource materials.

### **PASS TRAINING**

All drivers of Section 5311 vehicles must be trained and certified under the Passenger Service and Safety Training (PASS) training program. For more information, contact your District PTC.

**APPENDIX J**  
**CY 2005 PRICES FOR CAPITAL EQUIPMENT**

<b>Capital Equipment</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Standard Van	\$25,000	\$25,500	\$26,000
Conversion Van	\$38,500	\$39,000	\$39,000
Conversion Van with Lift	\$42,000	\$42,500	\$43,000
Shuttle Van*	\$33,000	\$33,500	\$34,000
Shuttle Van with Lift*	\$37,000	\$37,500	\$38,000
Shuttle Bus*	\$37,000	\$38,000	\$38,000
Shuttle Bus with Lift*	\$42,000	\$42,500	\$43,000
Mobile Radio	\$ 1,500	\$ 1,700	\$ 1,800
Base Station	\$ 6,000	\$ 6,300	\$6,500
Computer, Printer & Software	\$ 3,000	\$ 3,200	\$3,300
Computer & Dispatching Software	\$20,000	\$20,300	\$20,500

**\* For Diesel Engine – Add \$5,000**  
(includes a 10% contingency)

**APPENDIX K**  
**SAMPLE FINAL REIMBURSEMENT/CLOSEOUT LETTER**

---

Mr. Steven J. Kish  
Transit Program Manager  
Office of Intermodal Programs  
Georgia Department of Transportation  
276 Memorial Drive, S.W.  
Atlanta, GA 30303-3743

RE: Project No. (**ENTER PROJECT NUMBER**)  
Capital Improvement/Operating Assistance  
(specify capital or operating)  
Final Reimbursement Request/Contract Closeout

Dear Mr. Kish,

**ENTER AGENCY NAME** requests that project **ENTER PROJECT NUMBER** be processed for closeout. Please find the attached final zero (\$0.00) request for reimbursement for this contract. All payments have been received from this contract and we are ready to proceed with closeout of the contract.

If you have any questions on these matters, please contact (**ENTER PRINCIPAL CONTACT**) at (**ENTER PHONE NUMBER**).

Sincerely,

Signature of Designated Official

## APPENDIX L

### EXAMPLE OF BUDGET REVISION

MTG00-0000-00000 - XXX County (Example)

For the Period January 1, 2005 through December 31, 2005

ADMINISTRATIVE BUDGET	ORIGINAL BUDGET	CHANGE	REVISED BUDGET
Director Salary	0		0
Supervisor Salary	5292	(+528	5820
Bookkeeper Salary	600		600
Secretary Salary	500		500
Training/Travel	500		500
Marketing	500		500
Telephone	400	(+36	436
Office Supplies	0		0
Rental Expenses	0		0
Standard Overhead	0		0
Computer Software Maintenance	0		0
Other	500		500
Other	0		0
<b>OPERATING BUDGET</b>	XXXXXXXX	XXXXXXXX	XXXXXXXX
Driver Salary	78,000	(+1863	79,863
Dispatcher Salary	3000		3000
Mechanic Salary	0		0
Fuel	7500		7500
Maintenance and Repair	5000	(-)2,427	2573
Vehicle Insurance	5292		5292
Drug/Alcohol Testing	400		400
License	0		0
Uniforms	0		0
Other	1200		1200
Other	0		0
<b>TOTAL</b>	<b>111,834</b>		<b>111,834</b>
Less Revenue	22,367		22,367
Operating Deficit	89,467		89,467
Federal Share (50%)	44,734		44,734
Local Share (50%)	44,734		44,734

## **APPENDIX M**

### **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION FORMS (FOR SERVICES CROSSING STATE LINES)**

Grantees under 49 U.S.C. 5307, 5310, or 5311:

The insurance limits referenced in the application package do not pertain to motor passenger carriers providing transportation service within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under 49 U.S.C. 5307, 5310, or 5311. Such carriers that seek to register to provide for-hire operations between points in a transit service area located in more than one State are required to maintain the minimum level of financial responsibility for their motor vehicles that is at least the highest level required for any of the States in which the transit service area is located.

If you qualify for this special financial responsibility provision, you must complete the information below.

LEGAL BUSINESS NAME  
AS SHOWN ON APPLICATION: \_\_\_\_\_

Certify, by checking the "YES" box below, that you provide passenger transportation service within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under 49 U.S.C. 5307, 5310 or 5311 and that you seek to register to provide for-hire operations between points in that transit service area located in more than one State.

YES

Registrants in this category need not observe the minimum levels of financial responsibility indicated in the application package, but are required to maintain financial responsibility at least at the highest level required for any of the States in which the transit service area is located. Indicate States in your transit service area and the State prescribed financial responsibility limit you will observe:

States: \_\_\_\_\_

[Note: Grantees under 49 U.S.C. 5307, 5310, or 5311 that file evidence of State-prescribed financial responsibility limits that are lower than otherwise applicable Federal limits will be registered to provide interstate service only within their designated transit service areas.

Financial responsibility limit \$ \_\_\_\_\_  
(Indicate amount)

as proposed by: \_\_\_\_\_  
(Indicate State)

\_\_\_\_\_  
(SIGNATURE OF APPLICANT)

**INSTRUCTIONS FOR FORM OP-1(P)**  
**APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

These instructions will assist you in preparing accurate and complete application filings. Applications that do not contain the required information will be rejected and may result in a loss of the application fee. The application must be typed or printed in ink. If additional space is needed to provide a response to any item, use a separate sheet of paper. Identify applicant on each supplemental page and refer to the section and item number in the application for each response.

---

**PAPERWORK BURDEN.** It is estimated that an average of 2 burden hours per response are required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to the Federal Motor Carrier Safety Administration (FMCSA), Licensing Team, Suite 8214, 400 7<sup>th</sup> Street, SW, Washington DC 20590. This collection of information is required in order for the FMCSA to obtain data and register for-hire motor carriers of passengers and certain U.S.-based Mexican-owned enterprise passenger carriers. Please note that an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently-valid OMB control number. The OMB control number for this collection is 2126-0016

**SECTION I** **FMCSA AUTHORITY.** If you now have any **former Interstate Commerce Commission (ICC), Federal Highway Administration (FHWA), Office of Motor Carrier Safety (OMCS), or Federal Motor Carrier Safety Administration (FMCSA) authority** or have an application for authority being processed now by the FMCSA, check the "YES" box and indicate the docket or the MC number you have been assigned. Example: MC-987654.

**APPLICANT'S LEGAL BUSINESS NAME and DOING BUSINESS AS NAME.** The applicant's name should be your full legal business name -- the name on the incorporation certificate, partnership agreement, tax records, etc. If you use a trade name that differs from your official business name, indicate this under "Doing Business As Name." Example: If you are John Jones, doing business as Quick Way Transit, enter "John Jones" under APPLICANT'S LEGAL BUSINESS NAME and "Quick Way Transit" under DOING BUSINESS AS NAME.

Because the FMCSA uses computers to retain information about regulated carriers, it is important that you spell, space, and punctuate any name the same way each time you write it. Example: John Jones Transit Co., Inc.; J. Jones Transit Co., Inc.; and John Jones Transit are considered three separate companies.

**BUSINESS ADDRESS/MAILING ADDRESS.** The business address is the physical location of the business. Example: 756 Bounty Street; 15433 State Highway 23. If applicant receives mail at an address different from the business location, also provide the mailing address. Example: P.O. Box 3721. NOTE: To receive pertinent FMCSA notices and to ensure that insurance documents filed on applicant's behalf are accepted, notify the Federal Motor Carrier Safety Administration in writing (Licensing Team, Suite 8214, 400 7<sup>th</sup> Street S.W., Washington, DC 20590) if the business or mailing address changes.

**REPRESENTATIVE.** If someone other than the applicant is preparing this form, provide the representative's name, title, position, or relationship to the applicant, address, and telephone and FAX numbers. Applicant's representative will be the contact person if there are questions concerning this application.

**USDOT NUMBER.** Applicants subject to the Federal Motor Carrier Safety Regulations are required to register with the U.S. Department of Transportation (U.S. DOT) for a USDOT number before initiating service. Motor carriers that already have been issued a USDOT number should provide it; applicants that have not obtained a USDOT number should refer to the "Additional Assistance" part of these instructions.

**FORM OF BUSINESS.** A business is either a corporation, sole proprietorship or a partnership. If the business is a sole proprietorship, provide the name of the individual who is the owner. In this situation, the owner is the authority applicant. If the business is a partnership, provide the name of each partner.

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**INSTRUCTIONS FOR FORM OP-1(P)**  
**APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

**SECTION II**     **TYPE OF AUTHORITY.** Check the appropriate box(es) for the type(s) of authority you are requesting. Note: A separate filing fee is required for each type of authority requested. See "Fee Policy" in the application form.

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**SECTION III**     **INSURANCE INFORMATION.** Check the appropriate box that describes the seating capacity of your vehicles. If all the vehicles you operate have a seating capacity of 15 passengers or fewer, you are required to maintain \$1,500,000 minimum liability coverage. If any one of the vehicles you operate has a seating capacity of 16 passengers or more, you are required to maintain \$5,000,000 minimum liability coverage.

Appropriate insurance forms must be filed within **90 days** after the date the notice of your application is published in the *FMCSA Register*. Form BMC-91 or BMC-91X for bodily injury and property damage.

The FMCSA does not furnish copies of insurance forms. You must contact your insurance company to arrange for the filing of all required insurance forms.

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**SECTION IV**     **SAFETY CERTIFICATION.** Applicants for motor passenger carrier authority must complete the safety certification. You should check the YES response only if you can attest to the truth of the statements. The "Applicant's Oath" at the end of the application form applies to all certifications, and false certifications are subject to the penalties described in that oath.

If you are exempt from the U.S. DOT safety fitness regulations, you must certify that you are familiar with and will observe general operational safety fitness guidelines and applicable State and local laws relating to the safe operation of commercial motor vehicles.

You must check only one of the boxes in this section.

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**SECTION V**     **FITNESS CERTIFICATION.** You must complete the appropriate fitness certification.

---

**SECTION VI**     **FUNDING STATUS.** All applicants must disclose their funding status. If you are a public recipient applicant, you must submit the additional evidence indicated. (This evidence should be provided on a separate sheet of paper attached to your application.)

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**SECTION VII**     **SCOPE OF OPERATING AUTHORITY.** When developing passenger service descriptions, the following guidelines may be useful:

Special and charter operations and contract carrier operations generally are conducted over irregular routes (*i.e.*, authority that is not restricted to particular roads or highways), between points in the United States.

Other passenger carrier operations generally are performed over regular routes (*i.e.*, authority to perform regularly scheduled service between designated points and operating over named roads or highways).

Intrastate motor passenger applicants -- If you also request intrastate, regular-route authority, you must send a description of the proposed service to the state transportation regulatory body of the State(s) in which the operations described in the application will be performed.

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**SECTION VIII**     **AFFILIATIONS.** All applicants must disclose pertinent information concerning their affiliations, if any, with other former ICC, FHWA, or OMCS; now FMCSA-licensed entities.

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**INSTRUCTIONS FOR FORM OP-1(P)**  
**APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

**SECTION IX**     **APPLICANT'S OATH.** Applications may be prepared by the applicant or an authorized representative. In either case, the oath must be signed by the applicant. In the case of companies, an authorized employee in the ownership structure may sign. An individual with power of attorney to act on behalf of the applicant may sign, provided that proof of the power of attorney is submitted with the application.

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**LEGAL  
PROCESS  
AGENTS**     All applicants must designate a process agent in each State where operations are authorized. Process agents who will accept legal filings on applicant's behalf are designated on FMCSA Form BOC-3. Form BOC-3 must be filed within **90 days** after the date the notice of the application is published in the *FMCSA Register*.

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**STATE  
NOTIFICATION**     Before beginning new or expanded interstate operations, all applicants must contact the appropriate regulatory agencies in every State in and through which the carrier will operate to obtain information regarding various State rules applicable to interstate authorities. It is the applicant's responsibility to comply with registration, fuel tax, and other State regulations and procedures. Begin this process by contacting the transportation regulatory agency for the State in which your business is located.

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**MAILING  
INSTRUCTIONS**     To file for authority, you must submit an **original** of this application with the appropriate filing fee to the Federal Motor Carrier Safety Administration.

**NOTE: RETAIN A COPY OF THE COMPLETED APPLICATION FORM AND ANY ATTACHMENTS FOR YOUR OWN RECORDS.**

Mailing address for applications:

**ALL DOCUMENTS WITH FEES ATTACHED:**

Federal Motor Carrier Safety Administration  
P.O. Box 409934  
Atlanta, GA 30384-9934

**FOR EXPRESS MAIL ONLY**

Bank of America  
Attention: DOT-Motor Carriers Lockbox #409934  
6000 Feldwood Road  
College Park, GA 30349

**FOR CREDIT CARD USERS ONLY:**

Federal Motor Carrier Safety Administration  
Licensing Team – Room 8214  
400 7<sup>th</sup> Street, SW  
Washington, DC 20590

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**INSTRUCTIONS FOR FORM OP-1(P)  
APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

**ADDITIONAL  
ASSISTANCE**

**FMCSA INFORMATION SOURCES**

Additional information on obtaining operating authority or monitoring the status of your applications is available through the Automated Response Capability (ARC) telephone system. After dialing (202) 358-7000, press 1, then request appropriate menu number indicated below. You may use the ARC 24 hours a day, 7 days a week to obtain information in the following areas

<b><u>Information Application for Operating Authority</u></b>	<b><u>Menu Number</u></b>
<ul style="list-style-type: none"><li>▪ Status of your application (NOTE: Tracking the Status of your application can be simplified and expedited if you refer to the assigned <u>docket number</u> or MC number when making inquiries. You will be informed of your docket number by letter sent on the date the notice of your application appears in the <i>FMCSA Register</i>.)</li></ul>	<b>1</b>
<ul style="list-style-type: none"><li>▪ Assistance in filing your application</li></ul>	<b>3</b>
<ul style="list-style-type: none"><li>▪ Status of insurance and process agents filings</li></ul>	<b>2</b>

If you require information that is not available in the automated response system, the ARC will guide you to an appropriate FMCSA staff member who will be able to assist you in other areas.

**USDOT Number and Safety Ratings**

- To obtain information on obtaining a USDOT number (filing Form MCS-150) or to request a safety fitness review, write to:

Director, Office of Data Analysis and Information Systems  
Federal Motor Carrier Safety Administration  
400 7<sup>th</sup> Street, SW – MC-RIS  
Washington, DC 20590

- To register online go to [www.usdotnumberregistration.com](http://www.usdotnumberregistration.com)
- Or call (800) 832-5600 (Automated Response Systems)
- For information concerning a carrier's assigned safety rating, call: (800) 832-5600 or go to [www.safersys.org](http://www.safersys.org)

**Federal Motor Carrier Safety Administration  
FORM OP-1(P)  
APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

This application is for all individuals and businesses requesting authority to operate as motor passenger common or contract carriers.

Docket No. MC- _____
Filed _____
Fee No. _____
CC Approval No. _____
_____

**SECTION I**

**Applicant Information**

Do you now have authority from or an application being processed by the former ICC, FHWA, OMCS, or FMCSA?

No  Yes If yes, identify the lead docket number(s) \_\_\_\_\_

LEGAL BUSINESS NAME \_\_\_\_\_

DOING BUSINESS AS NAME \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

Street Name and Number City State Zip Code Telephone Number ( ) \_\_\_\_\_

**MAILING ADDRESS** (If different from above)

Street Name and Number City State Zip Code \_\_\_\_\_

**REPRESENTATIVE (Person who can respond to inquiries)**

Name and title, position, or relationship to applicant \_\_\_\_\_

Street Name and Number City State Zip Code \_\_\_\_\_

( ) Telephone Number ( ) Fax Number \_\_\_\_\_

**USDOT Number (If available; if not, see Instructions.)** \_\_\_\_\_

**FORM OF BUSINESS (Check only one)**

Corporation State of Incorporation \_\_\_\_\_

Sole Proprietorship Name of Individual \_\_\_\_\_

Partnership Identify Partners \_\_\_\_\_

**Federal Motor Carrier Safety Administration  
FORM OP-1(P)  
APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

**SECTION II**

You must submit a filing fee for each type of authority requested (for each box checked).

**Type of Authority**

- MOTOR PASSENGER COMMON CARRIER  
 MOTOR PASSENGER CONTRACT CARRIER

**SECTION III**

**Insurance Information**

All motor passenger carrier applicants must maintain public liability insurance. The amounts in parentheses represent the minimum amount of coverage required.

Applicant will use vehicle with seating capacities of (check only one box):

- 16 passengers or more (\$5,000,000)  
 15 passengers or fewer only (\$1,500,000)

**SECTION IV**

**Safety Certification**

**APPLICANTS SUBJECT TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS** - If you are subject to pertinent portions of the U.S. DOT's Federal Motor Carrier Safety Regulations at 49 CFR, Chapter 3, Subchapter B (Parts 350-399), you must certify as follows:

Applicant has access to and is familiar with all applicable U.S. DOT regulations relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials and it will comply with these regulations. In so certifying, applicant is verifying that, at a minimum, it:

- (1) Has in place a system and an individual responsible for ensuring overall compliance with Federal Motor Carrier Safety Regulations;
- (2) Can produce a copy of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Transportation Regulations;
- (3) Has in place a driver safety training/orientation program;
- (4) Has prepared and maintains an accident register (49 CFR 390.15);
- (5) Is familiar with DOT regulations governing driver qualifications and has in place a system for overseeing driver qualification requirements (49 CFR Part 391);
- (6) Has in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers hours of service and vehicle inspection, repair, and maintenance (49 CFR Parts 392, 395 and 396);
- (7) Is familiar with and will have in place on the appropriate effective date, a system for complying with U.S. DOT regulations governing alcohol and controlled substances testing requirements (49 CFR 382 and 49 CFR Part 40).

YES

**EXEMPT APPLICANTS** - If you are exempt from Federal Motor Carrier Safety Regulations, you must certify as follows:

Applicant is familiar with and will observe general operational safety guidelines, as well as any applicable State and local laws and requirements relating to the safe operation of commercial motor vehicles and the safe transportation of hazardous materials.

YES

**Federal Motor Carrier Safety Administration  
FORM OP-1(P)  
APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

**SECTION V**  
**Compliance  
Certification**

**ALL MOTOR PASSENGER CARRIER APPLICANTS** must certify as follows:  
Applicant is fit, willing, and able to provide the proposed operations and to comply with all pertinent statutory and regulatory requirements.

YES

**SECTION VI**  
**Government  
Funding  
Status**

Specify the nature of governmental financial assistance you receive, if any, by checking the appropriate box below. (Check only one box.)

- Public recipient** - Applicant is any of the following: any state; any municipality or other political subdivision of a state; any public agency or instrumentality of such entities of one or more state(s); an Indian tribe; and any corporation, board or other person owned or controlled by such entities or owned by, controlled by, or under common control with such a corporation, board, or person which is receiving or has ever received governmental financial assistance for the purchase or operation of any bus.
- Private recipient** - Applicant is not a public recipient but is receiving, or has received in the past, governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.
- Non-recipient** - Applicant is not receiving, or using equipment acquired with, governmental financial assistance.

**Public Interest Criteria:** Regular route applicants and private recipient applicants may introduce supplemental evidence describing how the proposed service will respond to existing transportation needs or is otherwise consistent with the public interest. Filing this evidence with the application is optional, but it may be needed later, if the application is protested.

**Public Recipient Applicants:** All public recipient applicants for charter or special transportation must submit evidence to demonstrate either that:

- 1) No motor common carrier of passengers (other than a motor common carrier of passengers that is a public recipient of governmental assistance) is providing, or is willing and able to provide, the transportation to be authorized by the certificate; or
- 2) The transportation to be authorized by the certificate is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

Supplemental evidence should be provided on a separate sheet of paper attached to this application.

**Fitness Only Criteria:** No additional evidence is needed from non-recipient applicants for charter and special transportation and applicants for contract carrier operations.

**Federal Motor Carrier Safety Administration  
FORM OP-1(P)  
APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

**SECTION VII**

**Scope of Operating Authority**

- (1)  **Charter and special transportation**, in interstate or foreign commerce, between points in the United States.
- (2)  **Charter and special transportation**, between points in the United States, provided by United States-based enterprises owned or controlled by persons of Mexico.
- (3)  Service as a common carrier over **regular routes**. (Regular route passenger carrier authority to perform regularly scheduled service only over named roads or highways.) Regular route passenger service includes authority to transport newspapers, baggage of passengers, express packages, and mail in the same motor vehicle with passengers, or baggage of passengers in a separate motor vehicle.
- (4)  Service as a common carrier over **regular routes** provided by United States-based enterprises owned or controlled by persons of Mexico.  
Applicants requesting authority to operate over regular routes - On a separate sheet of paper attached to the application, describe the specific routes over which you intend to provide regularly scheduled service. You must also furnish a map clearly identifying each regular route involved in your passenger carrier service description(s).
- (5)  **Intrastate authority**
- (a) Are you also requesting **intrastate authority** to provide the service described in item 3?  
 YES  NO
- (b) Do you already hold **interstate authority** to provide the service described above?  
 YES  NO
- (c) If you responded "YES" to 5(b) (*i.e.*, if you already hold interstate authority to provide this service), was the authority issued on or before November 19, 1982?  
 YES  NO
- If you responded "YES" to 5(c), you must attach to your application a copy of the interstate authority or authorities issued on before November 19, 1982, authorizing the transportation of passengers on the routes over which you request intrastate authority. You must mark the envelope and the application in the upper right corner of the front page "90-Day Intrastate Passenger Application."
- NOTE: The FMCSA has no jurisdiction to grant intrastate authority independently of interstate authority on the same routes. Also, no carrier may conduct operations under a certificate authorizing intrastate regular route service unless it actually is conducting substantial operations in interstate commerce over the same route.
- (6)  Service as a **contract carrier** between points in the United States, under continuing contract(s) with persons or organizations requiring passenger transportation service;
- OR
- Service as a **contract carrier** between points in the United States, under continuing contract(s) with:
- \_\_\_\_\_
- Contracting persons or organizations*
- As a contract carrier, I will: (Check the box(es) indicating how you will meet the statutory requirements for contract carriage.)
- (a)  Furnish the transportation service through the assignment of motor vehicles for a continuing period of time for the exclusive use of each group or organization served;

**Federal Motor Carrier Safety Administration  
FORM OP-1(P)  
APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

**SECTION VII**

**Scope of Operating Authority (Cont'd)**

(b)  Furnish the transportation service designed to meet the distinct needs of each group, organization, or class of groups or organizations. Describe briefly the distinct need(s) below and/or introduce supplemental supporting evidence to identify service needs corresponding to the operations proposed.

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(7)  Alternative Service Descriptions

If you request authority that is not covered by items 1-6 above, (i.e., authority to operate in specific territories not identified in the service options previously set forth), describe in the space below.

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This service description takes into account the applicant's operational capacity, is responsive to applicant's present and prospective service interest, is not unduly restrictive, and is consistent with the purposes of the Interstate Commerce Act. Certify by checking:

YES

**SECTION VIII**

**Affiliations**

**AFFILIATION WITH OTHER FORMER ICC, FHWA, OR OMCS; NOW FMCSA-LICENSED ENTITIES.** Disclose any relationship you have or have had with any other former ICC, now FMCSA-licensed entity within the past 3 years. For example, this could be through a percentage of stock ownership, a loan, or a management position. If this requirement applies to you, provide the name of the company, MC-number, DOT number, and that company's latest U.S. DOT safety rating. (If you require more space, attach the information to this application form.)

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**SECTION IX**

**Applicant's Oath**

This oath applies to all supplemental filings to this application. The signature must be that of applicant, not legal representative.

I, \_\_\_\_\_, verify under penalty of perjury, under  
**Name and title**

the laws of the United States of America, that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to 5 years for each offense.

I further certify under penalty of perjury, under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 862).

**Federal Motor Carrier Safety Administration  
FORM OP-1(P)  
APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

Finally, I certify that applicant is not domiciled in Mexico or owned or controlled by persons of that country. (Note: This portion of the Applicant's Oath does not pertain to Mexican passenger carriers seeking to provide charter and tour bus service across the United States - Mexico international border or U.S.-based enterprises owned or controlled by persons of Mexico seeking to provide bus services between points in the United States.)

**SECTION IX**

**Applicant's  
Oath  
(Cont'd)**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Federal Motor Carrier Safety Administration  
FORM OP-1(P)  
APPLICATION FOR MOTOR PASSENGER CARRIER AUTHORITY**

**Filing Fee Information**

All applicants must submit a filing fee for each type of authority requested. The enclosed fee schedule will show the appropriate filing fee. The total amount due is equal to the fee times the number of boxes checked in **Section II**. Fees for multiple authorities may be combined in a single payment.

Total number of boxes checked in **Section II**: \_\_\_\_\_ x filing fee \$ \_\_\_\_\_ = \$ \_\_\_\_\_

INDICATE AMOUNT \$ \_\_\_\_\_ AND METHOD OF PAYMENT

CHECK or  MONEY ORDER, payable to: **Federal Motor Carrier Safety Administration**

VISA  MASTERCARD

Credit Card Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Fee Policy**

- Filing fees must be payable to the **Federal Motor Carrier Safety Administration**, by check drawn upon funds deposited in a bank in the United States or money order payable in U.S. currency or by approved credit card.
- Separate fees are required **for each type of authority requested**. If applicant requests multiple types of permanent authority on one application form (for example, common and contract carrier authority) or if applicant submits more than one form in the OP-1 Series in a single filing, multiple fees are required. The applicant may submit a single payment for the sum of the applicable fees.
- Filing fees must be sent, along with the original of the application, to Federal Motor Carrier Safety Administration, P.O. Box 409934, Atlanta, GA 30384-9934.
- **For express mail only:** Bank of America, Attention: DOT-Motor Carriers, Lockbox #409934, 6000 Feldwood Road, College Park, GA 30349.
- **For credit card only:** FMCSA, Licensing Team, Suite 8214, 400 7<sup>th</sup> Street, SW, Washington, DC 20590.
- After an application is received, the filing fee is not refundable.
- The FMCSA reserves the right to discontinue processing any application for which a check is returned because of insufficient funds. The application will not be processed until the fee is paid in full.



U.S. Department of Transportation  
Federal Motor Carrier  
Safety Administration

# MOTOR CARRIER IDENTIFICATION REPORT

## (Application for U.S. DOT Number)

REASON FOR FILING (Check Only One)

- NEW APPLICATION     BIENNIAL UPDATE OR CHANGES     OUT OF BUSINESS NOTIFICATION     REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)

1. NAME OF MOTOR CARRIER				2. TRADE OR D.B.A. (DOING BUSINESS AS) NAME				
3. PRINCIPAL STREET ADDRESS/ROUTE NUMBER			4. CITY		5. MAILING ADDRESS (P O BOX)		6. MAILING CITY	
7. STATE/PROVINCE		8. ZIP CODE+4	9. COLONIA (MEXICO ONLY)		10. STATE/PROVINCE		11. ZIP CODE+4	12. COLONIA (MEXICO ONLY)
13. PRINCIPAL BUSINESS PHONE NUMBER			14. PRINCIPAL CONTACT CELLULAR PHONE NUMBER			15. PRINCIPAL BUSINESS FAX NUMBER		
16. USDOT NO.		17. MC OR MX NO.	18. DUN & BRADSTREET NO.		19. IRS/TAX ID NO. EIN#                      SSN#		20. INTERNET E-MAIL ADDRESS	

21. COMPANY OPERATION (Circle all that apply)

A. Interstate Carrier    B. Intrastate Hazmat Carrier    C. Intrastate Non-Hazmat Carrier    D. Interstate Shipper    E. Intrastate Shipper    F. Vehicle Registrant Only

22. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year)                      YEAR

23. OPERATION CLASSIFICATION (Circle All that Apply)

A. Authorized For-Hire    D. Private Passengers (Business)    G. U. S Mail    J. Local Government  
 B. Exempt For-Hire    E. Private Passengers (Non-Business)    H. Federal Government    K. Indian Tribe  
 C. Private Property    F. Migrant    I. State Government    L. Other \_\_\_\_\_

24. CARGO CLASSIFICATIONS (Circle All that Apply)

A. GENERAL FREIGHT	F. LOGS, POLES	J. FRESH PRODUCE	P. GRAIN, FEED, HAY	V. COMMODITIES DRY BULK	
B. HOUSEHOLD GOODS	BEAMS, LUMBER	K. LIQUIDS/GASES	Q. COAL/COKE	W. REFRIGERATED FOOD	
C. METAL; SHEETS; COILS; ROLLS	G. BUILDING MATERIALS	L. INTERMODAL CONT.	R. MEAT	X. BEVERAGES	BB. CONSTRUCTION
D. MOTOR VEHICLES	H. MOBILE HOMES	M. PASSENGERS	S. GARBAGE, REFUSE, TRASH	Y. PAPER PRODUCTS	CC. WATER WELL
E. DRIVE AWAY/TOWAWAY	I. MACHINERY, LARGE OBJECTS	N. OIL FIELD EQUIPMENT	T. U.S. MAIL	Z. UTILITY	DD. OTHER _____
	O. LIVESTOCK	U. CHEMICALS	AA. FARM SUPPLIES		

25. HAZARDOUS MATERIALS CARRIED OR SHIPPED (Circle All that Apply) C – CARRIED    S – SHIPPED    B(BULK) – IN CARGO TANKS    NB(NON-BULK) – IN PACKAGES

C S A. DIV 1.1	B NB C S K. DIV 2.2A (Ammonia)	B NB C S U. DIV 4.2	B NB C S EE. HRCQ	B NB
C S B. DIV 1.2	B NB C S L. DIV 2.3A	B NB C S V. DIV 4.3	B NB C S FF. CLASS 8	B NB
C S C. DIV 1.3	B NB C S M. DIV 2.3B	B NB C S W. DIV 5.1	B NB C S GG. CLASS 8A	B NB
C S D. DIV 1.4	B NB C S N. DIV 2.3C	B NB C S X. DIV 5.2	B NB C S HH. CLASS 8B	B NB
C S E. DIV 1.5	B NB C S O. DIV 2.3D	B NB C S Y. DIV 6.2	B NB C S II. CLASS 9	B NB
C S F. DIV 1.6	B NB C S P. Class 3	B NB C S Z. DIV 6.1A	B NB C S JJ. ELEVATED TEMP MAT.	B NB
C S G. DIV 2.1	B NB C S Q. Class 3A	B NB C S AA. DIV 6.1B	B NB C S KK. INFECTIOUS WASTE	B NB
C S H. DIV 2.1 LPG	B NB C S R. Class 3B	B NB C S BB. DIV 6.1 Poison B	B NB C S LL. MARINE POLLUTANTS	B NB
C S I. DIV 2.1 (Methane)	B NB C S S. COMB LIQ	B NB C S CC. DIV 6.1 SOLID B	B NB C S MM. HAZARDOUS SUB (RQ)	B NB
C S J. DIV 2.2	B NB C S T. DIV 4.1	B NB C S DD. CLASS 7	B NB C S NN. HAZARDOUS WASTE	B NB
			C S OO. ORM	B NB

26. NUMBER OF VEHICLES THAT CAN BE OPERATED IN THE U.S.

	Straight Trucks	Truck Tractors	Trailers	Hazmat Cargo Tank Trucks	Hazmat Cargo Tank Trailers	Motor Coach	School Bus		Mini-bus	Van		Limousine				
							Number of vehicles carrying number of passengers (including the driver) below									
							1-8	9-15	16+	16+	1-8	9-15	1-8	9-15	16+	
OWNED																
TERM LEASED																
TRIP LEASED																

27. DRIVER INFORMATION

	INTERSTATE		INTRASTATE		TOTAL DRIVERS		TOTAL CDL DRIVERS		
	Within 100-Mile Radius								
Beyond 100-Mile Radius									

28. IS YOUR U.S. DOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION?    Yes \_\_\_\_\_    No \_\_\_\_\_

If Yes, enter your U.S. DOT Number. \_\_\_\_\_

29. PLEASE ENTER NAME(S) OF SOLE PROPRIETOR(S), OFFICERS OR PARTNERS AND TITLES (e.g. PRESIDENT, TREASURER, GENERAL PARTNER, LIMITED PARTNER)

1. \_\_\_\_\_ (Please print Name)

2. \_\_\_\_\_ (Please print Name)

30. CERTIFICATION STATEMENT (to be completed by an authorized official)

I, \_\_\_\_\_, certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Title \_\_\_\_\_ (Please print)

**NOTICE**

This collection of information is mandatory and is required by 49 CFR Part 385 and authorized by 49 U.S.C. 504 (1982& Supp. III 1985). The Form MCS-150, Motor Carrier Identification Report, must be filed by all motor carriers operating in interstate or foreign commerce. A new motor carrier must file Form MCS-150 before beginning operations, Exception: A motor carrier that has received notification of a safety rating from the Federal Motor Carrier Safety Administration (FMCSA) need not file the report. If you are a Hazardous materials shipper, but not a motor carrier, you are not required to file this report. This information will be used to identify motor carriers subject to the Federal Motor Carrier Safety and Hazardous Materials Regulations. Carriers may voluntarily update information using this report.

Public reporting for this collection of information is estimated to be 20 minutes per response, including the time for reviewing instructions and completing and reviewing the collection of information. All responses to this collection of information are voluntary, and will be provided confidentiality to the extent allowed by law. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The valid OMB Control Number for this information collection is 2126-0013. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-MBI, U.S. Department of Transportation, Washington, D.C. 20590

**NOTE:**

All responses to this collection of information are mandatory in accordance with (cite law or regulation, etc), and will be provided confidentiality to the extent allowed by law.

To mail, fold the completed report so that the self addressed postage paid panel is on the outside

## INSTRUCTIONS FOR COMPLETING THE MOTOR CARRIER IDENTIFICATION REPORT (MCS-150)

*(Please, **Print** or **Type** All Information)*

**Please, check the appropriate box:**

**New application** - To obtain a U.S. DOT Number to operate in interstate commerce.

**Biennial Update or changes** – To file the required MCS-150 Biennial update or to file other changes to MCS-150 information.

**Out of business notification** – To notify FMCSA that you are no longer operating as a motor carrier (complete items 1-20).

**Reapplication (after revocation of New Entrant)** - To reapply after your U.S. DOT number has been revoked (complete items 1-30). Use assigned U.S. DOT number for item number 16.

1. Enter the legal name of the business entity. (i.e., Corporation, partnership, or individual) that owns/controls the motor carrier/shipper operation.
2. If the business entity is operating under a name other than that in Block 1. (i.e., "trade name") enter that name. Otherwise, leave blank.
3. Enter the principal place of business street address where safety records are kept.
4. Enter the city where the principal place of business is located.
5. Enter the mailing address if different from the physical address, otherwise leave blank. Also, applies to #6, #10, #11 & #12.
6. Enter the city corresponding with the mailing address.
7. Enter the two-letter postal abbreviation for the State or the name of the Canadian Province/Territory or Mexican State corresponding with the physical address.
8. Enter the zip code + 4 number corresponding with the physical street address.
9. If a Mexican motor carrier or shipper, enter the Mexican "colonia" or "barrio" where the physical place of business is located.
10. Enter the two-letter postal abbreviation for the State or the name of the Canadian Province/Territory or Mexican State corresponding with the mailing address.
11. Enter the zip code + 4 number corresponding with the mailing street address.
12. If a Mexican motor carrier or shipper, enter the Mexican "colonia" or "barrio" where the physical place of business is located.
13. Enter the telephone number, including area code, of the principal place of business.
14. Enter Cellular phone number, including area code, of the principal place of business.
15. Enter the fax number, including area code, of the principal place of business.
16. Enter the identification number assigned to your motor carrier operation by the U.S. Department of Transportation, if known.
17. Enter the motor carrier "MC" or "MX" number under which the Federal Motor Carrier Safety Administration (FMCSA), or Interstate Commerce Commission (ICC) issued your operating authority, if appropriate.
18. Enter your Dun & Bradstreet business number (used as a secondary identifier; if you do not have one, leave blank).
19. Enter the employer identification number (EIN#) or social security number (SSN#) assigned to your motor carrier operation by the Internal Revenue Service.
20. Enter the e-mail address for the official point of contact, if you have one.
21. Circle the appropriate type of operation classification. You may circle either Registrant, or up to one Carrier and one Shipper Operation.
  - *Interstate (Carrier/Shipper)* – transportation of persons or property across State lines, including international boundaries, or wholly within one State as part of a through movement that originates or terminates in another State or country.
  - *Intrastate (Hazmat Carrier, Non-Hazmat Carrier, Shipper)* - transportation of hazardous property wholly within the boundaries of a single State.
  - *Registrant* – An entity who registers commercial motor vehicle with a State but does not operate as a motor carrier. For example, a company that is engaged solely in renting or leasing vehicles, or for-hire operator that always operated under the authority of another company.
22. Enter the carrier's total mileage to nearest 10,000 miles for the past calendar year, and the year of the mileage.
23. Circle appropriate classification. Circle **ALL** that apply. If "L. Other" is circled; enter the type of operation in the space provided.
  - a. *Authorized for Hire* – transportation for compensation as common or contract carrier of property, owned by others, or passengers under the provision of the FMCSA.
  - b. *Exempt For Hire* – transportation for compensation of property or passengers exempt from the economic regulation by the FMCSA.

- c. *Private Property* – means a person who provides transportation of property by commercial motor vehicle and is not a for-hire motor carrier.
  - d. *Private Passengers (Business)* – a private motor carrier engaged in the interstate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large (e.g., bands)
  - e. *Private Passengers (Non-Business)* – a private motor carrier involved in the interstate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers.
  - f. *Migrant* – interstate transportation, including a contract carrier, but not a common carrier of 3 or more migrant workers to or from their employment by any motor vehicle other than a passenger automobile or station wagon.
  - g. *U.S. Mail* – transportation of U.S. Mail under contract with the U.S. Postal Service.
  - h. *Federal Government* – transportation of property or passengers by a U.S. Federal Government agency.
  - i. *State Government* – transportation of property or passengers by a U.S. State Government agency.
  - j. *Local Government* – transportation of property or passengers by a local municipality.
  - k. *Indian Tribe* – transportation of property or passengers by an Indian tribal government.
  - l. *Other* – transportation of property or passengers by an operation classification not described above.
24. Circle **all** the letters of the types of cargo you usually transport. If "Other" is circled, enter the name of the commodity in the space provided.
25. Circle all types of hazardous materials (HM) you transport/ship. In the columns before the HM types, circle C for a carrier of HM and S for a shipper of HM. In the columns following the HM types, circle B if the HM is transported in bulk (over 119 gallons) and NB if the HM is transported in non-bulk (119 gallons or less). The HM types correspond to the classes and divisions listed in 49 CFR 173.2. Below are clarifications for the lettered codes:

A.	Div 1.1 Explosives (with mass explosion hazard)	V.	Div 4.3 Dangerous when wet material
B.	Div 1.2 Explosives (with projection hazard)	W.	Div 5.1 Oxidizer
C.	Div 1.3 Explosives (with predominantly fire hazard)	X.	Div 5.2 Organic Peroxide
D.	Div 1.4 Explosives (with no significant blast hazard)	Y.	Div 6.2 Infectious substance (Etiologic agent)
E.	Div 1.5 Very insensitive explosives; blasting agents	Z.	Div 6.1 A (Poison Liquid which is a PIH Zone A)
F.	Div 1.6 Extremely insensitive detonating substances	AA.	Div 6.1 B (Poison Liquid which is a PIH Zone B)
G.	Div 2.1 Flammable gas	BB.	Div 6.1 Poison (Poisonous liquid with no inhalation hazard).
H.	Div 2.1 LPG (Liquified Petroleum Gas)	CC.	Div 6.1 Solid (Meets the definition of a poisonous solid.
I.	Div 2.1 Methane Gas	DD.	Class 7 Radioactive materials.
J.	Div 2.2 Non-flammable compressed gas	EE.	HRCQ (Highway Route Controlled Quantity of Radioactive Material)
K.	Div 2.2 A (Anhydrous Ammonia)	FF.	Class 8 Corrosive material
L.	Div 2.3 A (Poison Gas which is Poison Inhalation Hazard (PIH) Zone A)	GG.	Class 8 A (Corrosive liquid which is a PIH Zone A)
M.	Div 2.3 B (Poison Gas which in PIH Zone B)	HH.	Class 8 B (Corrosive liquid which is a PIH Zone B)
N.	DIV 2.3 C (Poison Gas which is PIH Zone C)	II.	Class 9 Miscellaneous hazardous material
O.	DIV 2.3 D (Poison Gas which is PIH Zone D)	JJ.	Elevated Temperature Material (Meets definition in 49 CFR 171.8 for an elevated temperature material)
P.	Class 3 Flammable and combustible liquid	KK.	Infectious Waste (Meets definition in 49 CFR 171.8 for an infectious waste)
Q.	Class 3 A (Flammable liquid which is a PIH Zone A)	LL.	Marine Pollutants (Meets Definition in 49 CFR 171.8 for a marine pollutant)
R.	Class 3 B (Flammable liquid which is a PIH Zone B)	MM.	Hazardous Sub (RQ) (Meets definition in 49 CFR 171.8 of a reportable quantity of a hazardous substance)
S.	Combustible Liquid (Refer to 49 CFR 173.20 (b))	NN.	Hazardous Waste (Meets definition in 49 CFR 171.8 of a hazardous waste)
T.	Div 4.1 Flammable Solid	OO.	ORM (Meets definition in 49 CFR 171.8 of Other Regulated Material)
U.	Div 4.2 Spontaneously combustible material		

Note: Information on Poison Inhalation Hazards is found in column 7 of the Hazardous Materials table, (49 CFR 172.101).

26. Enter the total number of vehicles owned, term leased and trip leased, that are, or can be, operational the day this form is completed. Passenger vehicles are defined as:
- *Motor coach*—a vehicle designed for long distance transportation of passengers, usually equipped with storage racks above the seats and a baggage hold beneath the passenger compartment.
  - *School Bus*—a vehicle designed and/or equipped mainly to carry primary and secondary students to and from school, usually built on a medium or large truck chassis.
  - *Mini-bus*—a motor vehicle designed or used to transport 16 or more passengers, including the driver, and typically built on a small truck chassis. A mini-bus has a smaller seating capacity than a motor coach.
  - *Van*—a small motor vehicle designed or used to transport 15 or fewer passengers, including the driver.
  - *Limousine*—a passenger vehicle usually built on a lengthened automobile chassis.
27. Enter the number of interstate/intrastate drivers used on an average work day. Part-time, casual, term leased, trip leased and company drivers are to be included. Also, enter the total number of drivers (Interstate/Intrastate) and the total number of drivers who have a Commercial Drivers License (CDL).
- *Interstate*—driver transports people or property across State lines, including international boundaries, or wholly within one State as part of a through movement that originates or terminates in another State or country.
  - *Intrastate*—driver transports people or property wholly within one State.
  - *100-mile radius driver*—driver operates only within a 100 air-mile radius of the normal work reporting location.
28. Enter U.S. DOT Number if your U.S. DOT Number registration revoked by the Federal Motor Carrier Safety Administration (FMCSA).
29. Enter Two (2) names of sole proprietor(s), officers or partners and titles.
30. Print or type the name, in the space provided, of the individual authorized to sign documents on behalf of the entity listed in Block 1. That individual must sign, date, and show his or her title in the spaces provided (Certification Statement, see 49 CFR 390.19).

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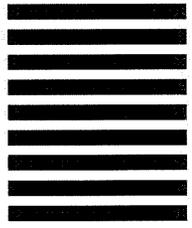


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OFFICE OF INFORMATION MANAGEMENT MC-RIS  
400 SEVENTH STREET SW  
WASHINGTON DC 20077-5476

