



Section 5303 — Metropolitan Transportation Planning Program

Prepared by the Office of Intermodal Programs



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I. INTRODUCTION

The Federal Transit Administration (FTA) Metropolitan Planning Program (MPP), Title 49 U.S.C. Section 5303¹ was authorized by Congress to provide financial assistance for transit planning and technical studies in urban and non-urban areas. The Metropolitan Planning Program is a major source of Federal financial assistance to help urbanized areas (UZAs) plan for the development, improvement, and effective management of their multimodal transportation systems.

Under the planning provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act, A Legacy for Users (SAFETEA-LU), the State is the Designated Recipient (DR) and is the only entity eligible to apply for and receive MPP and State Planning and Research Program (SPRP) assistance directly from FTA. Although FTA makes MPP grants directly to States, the State is required by law to distribute these funds to each UZA, or portion a UZA, within the State, according to a formula developed by the State in cooperation with the MPO and approved by FTA. Under MPP program, only an MPO is eligible to receive MPP assistance directly from the State. The State recipient enters into subagreements with subrecipients, consistent with applicable requirements of law.

The urbanized areas in Georgia eligible for assistance under Section 5303 include Albany, Athens, Atlanta, Augusta, Brunswick, Columbus, Dalton, Gainesville, Hinesville, Macon, Rome, Savannah, Valdosta and Warner Robins. This is in accordance with the joint Federal Transit Administration (FTA)/Federal Highway Administration (FHWA) Metropolitan Planning Regulations published on October 28, 1993, and with the urban transportation study planning process as administered by the Georgia Department of Transportation.

GDOT and the Metropolitan Planning Organizations (MPOs) developed an apportionment formula at the beginning of the 1991 ISTEA era and the formula has been approved by the FTA. Based upon the formula allocations, the FY 2011 distribution of FTA Section 5303 funds is illustrated in the following table.

¹ *Public Law No. 103-272, dated July 5, 1994 codified the Federal Transit Act as amended as Chapter 53 of Title 49 of the United States Code has resulted in new citations for all Federal Transit Laws. The Public Law repealed the Federal Transit Act and related provisions and reenacted them as Chapter 53 of Title 49 U.S.C. There were no substantive changes to the Law due to codification.*

FY 2010 - Section 5303 Funding Distribution (2) - Based on 2000 Census Urban Area Population * (see note below)					
MPO	Hold Harmless	Population	Population Factor	Supplement - Population Allocation	Total Allocation
Albany	\$ 30,000	95,450	0.020007341	25,396.62	\$ 55,397
Athens	\$ 30,000	106,482	0.022319766	28,331.93	\$ 58,332
Atlanta	\$ 500,000	3,499,840	0.733603885	931,211.10	\$ 1,431,211
Augusta	\$ 40,000	335,630	0.070351637	89,301.91	\$ 129,302
Brunswick	\$ 30,000	0	0	-	\$ 30,000
Chattanooga	\$ 4,789			-	\$ 4,789
Columbus	\$ 40,000	242,324	0.050793701	64,475.75	\$ 104,476
Dalton	\$ 25,000	0	0	-	\$ 25,000
Gainesville	\$ 25,000	88,680	0.018588276	23,595.31	\$ 48,595
Hinesville	\$ 25,000	0	0	-	\$ 25,000
Macon	\$ 30,000	135,170	0.028333077	35,965.02	\$ 65,965
Rome	\$ 30,000	58,287	0.012217578	15,508.57	\$ 45,509
Savannah	\$ 40,000	208,886	0.043784739	55,578.82	\$ 95,579
Valdosta	\$ 25,000	0	0	-	\$ 25,000
Warner Robins	\$ 30,000	0	0	-	\$ 30,000
GDOT Discretionary	\$ 100,000				
Subtotal	\$ 1,004,789	4,770,749	1	1,269,365.00	\$ 2,174,154
Supplement Total					\$ 1,269,365
					\$ 2,274,154

** Estimated apportionments - Actual amounts will vary based on FY 2010 Federal Appropriations*

It is in the national interest to encourage and promote the development of efficient transportation systems. These systems should encompass various modes of transportation such that the mobility of people and goods within and through urbanized areas is maximized, while minimizing transportation-related fuel consumption and air pollution.

To accomplish this objective, Metropolitan Planning Organizations in cooperation with the State, must develop transportation plans and programs for urbanized areas in the State. The plans and programs should provide for the development of all transportation facilities, including bikeways and walkways that will function as an intermodal transportation system for the State, the Metropolitan Areas and the Nation.

The process for developing such plans and programs should be a continuing, cooperative and comprehensive effort and provide for all modes of transportation.

II. FTA METROPOLITAN PLANNING PROGRAM (MPP) DESCRIPTION

Program Administration

The Office of Intermodal Programs, GDOT is responsible for administering FTA's MPP in Georgia.

Applicant Eligibility/Submission

Applicants for Section 5303 funds must be to States. Completed applications for FY 2011 based on an approved Unified Planning Work Program should be submitted to the Division of Intermodal Programs no later than **Monday, February 15, 2011**.

Eligible Grant Activities

MPP assistance is for a balanced and comprehensive intermodal transportation planning and technical studies which relate to the movement of goods and people in metropolitan areas. Eligible work elements include but are not limited to:

- (1) Studies related to management, operations, capital requirements, and economic feasibility of public transportation projects;
- (2) Evaluation of previously funded projects;
- (3) Peer reviews and exchanges of technical data, information, assistance, and related activities in support of planning and environmental analysis among MPOs and other transportation planners;
- (4) Work elements and related activities preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and equipment. This includes the planning for "livability" features such as improved pedestrian and bicycle access to the station and shops and community services in the station area, incorporating arts and artistic design in stations and surrounding areas, and other improvements that enhance the usability and community-friendliness of the transit system environment;
- (5) System planning and corridor-level alternative analysis;
- (6) Development of 20-year transportation plans, short-range transportation improvement programs (TIPs), and UPWPs;

- (7) Safety, security, and emergency transportation and evacuation planning;
- (8) Coordinated public transit human services transportation planning;
- (9) Transportation and air quality planning and conformity analysis;
- (10) Public participation in transportation planning;
- (11) Multimodal facilities planning;
- (12) Plan, engineer, design, and evaluate a public transportation project;
- (13) Computer hardware and software as needed by the planning work;
- (14) Participation in educational programs for technical staff, as well as executive and board leadership. The cost of certain influencing activities associated with obtaining grants, contracts, cooperative agreements, or loans is not eligible for reimbursement under the MPP and SPRP.

Funding Distribution

Funding ratios for Section 5303 planning assistance is Federal (80%), State (10%), and Local (10%).

Local Match Requirement

The ten percent (10%) local share must be from sources other than Federal funds.

III. PURPOSE OF PLANNING

The purpose of transit planning is to explore and develop solutions to transportation problems that have been identified. It has been determined that significant transit improvements are necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in rural and urban areas. Metropolitan plans and programs should result in the development of transportation facilities which will function as an intermodal transportation system for the State, the metropolitan areas and the Nation.

Short range planning which spans a 1 to 3 year time frame should encompass a majority of the planning effort in small and medium sized urbanized areas. Long range planning covers a minimum period of 20 years. In developing a transit planning program, six factors should be considered:

- (1) Local goals and issues;
- (2) Area characteristics - population, economics, land use, etc.;
- (3) Transportation system characteristics - physical and operating conditions of the system, coordination and coverage, user travel trends, etc.;
- (4) Consideration of a range of realistic transportation solutions;
- (5) Constraints on planning:
 - a) General - limitations due to manpower, computer facilities, available technical tools and financial resources;
 - b) Administrative and legal requirements; and
 - c) External effects - the impact of the planning work on action plans in effect should be considered.
- (6) Existing planning process - the allocations of resources should be consistent with the established planning capabilities and programs in the area.

To be effective, planning must be oriented to specific issues rather than to broad generalities. This can only be done in a dynamic process that is responsive to changing conditions, policies and local attitudes or to unforeseen circumstances.

The goal of the urban transportation process should be to ensure that decision makers are made aware of the results and consequences of transportation options. The options explored deal with issues of transit capital programs, transit operations, management and financing.

IV. PRIMARY PLANNING PRODUCTS

Three major documents will be produced by the MPO planning process. They are the Unified Planning Work Program, (UPWP), Transportation Improvement Program (TIP) and Long Range Plan (LRP). Other products will be produced through the planning process at the MPO.

Unified Planning Work Program (UPWP)

The UPWP describes urban transportation and transportation-related air quality planning activities to be undertaken during the next one or two year period regardless of funding sources or agencies conducting the work. These documents should not be merely a compilation of the various planning work programs focused on specific work

elements or activities. The UPWPs should be developed in sufficient detail to indicate the objectives, the methodology, products, and agency responsibility for work projects.

The local UPWPs support the Statewide Section 5303 grant application and should describe the following for each work task as outlined in the FTA Circular:

- (1) Objective(s) of the work element or activity;
- (2) Previous Work
- (3) Methodology
- (4) Schedule for completing the activities or work elements;
- (5) Tangible products b expected within the timeframe of the UPWP;
- (6) Entity responsible for the work element or activity;
- (7) Cost and funding source (financial responsibility);

Annually, FTA reviews each of the UPWPs in Georgia which becomes the approved Metropolitan Work Program. FTA evaluates the following:

- 1) Planning activities should be programmed which support required actions emanating from a minimum twenty-year horizon **long range transportation plan** (the Plan) which conforms to Environmental Protection Agency air quality standards;
- 2) **Description of each discreet task** (in simple narrative sentence(s). Note that not only “new” actions, but also “carry-over” actions listed in previous programming documents must be described, for each UPWP should be independent and comprehensive; new actions should be clearly line item and differentiated from carry-over actions.
- 3) **Amount of FTA planning funds** sought to support each planning action/task in the current FY; note that administrative costs including indirect overhead costs should be spread across tasks, and not listed as a separate task (though at the option of the author, you may indicate an overhead rate applicable across the board to all activities, then extend for the totals).
- 4) **FTA Program** (e.g. Section 5307, etc.) funds are unsatisfactory when a specific task to be funded from more than one source is mixed with another program. It is necessary to indicate FTA funding associated with each program source.

- 5) **Cumulative amount of FTA** funds previously drawn to support each task during past fiscal years (for multi-year tasks which produce specific deliverables); note that amounts should be identified in terms of the year of federal allocation and year of expenditure.
- 6) **Product/Deliverable** that will be derived from the planning effort (e.g. study, model, UPWP, TIP, etc);
- 7) **Schedule indicating progress for multi-year tasks**, including date when FTA can expect completion of the planning action/task; here, we seek a **completion date** rather than an expression of the duration of time expected for completion (e.g. “the study will be completed by April 30, 2012” rather than “the study will require six months to complete”).
- 8) **Indication that FTA funds are being used efficiently** for the programmed tasks rather than being banked.
- 9) **Planning should be accomplished within the environment of robust public involvement** in compliance with the MPO Public Involvement Program endorsed through the Planning Certification Review process.
- 10) Inclusion of tasks addressing FTA’s Eight Transportation Planning Factors (See page 11 -12).

Any carryover activities from previous fiscal year grants should be explicitly identified in the UPWP. Normally, Section 5303 funds should be used to finance planning activities, however, planning activities to be funded under Title 49 U.S.C. Section 5307 should be included in the UPWP for purposes of coordination of transportation efforts in the area. Descriptive information should be in sufficient detail appropriate for the size and complexity of the urbanized area.

Transportation Improvement Program (TIP)

According to SAFETEA-LU, the MPO, in cooperation with the State and the local transit operator, must develop a Transportation Improvement Program for the area. In developing the program, the MPO should provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation and other interested parties with a reasonable opportunity to comment on the proposed program.

The TIP should include a priority list of highway and transit projects to be carried out within at least a 4-year period after the initial adoption of the TIP. It should also have a financial plan demonstrating how the TIP can be implemented as well as a listing of reasonably expected funding sources.

For areas of less than 200,000 populations, multimodal project selection from the TIP involving Federal participation will be carried out by the State in cooperation with the MPO and must be coordinated and in conformance with the TIP for the area. For areas of more than 200,000 populations, project selection will be carried out by the MPO in consultation with the State.

Transit projects proposed should be consistent with the Long Range Plan for the area. Projects are to be included only if full funding can be reasonably anticipated to be available within the time frame of project completion.

Transportation Improvement Programs should be financially constrained by year and include financial information to demonstrate which projects are to be implemented using current revenues and which projects are to be implemented using proposed revenue sources. It should contain all capital and non-capital transportation projects proposed for funding under Title 49 U.S.C. except transit planning grants under Section 5303 or 5313(b).

The TIP and Statewide Transportation Improvement Program (STIP) should contain all regionally significant transportation projects requiring action by the FTA. For information purposes, the document should include all regionally significant transportation projects proposed to be funded with Federal funds other than those administered by FHWA or FTA and if appropriate, projects to be funded with non-Federal funds.

Before approving the TIP, reasonable notice and opportunity to comment on the proposed program should be given to all interested and affected parties, including freight shippers and users of public transit. Programs properly adopted into the local TIP will be included in the STIP. Federal transportation funds may be expended only for projects that are listed in the STIP.

Federal funds are made available for transit projects in other than urbanized areas under the Section 5311; Program for Elderly Persons and Persons with Disabilities under the Section 5310 Program. MPOs should include all Section 5310 and Section 5311 projects operating in the MPO affected area, which includes areas expected to be urbanized within twenty years, in the local TIP. Projects listed in the local TIP will be included in the STIP. Federal transportation funds may be used for Section 5311 and 5310 projects only if they are included in the STIP.

The Section 5310 program is administered by the Georgia Department of Human Resources (DHR). Information and questions concerning applications, funding and selection of Section 5310 projects should be directed to DHR, Office of Support Services, (404) 657-6209. The Section 5311 Program is administered by the Georgia Department of Transportation, Division of Intermodal Programs, Viktor Opara-Amechi (404) 631-1231.

Two SAFETEA-LU Programs: Section 5316 & Section 5317

Section 5316 is the Job Access and Reverse Commute (JARC) program. The purpose is to provide funding for local programs that offer job access and reverse commute transportation services for low-income individuals who may live in the city core and work in suburban locations. It replaces section 3037 under TEA-21 which was discretionary. This will be formula-based. Both urbanized and non-urbanized areas will be eligible. Project funds can be allocated for either capital or operating assistance. Federal funding will cover 80% of project cost for capital and 50% of project cost for operating. Also 10% of project funds may be used for planning, administration and technical assistance. MPO's interested in these programs must submit a locally-coordinated human services transportation plan. Applicants will be awarded on a competitive basis.

Section 5317 New Freedom Program is designed to encourage services and facility improvements to address the transportation needs of persons with disabilities that go beyond those required by the Americans with Disabilities Act (ADA). Funds are allocated through a formula based upon population of persons with disabilities. It applies to both urbanized and non-urbanized areas. A locally developed human service transportation plan is required and projects are awarded on a competitive basis. Projects can be utilized for capital or operating assistance. Federal funding will pay for up to 80% of capital costs and up to 50% of operating assistance. Ten percent of project costs may be used for planning, administration and technical assistance. Examples of projects may include: supporting voucher programs for transportation services offered by human service providers; and providing para transit service beyond minimum requirements (3/4 mile to either side of a fixed route), including for routes that run seasonally.

Long Range Plan (LRP)

Each MPO must prepare a transportation plan addressing at a minimum, a 20-year period for its metropolitan area. The plan should include both short-range and long-range strategies/actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. The plan must be updated at least every five years in attainment areas and every three years in nonattainment and maintenance areas.

The Long Range Plan should contain four elements, identification of transportation facilities, financial plan, assessment of capital investments and proposed enhancements.

- (1) Identification of Transportation Facilities - including but not limited to major roadways, transit, multimodal and intermodal facilities that should function as an integrated metropolitan transportation system giving emphasis to those facilities that serve important national and regional transportation functions. In formulating

the long range plan, MPOs should consider the 4 broad areas as they relate to a 20-year forecast period.

- (2) Financial Plan - that demonstrates how the long-range plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any innovative financing techniques to finance needed projects and programs, including such techniques as value capture, tolls and congestion pricing.
- (3) Assessment of Capital Investment - to ensure the preservation of the existing metropolitan transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization and rehabilitation of existing and future transit facilities. This effort should also make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.
- (4) Enhancement Activities - indicate as appropriate, proposed transportation enhancement activities.

In addition to the above, the transportation plan should address the following:

- (a) Identify projected demand of persons and goods in the MPO area;
- (b) Identify adopted congestion management strategies that demonstrate a systematic approach in addressing current and future transportation demand;
- (c) Identify pedestrian walkway and bicycle facilities;
- (c) Reflect consideration given to the management systems;
- (d) Assess capital investment and other measures to preserve the existing transportation system;
- (e) Include design concept and scope descriptions of all existing and proposed transportation facilities in sufficient detail to develop cost estimates;
- (f) Reflect a multimodal evaluation of the transportation, socioeconomic, environmental, and financial impact of the overall plan;
- (g) Indicate that the design concept and scope of incomplete major
- (h) investment analysis have not been fully determined and will require

further analysis;

- (i) Reflect consideration of the area's comprehensive long-range land use plan and metropolitan plan objectives including State and National goals and strategies for housing, community development, employment linkage of low income households with employment opportunities and energy conservation;
- (j) Indicate, as appropriate, proposed transportation enhancement activities; and
- (k) A financial plan that demonstrates the consistency of proposed transportation investments with already available and projected sources of revenue.

In metropolitan areas that are designated as nonattainment areas under the Clean Air Act, the MPO will coordinate the development of the long range plan with the process for the development of the transportation control measures of the State Implementation Plan (SIP) required by the Clean Air Act.

Prior to plan approval, the MPO should provide citizens, affected public agencies, representatives of transportation agency employees, private providers and other interested parties a reasonable opportunity to comment on the long-range plan.

Each long-range plan prepared by a MPO should be published or readily available for public review. It should also be submitted to the Governor for information.

Corridor or Sub-Area Planning Study

Under Section 1308 of TEA-21, MPOs, states, or public transportation operators may undertake a multimodal systems - level corridor or sub-area planning study as part of the transportation planning process. These studies involve consultation with each jurisdiction, as is necessary. The results or decisions of these studies may be used as part of the project development process consistent with NEPA.

Eight Transportation Planning Factors

The metropolitan transportation planning process shall be continuous, cooperative, and comprehensive and provide for consideration and implementation of projects, strategies, and services that will address the following factors:

- (1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency while promoting consistency among transportation improvements and state and local planned growth and economic development patterns.

- (2) Increase the safety of the transportation system for motorized and non-motorized users.
- (3) Increase the security of the transportation system for motorized and non-motorized users.
- (4) Increase the accessibility and mobility of people and for freight.
- (5) Protect and enhance the environment, promote energy conservation, improve quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.
- (6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.
- (7) Promote efficient system management and operation.
- (8) Emphasize the preservation of the existing transportation system.

Transportation Coordination – United We Ride

In February 2004, President Bush issued Executive Order (EO) 13330 on Human Service Transportation Coordination to improve transportation for those that are transportation disadvantaged, by improving the coordination of transportation services provided under programs in ten Federal Departments. The goals of the Executive Order are to simplify access to transportation services, reduce duplication and overlap, and improve the effectiveness of the transportation services provided. In response to the EO, the DOT with its partners at the Department of Health and Human Services, Labor, Education, and elsewhere, launched the United We Ride (UWR) initiative. To assist States and communities in moving forward, FTA and the other Federal partners introduced an initiative that included a Framework for Action, a self-assessment tool for States and communities; the National Leadership Forum on Human Service Transportation Coordination; State Coordination Grants; and Technical Assistance.

V. Other Planning Areas

In addition to the above transportation planning factors, other planning areas developed by FTA are offered in this section to guide local areas in outlining their overall program study scope and in developing the Unified Planning Work Programs. Planning programs should provide transit operators and local governments with technical information relative to capital programming, transit operations, management and

financing. An additional function is to provide assistance in addressing local compliance with those regulations that are required as a condition of Federal funds. The following is a listing of additional topics which local areas may use in the development of transit-related projects.

- (1) Incorporating Safety and Security in the Transportation Planning
- (2) Environmental Mitigation/Environmental & Community Impact
- (3) Consultation with Non-Metropolitan Local Officials
- (4) Enhancing the Technical Capacity of the Planning Process
- (5) Environmental Justice
- (6) Coordination of Non-Emergency Human Service Transportation
- (7) Financial Planning

1. Safety and Security in the Transportation Planning Process

FTA and FHWA are working together to advance the state-of-the-art-practice in addressing safety and security in the metropolitan and statewide planning processes through workshops and case studies. Under SAFETEA-LU, **safety and security** are no longer grouped together but **are stand-alone factors** that will “increase the safety of the transportation system for motorized and non-motorized users”; and “increase the security of the transportation system for motorized and non-motorized users”. **Safety and Security are two of the eight planning factors under SAFETEA-LU.** A good web site to reference in terms of transportation safety planning is from the Transportation Research Board (TRB), <http://tsp.trb.org/>. Another good web site along the same topic is the Institute of Transportation Engineers (ITE) at <http://ite.org/safety/default.asp>. On the other hand, a good reference for transportation security related issues is contained in an article from the TRB, entitled, “Incorporating Security into the Transportation Planning Process”, last modified 8/27/2009, at the following TRB link: http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_525v3.pdf It is NCHRP Report 525, volume 3.

2. Environmental Mitigation/Environmental and Community Impact

Under SAFETEA-LU there is a requirement for addressing Environmental Mitigation Activities. Metropolitan and statewide transportation plans shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan. This discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

Local planning processes are encouraged to give early consideration of the natural environment and communities affected by transportation planning and project activities. Air Quality issues are a key concern in some metropolitan areas. Coordinated planning for transportation and land use management will help to create sustainable communities

with protection of natural resources, concentration of new development in suitable areas, and control of sprawls with infill development of underutilized areas. State and local officials may choose to evaluate their decision-making process to determine how well it responds to community needs, as called in the Livable Communities initiative. Consideration may be given to joint development of transportation infrastructure projects along with facilities providing goods and services to communities and neighborhoods.

3. Consultation with Non-Metropolitan Local Officials

On February 14, 2007, FTA and FHWA issued a Final Rule on the Joint Planning Regulations, which can be accessed at the following link:
<http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/07-493.pdf>.

This final rule amends the January 3, 2003 Joint Planning Regulation published in the Federal Register. Each State shall have a documented process(es) that implements consultation with non-metropolitan local officials in statewide planning process and development of the statewide transportation improvement program and long-range statewide transportation plan by July 1, 2007. The FTA and FHWA will not review or approve the consultation process(es); however, copies of the process should be provided for information purposes. Since consultation is a vital issue, each state shall review its documented process and solicit comments regarding the effectiveness of its consultation process as of February 24, 2006, and thereafter, at least once every five years. A specific request for comments shall be directed to the State association of counties, state municipal league, regional planning agencies, or directly to non-metropolitan local officials. The state should also consult with Indian tribal governments in development of the long-range statewide transportation plan and STIP.

4. Enhancing the Technical Capacity of the Planning Process

Reliable information on current and projected usage and performance of transportation systems is critical to the ability of planning processes to supply credible information to decision-makers to support preparation of plans and programs that respond to their localities' unique needs and policy issues. To ensure the reliability of usage and performance data, as well as the responsiveness of policy forecasting tools, an evaluation is needed of the quality of information provided by the technical tools, data sources, forecasting models, as well as the expertise of staff to ensure its adequacy to support decision-making. And if this support is found to be lacking, the responsible agencies within metropolitan and statewide planning processes are encouraged to devote appropriate resources to enhancing and maintaining their technical capacity.

The metropolitan and statewide transportation planning processes have become critical tools for responding to increasingly complex issues at the State and local levels. Many of these issues are encompassed in previously listed planning emphasis areas (e.g.,

integrated planning and environmental processes, management and operations, analytical tools and methods) and include much more. The FTA and FHWA have created the Metropolitan Capacity Building (MCB) Program, and the Statewide and Rural Capacity Building Programs as tools to disseminate and coordinate information, training, and foster a dialogue for the exchange of ideas.

5. Environmental Justice

Increasingly, concerns for compliance with provisions of Title VI of the Civil Rights Act have been raised by citizens and advocacy groups with regard to broad patterns of transportation investment and impact considered in metropolitan and statewide planning. While Title VI and environmental justice concerns have most often been raised during project development it is important to recognize that the law applies equally to the processes and products of metropolitan and statewide planning.

FTA and FHWA are working jointly to develop guidance to support metropolitan areas and states in their efforts to incorporate considerations of transportation equity in their local planning processes and substantiate compliance through demonstrated actions. States and Metropolitan Planning Organizations in their planning processes are generally advised to expand and document their efforts toward two categories of work activity.

- (a) Expanding the focus of public involvement efforts, with special attempts to include the traditionally under-served and under-represented in the planning process.
- (b) Assessing the distribution of benefits and adverse environmental impacts at both the plan and project level.

In the near future, a range of possible procedural and analytical approaches for complying with provisions of Title VI and the Executive Order on Environmental Justice at the planning stage will be developed and disseminated through guidance and regulation.

6. Coordination of Non-Emergency Services

Coordination of program resources for transportation services leads to increased service availability and more cost-effective transportation to persons with limited access and special needs. There are over 70 federal programs in which some aspect of transportation services is an allowable use of funds. The Department of Transportation (DOT) and the Department of Health and Human Services (HHS) are jointly developing a coordination resource, the Transportation Coordination Toolkit, to assist states and communities in their efforts to improve access to transportation services for persons with disabilities.

7. Financial Planning

It is important that this ongoing activity be continued and modified where appropriate to address the additional regulatory requirements, particularly those special requirements related to nonattainment and maintenance areas.

Different types of financial analysis are needed to develop financial plans. To a large extent, the locally adopted metropolitan transportation plan will define the level of financial analysis since the transportation plan sets long term transportation service levels and identifies proposed major capital investments. Regardless of the direction in a transportation plan, there are six basic activities required to produce a long-range financial plan:

- (a) Assessment of existing financial conditions;
- (b) Identification of future financial requirements for operations and maintenance;
- (c) Assessment of the metropolitan area and state's ability to meet their future financial requirements, based on an analysis of existing revenue sources;
- (d) Identification of new sources of revenue, including innovative financing mechanisms and strategies to ensure their availability to meet any future financial shortfalls;
- (e) Analysis of existing and potential revenue sources (Federal, State and Local both public and private) reflecting long term availability, sensitivity to economic cycles and other factors, etc.; and
- (f) Forecasts of baseline transportation system costs (capital, operating, maintenance, modernization) for local officials to use in making service and investment decisions.

The U. S. Secretary of Transportation shall consider several additional criteria in the Department's review and evaluation of candidate New Starts Projects. FTA will be required to evaluate each project authorized for new starts funding by each criterion as well as provide an overall project rating of highly recommended, recommended and not recommended. In addition to its annual report to Congress on Funding Levels and Allocations of Funds for Transit Major Capital Improvements, FTA will be required to issue a supplemental report in August of each year, which rates all projects that have completed the alternatives analysis and preliminary engineering since the date of the last report. FTA must also approve candidate New Starts Project's entry into final design. FTA also continues its prior approval authority for entrance into preliminary engineering.

VI. TRANSPORTATION MANAGEMENT AREAS (TMAs)

All urbanized areas more than 200,000 populations have been designated as Transportation Management Areas. Atlanta, Augusta, Columbus and Savannah are the only areas designated as TMAs in Georgia. Atlanta is the only TMA in Georgia that has been designated as a nonattainment area for transportation related pollutants under the Clean Air Act. Within a TMA, all transportation plans and programs should be based on a continuing and comprehensive transportation planning process implemented by the MPO in cooperation with the State and local transit agencies. The transportation planning process for TMAs should include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under Title 49 U.S.C. through the use of travel demand reduction and operational management strategies.

For TMAs classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act, Federal funds may not be programmed in such an area for any highway project that will result in a significant increase in carrying capacity for single occupant vehicles unless the project is part of an approved congestion management system. Special requirements are imposed on all attainment and nonattainment TMAs regarding congestion management systems, project selection and certification. These are detailed in the joint FTA/FHWA Planning Regulations (October 28, 1993) and final Management System regulations issued on December 19, 1996.

VII. DEVELOPMENT OF PUBLIC PARTICIPATION PROCESS

Under SAFETEA-LU, MPO's are required to develop a Participation Plan which (1) shall be developed in consultation with "interested parties"; (2) publish or make available for public view transportation plans, STIP's and TIP's; and (3) Hold public meetings at convenient and accessible times and locations.

Activities related to the formation and implementation of a public involvement effort, which may be undertaken as part of the planning process may include:

- (a) Analysis of current MPO or state public involvement practices for their effectiveness in achieving the performance measures outlined in the planning regulations;
- (b) Identification of innovative public involvement techniques and processes;
- (c) Identification of the "public." Who should be involved? How should they be involved? Whom are the "traditionally under served by transportation" in the given metropolitan area or state, and how can agencies effectively reach out to these groups and get them interested and involved in the planning process?

- (d) Creation of a task force or series of focus groups to address the formation and implementation of a public involvement process in your area; and,
- (e) Implementation of the enhanced public involvement effort.

MPOs and States should have already reviewed their existing public involvement procedures for consistency with the planning regulations and taken remedial or enhancing steps as appropriate. Continuing enhancement of public involvement processes will be a priority of both FTA and FHWA.

VIII. STATEWIDE TRANSPORTATION PLAN (SWTP)

Each state is mandated to update the Statewide Transportation Plan (SWTP). The development of the SWTP must be consistent with MPO plans. It should be emphasized that plans must ultimately lead to an integrated intermodal and multimodal transportation system that facilitates the efficient movement of both people and goods.

Planning activities related to the plan include:

- (a) Development of methods and criteria for addressing the 8 transportation planning factors specified in SAFETEA-LU; and
- (b) Development of a process to insure coordination of plan development with participating organizations as required by 23 CFR.

IX. STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)

A statewide transportation improvement program (STIP) must be prepared and approved by FHWA and FTA before Federal assistance authorized by 49 U.S.C. chapter 53 or Title 23 U.S.C. may be awarded. Among other things, the STIP consists of unmodified TIPs, approved by both the MPO and chief executive officer of the state. TIPs for nonattainment and maintenance areas, however, may not be included in the STIP until the requisite air quality conformity findings are made by FTA and FHWA. The STIP shall include all regionally significant projects within each TIP. Multi-year STIP should be developed with proposed projects and funding sources identified for each year. According to SAFETEA-LU, STIP's must be updated at least every 4 years and contain at least 4 years of projects and strategies. Transit projects must be selected in accordance with requirements of the specific funding programs. Each project in the grant application must be included in Year 1 of the approved STIP before FTA may award a grant for that project, or be moved from Years 2, 3 and 4 into Year 1 using project selection procedures. If the STIP is used for two years, then each project must be included, as appropriate, in years 1 or 2. MPO's shall to the maximum extent

practicable publish or otherwise make available for public review transportation plans and TIP's/STIP's in electronically accessible formats such as the world wide web.

Planning activities related to STIP development under SAFETEA-LU may include:

- (a) Continued development by the states of processes and criteria for the state's metropolitan TIPs and their incorporation within the framework of the STIP; and
- (b) Development of programming techniques/criteria for non-metropolitan areas.

X. DISADVANTAGED BUSINESS ENTERPRISE PLANNING (DBE)

It is the policy of GDOT in compliance with 49 CFR Part 26 and as a condition of receiving Federal financial assistance, that all sub grantees receiving planning assistance establish a DBE program to ensure the following.

- (1) Nondiscrimination in the award and administration of DOT-assisted contracts or programs.
- (2) Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- (3) Provide appropriate flexibility in establishing and providing equal opportunities for DBEs to receive and participate in DOT-assisted contracts or programs.
- (4) In administering your program, you must not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex or national origin.

MPOs may also utilize Section 5303 funds to update existing DBE programs.

XI. PERFORMANCE AUDITS

A performance audit is a transit management tool to evaluate such areas as management and organization, service planning, marketing, scheduling, transportation, maintenance, purchase and inventory, safety training, finance and accounting, and labor relations.

The audits can determine the extent to which operators of public transit have established and met goals and objectives, developed performance standards and

performance measures, and operated in an effective, efficient and economical manner. This same audit can be a means of identifying needed system improvements.

Performance audits are an effective management tool to evaluate program effectiveness. Each year, the Georgia General Assembly appropriates funding specifically for the urban and rural transit systems. This support along with Federal assistance has increased fleet size, routes and hours of operation. There has been a parallel increase in public concern about the impact and use of public funds for transit purposes.

New performance audits should be undertaken periodically in an effort to improve performance. Transit planners should monitor and evaluate on an ongoing basis, the achievements of major recommendations of completed performance audits.

XII. PARA TRANSIT PLANNING

A coordinated Para transit program could be an effective means of addressing commuter needs. Para transit by definition refers to passenger transportation modes available to the public, distinct from conventional transit, and can be operated over the highway and street system. Para transit also describes the spectrum of service options between the private automobile and fixed route, fixed schedule buses. These service options include carpools, vanpools, shared-ride taxis, jitneys, subscription buses and demand responsive buses.

Para transit systems have common characteristics in that they are designed to respond directly to demand without fixed schedules or routes except in carpools or subscription bus operations. They have origin-destination capabilities approaching those of the private automobile and their capital and operating costs are usually lower than conventional transit systems.

The operating policies for many of the Para transit options can be varied to adjust service to passenger demands. Thus, operators of Para transit services are allowed to provide a special, personalized service suitable to a specific area. In lower density areas, the Para transit option may provide a less expensive and more effective modal alternative.

Currently, there are three major applications for Para transit services. Para transit can (1) extend transit service to lower density suburban areas; (2) provide circulation service in downtown areas; and (3) be leased to provide specialized transportation service to such groups as the elderly and persons with disabilities.

The study of Para transit options in the urbanized area should be considered as a possible planning option in the UPWP.

XIII. CONTRACTUAL COMPLIANCE ISSUES

As a condition of receipt of Federal funds, local area grantees are required to certify and to assure that they will comply with applicable regulations, executive orders and administrative rules. At a minimum each recipient of funds should establish documentation to evidence compliance with those requirements that are applicable to the grant project(s). Special consideration should be given to the following:

FTA Title VI Data Collection and Reporting - Each Federal department and agency providing financial assistance for any program or activity is authorized and directed by the Department of Justice to effectuate provisions of Title VI of the Civil Rights Act of 1964 for each program or activity by issuing generally applicable rules, regulations, or requirements. In this regard, FTA has the responsibility to ensure that federally supported transit services and related benefits are distributed by applicants, recipients and sub recipients of FTA assistance in a manner consistent with Title VI. The employment practices of a grant applicant are also covered under Title VI if the primary purpose of the FTA supported program is to provide employment or those employment practices would result in discrimination against beneficiaries of FTA assisted services and benefits.

The objectives of the FTA Title VI program are as follows:

- (1) To ensure that FTA-assisted benefits and related services are made available and are equitably distributed without regard to race, color, or national origin;
- (2) To ensure that the level and quality of FTA-assisted transit services are sufficient to provide equal access and mobility for any person without regard to race, color, or national origin;
- (3) To ensure that opportunities to participate in the transit planning and decision making processes are provided to persons without regard to race, color, or national origin;
- (4) To ensure that decisions on the location of transit services and facilities are made without regard to race, color, or national origin; and
- (5) To ensure that corrective and remedial action is taken by all applicants and recipients of FTA assistance to prevent discriminatory treatment of any beneficiary based on race, color, or national origin.

The objectives outlined above are the basis of the FTA Title VI Program. Recipients of FTA financial assistance must adopt a Title VI compliance program that is consistent with the requirements described herein and in FTA Circular C 4702.1. In order to achieve these objectives and to facilitate monitoring of the Title VI program, FTA has developed both general and program specific data collection and reporting requirements. Recipients of FTA Section 5303 Metropolitan Planning funds must collect Title VI data and submit the reports described in Exhibit 5 (See page 32).

Quarterly Milestone/Progress Reports - Project Management Guidelines (FTA Circular 5010.1C) require each local MPO to submit quarterly progress reports on the planning activities funded under Title 49 U.S.C. Section 5303 assistance. The progress report summarizes grant activity in a specified format. The report should contain budget information (revisions, additions, deletions) as well as a narrative description of activities by line item for the quarter. **A sample report is illustrated in Appendix V. The original report must be submitted to the GDOT (Atlanta) Office of Intermodal Programs by the 10th day after the end of the quarter. *Please note that in order to make the deadline, the quarterly progress narrative must be sent electronically or mailed separate from the reimbursement request.***

Project Completion Report - A copy of all documents completed using FTA and/or State funds should be submitted to GDOT either during the grant period or immediately after the grant has ended. At the end of each contract, a project completion report must be completed and submitted to GDOT. This report will include all technical documents, reports, research, etc. produced under the FTA grant. These projects should be identified both in the UPWP and in the FTA grant application.

In order to extend the date of a contract, all requests for extension must be submitted in writing 90 days prior to the expiration date. Consequently, no contract can be supplemented after the expiration date.

Project Closeout – In order to close out expired contracts, a final request for reimbursement must be sent to GDOT Division of Intermodal Programs. An audit is also required in the Office of Intermodal Programs within 90 days of the end of the contract period.

XIV. APPLICATION REQUIREMENTS

Urbanized areas wishing to participate in the FTA Title 49 U.S.C. Section 5303 planning program must complete the following application components:

- (1) Letter of Transmittal to Georgia DOT (See Exhibit 1)
- (2) UPWP Work Elements (See Exhibit 2)
- (3) Authorizing Resolution (See Exhibit 3)
- (4) Section 5303 Budget Information (See Exhibit 4)
- (5) FTA Title VI Data Collection and Reporting (See Exhibit 5)
- (6) Federal FY 2010 Certifications and Assurances for FTA Assistance (See Exhibit 6)
- (7) FTA Project Milestone Dates (See Exhibit 7)

(8) Clearing House Review Form (Appendix I)

The original application (not a copy) should be forwarded to the Georgia Department of Transportation, Division of Intermodal Programs by **Monday, February 15, 2010**. Samples of application components follow.

EXHIBIT 1

SAMPLE LETTER OF TRANSMITTAL

Mr. Eric Steavens, Director
Office of Intermodal Programs
Georgia Department of Transportation
600 West Peachtree Street, N.E.
Plaza Level
Atlanta, Georgia 30308-3607

Dear Mr. Steavens:

Based on the information contained in the (urbanized area) metropolitan area FY _____ Unified Planning Work Program, we are requesting a Title 49 U.S.C. Section 5303 metropolitan planning grant of (80% Federal share) to aid in transportation planning. In addition, we are also requesting a 10 percent State share for this project in the amount of (10% State share). Local funds consisting of (10% Local share) will be provided by (Legal Entity) in the form of (cash, in-kind services, or both) from (specific resources).

The following information in support of the statewide application is submitted for your review:

1. Letters of Transmittal
2. UPWP Work Elements
3. Authorizing Resolution
4. Budget Information
5. FTA Title VI Report
6. Annual Listing of FTA Certifications and Assurances*
7. Project Milestone
8. Clearing House Review Results with State Clearinghouse Number

If you have any questions on these matters, please contact (principal contact) at (phone number).

Sincerely,

Signature of Designated Official

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EXHIBIT 2

UPWP WORK ELEMENTS

The Unified Planning Work Program supports the FTA grant application. Describe each transit work task in the format outlined below.

1. Objective/Purpose
2. Previous Work
3. Methodology
4. Products
5. Staffing
6. Financial Responsibility
7. Functional Agency Responsibility

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EXHIBIT 3

AUTHORIZING RESOLUTION

(Page 1 of 2)

Resolution authorizing the filing of an application with the Department of Transportation, United States of America, and Georgia Department of Transportation, for a grant under Title 49 U.S.C., Section 5303.

WHEREAS, the Secretary of the US Department of Transportation and the Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation projects;

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

WHEREAS, it is required by the U.S. 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 Title 49 U.S.C. Section 5303 the Applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements there under; and

WHEREAS, it is the goal of the Applicant that Minority Business Enterprise (Disadvantaged Business Enterprise and Women's Business Enterprise) be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority business shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED by (Governing Body of Applicant)

1. That the Designated Official (Name and Title, hereinafter referred to as The Official) is authorized to execute and file an application on behalf of (Exact Legal Name of Applicant) with the Georgia Department of Transportation, to aid in the financing of a technical study grant to implement specific items of the FY (___) (metropolitan area) Unified Planning Work Program.
2. That the Official is authorized to execute and file with such application and assurance or any other document required by U.S. Department of Transportation and Georgia Department of Transportation effectuating the purposes of this grant.

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EXHIBIT 3

AUTHORIZING RESOLUTION

(Page 2 of 2)

3. That the Official is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application or the project.
4. That the Official is authorized to set forth and execute Minority Business Enterprise, DBE (Disadvantaged Business Enterprise) and WBE (Women Business Enterprise) policies and procedures in connection with the project's procurement needs.
5. That the Official is authorized to execute a grant agreement on behalf of (Exact Legal Name of Applicant) with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the (metropolitan area) Unified Planning Work Program.

CERTIFICATE

The undersigned duly qualified and acting (Title of Officer) of the (Exact Legal Name of Applicant) certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the (Governing Body of the Applicant) held on _____, 20____.

If the applicant has an official seal, impress here.

(Signature of Recording Officer)

(Title of Recording Officer)

(Date)

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EXHIBIT 4

**SECTION 5303 BUDGET INFORMATION
Technical Classifications***

UPWP Task #	Activity Line Item (ALI) Code	Description	Estimated Project Cost
	44.21.00	Program Support & Administration	
	44.22.00	General Development & Comprehensive Planning	
	44.23.01	Long Range Transportation Planning (System Level)	
	44.23.02	Long Range Transportation Planning (Project Level)	
	44.24.00	Short Range Transportation Planning	
	44.25.00	Transportation Improvement Program (TIP)	
	44.26.12	Coordination of Non-Emergency Human Service Transportation	
	44.26.13	Participation of Transit Operators in Metropolitan & Statewide Planning	
	44.26.14	Planning for Transit Systems Management/Operations to increase Ridership	
	44.26.15	Support Transit Capital Investment Decisions through Effective Systems Planning	
	44.26.16	Incorporating Safety & Security in Transportation Planning	
	44.27.00	Other Activities	
		Total Project Cost (100%)	

Accounting Classifications

Activity Line Item (ALI)	Description	Estimated Project Cost
41.20.01	Personnel	
41.20.12	Fringe Benefits	
41.20.03	Travel	
41.20.04	Equipment	
41.20.05	Supplies	
41.20.06	Contractual	
41.20.07	Other	
41.20.08	Indirect Charges	
	Total Project Cost (100%)	

Fund Allocations

Federal Share (80%)	
MPO Share (10%)	
State Share (10%)	
Total Project Cost (100%)	

*See Appendix for description of technical and accounting classifications

EXHIBIT 5

FTA TITLE VI DATA COLLECTION AND REPORTING

(Page 1 of 2)

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 1 - General Requirements and Part 2 - MPO Reporting Requirements. Updated information should be provided to the Department for Part 1 and Part 2 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 1 - 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 3 years. The summary should include:
 - a. The purpose or 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
 - d. A report on the status and/or disposition of such findings and recommendations.

EXHIBIT 5

FTA TITLE VI DATA COLLECTION AND REPORTING

(Page 2 of 2)

Part 2 - MPO Reporting Requirements

1. Assessment of Planning Efforts

Provide a written description of continuing planning efforts which are responsive to the requirements of Title VI to ensure that transit planning and programming are nondiscriminatory. The description should also discuss how activities or projects programmed in the UPWP and TIP will be implemented on a nondiscriminatory basis. FTA expects MPO's to address any Title VI concerns raised during compliance reviews conducted by either transit providers or by FTA or as a result of a Title VI service complaint issue involving programming, planning activities, or capital improvements.

2. Monitor Title VI Activities

Monitor the Title VI activities and/or programs of local transit systems. In particular, the MPO is requested to provide documentation describing efforts to:

- a. Identify minority communities that will be affected by proposed service changes, such as route modifications, additions, deletions, or extensions under consideration by local transit providers; and
- b. Provide technical assistance or guidance to local transportation providers in updating and developing Title VI information.

3. Information Dissemination

Provide a description of the methods used to inform minority communities of planning efforts (e.g., public notices, public hearings, other formal or informal public discussions, presentations, meetings, etc.) relating to transit service and improvements.

4. Minority Participation in the Decision making Process

Provide a written statement describing how minority groups or persons are afforded an opportunity to participate in local decision making processes. In particular, the statement should describe liaison activities with minority community groups and other efforts to obtain minority views on transportation issues.

5. Minority Representation on Decision making Bodies

Provide a racial breakdown for transit related non-elected boards, advisory councils or committees, and a description of efforts made to encourage the participation of minorities on such boards or committees.

EXHIBIT 6 (Page 1 of 2)

APPENDIX A

**FEDERAL FISCAL YEAR 2010 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

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

Name of Applicant: _____

The Applicant agrees to comply with applicable provisions of Categories 01 – 24. _____

OR

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

<u>Category</u>	<u>Description</u>	
01.	Assurances Required For Each Applicant.	_____
02.	Lobbying.	_____
03.	Procurement Compliance.	_____
04.	Protections for Private Providers of Public Transportation.	_____
05.	Public Hearing.	_____
06.	Acquisition of Rolling Stock for Use in Revenue Service.	_____
07.	Acquisition of Capital Assets by Lease.	_____
08.	Bus Testing.	_____
09.	Charter Service Agreement.	_____
10.	School Transportation Agreement.	_____
11.	Demand Responsive Service.	_____
12.	Alcohol Misuse and Prohibited Drug Use.	_____
13.	Interest and Other Financing Costs.	_____
14.	Intelligent Transportation Systems.	_____
15.	Urbanized Area Formula Program.	_____
16.	Clean Fuels Grant Program.	_____
17.	Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.	_____
18.	Nonurbanized Area Formula Program for States.	_____
19.	Job Access and Reverse Commute Program.	_____
20.	New Freedom Program.	_____
21.	Paul S. Sarbanes Transit in Parks Program.	_____
22.	Tribal Transit Program.	_____
23.	TIFIA Projects	_____
24.	Deposits of Federal Financial Assistance to a State Infrastructure Banks.	_____

EXHIBIT 6 (Page 2 of 2)

APPENDIX A

FEDERAL FISCAL YEAR 2010 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

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 and regulations, and follow applicable Federal directives, and comply with the certifications and assurances as indicated on the foregoing page applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2010.

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 this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2010.

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 Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute

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

Signature _____ Date: _____

Name _____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S 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, local, or tribal government law, as applicable, to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature _____ Date: _____

Name _____
Attorney for Applicant

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

EXHIBIT 7

FTA PROJECT MILESTONE DATES

1. Grantee Name
2. Contact person(s) and telephone number
3. For each UPWP activity complete the Estimated Completion Dates:

Example:

UPWP Task Activity

Estimated Completion Date

1. TIP Development
2. Program Support/Administration

For Consultant Work, please provide three (3) dates:

1. RFP Out For Bid
2. Contract Award
3. Contract Complete

APPENDICES

APPENDIX I
Georgia Intergovernmental Consultation Process
 (Page 1 of 2)

Applicant:
Project Name:
Applicant's Address:
Name and Title of Contact Person:
Phone:
Impacted City/Cities:
Impacted County/Counties:
Project Description (Nature, Purpose, Location):

Funding

Federal Catalog Number: 20.505		
Source	\$ Amount	Federal Program Name: Section 5303
Basic Federal Grant		Federal Agency Name: Federal Transit Administration. Federal Agency's Address: Atlanta Federal Center, Suite 17T50, 61 Forsyth St. S.W., Atlanta, GA 30303-3109 Name and Title of Contact Person: David Schilling, Community Planner Telephone: (404)865-5645
State Matching Grant		
Local Matching Grant		
Total Cost		
Impacted Regional and Metropolitan Clearinghouse:		
Signature of Authorizing Official	Title	Date

APPENDIX I

Georgia Intergovernmental Consultation Process

(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. Fax# (404) 656-7916.
- * 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. Fax # (404) 656-7916. 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 Commissions including ARC. **DO NOT SEND TO the RCs.**

APPENDIX II
BUDGET INFORMATION FORM

The budget information portion of the application consists of preparation of the Budget Information Form (Exhibit 4). Definitions for the technical and accounting classification codes are provided. These should be carefully reviewed before costs are distributed by categories. (Appendix III)

Total project costs by technical and accounting classification should be identical. There are also blanks provided for UPWP Task Numbers. These must also be completed.

APPENDIX III
DEFINITION OF TECHNICAL ACTIVITIES
(Page 1 of 2)

(1) Program Support and Administration (44.21.00)

Include basic overhead, program support and general administrative costs directly chargeable to the FTA project; i.e., direct program support, grant administration, interagency coordination, citizen participation, public information, local assistance, UPWP development, etc. (If direct program administrative and support costs are included in each individual work task, do not enter them a second time in this category.)

(2) General Development and Comprehensive Planning (44.22.00)

Include only the costs of activities specifically emphasizing regional policy and system planning for non-transportation functional areas, including demographic analysis and non-transportation modeling and forecasting activity, i.e., land use, housing, human services, environmental and natural resources, recreation and open space, public facilities and utilities.

(3) Long-Range Transportation Planning (LRTP) - System Level (44.23.01)

Include only costs of activities specifically emphasizing long-range transportation system planning and analysis; i.e., long-range travel forecasting and modeling, system analysis, sketch planning, system plan development, reappraisal or revision, and all long-range Transportation System Management (TSM) activities.

(4) Long-Range Transportation Planning (LRTP) – Project Level (44.23.02)

Include only costs of activities specifically emphasizing long-range transportation project planning and analysis; i.e. Major Investment Studies (corridor and sub-area studies), cost effectiveness studies, feasibility and location studies, and the preparation of related draft environmental impact studies.

(5) Short-Range Transportation Planning (SRTP) (44.24.00)

Include only the costs of activities specifically emphasizing short-range transportation system or project planning and analysis; i.e., management analysis of internal operations such as management/administration, maintenance, personnel, and labor relations; service planning including appropriate data base development and maintenance; TDP preparation; financial management planning, including alternative fare box policies; all short-range Transportation System Management (TSM) activities including vanpooling/ridesharing, HOVs, parking management, etc.

APPENDIX III

DEFINITION OF TECHNICAL ACTIVITIES

(Page 2 of 2)

(6) Transportation Improvement Program (TIP) (44.25.00)

Include only the costs of activities specifically emphasizing TIP development and monitoring.

(7) Safety and Security in the Transportation Planning Process (44.26.06)

Costs related to the development of transportation plans and strategies that increase the safety and security of transportation systems.

(8) Consideration of Management and Operations Within the Planning Process (44.26.07)

Planning activities dealing with improvement of management and operations of transit systems.

(9) Environmental Streamlining (44.26.09)

Planning costs associated with integrating the MIS stand alone study with the NEPA process.

(10) Consultation with Non-Metropolitan Local Officials (44.26.10)

Costs associated with development of the documented process that implements consultation with non-metropolitan local officials in statewide planning process and development of the statewide transportation improvement program. This process documentation is due from the State by February 24, 2005.

(11) Enhancing Technical Capacity of the Planning Process (44.26.11)

Costs related to teaching/training of the MPO committees about the MPO Process. Also costs related to staff training.

(12) Other Activities (44.27.00)

Includes only the cost of those activities whose primary emphasis is unrelated to the specific types of activities described above. (Only a minority of funds reported should be included as a part of this line item.)

APPENDIX IV

DEFINITION OF ACCOUNTING CATEGORIES

(Page 1 of 2)

(1) Personnel (41.20.01)

Include only the cost of gross compensation (before deductions for taxes and other purposes) for services of individuals devoted specifically to the execution of the federally funded project to the exclusion of indirect labor. This category includes additional pay for overtime and holiday work.

(2) Fringe Benefits (41.20.12)

Include only the payments made by the project sponsor to provide health and security benefits for employees to include FICA, state and Federal unemployment taxes, state disability insurance, workman's compensation insurance, hospitalization and medical insurance, and pension and annuity funds.

(3) Travel (41.20.03)

Include only the cost for transportation of employees or others, their per diem allowances while in an authorized travel status, and other expenses incident to travel. This category includes authorized commercial transportation charges, rental of passenger cars and mileage allowances for privately owned vehicles. It also includes taxi fares whether used for local transportation or for travel away from a designated home base.

(4) Equipment (41.20.04)

Include only the cost of personal property of a more or less durable nature acquired specifically for the purpose of the grant. Such property would be expected to have a period of service of a year or more after put into use with material impairment of its physical condition. It includes charges for services in connection with initial installation of equipment when performed under contract. This category may consist of both capitalized and non-capitalized equipment to include ADP hardware and software.

APPENDIX IV

DEFINITION OF ACCOUNTING CATEGORIES

(Page 2 of 2)

(5) Supplies (41.20.05)

Include only the costs of all commodities whether acquired by formal contract or other forms of purchase, (a) which are ordinarily consumed or expended within one year after they are put into use, or, (b) which are converted in the process of construction or manufacture, or, (c) which are used to form a minor part of equipment or fixed property. This category would include office supplies, fuels, and pamphlets.

(6) Contractual (41.20.06)

Include only the cost of services furnished specifically for the grant program by other agencies on a pass through basis or companies through contractual charges. It would include transportation of things (freight charges), rents, communications, utilities, printing and reproduction, and organization wide audits. This category would also include consultant services, external audits of third party contracts, ADP equipment lease or rental, and contractual ADP services.

(7) Other (41.20.07)

Include only those costs not otherwise included in the other direct cost categories. This category may also contain small amounts for contingencies due to cost uncertainties that may exist at the time the application and planning work programs are prepared.

(8) Indirect Charges (41.20.08)

Include only those costs that are (a) incurred for a common or joint purpose benefiting more than one cost objective or project; and (b) not readily assignable to the cost objectives or projects specifically benefited. Indirect charges can originate in the project sponsor's department, as well as being incurred by other departments in supplying goods, services, and facilities to the project sponsor's department. OMB Circular A-87 sets forth principles for determining allowable costs of programs administered by State and Local governments under grants from the Federal Government.

**APPENDIX V
SECTION 5303
Quarterly Report Form**

UPWP Task #	Budget Code	Budget Line Item Description	Approved Budget	Budget Change	Est. Completion Date	Grant Accomplishments and Comments
	44.21.00	Program Support & Administration				
	44.22.00	General Development & Comprehensive Planning				
	44.23.01	Long Range Transportation Planning (System Level)				
	44.23.02	Long Range Transportation Planning (Project Level)				
	44.24.00	Short Range Transportation Planning				
	44.25.00	Transportation Improvement Program (TIP)				
	44.26.12	Coordination of Non-Emergency Human Service Transportation				
	44.26.13	Participation of Transit Operators in Metropolitan & Statewide Planning				
	44.26.14	Planning for Transit Systems Management/Operations to Increase Ridership				
	44.26.15	Support Transit Capital Investment Decisions through Effective Systems Planning				
	44.26.16	Incorporating Safety & Security in Transportation Planning				
	44.27.00	Other Activities				
		Totals				

APPENDIX VI-A

SAMPLE FINAL REIMBURSEMENT/CLOSEOUT LETTER

Mr. Eric Steavens, Director
Office of Intermodal Programs
Georgia Department of Transportation
600 West Peachtree, N.E.
Plaza Level
Atlanta, GA 30308-3607

RE: Project No. (**ENTER PROJECT NUMBER**)
Final Reimbursement Request/Contract Closeout

Dear Mr. Steavens,

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 VI-B

SAMPLE FINAL REIMBURSEMENT/CLOSEOUT INVOICE

**TRANSIT PLANNING SERVICES
Reimbursement Form**

Agency Name: ABC Metropolitan Planning Commission
Contract No. # MTG00-0000-00-00
Period Covered: July 1, 2009 to June 30, 2011

Payment No. 5 (Final)

Funding Participation

Local (10%)	\$5,625.00
State (10%)	\$5,625.00
Federal (80%)	\$45,000.00
TOTAL	\$56,250.00
Total Federal + State (90%)	\$50,625.00

	<u>This Request</u>	<u>Year to Date</u>
Direct Salaries	\$0.00	\$11,257.02
Fringe Benefits	\$0.00	\$3,377.12
Indirect	\$0.00	\$10,234.88
Contractual	\$0.00	\$29,669.04
Supplies	\$0.00	\$720.00
Total Costs	\$0.00	\$55,267.06
Less Amount Over Budget	\$0.00	\$0.00
Billable Costs	\$0.00	\$55,267.06
Total Request (90%)	\$0.00	\$49,740.35

Current Reimbursement Request = \$0.00

Reviewed and Authorized by: _____

APPENDIX VII

FEDERAL REGISTER
Thursday, October 19, 2009

DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

*Grants and Cooperative Agreements;
Fiscal Year 2010 Annual List of
Certifications and Assurances*

49 CFR 387.9; and motor carrier of passengers—49 CFR 387.33). FMCSA and the public can verify that a motor carrier of property or passengers has obtained, and has in effect, the required minimum levels of financial responsibility, by use of the information enclosed within these documents.

Title: Financial Responsibility for Motor Carrier of Passengers and Motor Carriers of Property.

OMB Control Number: 2126-0008.

Type of Request: Revision of a currently-approved information collection.

Respondents: Insurance and surety companies of motor carriers of property (Forms MCS-90 and MCS-82) and motor carriers of passengers (Forms MCS-90B and MCS-82B).

Estimated Number of Respondents: 175,338.

Estimated Time per Response: The FMCSA estimates it takes two minutes to complete the Endorsement for Motor Carrier Policies of Insurances for Public Liability or three minutes for the Motor Carrier Public Liability Surety Bond; and one minute to place either document on board the vehicle (foreign-domiciled motor carriers only) [49 CFR 387(f)]. These endorsements are maintained at the motor carrier's principal place of business [49 CFR 387.7(iii)(d)].

Expiration Date: March 31, 2010.

Frequency of Response: Upon creation, change or replacement of an insurance policy or surety bond.

Estimated Total Annual Burden: 4,056 burden hours [182 hours for Passenger Carriers + 3,401 hours for Property Carriers + 33 hours for Property Carrier Surety Bonds] + 440 hours for placing financial responsibility documents in Canada-domiciled and Mexico- and Non-North America (NNA)-domiciled carriers).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued on: October 9, 2009.

David Anewalt,

Acting Associate Administrator, for Research and Information Technology.

[FR Doc. E9-25071 Filed 10-16-09; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Federal Fiscal Year 2010 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice.

SUMMARY: Pursuant to 49 U.S.C. 5323(n), FTA is authorized to consolidate the certifications and assurances required by Federal law or regulations for its programs into a single document. FTA is also required by 49 U.S.C. 5323(n) to publish a list of those certifications and assurances annually.

Appendix A of this Notice contains the comprehensive compilation of FTA's Certifications and Assurances for Federal Fiscal Year (Federal FY) 2010 applicable to the various Federal assistance programs that FTA will administer during that Federal FY. FTA's Certifications and Assurances for Federal FY 2010 reflect Federal statutory, regulatory, and programmatic changes that have now become effective.

DATES: *Effective Date:* These FTA Certifications and Assurances are effective on October 1, 2009, the first day of Federal FY 2010.

FOR FURTHER INFORMATION CONTACT: FTA staff in the appropriate FTA Regional Office or FTA Metropolitan 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 (bus only), Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Telephone # 617-494-2055.

Region 2: New York

States served: Connecticut (rail only), New York, and New Jersey. Telephone # 212-668-2170.

Region 3: Philadelphia

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

Region 4: Atlanta

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Territories served: Puerto Rico and the U.S. Virgin Islands. Telephone # 404-865-5600.

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

Region 10: Seattle

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

Chicago Metropolitan Office

Area served: Chicago Metropolitan Area. Telephone # 312-886-1616.

Los Angeles Metropolitan Office

Area served: Los Angeles Metropolitan Area. Telephone # 213-202-3950.

Lower Manhattan Recovery Office

Area served: Lower Manhattan. Telephone # 212-668-1770.

New York Metropolitan Office

Area served: New York Metropolitan Area. Telephone # 212-668-2201.

Philadelphia Metropolitan Office

Area served: Philadelphia Metropolitan Area. Telephone # 215-656-7070.

Washington DC Metropolitan Office

Area served: Washington DC Metropolitan Area. Telephone # 202-219-3562/219-3565.

SUPPLEMENTARY INFORMATION:

1. Purposes

The purposes of this Notice are to:

- Publish FTA's Federal FY 2010 Certifications and Assurances for Applicants for Federal assistance administered by FTA and the Projects for which they seek Federal assistance.

- Highlight new changes to the FTA Certifications and Assurances now in effect.
- Identify locations where these FTA Certifications and Assurances may be viewed, and
- Provide directions for submitting these FTA Certifications and Assurances.

2. Background

a. *FTA's Responsibilities.* Since Federal FY 1995, FTA has been consolidating the various certifications and assurances that may be required of its Applicants and their projects into a single document for publication in the **Federal Register**. FTA intends to continue publishing this document annually, when feasible 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. Because U.S. DOT's full-year appropriations for Federal FY 2010 were not signed into law on October 1, 2010 (the first day of Federal FY 2010), and have not yet been signed into law, FTA is proceeding with publication of its Certifications and Assurances for FY 2010.

b. *Applicant's Responsibilities.* Irrespective of whether a project will be financed under the authority of 49 U.S.C. chapter 53, Title 23, United States Code, or another Federal statute, the Applicant must submit Federal FY 2010 Certifications and Assurances to FTA applicable to all projects for which the Applicant seeks funding during Federal FY 2010.

FTA requests that an Applicant submit all of the twenty-four (24) categories of the Certifications and Assurances that may be needed for all projects for which the Applicant intends to or might seek Federal assistance in the Federal FY 2010. Selecting and submitting these Certifications and Assurances to FTA signifies the Applicant's intent and ability to comply with all applicable provisions thereof.

In order to assure FTA that the Applicant is authorized under State and local law to certify compliance with the FTA Certifications and Assurances it has selected, FTA requires the Applicant to obtain a current (Federal FY 2010) affirmation signed by the Applicant's attorney affirming the Applicant's legal authority to certify its compliance with the FTA Certifications

and Assurances that the Applicant has selected. The Applicant's attorney must sign this affirmation during Federal FY 2010. Irrespective of whether the Applicant makes a single selection of all twenty-four (24) categories of FTA Certifications and Assurances or selects individual categories from the FTA Certifications and Assurances, the Affirmation of Applicant's Attorney from a previous Federal FY is not acceptable, unless FTA expressly determines otherwise in writing.

c. *Effect of Subrecipient Participation.* Absent a written determination by FTA to the contrary, the Applicant itself is ultimately responsible for compliance with the FTA Certifications and Assurances it has selected even though the Project may be carried out in whole or in part by one or more subrecipients. Thus, if subrecipients will be participating in the Project, when the Applicant submits its FTA Certifications and Assurances, the Applicant is also signifying that it will be responsible for compliance, both of itself and of each of its subrecipients, with the provisions of the FTA Certifications and Assurances it has selected. Therefore, in providing Certifications and Assurances that necessarily involve the compliance of any prospective subrecipient, FTA strongly recommends that the Applicant take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient participating in the project, to assure the validity of the Applicant's Certifications and Assurances to FTA.

3. Significant Information About FTA's Certifications and Assurances for Federal FY 2010

a. Legal Implications

(1) *Binding Commitments.* Because the Applicant is required by Federal law and regulations to comply with the applicable provisions of all FTA Certifications and Assurances it submits, it is important that the Applicant be familiar with the provisions of all twenty-four (24) categories of FTA Certifications and Assurances for Federal FY 2010. The text of those Certifications and Assurances is contained in Appendix A of this Notice, and also appears at <http://www.fta.dot.gov/documents/2010-Certs-Appendix.A.pdf>, and in FTA's electronic award and management system, TEAM-Web, <http://ftateamweb.fta.dot.gov>, at the "Cert's & Assurances" tab of the "View/Modify Recipients" page in the "Recipients" option. Provisions of this Notice supersede conflicting statements in any FTA circular containing a

previous version of FTA's annual Certifications and Assurances. The Certifications and Assurances contained in those FTA circulars are merely examples, and are not acceptable or valid for Federal FY 2010.

An Applicant's annual Certifications and Assurances to FTA generally remain in effect for either the duration of the Grant or Cooperative Agreement supporting the Project until the Project is closed out or for the duration of the Project or Project property when a useful life or industry standard is in effect, whichever occurs later. If, however, the Applicant provides Certifications and Assurances to FTA in a later year that differ from the Certifications and Assurances previously provided, the later Certifications and Assurances will apply to the Grant, Cooperative Agreement, Project, or Project property, except to the extent FTA permits otherwise in writing.

(2) *Penalties for Noncompliance.* If the Applicant makes a false, fictitious, or fraudulent claim, statement, submission, certification, assurance, or representation to the Federal government or includes a false, fictitious, or fraudulent statement or representation in any agreement with the Federal government in connection with a Project authorized under 49 U.S.C. chapter 53 or any other Federal law, the Federal government reserves the right to impose on the Applicant the penalties of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, or the penalties of 49 U.S.C. 5323(l) invoking the criminal provisions of 18 U.S.C. 1001, or other applicable Federal law to the extent the Federal government deems appropriate.

(3) *FTA's Certifications and Assurances Constitute Only a Partial List of Federal Requirements.* FTA cautions that the FTA Certifications and Assurances required by Federal law and regulations do not address all the Federal requirements that will apply to the Applicant and its Project. FTA's Certifications and Assurances are generally pre-award requirements, *i.e.*, those requirements of Federal law and regulations the Applicant must fulfill before FTA is legally authorized to award Federal financial assistance to an Applicant.

(4) *Other Federal Requirements.* Because FTA's Certifications and Assurances do not encompass all Federal requirements that will apply to the Applicant and its Project, FTA strongly encourages the Applicant to

review the Federal authorizing legislation, regulations, and directives pertaining to the program or programs for which the Applicant seeks Federal assistance. The FTA Master Agreement for Federal FY 2010 at <http://www.fta.dot.gov/documents/16-Master.pdf> identifies a substantial number of those Federal laws, regulations, and directives that apply to Applicants and their various projects.

b. *Importance of FTA's Certifications and Assurances for Federal FY 2010.* Following publication of these Certifications and Assurances, FTA may not award Federal financial assistance through a Federal Grant or Cooperative Agreement until the Applicant submits all of the FTA Certifications and Assurances for Federal FY 2010 pertaining to itself and its project as required by Federal laws and regulations. The Applicant's Certifications and Assurances for Federal FY 2010 will be applicable to all projects for which it seeks Federal assistance during Federal FY 2010 and through the next Federal FY until FTA issues its annual Certifications and Assurances for Federal FY 2011.

c. *Federal FY 2010 Changes.* Apart from minor editorial revisions, significant matters concerning FTA's Certifications and Assurances include the following:

(1) In the Introductory paragraphs preceding the text of FTA's Certifications and Assurances, the FTA Web site for the FTA Master Agreement for Federal FY 2010 is identified as <http://www.fta.dot.gov/documents/16-Master.pdf>.

(2) Certification (01)F.5(g) has been revised to substitute a more specific citation to the confidentiality provisions of the Public Health Service Act of 1912, as amended, in lieu of the general citation to the Public Health Service Act of 1912.

(3) The text of Certification (02), "Lobbying Certification," has been revised for consistency with terms used in the Transportation Infrastructure Finance and Innovation Act, 23 U.S.C. chapter 6, and to add a reference to OMB's Standard Form-LLL, "Disclosure of Lobbying Activities," Rev. 7-97, currently in use.

(4) The heading of Certification (23) has been changed from "Infrastructure Finance Projects" to "TIFIA Projects" for clarity. The acronym "TIFIA" has thus been substituted for the term "Infrastructure Finance" where used previously.

(5) Although the American Recovery and Reinvestment Act of 2009, Public Law 111-5, February 17, 2009 ("Recovery Act") requires the

submission of certain certifications, as a condition of Recovery Act funding, Recovery Act certifications are submitted individually and separately as required by that Act, rather than as a part of FTA's Annual Certifications and Assurances. For that reason, we have not added a new category for annual Recovery Act certifications and assurances.

d. *When to Submit.* All Applicants for FTA formula program or capital program assistance, and current FTA Grantees with an active project financed with FTA formula program or capital program assistance, are expected to provide their FTA Certifications and Assurances for Federal FY 2010 within 90 days from the date of this publication or as soon as feasible after their first application for Federal assistance authorized or made available for Federal FY 2010, whichever is earlier. In addition, FTA encourages Applicants seeking Federal assistance for other projects to submit their FTA Certifications and Assurances to FTA as soon as possible to expedite awards of FTA assistance.

4. Ways To Submit FTA Certifications and Assurances

As further explained, FTA will accept an Applicant's Certifications and Assurances submitted either in TEAM-Web at <http://ftateamweb.fta.dot.gov>, or on paper containing the text set forth on the Signature Page(s) of Appendix A of this Notice. In order of preference, FTA permits:

a. *Electronic Submission in Team-Web.* An Applicant registered in TEAM-Web must submit its FTA Certifications and Assurances, as well as its applications for Federal assistance in TEAM-Web. FTA prefers that other Applicants for Federal assistance submit their FTA Certifications and Assurances through TEAM-Web.

The TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of the "View/Modify Recipients" page contains fields for selecting among the twenty-four (24) categories of FTA Certifications and Assurances to be submitted. There is also a field for entering a single selection covering all twenty-four (24) categories of FTA Certifications and Assurances.

Within the "Cert's & Assurances" 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 FTA Certifications and Assurances 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 FTA Certifications and Assurances the Applicant has selected. The Applicant's authorized representative may enter his or her PIN in lieu of the Attorney's PIN, provided that the Applicant has a current Affirmation of Applicant's Attorney as set forth in Appendix A of this Notice, written and signed by the attorney in Federal FY 2010.

For more information, the Applicant may contact the appropriate FTA Regional Office or Metropolitan Office listed in this Notice or the TEAM-Web Helpdesk.

b. *Paper Submission.* Only if the Applicant is unable to submit its FTA Certifications and Assurances in TEAM-Web may the Applicant submit its FTA Certifications and Assurances on paper.

If an Applicant is unable to submit its FTA Certifications and Assurances electronically, it must mark the categories of FTA Certifications and Assurances it is making on the Signature Page(s) in Appendix A of this Notice and submit them 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.

The Applicant must enter its signature on the Signature Page(s) and must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity to make and comply with the Certifications and Assurances the Applicant has selected. 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 as set forth in Appendix A of this Notice, written and signed by the attorney and dated in Federal FY 2010.

For more information, the Applicant may contact the appropriate FTA Regional Office or Metropolitan Office listed in this Notice.

Authority. 49 U.S.C. chapter 53; the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), as amended by the SAFETEA-LU Technical Corrections Act, 2008, Public Law 110-244, June 6, 2008; Title 23, United States Code (Highways); other Federal laws administered by FTA; U.S. DOT and FTA regulations at Title 49, Code of Federal Regulations; and FTA Circulars.

Issued in Washington, DC, this 8th day of October 2009.

Peter M. Rogoff,
Administrator.

BILLING CODE 4910-57-P

APPENDIX A

**FEDERAL FISCAL YEAR 2010 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS****PREFACE**

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 2010. Category 01 applies to all Applicants. Category 02 applies to all applications for Federal assistance in excess of \$100,000. Categories 03 through 24 will apply to and be required for some, but not all, Applicants and projects. An Applicant may select a single certification that will cover all the programs for which it anticipates submitting an application. FTA requests each Applicant to read each certification and assurance carefully and select all certifications and assurances that may apply to the programs for which it expects to seek Federal assistance.

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 provisions apply. The terms of these certifications and assurances reflect applicable requirements of FTA's enabling legislation currently in effect.

The Applicant also understands and agrees that these certifications and assurances are special pre-award requirements specifically prescribed by Federal law or regulation and do not encompass all Federal laws, regulations, and directives that may apply to the Applicant or its project. A comprehensive list of those Federal laws, regulations, and directives is contained in the current FTA Master Agreement MA(16) for Federal Fiscal Year 2010 at the FTA Web site <http://www.fta.dot.gov/documents/16-Master.pdf>. The certifications and assurances in this document have been streamlined to remove most provisions not covered by statutory or regulatory certification or assurance requirements.

Because many requirements of these certifications and assurances will require the compliance of the subrecipient of an Applicant, we strongly recommend that each Applicant, including a State, that will be implementing projects through one or more subrecipients, secure sufficient documentation from each subrecipient to assure compliance, not only with these certifications and assurances, but also with the terms of the Grant Agreement or Cooperative Agreement for the project, and the applicable Master Agreement for its project, if applicable, incorporated therein by reference. Each Applicant is ultimately responsible for compliance with the provisions of the certifications and assurances applicable to itself or its project irrespective of participation in the project by any subrecipient. The Applicant understands and agrees that when it applies for FTA assistance on behalf of a consortium, joint venture, partnership, or team, each member of that consortium, joint venture, partnership, or team is responsible for compliance with the certifications and assurances the Applicant selects.

APPENDIX A

FTA strongly encourages each Applicant to submit its certifications and assurances through TEAM-Web, FTA's electronic award and management system, at <http://ftateamweb.fta.dot.gov>. Twenty-four (24) Categories of certifications and assurances are listed by numbers 01 through 24 in the TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of "View/Modify Recipients." Should the Applicant choose not to submit its certifications and assurances through TEAM-Web, the Applicant may submit its certifications and assurances on paper by submitting the Signature Page(s) at the end of this document, indicating the certifications and assurances it is making on one side of the document or on one page, and signing its affirmation and that of its attorney on the other side or other page.

01. ASSURANCES REQUIRED FOR EACH APPLICANT

Each Applicant for FTA assistance must provide all assurances in this Category "01." Except to the extent that FTA expressly determines otherwise in writing, FTA may not award any Federal assistance until the Applicant provides the following assurances by selecting Category "01."

A. Assurance of Authority of the 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, local, or Indian tribal law and regulations, 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 and regulations 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 with FTA issued for its project. The Applicant recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation. The Applicant understands that Presidential executive orders and Federal directives, including Federal policies and program guidance may be issued concerning matters affecting the Applicant or its project. The Applicant agrees that the most recent Federal laws, regulations, and directives will apply to the project, unless FTA issues a written determination otherwise.

C. Intergovernmental Review Assurance

Except if the Applicant is an Indian tribal government seeking assistance authorized by 49 U.S.C. 5311(c)(1), the Applicant assures that each application for Federal assistance it submits to FTA has been submitted or will be submitted for intergovernmental review to the

APPENDIX A

appropriate State and local agencies as determined by the State. Specifically, the Applicant assures that it has fulfilled or will fulfill the obligations imposed on FTA by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17. This assurance does not apply to Applicants for Federal assistance under FTA's Tribal Transit Program, 49 U.S.C. 5311(c)(1).

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), by Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and by 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 imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21, 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, 42 U.S.C. 2000d, 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 provisions;
- (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 imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d 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;

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- (5) The United States has a right to seek judicial enforcement with regard to any matter arising under Title VI of the Civil Rights Act, U.S. DOT implementing regulations, and this assurance; and
- (6) It will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may request to achieve compliance with the requirements imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21.

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 other applicable Federal laws that may be enacted or Federal regulations that may be promulgated.

F. U.S. Office of Management and Budget (OMB) Assurances

Consistent with OMB assurances set forth in SF-424B and SF-424D, the Applicant assures that, with respect to itself or its project, the Applicant:

- (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 assure 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;

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- (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 disability;
 - (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, as amended, 21 U.S.C. 1101 *et seq.*, relating to nondiscrimination on the basis of drug abuse;
 - (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *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 through 290dd-2., relating 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; and
 - (i) Any other nondiscrimination statute(s) that may apply to the project;
- (6) To the extent applicable, 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 persons whose property is acquired as a result of federally assisted programs. These requirements apply to all interests in real property acquired for project purposes and displacement caused by the project 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 by 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 that Act or has complied with that Act and those 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;
 - (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);

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- (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 their 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, at 18 U.S.C. 874, and at 40 U.S.C. 3145, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*, regarding labor standards for federally assisted projects;
 - (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 the Applicant and its 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) To the extent applicable, 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) To the extent applicable, 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 FTA;
 - (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) To the extent applicable, will comply with FTA provisions 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) To the extent applicable, will provide and maintain competent and adequate engineering supervision at the construction site of any project supported with FTA assistance to assure

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- 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) To the extent applicable, 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 through 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 No. 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 through 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 through 7671q;
 - (g) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f through 300j-6;
 - (h) Protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 through 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 303(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 through 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; with the Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 through 469c ; and with 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 through 1508 and 7324 through 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 49 U.S.C. 5307(k)(2) and 23 U.S.C. 142(g), the Hatch Act does not apply to a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA assistance to whom that Act does not otherwise apply;
- (16) To the extent applicable, 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

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- Human Subjects,” 49 CFR part 11, regarding the protection of human subjects involved in research, development, and related activities supported by Federal assistance;
- (17) To the extent applicable, will comply with the Animal Welfare Act, 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 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 U.S. DOT; and
- (19) To the extent applicable, will comply with all applicable provisions of all other Federal laws or regulations, and follow Federal directives governing the project, except to the extent that FTA has expressly approved otherwise in writing.

02. LOBBYING CERTIFICATION

An Applicant that submits or intends to submit an application to FTA for any Federal grant, loan (including a line of credit), cooperative agreement, loan guarantee, or loan insurance exceeding \$100,000 is required to provide the following certification. FTA may not award Federal grant, loan (including a line of credit), cooperative agreement, loan guarantee, or loan insurance exceeding \$100,000 until the Applicant provides this certification by selecting Category “02.”

- A. As required by 31 U.S.C. 1352 and 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 to U.S. DOT or FTA for a Federal grant, loan (including a line of credit), cooperative agreement, or a commitment that the Federal Government to guarantee or insure a loan 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 a Federal grant, loan (including a line of credit), cooperative agreement, loan guarantee, or loan insurance, or the extension, continuation, renewal, amendment, or modification of any Federal grant, loan (including a line of credit), cooperative agreement, loan guarantee, or loan insurance;
- (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 a Federal grant, loan (including a line of credit), cooperative agreement, loan guarantee, or loan insurance, the Applicant assures that it will complete and submit Standard Form-LLL, “Disclosure of Lobbying Activities,” Rev. 7-97; and
- (3) The language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, subagreements, and contracts

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under grants, loans (including a line of credit), cooperative agreements, loan guarantees, and loan insurance).

- B. The Applicant understands that this certification is a material representation of fact upon which reliance is placed by the Federal government and that submission of this certification is a prerequisite for providing a Federal grant, loan (including a line of credit), cooperative agreement, loan guarantee, or loan insurance 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.

03. PROCUREMENT COMPLIANCE

In accordance with 49 CFR 18.36(g)(3)(ii), each Applicant that is a State, local, or Indian tribal government that is seeking Federal assistance to acquire property or services in support of its project is requested to provide the following certification by selecting Category "03." FTA also requests other Applicants to provide the following certification. An Applicant for FTA assistance to acquire property or services in support of its project that fails to provide this certification may be determined ineligible for award of Federal assistance for the project, if FTA determines that its procurement practices and procurement system fail to comply with Federal laws or regulations in accordance with applicable Federal directives.

The Applicant certifies that its procurements and procurement system will comply with all applicable Federal laws and regulations in accordance with applicable Federal directives, except to the extent FTA has expressly approved otherwise in writing.

04. PROTECTIONS FOR PRIVATE TRANSPORTATION PROVIDERS

Each Applicant that is a State, local, or Indian tribal government that is seeking Federal assistance authorized under 49 U.S.C. chapter 53 to acquire any property or an interest in the property of a private provider of public transportation or to operate public transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing private provider of public transportation is required to provide the following certification. FTA may not award Federal assistance for such a project until the Applicant provides this certification by selecting Category "04."

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 provider of public transportation or operates public transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing public transportation company, it has or will have:

- A. Determined that the assistance is essential to carrying out a program of projects as required by 49 U.S.C. 5303, 5304, and 5306;
- B. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible; and
- C. Paid just compensation under State or local law to the company for any franchise or property acquired.

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05. PUBLIC HEARING

An Applicant seeking Federal assistance authorized under 49 U.S.C. chapter 53 for a capital project that will substantially affect a community or a community's public transportation service is required to provide the following certification. FTA may not award Federal assistance for a capital project of that type until the Applicant provides this certification by selecting Category "05."

As required by 49 U.S.C. 5323(b), for a proposed capital project that will substantially affect a community, or the public transportation service of a community, the Applicant certifies that it has, or before submitting its application, it will have:

- A. Provided an adequate opportunity for public review and comment on the proposed project;
- B. After providing notice, including a concise description of the proposed project, published in a newspaper of general circulation in the geographic area to be served, held a public hearing on the project if the project affects significant economic, social, or environmental interests;
- 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 community.

06. ACQUISITION OF ROLLING STOCK FOR USE IN REVENUE SERVICE

An Applicant seeking Federal assistance authorized under 49 U.S.C. chapter 53 to acquire any rolling stock for use in revenue service is required to 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 "06."

As required by 49 U.S.C. 5323(m) and implementing FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, at 49 CFR 663.7, the Applicant certifies that it will comply with the requirements of 49 CFR part 663 as modified by amendments authorized by section 3023(k) of SAFETEA-LU 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.

07. ACQUISITION OF CAPITAL ASSETS BY LEASE

An Applicant that intends to request the use of Federal assistance authorized under 49 U.S.C. chapter 53 to acquire capital assets by lease is required to provide the following certifications. FTA may not provide Federal assistance to support those costs until the Applicant provides this certification by selecting Category "07."

As required by FTA regulations, "Capital Leases," 49 CFR part 639, 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 under 49 U.S.C. chapter 53, the Applicant certifies as follows:

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- (1) It will not use Federal assistance authorized under 49 U.S.C. chapter 53 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; and it will complete these calculations before entering into the lease or before receiving a capital grant for the asset, whichever is later; and
- (2) 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 if Federal assistance is not available for capital projects in the subsequent years.

08. 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 is required to provide the following certification. FTA may not provide Federal assistance for the acquisition of any new bus model or bus model with a major change until the Applicant provides this certification by selecting Category "08."

As required by 49 U.S.C. 5318 and 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):

- A. The bus model will have been tested at FTA's bus testing facility; and
- B. The Applicant will have received a copy of the test report prepared on the bus model.

09. CHARTER SERVICE AGREEMENT

An Applicant seeking Federal assistance authorized under 49 U.S.C. chapter 53 (except as permitted by 49 CFR 604.2), or under 23 U.S.C. 133 or 142, to acquire or operate any public transportation equipment or facilities is required to enter into the following Charter Service Agreement. FTA may not provide Federal assistance authorized under 49 U.S.C. chapter 53 (except as permitted by 49 CFR 604.2), or under 23 U.S.C. 133 or 142, for such projects until the Applicant enters into this Charter Service Agreement by selecting Category "09."

- A. As required by 49 U.S.C. 5323(d) and (g) and FTA regulations at 49 CFR 604.4, the Applicant understands and agrees that it and each subrecipient, lessee, third party contractor, or other participant in the project at any tier may provide charter service for transportation projects that uses equipment or facilities acquired with Federal assistance authorized under the Federal transit laws (except as permitted by 49 CFR 604.2), or under 23 U.S.C. 133 or 142, only in compliance with those laws and FTA regulations, "Charter Service," 49 CFR part 604, the terms and conditions of which are incorporated herein by reference.
- B. The Applicant understands and agrees that:
 - (1) The requirements of FTA regulations, "Charter Service," 49 CFR part 604, will apply to any charter service it or its subrecipients, lessees, third party contractors, or other participants in the project provide;
 - (2) The definitions of FTA regulations, "Charter Service," 49 CFR part 604, will apply to

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this Charter Service Agreement; and

- (3) A pattern of violations of this Charter Service Agreement may require corrective measures and imposition of remedies, including barring the Applicant, subrecipient, lessee, third party contractor, or other participant in the project that has engaged in that pattern of violations from receiving FTA financial assistance, or withholding an amount of Federal assistance as set forth in FTA regulations, "Charter Service," 49 CFR part 604, Appendix D.

10. SCHOOL TRANSPORTATION AGREEMENT

An Applicant that is seeking Federal assistance authorized under 49 U.S.C. chapter 53 or under 23 U.S.C.133 or 142 to acquire or operate public transportation facilities and equipment is required to enter into the following School Transportation Agreement. FTA may not provide Federal assistance authorized under 49 U.S.C. chapter 53 or under 23 U.S.C.133 or 142 for such projects until the Applicant enters into this School Transportation Agreement by selecting Category "10."

- A. As required by 49 U.S.C. 5323(f) and (g) and FTA regulations at 49 CFR 605.14, the Applicant understands and agrees that it and each subrecipient, lessee, third party contractor, or other participant in the project at any tier may engage in school transportation operations in competition with private school transportation operators that uses equipment or facilities acquired with Federal assistance authorized under the Federal transit laws or under 23 U.S.C. 133 or 142, only in compliance with those laws and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) or (g), the terms and conditions of which are incorporated herein by reference.
- B. The Applicant understands and agrees that:
 - (1) The requirements of FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) or (g), will apply to any school transportation service it or its subrecipients, lessees, third party contractors, or other participants in the project provide;
 - (2) The definitions of FTA regulations, "School Bus Operations," 49 CFR part 605 will apply to this School Transportation Agreement; and
 - (3) If there is a violation of this School Transportation Agreement, FTA will bar the Applicant, subrecipient, lessee, third party contractor, or other participant in the project that has violated this School Transportation Agreement from receiving Federal transit assistance in an amount FTA considers appropriate.

11. DEMAND RESPONSIVE SERVICE

An Applicant that operates demand responsive service and applies for direct Federal assistance authorized under 49 U.S.C. chapter 53 to acquire non-rail public transportation vehicles is required to provide the following certification. FTA may not award direct Federal assistance authorized under 49 U.S.C. chapter 53 to an Applicant that operates demand responsive service to acquire non-rail public transportation vehicles until the Applicant provides this certification by selecting Category "11."

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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 individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. Viewed in its entirety, the Applicant's service for individuals 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.

12. ALCOHOL MISUSE AND PROHIBITED DRUG USE

If the Applicant is required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR part 655, to provide the following certification concerning its activities to prevent alcohol misuse and prohibited drug use in its public transportation operations, FTA may not provide Federal assistance to that Applicant until it provides this certification by selecting Category "12."

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 anti-drug 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.

13. 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 financed with Federal assistance under the Urbanized Area Formula Program, the Capital Investment Program, or the Paul S. Sarbanes Transit in Parks Program is required to provide the following certification. FTA may not provide Federal assistance to support interest or other financing costs until the Applicant provides this certification by selecting Category "13."

As required by 49 U.S.C. 5307(g)(3), 5309(g)(2)(B)(iii), 5309(g)(3)(B)(iii), 5309(i)(2)(C), and 5320(h)(2)(C), the Applicant certifies that it will not seek reimbursement for interest or other financing costs unless it is eligible to receive Federal assistance for those costs and 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.

14. 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," is requested to provide the following

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assurance. FTA strongly encourages any Applicant for FTA financial assistance to support an ITS project to provide this assurance by selecting Category "14." An Applicant for FTA assistance for an ITS project that fails to provide this assurance, without providing other documentation assuring its commitment to comply with applicable Federal ITS standards and protocols, may be determined ineligible for award of Federal assistance for the ITS project.

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. As provided in subsection 5307(c) of SAFETEA-LU, 23 U.S.C. 512 note, apart from certain exceptions, "intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, [shall] conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a) [of section 5307 of SAFETEA-LU]." To facilitate compliance with subsection 5307(c) of SAFETEA-LU, 23 U.S.C. 512 note, the Applicant assures it will comply with all applicable provisions 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 policies that may be issued in connection with any ITS project it undertakes financed with funds authorized under Title 49 or Title 23, United States Code, except to the extent that FTA expressly determines otherwise in writing; and
- B. With respect to any ITS project financed with Federal assistance derived from a source other than Title 49 or Title 23, United States Code, the Applicant assures that it will use its best efforts to assure that any ITS project it undertakes will not preclude interface with other intelligent transportation systems in the Region.

15. URBANIZED AREA FORMULA PROGRAM

Each Applicant for Urbanized Area Formula Program assistance authorized under 49 U.S.C. 5307 is required to provide the following certifications on behalf of itself and any subrecipients participating in its projects. Unless FTA determines otherwise in writing, the Applicant is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the Applicant is strongly encouraged to take appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the Applicant has made to FTA. If, however a "Designated Recipient" as defined at 49 U.S.C. 5307(a)(2)(A) enters into a Supplemental Agreement with FTA and a Prospective Grantee, that Grantee is recognized as the Applicant for Urbanized Area Formula Program assistance and must provide the following certifications and assurances.

Each Applicant is required by 49 U.S.C. 5307(d)(1)(J) to expend at least one (1) percent of its

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Urbanized Area Formula Program assistance for public transportation security projects, unless the Applicant has certified that such expenditures are not necessary. Information about the Applicant's intentions will be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when the Applicant enters its Urbanized Area Formula Program application in TEAM-Web.

FTA may not award Urbanized Area Formula Program assistance to any Applicant that is required by 49 U.S.C. 5307(d)(1)(K) to expend one (1) percent of its Urbanized Area Formula Program assistance for eligible transit enhancements 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 or the Applicant attaches in TEAM-Web or includes in its quarterly report information sufficient to demonstrate that the Designated Recipients in its area together have expended one (1) percent of the amount of Urbanized Area Program assistance made available to them for transit enhancement projects.

FTA may not award Federal assistance for the Urbanized Area Formula Program to the Applicant until the Applicant provides these certifications and assurances by selecting Category "15."

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

- A. In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
- B. In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities;
- C. In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the Project equipment and facilities;
- D. In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will assure that any elderly individual, any individual with disabilities, 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, not more than fifty (50) percent of the peak hour fare;
- E. In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5307: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
- F. In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, the Applicant: (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 the program of projects it proposes to undertake; (2) has developed or will develop, in consultation with interested

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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 assured or will assure 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. In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5307(e) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;
- H. In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);
- I. In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation;
- J. In compliance with 49 U.S.C. 5307(d)(1)(J), each Federal fiscal year, the Applicant will spend at least one (1) percent of its funds authorized by 49 U.S.C. 5307 for public transportation security projects, unless the Applicant has certified to FTA that such expenditures are not necessary. Public transportation security projects include increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of existing or planned public transportation; and
- K. In compliance with 49 U.S.C. 5307(d)(1)(K), if the Applicant is a Designated Recipient serving an urbanized area with a population of at least 200,000, (1) the Applicant certifies either that it has expended or will expend for transit enhancements as defined at 49 U.S.C. 5302(a)(15) not less than one (1) percent of the amount of the Urbanized Area Formula Assistance it receives this Federal fiscal year, or that at least one Designated Recipient in its urbanized area has certified or will certify that the Designated Recipients within that urbanized area together have expended or will expend for transit enhancements as defined at 49 U.S.C. 5302(a)(15) not less than one (1) percent of the total amounts the Designated Recipients receive each Federal fiscal year under 49 U.S.C. 5307, and (2) either the Applicant has listed or will list the transit enhancement projects it has carried out with those

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funds, or at least one Designated Recipient in the Applicant's urbanized area has listed or will list the transit enhancement projects carried out with funds authorized under 49 U.S.C. 5307. If the Designated Recipient's quarterly report for the fourth quarter of the preceding Federal fiscal year includes a list of transit enhancement projects the Designated Recipients in its urbanized area have implemented during that preceding Federal fiscal year using those funds, the information in that quarterly report will fulfill the requirements of 49 U.S.C. 5307(d)(1)(K)(ii), and thus that quarterly report will be incorporated by reference and made part of the Designated Recipient's and Applicant's certifications and assurances.

16. CLEAN FUELS GRANT PROGRAM

Each Applicant for Clean Fuels Grant Program assistance authorized under 49 U.S.C. 5308 is required to provide the following certifications on behalf of itself and its subrecipients. Unless FTA determines otherwise in writing, the Applicant is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the Applicant is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the Applicant has made to FTA. FTA may not award Federal assistance for the Clean Fuels Grant Program until the Applicant provides these certifications by selecting Category "16."

As required by 49 U.S.C. 5308(d)(1), which makes the requirements of 49 U.S.C. 5307 applicable to Clean Fuels Grant Program assistance, and 49 U.S.C. 5307(d)(1), the designated recipient or the recipient serving as the Applicant on behalf of the designated recipient, or the State or State organization serving as the Applicant on behalf of the State, certifies as follows:

- A. In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
- B. In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
- C. In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
- D. In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will assure that any elderly individual, any individual with disabilities, 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 under 49 U.S.C. 5308, not more than fifty (50) percent of the peak hour fare;
- E. In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5308: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of

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- 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
- F. In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, the Applicant: (1) has made available, or will make available, to the public information on the amounts available for the Clean Fuels Grant Program, 49 U.S.C. 5308, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, the proposed projects to be financed; (3) has published or will publish a list of the proposed projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has assured or will assure that the proposed projects provide 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 list of projects; and (7) has made or will make the final list of projects available to the public;
 - G. In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5308(d)(2) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;
 - H. In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);
 - I. In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation; and
 - J. The Applicant certifies it will operate vehicles purchased with Federal assistance provided under the Clean Fuels Grant Program, 49 U.S.C. 5308 only with clean fuels.

**17. ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES
FORMULA GRANT PROGRAM AND PILOT PROGRAM**

Before FTA may award Elderly Individuals and Individuals with Disabilities Formula Grant Program assistance and, if applicable, Elderly Individuals and Individuals with Disabilities Pilot Program assistance to a State, the U.S. Secretary of Transportation or his or her designee is required to make the pre-award determinations required by 49 U.S.C. 5310. Because certain information is needed before FTA can make those determinations, each State is requested to provide the following certifications assurances on behalf of itself and its subrecipients. Unless FTA determines otherwise in writing, the State itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor,

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or other participant may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the State is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the State has made to FTA. A State that fails to provide these certifications and assurances on behalf of itself and its subrecipients may be determined ineligible for a grant of Federal assistance under 49 U.S.C. 5310 if FTA lacks sufficient information from which to make those determinations required by Federal laws and regulations governing the Elderly Individuals and Individuals with Disabilities Formula Grant Program and, if applicable, the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by 49 U.S.C. 5310 and section 3012 of SAFETEA-LU, respectively. The State is thus requested to select Category "17."

- A. As required by 49 U.S.C. 5310(d), which makes the requirements of 49 U.S.C. 5307 applicable to the Elderly Individuals and Individuals with Disabilities Formula Grant Program to the extent that the Federal Transit Administrator or his or her designee determines appropriate, and 49 U.S.C. 5307(d)(1), the State or State organization serving as the Applicant (State) and that administers, on behalf of the State, the Elderly Individuals and Individuals with Disabilities Program authorized by 49 U.S.C. 5310, and, if applicable, the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by subsection 3012(b) of SAFETEA-LU, 49 U.S.C. 5310 note, certifies and assures on behalf of itself and its subrecipients as follows:
- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
 - (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
 - (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
 - (4) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5310 or subsection 3012(b) of SAFETEA-LU: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
 - (5) The State has or will have available and will provide the amount of funds required by 49 U.S.C. 5310(c), and if applicable by subsections 3012(b)(3) and (4) of SAFETEA-LU, for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and
 - (6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
 - (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil);
 - (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and
 - (3) 49 U.S.C. 5303 through

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- 5306 (planning and private enterprise requirements);
- 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. In compliance with 49 U.S.C. 5310(d)(2)(A) and subsection 3012(b)(2) of SAFETEA-LU, the State certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project has been or will have been coordinated with private nonprofit providers of services under 49 U.S.C. 5310;
 - E. In compliance with 49 U.S.C. 5310(d)(2)(C), the State certifies that allocations to subrecipients of financial assistance authorized under 49 U.S.C. 5310 or subsection 3012(b) of SAFETEA-LU will be distributed on a fair and equitable basis; and
 - F. In compliance with 49 U.S.C. 5310(d)(2)(B) and subsection 3012(b)(2) of SAFETEA-LU, the State certifies that: (1) projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

18. NONURBANIZED AREA FORMULA PROGRAM FOR STATES

The provisions of 49 U.S.C. 5311 establishing the Nonurbanized Area Formula Program for States do not impose, as a pre-condition of award, any explicit certification or assurance requirements established specifically for that program. Only a State or a State organization acting as the Recipient on behalf of a State (State) may be a direct recipient of this Nonurbanized Area Formula Program assistance. Separate certifications and assurances have been established in Category 22 for an Indian tribe that is an Applicant for Tribal Transit Program assistance authorized by 49 U.S.C. 5311(c)(1).

Before FTA may award Nonurbanized Area Formula Program assistance to a State, the U.S. Secretary of Transportation or his or her designee is required to make the pre-award determinations required by 49 U.S.C. 5311. Because certain information is needed before FTA can make those determinations, each State is requested to provide the following certifications and assurances on behalf of itself and its subrecipients. Unless FTA determines otherwise in writing, the State itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the State is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the State has made to FTA. A State that fails to provide these certifications and assurances on behalf of itself and its

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subrecipients may be determined ineligible for a grant of Federal assistance under 49 U.S.C. 5311 if FTA lacks sufficient information from which to make those determinations required by Federal laws and regulations governing the Nonurbanized Area Formula Program authorized by 49 U.S.C. 5311. The State is thus requested to select Category "18."

The State or State organization serving as the Applicant and that administers, on behalf of the State (State) the Nonurbanized Area Formula Program for States authorized by 49 U.S.C. 5311, assures on behalf of itself and its subrecipients as follows:

- A. The State 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 carry out each project, including the safety and security aspects of that project;
- B. The State has or will have satisfactory continuing control over the use of project equipment and facilities;
- C. The State assures that the project equipment and facilities will be adequately maintained;
- D. In compliance with 49 U.S.C. 5311(b)(2)(C)(i), the State's program has provided for a fair distribution of Federal assistance authorized for 49 U.S.C. 5311 within the State, including Indian reservations within the State;
- E. In compliance with 49 U.S.C. 5311(b)(2)(C)(ii), the State's program provides or will provide the maximum feasible coordination of public transportation service to receive assistance under 49 U.S.C. 5311 with transportation service assisted by other Federal sources;
- F. The projects in the State's Nonurbanized Area Formula Program are included in the Statewide Transportation Improvement Program and, to the extent applicable, the projects are included in a metropolitan Transportation Improvement Program;
- G. The State has or will have available and will provide the amount of funds required by 49 U.S.C. 5311(g) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and
- H. In compliance with 49 U.S.C. 5311(f), the State will expend not less than fifteen (15) percent of its Federal assistance authorized under 49 U.S.C. 5311 to develop and support intercity bus transportation within the State, unless the chief executive officer of the State, or his or her designee, after consultation with affected intercity bus service providers, certifies to the Federal Transit Administrator, apart from these certifications and assurances herein, that the intercity bus service needs of the State are being adequately met.

19. JOB ACCESS AND REVERSE COMMUTE FORMULA GRANT PROGRAM

Each Applicant for Job Access and Reverse Commute (JARC) Formula Grant Program assistance authorized under 49 U.S.C. 5316 is required to provide the following certifications on behalf of itself and any subrecipient that may be implementing its project. Unless FTA determines otherwise in writing, the Applicant itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the Applicant is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and

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assurances the Applicant has made to FTA. FTA may not award Federal assistance for the JARC Formula Grant Program until the Applicant provides these certifications by selecting Category "19."

- A. As required by 49 U.S.C. 5316(f)(1), which makes the requirements of 49 U.S.C. 5307 applicable to Job Access and Reverse Commute (JARC) formula grants, and 49 U.S.C. 5307(d)(1), the Applicant for JARC Formula Program assistance authorized under 49 U.S.C. 5316, certifies on behalf of itself and its subrecipients, if any, as follows:
- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
 - (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
 - (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
 - (4) In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will assure that any elderly individual, any individual with disabilities, 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 under 49 U.S.C. 5316 not more than fifty (50) percent of the peak hour fare;
 - (5) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5316: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
 - (6) In compliance with 49 U.S.C. 5316(f)(1) and 49 U.S.C. 5307(d)(1)(F), the Applicant certifies that (1) with respect to financial assistance authorized under 49 U.S.C. 5316, it will conduct in cooperation with the appropriate MPO an areawide solicitation for applications, and make awards on a competitive basis and (2) with respect to financial assistance authorized under 49 U.S.C. 5316, it will conduct a statewide solicitation for applications, and make awards on a competitive basis; and that these activities will be carried out in a manner that complies with or will comply with 49 U.S.C. 5307(c);
 - (7) The Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5316(h) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and
 - (8) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
 - (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); and
 - (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through

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- 5306 (planning and private enterprise requirements);
- B. In compliance with 49 U.S.C. 5316(d), the Applicant certifies that (1) with respect to financial assistance authorized under 49 U.S.C. 5316(c)(1)(A), it will conduct in cooperation with the appropriate MPO an areawide solicitation for applications, and make awards on a competitive basis and (2) with respect to financial assistance authorized under 49 U.S.C. 5316(c)(1)(B) or 49 U.S.C. 5316(c)(1)(C), it will conduct a statewide solicitation for applications, and make awards on a competitive basis;
 - C. In compliance with 49 U.S.C. 5316(f)(2), the Applicant certifies that any allocations to subrecipients of financial assistance authorized under 49 U.S.C. 5316 will be distributed on a fair and equitable basis;
 - D. In compliance with 49 U.S.C. 5316(g)(2), the Applicant certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project has been or will have been coordinated with private nonprofit providers of services;
 - E. In compliance with 49 U.S.C. 5316(g)(3), the Applicant certifies that: (1) the projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public; and
 - F. In compliance with 49 U.S.C. 5316(c)(3), before the Applicant uses funding apportioned under 49 U.S.C. 5316(c)(1)(B) or (C) for projects serving an area other than that specified in 49 U.S.C. 5316(2)(B) or (C), the Applicant certifies that the chief executive officer of the State, or his or her designee will have certified to the Federal Transit Administrator, apart from these certifications herein, that all of the objectives of 49 U.S.C. 5316 are being met in the area from which such funding would be derived.

20. NEW FREEDOM PROGRAM

Each Applicant for New Freedom Program assistance authorized under 49 U.S.C. 5317 must provide the following certifications on behalf of itself and any subrecipient that may be implementing its project. Unless FTA determines otherwise in writing, the Applicant itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the Applicant is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the Applicant has made to FTA. FTA may not award Federal assistance for the New Freedom Program until the Applicant provides these certifications by selecting Category "20."

- A. As required by 49 U.S.C. 5317(e)(1), which makes the requirements of 49 U.S.C. 5310 applicable to New Freedom grants to the extent the Federal Transit Administrator or his or her designee determines appropriate, by 49 U.S.C. 5310(d)(1), which makes the requirements of 49 U.S.C. 5307 applicable to Elderly Individuals and Individuals with Disabilities Formula grants to the extent the Federal Transit Administrator or his or her designee determines appropriate, and by 49 U.S.C. 5307(d)(1), the Applicant for New

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Freedom Program assistance authorized under 49 U.S.C. 5317 certifies and assures on behalf of itself and its subrecipients, if any, as follows:

- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
 - (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
 - (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
 - (4) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5317: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
 - (5) The Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5317(g) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and
 - (6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
 - (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil);
 - (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and
 - (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);
- B. In compliance with 49 U.S.C. 5317(d), the Applicant certifies that (1) with respect to financial assistance authorized under 49 U.S.C. 5317(c)(1)(A), it will conduct in cooperation with the appropriate MPO an areawide solicitation for applications, and make awards on a competitive basis and (2) with respect to financial assistance authorized under 49 U.S.C. 5317(c)(1)(B) or 49 U.S.C. 5317(c)(1)(C), it will conduct a statewide solicitation for applications, and make awards on a competitive basis;
- C. In compliance with 49 U.S.C. 5317(f)(2), the Applicant certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project has been or will have been coordinated with private nonprofit providers of services;
- D. In compliance with 49 U.S.C. 5317(e)(2), the Applicant certifies that any allocations to subrecipients of financial assistance authorized under 49 U.S.C. 5317 will be distributed on a fair and equitable basis; and
- E. In compliance with 49 U.S.C. 5317(f)(3), the Applicant certifies that: (1) the projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and through participation by the public.

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21. PAUL S. SARBANES TRANSIT IN PARKS PROGRAM

Each State, tribal area, or local government authority that is an Applicant for Paul S. Sarbanes Transit in Parks Program assistance (Applicant) authorized by 49 U.S.C. 5320, is required to provide the following certifications. FTA may not award assistance for the Paul S. Sarbanes Transit in Parks Program to the Applicant until the Applicant provides these certifications by selecting Category "21."

- A. As required by 49 U.S.C. 5320(i), which makes the requirements of 49 U.S.C. 5307 applicable to the Paul S. Sarbanes Transit in Parks Program to the extent the Federal Transit Administrator or his or her designee determines appropriate, and 49 U.S.C. 5307(d)(1), the Applicant certifies as follows:
- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed project, including the safety and security aspects of that project;
 - (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
 - (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
 - (4) In compliance with 49 U.S.C. 5307(d)(1)(E), in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5320, the Applicant: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
 - (5) In compliance with 49 U.S.C. 5307(d)(1)(F) and with 49 U.S.C. 5320(e)(2)(C), the Applicant 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 Paul S. Sarbanes Transit in Parks Program, 49 U.S.C. 5320, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, projects to be financed; (3) has published or will publish a list of proposed projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has assured or will assure that the proposed projects provide 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 list of projects; and (7) has made or will make the final list of projects available to the public;
 - (6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
 - (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and

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- minimize transportation-related fuel consumption and reliance on foreign oil);
- (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements); and
- (7) In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation; and
- B. In compliance with 49 U.S.C. 5320(e)(2)(A), (B), and (D), the Applicant assures that it will:
 - (1) Comply with the metropolitan planning provisions of 49 U.S.C. 5303;
 - (2) Comply with the statewide planning provisions of 49 U.S.C. 5304; and
 - (3) Consult with the appropriate Federal land management agency during the planning process.

22. TRIBAL TRANSIT PROGRAM

Each Applicant for Tribal Transit Program assistance must provide all certifications and assurances set forth below. Except to the extent that FTA determines otherwise in writing, FTA may not award any Federal assistance under the Tribal Transit Program until the Applicant provides these certifications and assurances by selecting Category "22."

In accordance with 49 U.S.C. 5311(c)(1) that authorizes the Secretary of Transportation to establish terms and conditions for direct grants to Indian tribal governments, the Applicant certifies and assures as follows:

- A. The Applicant assures that:
 - (1) It 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 carry out each project, including the safety and security aspects of that project;
 - (2) It has or will have satisfactory continuing control over the use of project equipment and facilities;
 - (3) The project equipment and facilities will be adequately maintained; and
 - (4) Its project will achieve maximum feasible coordination with transportation service assisted by other Federal sources;
- B. In accordance with 49 CFR 18.36(g)(3)(ii), the Applicant certifies that its procurement system will comply with the requirements of 49 CFR 18.36, or will inform FTA promptly that its procurement system does not comply with 49 CFR 18.36;
- C. To the extent applicable to the Applicant or its Project, the Applicant certifies that it will comply with the certifications, assurances, and agreements in Category 08 (Bus Testing), Category 09 (Charter Bus Agreement), Category 10 (School Transportation Agreement), Category 11 (Demand Responsive Service), Category 12 (Alcohol Misuse and Prohibited Drug Use), and Category 14 (National Intelligent Transportation Systems Architecture and Standards) of this document; and
- D. If its application exceeds \$100,000, the Applicant agrees to comply with the certification in Category 02 (Lobbying) of this document.

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23. TIFIA PROJECTS

Each Applicant for Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance authorized under 23 U.S.C. chapter 6, is required to provide the following certifications. FTA may not award TIFIA credit assistance to the Applicant until the Applicant provides these certifications by selecting Category "23."

- A. As required by 49 U.S.C. 5323(o), which makes the requirements of 49 U.S.C. 5307 applicable to Applicants seeking TIFIA credit assistance authorized under 23 U.S.C. chapter 6, and by 49 U.S.C. 5307(d)(1), the Applicant certifies as follows:
- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
 - (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
 - (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
 - (4) In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will assure that any elderly individual, any individual with disabilities, 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 under 23 U.S.C. chapter 6, not more than fifty (50) percent of the peak hour fare;
 - (5) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 23 U.S.C. chapter 6: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
 - (6) In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, it: (a) has made available, or will make available, to the public information on the amounts available for TIFIA credit assistance, 23 U.S.C. chapter 6, and the projects it proposes to undertake; (b) has developed or will develop, in consultation with interested parties including private transportation providers, the proposed projects to be financed; (c) has published or will publish a list of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (d) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (e) has assured or will assure that the proposed projects provide for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal government source; (f) has considered or will consider the comments and views received, especially

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- those of private transportation providers, in preparing its final list of projects; and
- (g) has made or will make the final list of projects available to the public;
- (7) In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;
- (8) In compliance with 49 U.S.C. 5307(d)(1)(H), (1) the Applicant will comply with: 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);
- (9) In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation;
- (10) To the extent that the Applicant will be using funds authorized under 49 U.S.C. 5307 for the project, in compliance with 49 U.S.C. 5307(d)(1)(J), each Federal fiscal year, the Applicant will spend at least one (1) percent of those funds authorized under 49 U.S.C. 5307 for public transportation security projects (this includes only capital projects in the case of a 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. Public transportation security projects include increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation; and
- (11) To the extent that the Applicant will be using funds authorized under 49 U.S.C. 5307 for the project, in compliance with 49 U.S.C. 5309(d)(1)(K): (1) an Applicant that serves an urbanized area with a population of at least 200,000 will expend not less than one (1) percent of the amount it receives each Federal fiscal year under 49 U.S.C. 5307 for transit enhancements, as defined at 49 U.S.C. 5302(a), and (2) 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 Federal fiscal year using those funds, and that report is incorporated by reference and made part of its certifications and assurances; and
- B. As required by 49 U.S.C. 5323(o), which makes the requirements of 49 U.S.C. 5309 applicable to Applicants seeking TIFIA credit assistance authorized under 23 U.S.C. chapter 6, and by 49 U.S.C. 5309(g)(2)(B)(iii), 5309(g)(3)(B)(iii), and 5309(i)(2)(C), the Applicant certifies that it will not seek reimbursement for interest and other financing costs incurred in connection with the Project unless the Applicant is eligible to receive Federal assistance for those expenses and the Applicant's records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.

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**24. DEPOSITS OF FEDERAL FINANCIAL ASSISTANCE
TO STATE INFRASTRUCTURE BANKS**

The State organization that administers the State Infrastructure Bank (SIB) Program on behalf of a State (State) and that is also an Applicant for Federal assistance authorized under 49 U.S.C. chapter 53 that it intends to deposit in its SIB is requested to provide the following assurances on behalf of itself, its SIB, and each subrecipient. Unless FTA determines otherwise in writing, the State itself is ultimately responsible for compliance with its certifications and assurances even though the SIB and a subrecipient may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its SIB and prospective subrecipients, the State is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from the SIB and each subrecipient, to assure the validity of all certifications and assurances the State has made to FTA. FTA may not award Federal assistance for the SIB Program to the State until the State provides these assurances by selecting Category "24."

The State organization, serving as the Applicant (State) for Federal assistance for its State Infrastructure Bank (SIB) Program authorized by section 1602 of SAFETEA-LU, now codified at 23 U.S.C. 610, or by section 1511 of TEA-21, 23 U.S.C. 181 note, or by section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note, 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 public transportation project financed with Federal assistance derived from SIB will be administered in accordance with:

- A. Applicable provisions of section 1602 of SAFETEA-LU, now codified at 23 U.S.C. 610, or by section 1511 of TEA-21, 23 U.S.C. 181 note, or by section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181;
- B. The provisions of the FHWA, FRA, and FTA or the FHWA and FTA cooperative agreement with the State to establish the State's SIB Program;
- C. 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 section 1602 of SAFETEA-LU, now codified at 23 U.S.C. 610, or section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note, or 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;
- D. The requirements applicable to projects of 49 U.S.C. 5307 and 5309, as required by 49 U.S.C. 5323(o); and
- E. The provisions of applicable Federal guidance that may be issued and amendments thereto, unless FTA has provided written approval of an alternative procedure or course of action.

Prepared by:
Georgia Department of Transportation
Division of Intermodal Programs