

Georgia Department of Transportation
Administrative Guide FY 2011
Title 49 U.S.C. Section 5311



Prepared by the Division of Intermodal Programs



Georgia Department of Transportation

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DISCLAIMER

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

INTRODUCTION

The Georgia Rural Public Transportation Program Administrative Guide for Local Transit Programs provides general information on the Georgia Rural Public Transportation Program as well as the application forms and requirements for applying for local project funds during the funding cycle beginning July 2010 and concluding June 2011. Appendix A presents the Section 5311 application schedule for grants covering this 12-month period.

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

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

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

District Public Transportation Coordinator (PTC) in your District or the Atlanta General Office. Appendix B of the Administrative Guide provides a District map and PTC contact information.

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GENERAL PROGRAM INFORMATION

Introduction

The Section 5311 Program offers local areas the opportunity to provide transit services to its citizens thus enhancing access to health care, business, commercial and activity centers. Section 5311 is the name of the Federal funding program administered by the FTA to provide assistance for rural public transportation. Federal funds are allocated to the states on a formula basis, and can be used for capital projects, operating assistance, planning, and program administration. GDOT, Intermodal Program Division is responsible for administering the program. GDOT is the recipient of these funds, and it in turn provides Federal funding (and a limited amount of state capital funding) to local subrecipients in

Georgia. This program has been in existence in Georgia since 1979, as the Section 18 program until 1990, when Section 18 became Section 5311 program. The Section 5311 Program has had a significant influence on mobility in rural communities. Ridership continues to increase while these programs provide necessary mobility to non-urban local areas. A successful Section 5311 Program requires a close partnership between the local and state interests. The success of this partnership will continue to influence mobility for rural residents.

State Program Goals

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

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

- **Goal: Program Implementation:**
 - partnering with the FTA in the administration of the Section 5311 program, meeting or exceeding all FTA program requirements
 - managing a program of excellence that provides timely management, direction, guidance, and reimbursement to allow local entities to provide safe, dependable quality service
 - partnering with local or regional entities to plan services to meet locally identified needs
 - partnering with local or regional entities to operate the services
 - providing technical assistance to help local providers improve effectiveness, efficiency, safety, and quality of service
 - providing technical information, policy analyses, and program management data to support transit program development

- **Goal: Efficiency and Effectiveness:**
 - while maximizing ridership, recognizing that there are significant differences in population density, trip characteristics, and client needs (accessibility, assistance, etc.) which will affect usage
 - subject to performance requirements appropriate to the area and type of service
 - with the appropriate type of service—demand-responsive, subscription route or route-deviation.

- using the appropriate vehicle type—accessible if needed, sedan, van, small bus, large bus
- **Goal: Safe, Secure Quality Service:**
 - operating equipment that is safe and within its design life, inspected for safety and overall condition
 - operated by staff meeting the highest qualifications—appropriate license (Commercial Drivers License (CDL) if required), safe driving and criminal records checked, drug and alcohol tested, etc.
 - operated by a staff that is trained to proficiency in all necessary skills:
 - Defensive Driving
 - Passenger Assistance
 - First Aid and CPR
 - providing a safe and secure service to the riders
- **Goal: Accessible Service—Usable by Persons with Disabilities:**
 - providing service that is accessible (adequate number of accessible lift- or ramp-equipped vehicles).
 - employing operators that are trained to proficiency in passenger assistance, lift use, restraints, mobility devices (folding, stowage, etc.)
 - user information and outreach to ensure that persons needing the service are aware of it and can obtain information
- **Goal: Coordinated Provision of Transportation in Rural Areas:**
 - co-ordinated policies at the state level through interagency coordination
 - coordinated at regional/local level—shared vehicles, shared ride, coordinated management—where it will result in more efficient, cost-effective, quality service that meets client and general public transit rider needs.

State Role in Program Administration

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

- Development of grant application and program policy/guidance materials,
- Development of program information materials and dissemination to prospective applicants,
- Allocation of available funds in a fair and equitable manner,
- Development and application of evaluation criteria to select projects for funding,
- Preparation of the Rural Transportation Improvement Program (RTIP) as the rural component of the Statewide Transportation Improvement Program (STIP), and the Section 5311 Program of Projects (POP),

- Negotiation and execution of grant contracts between GDOT and local subrecipients,
- Processing reimbursement payment requests from subrecipients, and preparing requests for Federal reimbursement,
- Monitoring and evaluation of the local provision of transportation under the program, including data collection and compilation, reporting to FTA, and ensuring compliance with state and Federal regulations,
- Provision of technical assistance to subrecipients to assist them in grants management, compliance, and the provision of safe, effective, and efficient services.

Program administration by GDOT follows all FTA requirements for the program, including those contained in FTA Circular 9040.1F (grant management guidelines for the Other Than Urbanized Areas Program), FTA Circular 4220.1F (Third Party Contracting Requirements), 49 CFR Part 18, the Common Grant Rule “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments” and FTA Circular 9070.1F among other requirements. (See 49 CFR parts 18 & 19 known as the “common grant rule.”) 49 CFR part 19 refers to non-profit organizations & institutions of higher education and 49 CFR 604 – as it refers to Charter Services.

Planning Requirements

Sub-recipients are required to have an annually updated RTIP. The RTIP is the programming document for projecting capital and operating expenditures for a four-year period and in turn serves as the basis for developing the Section 5311 application each year. Additionally, under 23 USC 135 and 49 USC 5304, all Federal funds programmed for transit projects must be included in a STIP. Section 5311 is included in this requirement. Metropolitan Planning Organizations (MPO’s) are responsible for transportation planning and programming in metropolitan areas. Where Section 5311 projects are being proposed within the MPO’s current planning/study area boundaries, or which may include areas expected to become urbanized within 20 years, they must be included in the MPO’s Transportation Improvement Program (TIP) and subsequently in the State-wide Transportation Improvement Plan, STIP.

Local Role in Program Administration and Operations

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

1. Georgia State Management Plan
2. Administrative Guide for Local Programs
3. FTA Circular 9040.1F
4. FTA Circular 4220.1F
5. FTA Circular 9070.1F
6. OMB A-87, Cost Principles for State & Local Governments
7. OMB A-122, Cost Principles for Non-Profit Organizations (Indirect cost allocation plan)

Program administration by an eligible public agency is required to follow FTA Circular 9040.1F regulations calling for continuous administrative and management oversight of project operations. In part, this administrative and oversight responsibility and conducting an annual independent audit report which reflects the revenues and expenses incurred and supported to the project.

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

Local Public Transportation System Goals

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

Public transportation service operations have the characteristics of a business with operating costs, payrolls and revenues. As a publicly supported operating service, it has the added responsibility of public accountability. The aim of systems operations should be to serve the community. **Services should be funded to the maximum extent possible by the generation of revenues through the fare box.** GDOT goal is for subrecipients to recover at least 10% of its public transportation cost from fare collection.

Types of Service

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

A. **Demand-response or route deviation service**

Demand-response is a type of service where individual passengers can request door-to-door or curb-to-curb transportation from a specific location to another specific location at a certain time. Route deviation service operates along a public way on a fixed-route, but may deviate from the route occasionally in order to take a passenger to a destination or pick one up from an origin, after which it returns to the regular route.

B. **Contract and subscription service**

Subscription service is a type of demand response service in which routes and schedules are pre-arranged to meet the travel needs of riders who sign up for the service in advance. Often these riders are clients of human service agencies, who contract with the transportation operator to provide the service on behalf of the agency. This type of service may be provided by a Section 5311 program only to the extent that it does not violate FTA Charter Bus restrictions. No vehicle(s) should be used exclusively for this type of service(s).

C. **Fixed-route, fixed schedule service** may also be appropriate in areas of sufficient population density. Fixed-route services operate along a prescribed path on a fixed schedule, serving pre-

established stops and sometimes flag stops. However, such service usually requires the provision of separate complementary paratransit service under the provisions of the Americans with Disabilities Act of 1990. (ADA) (Described later in this section). In most rural areas and small communities, route deviation service will be the appropriate and cost-effective way to implement scheduled services that comply with the ADA requirements. Implementation of fixed-route, fixed-schedule service with ADA complementary paratransit should only be considered after planning efforts have determined that the projected demand will support such service, and that ADA requirements can be met in a cost-effective manner.

Serving the General Public

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

Section 5311 funded services may be designed to maximize use by members of the general public who are transportation-dependent, including elderly persons and persons with disabilities. Coordinated human service transportation which primarily serves elderly persons and persons with disabilities, but not restricted from carrying other members of the public, is considered available to the general public if it is marketed as public transit service. GDOT does not allow Sub grantees, to operate any vehicle for the exclusive use by any group other than for the general public.

While coordination with human service transportation is encouraged, and Purchase of Service contracts may comprise a significant portion of services operated with the Section 5311 vehicles, operators must ensure that the general public is able to use the service and make the general public aware that the service is available through marketing and community outreach. Further, the general public should not be denied service as a result of Purchase of Service contracts that consume all of the available capacity for the service during regular operating hours. Section 5311 recipients are subject to Federal charter restrictions, which may also apply to some Purchase of Service contracts. This is further described in the Compliance Requirements section of this Administrative Guide.

Service Policy

Transit programs are expected to meet the minimum criteria established in GDOT's Rural Public Transportation Service Policy. The policy criterion establishes a guide for evaluation of the program operations and applications for funding. These include but not limited to:

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

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

Criteria for Project Approval

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

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

Eligible Project Expenses

The GDOT Section 5311 program makes available two types of assistance to sub recipients; Capital and Operating assistance. Capital assistance provides funding for the purchase of **equipment needed** to provide public transportation and facilities, while Operating assistance provides funding

towards the **provision of services**. Under the Georgia program, administrative costs are treated as part of the operating budget and funded at the same ratio as Federal to local funds.

Restrictions on Eligible Operating Expenses

Federal funding may be applied to system operational deficits subject to availability of funds. Federal participation is allowed up to 50 percent of the eligible net operating deficit/expenses. (Eligible gross operating expenses less operating revenues). These expenses must be reasonable, necessary and justified. Eligible operating expenses are those costs directly related to system operations and at a minimum include, driver, mechanic, and dispatcher salaries, licenses, vehicle insurance, drug/alcohol testing, uniforms, fringe benefit, maintenance and repairs (includes oil, tire and parts), and fuel. Monthly service fees for cell phones and/or two-way radio services are eligible operating expenses. Operating revenues include farebox and agency contract revenues. At the local sub recipient's discretion, purchase of service, contract revenue may be treated as operating revenues or local match. Georgia policy requires a minimum of ten percent farebox recovery. GDOT may consider interest on short-term loans for operating assistance as an eligible administrative expense. However, such interest on short-term loans may only be considered as an eligible expense with the prior written approval from the Intermodal Programs Division.

Policy on Allocation of Costs between Operating and Administrative

Actual costs attributable to the administration of the project should be included as operating expenses, and as operating expenses they are reimbursed at the same ratio as all operating expenses (up to 50% of the net operating deficit, subject to available Federal funds). Administrative costs can include director, supervisor, bookkeeper, and secretary salaries, training/travel, marketing, telephone, office supplies, standard overhead, computer software, and rental/lease expenses (including spare vehicle lease expenses). Audit expenses are included as an eligible expense. GDOT's goal is to limit administrative expenses to 20 percent of total operating expenses, and the 20 percent guidelines are used as evaluation criteria. If budgeted administrative costs exceed this level, GDOT requires additional justification supporting the request.

Indirect costs are expenses not readily identified with a particular activity but are necessary for the operation of the system. These costs are not ineligible costs but they must be based on a documented cost

allocation plan and submitted to GDOT for approval. Examples of such costs are; Fringe Benefits and overhead costs.

Policy on Eligibility of Capital Costs

Eligible capital expenses may include the following:

1. Vehicles,
2. Communication equipment,
3. Wheelchair lifts,
4. Equipment installation costs,
5. Computer equipment and purchase of software (Maintenance fees are considered eligible expenses).
6. Office equipment,
7. Smart Card Reader,
8. Fareboxes.
9. Transit Facilities.

GDOT Intermodal office purchase vehicles to replace existing transit vehicles that have reached the end of their useful life based on GDOT's Intermodal Office useful life standards, or may purchase vehicles for service expansion if so indicated based on unmet demand and high utilization of the existing fleet. Transit providers are not allowed to make direct purchases of any transit vehicles. The Intermodal Programs Division currently assumes the responsibility of purchasing vehicles statewide. No vehicles should be purchased as spares, or as additions to a fleet that would displace other operating vehicles to the role of spares or for the exclusive use for purchase of services. In the event a vehicle is down due to major vehicle repairs, back-up vehicles are available for short-term lease at \$.10 per mile. Lease vehicle expenses are treated as eligible operating expenses.

GDOT recognizes that the use of computers can assist public transportation operators by facilitating the effective use of operations and fiscal information to improve public services and in contrast to past practices, laptop computers are now considered eligible capital expense.

Regarding the purchase of lift-equipped vehicles, GDOT enforces the Federal equivalency requirement “that prior to purchasing or leasing of new vehicles for use in a system, the operator shall ensure that the vehicle is readily accessible to and usable by individuals with disabilities.” The exception to this is, “if the system, when viewed in its entirety, provides a level of service to individuals with disabilities, including individuals who use wheelchairs, equivalent to the level of service it provides to individuals without disabilities, it may purchase new vehicles that are not readily accessible to and usable by individuals with disabilities.” Equivalent service is evaluated with respect to the following service characteristics:

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

Local applicants are required to demonstrate compliance with the above prior to receiving vehicles not equipped with ADA accessible equipment. A new Certification of Equal Access (Exhibit 13 of the Administrative Guide) is included as part of the Grant Application. All systems must have, at a minimum, one, ADA wheelchair equipped vehicle available for service. However, GDOT requires that each Section 5311 provider must meet the current demands of the disabled population, and if one lift-equipped vehicle is not sufficient to meet that demand, then additional lift-equipped vehicles must be provided.

Local Share and Local Funding Requirements

Capital

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

Operating

Local funding for operations is required to cover the non-federal costs of the net deficit/expense. Under the GDOT Section 5311 program, 10 percent of the public transportation operating costs must be provided from fare income/revenue or other local dollars. The remaining 90 percent of the operating cost is considered the net operating deficit/expense. Federal funding/share shall not exceed 50 percent of the net operating deficit/expense; the remaining 50 percent (or more) must be provided from local funds.

Income from human service transportation provided under contract, (Purchase of Service or POS funding from section 5310) may **only** be used to reduce the net project cost (treated as revenue). Income from human Service transportation section 5310 contracts **cannot** be used as local match for Section 5311 program. The cost of providing the contracted service must be included in the total project cost. When POS (non- US DOT FUNDS) is used as local match, excess POS (POS greater than the amount designated as local share/match) **MUST** be subtracted from the federal share amount--per FTA requirement. When POS is used as revenue, any increase in POS will also increase the total revenue therefore reducing the net deficit--which will also reduce the 50% federal share. All POS agreements should meet /recover the fully allocated operating costs. **GDOT may at its discretion, investigate the source(s) of local match to ensure that US DOT funds are not used for or as local matches.**

While GDOT does not prohibit a subrecipient from using income from human service agency contracts as a source of revenue, the state may elect to regard the degree to which a subrecipient demonstrates local financial commitment to the project from other sources of local funds as a rating factor in its discretionary allocation decisions (as allowed under 49 U.S.C. & Section 5311(e) (2)). See FTA Circular 9070.1F for more information.

Project Duration

For this application package, all Section 5311 capital and operating project(s) should cover a 12-month funding period (July through June). The only exception will be to allow new programs scheduled to initiate service at mid year. Projects will be funded on a yearly basis. See Appendix A for this year's Section 5311 application schedule.

Reimbursement

Section 5311 program is a fully reimbursable program based on **ACTUAL COST** which uses “generally accepted accounting principles” and the Standard for Audits of Governmental Organizations, Programs, Activities and Functions, developed by the Comptroller General, dated February 27, 1981. While the Intermodal Programs Division encourages rural transportation providers to develop their budgets based on actual cost, it is also prudent that **ACTUAL REVENUE** received from contracted services (Purchase of Service) be reported as well. Since the Rural Public Transportation program is a partnership between the County/City or any other governmental entities and the Georgia Department of Transportation, the contract between the two parties is for a specific period of time, usually one year and does specify certain financial obligations between both parties. As a cost-sharing venture, Georgia Department of Transportation (on behalf of FTA) and the County/City or governmental entities share the cost of operations at 50/50 ratio. The Intermodal Programs Division requires MONTHLY submissions for reimbursement using the prescribed reimbursement form. All reimbursement requests must be accompanied by source or supporting documentation. Source documents may include payroll records, copies of payroll checks etc. The source documents must at a minimum, show unit pay per employee hour, hours worked per pay period etc. The Intermodal Programs Division will not process any request for reimbursement that is not in accordance with the approved budget and or which lacks the required source or supporting documents. All requests for reimbursement must be submitted using the standardized reimbursement form. (Consult a PTC for copy).

Budget Revision

Budget revision is the process of moving or shifting funds from one line item of an approved budget to another line item within the same approved budget without change in the scope of the original budget. The Intermodal Programs allow rural public transportation providers the flexibility to move funds within its approved budget so as to align expenses to budget without increasing the budget. To effect a budget revision, the rural public transportation provider must submit the request in writing and obtain approval from their respective Rural Transportation Coordinator within the assigned district, using the standard budget revision form. See Appendix J-1. The Rural Public Transportation Coordinator can approve a budget revision request that does not 5% change. All requests for budget revision must be justified and require source documentation. GDOT encourage all request for budget revision be submitted within the

contractual period.

Budget Amendment/Supplemental

Budget amendment is a change to an existing budget. It involves a fundamental change in the scope of an existing budget so much so that a supplemental contract has to be executed. A budget amendment involves a change in the amount previously approved. It also alters the federal and Local amount. The Intermodal Programs office takes the request for budget amendment very seriously since it involves multiple processes. All requests for budget amendment must be submitted through the appropriate Rural Public Transportation Coordinator using the standardized format. Rural Public Transportation Coordinator CANNOT approve requests for budget amendment. The request can only be approved by the Atlanta Office. For a budget amendment or supplemental budget to be considered, the request must be within the contract period. The Intermodal Programs will not consider any change to an approved budget without its prior written approval nor will it consider for reimbursement any request which is not an expense under an approved budget without its prior written approval. See [Appendix J-2](#).

Budget/Contract Close-Out

Since most budgets are based on a 12-month period, the Intermodal Programs require all Rural Public Transportation providers to submit a final reimbursement and have the contract ready for close-out within **90 days** of the contract/budget expiration. For a contract to be closed-out all necessary reimbursements must have been submitted and payments made against the contract. Request for contract/budget close-out must be made on County/City letter head, duly signed by authorizing personnel and submitted to the appropriate Rural Public Transportation Coordinator for processing. Once the contract/budget close-out letter is processed, no further claim or reimbursement can be made against the contract.

Procurement

Under Georgia's Section 5311 State Management Plan, local Section 5311 recipients are not allowed to directly procure any vehicles for use in its transit program. GDOT procures vehicles funded under the Section 5311 program, while city and county government subrecipients may purchase other

types of equipment (such as computers) through the state contracts, as appropriate and allowed by the State Purchasing Division, Department of Administration Services after prior approval from the Intermodal Programs. All other purchases are the responsibility of the local grantees provided the purchases are made in compliance with FTA, Circular 4220.1F, GDOT and local purchasing guidelines. Typical local Section 5311 procurements include operations maintenance, computer hardware and software vendors, office, and communications equipment (mobile radios, copiers etc.).

All purchases and contracts made with Section 5311 funding must comply with FTA Circular 4220.1F, state and local procurement requirements, as appropriate to the size and type of the purchase. Purchase of unnecessary or duplicative items must be avoided. Grantees are required to analyze procurement and to investigate alternatives that will result in an economical approach (such as consolidating or breaking out purchases).

GDOT Concurrence

GDOT must concur with all local Section 5311 solicitation documents prior to the initiation of the procurement process for all items or services purchased with capital funds valued at \$5,000 or more. This includes approval of bid specifications for equipment and requests for proposal for TPO or consultant services. FTA Circular 4220.1F. GDOT must also concur in writing with the recommendation for award prior to the execution of a local contract or purchase order of \$2,500 or more. The city or county requesting the purchase **MUST** submit their request to the District PTC for review and recommendation. If the District PTC concurs, they will submit the request to DIP (Division of Intermodal Programs) for review and approval. **No prior written approval is required if the cumulative capital purchase price is less than \$2,500.**

All requests for Third party or consulting services must be submitted in writing to the appropriate PTC. The request must show the need or reason(s) for the request, the justification and necessity for such services. Payment and contract duration must be specified in the letter. The PTC should forward such requests to the Intermodal Office for review and approval. Upon approval, GDOT will be at the evaluating table when interviews are conducted and must convey approval in writing prior to any third party or consulting services been procured.

Competitive Procurement

Grantees must conduct procurement transactions (\$5000.00 and above) in a manner that provides for full and open competition. Grantees are prohibited from restricting competition in federally-supported procurement transactions. In general, more expensive projects require a more formalized procurement process to ensure fair competition and the best value, while vendors for less expensive projects may be selected through a relatively informal basis.

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

Under \$2,500	Procurement by Micro-Purchases: No competitive process is required if grantee determines that the price is fair and reasonable. Documentation should include the determination that the price is fair and reasonable, and how the determination was derived.
\$5,000-\$100,000	Procurement by Small Purchase Procedures: Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies or other property. FTA requires price or rate quotations obtained from “an adequate” number of “qualified sources”.

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

Alternative procurement methods recognized by FTA include:

- **Procurement by Sealed Bids/Invitation for Bid (IFB):** To be feasible, this method of procurement requires several conditions. It should be possible to develop a complete, adequate and realistic description or specification of the goods or services in question. There are two or more responsible bidders willing and able to compete effectively, and the procurement lends itself to a firm fixed price contract, and the selection can be made principally on price.
- **Procurement by Competitive Proposal/Request for Proposals (RFP):** Normally conducted with more than one likely proposer, this method is used when the goods or services being sought are difficult to fully specify or describe completely, when there are multiple evaluation factors, and when the award will be made to the firm whose proposal is most advantageous with price and other factors considered. Subrecipients using this method should have a means of conducting technical evaluations of the proposals.

- **Procurement by Noncompetitive Proposals (Sole Source):** In this case, a proposal is solicited from only one source, or if after solicitation from a number of sources, competition is found to be inadequate. This can be used only when the award of a contract is infeasible under other procurement strategies (IFB or RFP), and the item is available only from a single source, or the public requirement will not permit a delay from a competitive procurement process. A cost analysis verifying proposed cost data and evaluating specific elements of costs and profits is required.

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

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

All FTA-funded contracts (including Section 5311) must contain all required FTA clauses. These are provided in Appendix O and are available from the PTC's, and they are also available on line at <http://www.fta.dot.gov/6092_16165_ENG_HTML.htm>.

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

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

Grantee Self-Certification

As part of the annual certifications and assurances submitted with the grant application, all Section 5311 grantees must "self-certify" that their procurement system meets FTA requirements and that the grantee has the technical capacity to comply with Federal procurement requirements. GDOT will monitor

compliance with FTA, GDOT and local procurement requirements as part of local Section 5311 compliance reviews. If GDOT becomes aware of circumstances that might invalidate a grantee's self-certification, GDOT will investigate and take corrective actions as necessary.

Maintenance Requirements

Vehicles must be maintained in good working order. Subrecipients are required to follow the manufacturer's recommended maintenance schedule for Section 5311-funded property—including vehicles, wheelchair lifts, and other accessibility equipment.

Each Section 5311 system should have a documented maintenance policy and plan, with goals and objectives, and should implement the planned program. The condition of vehicles, including accessibility equipment, will be monitored through GDOT vehicle inspections conducted by the District Public Transportation Coordinators each year. Guidance addressing the use, purchase, maintenance, insurance, and disposition of vehicles is provided in a separate memorandum available from GDOT. This separate document also includes model forms for pre- and post-trip inspections, a recommended maintenance schedule, and a model of a maintenance policy.

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

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

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

the separate guidance memorandum regarding vehicles, and an electronic version can be obtained from the District PTC to serve as basis for a local written maintenance policy.

Private Sector Participation

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

The application itself requires information on the following topics:

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

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

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

8. Any complaints from private operators and how these were resolved.
9. Description of the local mechanism for resolving conflicts or complaints involving private operators.

GDOT Charter Service Policy

Section 5311 subrecipients and their contractors are **prohibited** from using federally-funded equipment and facilities to provide charter service. GDOT does not allow its subrecipients to provide charter services. The only allowable exception would be in cases where a transit provider has to provide transit services to or transport governmental official(s), such as local government staff and elected officials. Such services or transportation **MUST** be reported to GDOT and also to FTA using the TEAM reporting module. The transit services/transportation provided to government or elected officials must not exceed **80 hours** in a given year. (For more information on charter service, please read **49 CFR 604.**)

As a condition for continuous FTA funding, subrecipients are required to annually sign a certification of no intent to provide charter services with their applications.

This prohibition applies to bus and van services provided by direct recipients, subrecipients, or TPOs that provide bus or van services funded by FTA.

What is Charter Service?

Charter service refers to transportation provided by a recipient or subrecipient at the request of a third party for the **exclusive use** of a bus or van for a negotiated price. The following features may be characteristic of charter service but does not include demand response services to individuals:

- (I) A third party pays the transit provider a negotiated price for the group
- (II) Any fares charged to individual members of the group are collected by a third party
- (III) The service is not part of transit provider's regularly scheduled service, or is offered for a limited period of time; or
- (IV) A third party determines the origin and destination of the trip as well as the scheduling; or
- (V) Transportation provided by a recipient to the public for events or functions that occur on an irregular basis or for a limited duration and (i) A premium fare is charged that is greater than the usual or customary fare. (ii) The service is paid for in whole or in part by a third party.

GDOT Meals-on-Wheels Service Policy

The purpose of the Section 5311 program is to provide funding and assistance for public passenger transportation services. FTA does not explicitly prohibit meals-on-wheels programs under the Section 5311 program. However, incidental use of a Section 5311 vehicle for non-passenger transportation on an occasional or regular basis must not result in a reduction of service quality or availability of public transportation service.

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

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

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

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

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

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

Coordination

The Georgia Section 5311 program and application reflect a perspective that many local projects will be coordinated with other programs Federal, State and local agencies as can be seen in the policies addressing POS revenue which can be used as local match or as revenue. Similarly, the GDOT monthly reporting forms collect data on utilization of Section 5311 vehicles by clients of particular agencies. Section 5311 funded vehicles, owned by counties and cities are operated by TPOs who also provide client transportation under other state programs. In 2002, approximately half of overall Section 5311 ridership consisted of clients of other agencies, and approximately two-thirds of Section 5311 providers served other client groups. About 10 percent carry non-emergency Medicaid trips for the Department of Community Health (DCH) under its brokerage program. GDOT provides guidance in this guide as well as in the application on how applicants can address POS contracts and the fully-allocated operating cost of providing the service. GDOT policy is that such services should cover their fully-allocated operating costs.

Americans with Disabilities Act

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

Under American Disabilities Act of 1990 (ADA) requirements, the service(s) provided to persons with disabilities, including persons who use wheelchairs must be equivalent to the level and quality of service(s) offered to persons without disabilities. All grant applications require local signatures on the FTA Standard Certifications and Assurances page, including Assurance Number 11, the Certification for Demand Responsive Service, which requires the subrecipient to assure that it meets the equivalency tests. If a subrecipient is applying for a non-accessible vehicle, they must also submit the *Certification of Equal Access for Persons with Disabilities*, and a duly completed GDOT *Equivalency Analysis for Demand-Responsive Public Transportation* (Exhibit 13) as part of the application. GDOT reviews these local certifications as part of the annual grant application process.

GDOT recognizes that there are ADA requirements that apply to subrecipients providing demand-responsive or route deviation services, which are eligible service types under the GDOT Section 5311 program. The GDOT Section 5311 program does not currently fund any fixed-route transit service as an eligible service, unless a local Transit Development Plan is completed that would show the feasibility of

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

Purchase of Non-Lift Equipped Vehicles

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

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

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

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

(Exhibit 13), and attaching a completed GDOT *Equivalency Analysis for Demand-Responsive Public Transportation* (also part of Exhibit 13) as part of the application.

Requirements Regarding Lift Maintenance and Maintaining Accessible Service

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

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

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

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

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

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

Subrecipients should have a written policy stating these policies on file, and include this information in their public information flyer and in any other public information such as a web-site. Marketing is an eligible expense under the Section 5311 program and GDOT encourage Subrecipient's to avail itself of this funding opportunity to provide public information including printing fliers. A marketing model or template is available and can be obtained upon request from a PTC. This model or template can be modified locally to include the specific names, logos, hours of service, etc.

ADA Compliance Monitoring

GDOT will monitor subrecipient's compliance with the ADA requirements during the compliance review conducted by its staff every three years, and or during site visits associated with the annual vehicle or inventory inspections. The purpose for the monitoring is to make sure that GDOT's subrecipients are in compliance and the following questions are satisfactorily answered on a continuing basis:

- A. Is the vehicle ADA accessible?
- B. Are the lifts being cycled before service is provided?
- C. Have you denied service over the last six months? How much? Why?

- D. Have you refused service animals?
- E. How do you ensure that service animals are allowed?
- F. How are you meeting ADA regulations?

Vehicle Inventory/Inspection

GDOT intermodal staff and the PTC's will conduct vehicle inventory every two years using GDOT's RMIS vehicle inventory data as a benchmark for reconciliation to actual vehicles on location.

The inventory should include the following information:

- (i) GDOT assigned four-digit vehicle number
- (ii) Subrecipient's name
- (iii) Vehicle identification number (VIN)
- (iv) Date of purchase/delivery
- (v) Cost of vehicle
- (vi) Vehicle type
- (vii) Year of manufacture
- (viii) Seating capacity
- (ix) Vehicle Make
- (x) Grant/contract number under which vehicle was purchased.
- (xi) Date of inventory
- (xii) Signature of person(s) performing inventory

A copy of the vehicle inventory report upon completion should be forwarded to the Vehicle Program Manager for reconciliation. Any discrepancy should immediately be investigated and reported accordingly.

GDOT's staff or PTC's will conduct vehicle inspections during the months of April and May of each year. The inspection will include the following categories:

- (i) Parking Brakes
- (ii) Windshield wipers/Fluid level
- (iii) Horn
- (iv) A/C system
- (v) Heating
- (vi) Interior Lights

- (vii) Seats/Seatbelts
- (viii) Mirrors
- (ix) Jack/Tire tools
- (x) Lift equipment
- (xi) Mobile Radio
- (xii) Cleanliness
- (xiii) Safety equipment (first aid kit, spill kit, hazardous spill kit)
- (xiv) Doors, Tires
- (xv) Headlights/Tail lights, parking lights, flasher, turn signals (front & rear), backup lights/Brake lights
- (xvi) Exhaust system, battery
- (xvii) Oil change, date and mileage
- (xviii) Body damage and cleanliness

See Appendix M & N for vehicle inventory and inspection forms

GDOT recommended pre-trip inspection forms require daily cycling of the ADA lift, and both the compliance review and site visits will include a review of these files for completed pre-trip inspections. Logs showing dates when accessible vehicles were put out-of-service due to failures and repairs (of any type) or maintenance should demonstrate that no accessible vehicle was operated for more than **five days** with an inoperative lift. The review will also include checking on public information to make sure that subrecipients notify the public of its policy allowing persons with respirators (portable oxygen tanks), personal care attendants, and service animals on board.

Continuous Control & Vehicle Monitoring/Storage

In order to maintain continuous control of all FTA funded equipment at all times, it is GDOT's policy not to allow any FTA funded property to be removed from its designated location.

Under very limited circumstance must a section 5311 vehicle(s) be taken or driven home without prior written approval from Georgia Department of Transportation. All section 5311 vehicles must be stored in a lighted, safe, fenced and patrolled or controlled area. Requests to allow a vehicle to be taken away from the storage area must be in writing addressed to the appropriate District Public Transportation Coordinator in your area. The District Public Transportation Coordinator will forward the request including justification to the Atlanta office for consideration. GDOT recommends that requests be

submitted thirty (30) days prior to the proposed scheduled date and at the minimum, should include the following;

- Justification for exception
- Mileage from the transit office to proposed initial stop
- Mileage from driver's home to transit office
- Mileage from driver's home to initial passenger pick up stop
- Mileage driven each day
- Time of initial passenger pick up
- Driver's home address including phone number
- Additional insurance coverage

Transit providers must demonstrate how they intend to monitor the use of the vehicle when not stored within transit locations.

GDOT may request driver(s) to include vehicle in his/her home insurance policy to protect both GDOT and FTA's interest in case of any loss therein. Failure to comply with this policy may result in the denial of future funding by FTA and Georgia Department of Transportation and may include denial of any reimbursement. Should providers have any questions on this policy, they should contact their respective District Public Transportation Coordinator, or the Atlanta office for guidance.

Interstate Service Requirements

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

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

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

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

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

Insurance Requirements for Interstate Operation

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

Table 1: SUMMARY OF LIABILITY INSURANCE REQUIREMENTS IN ADJACENT STATES

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

Applications to FMCSA

In Appendix L there are three forms that a Section 5311 operator would need to submit to FMCSA. The first page is a copy of the form that needs to be submitted to the FMCSA to be eligible for this special financial responsibility provision that applies to Section 5311 operators. This form is not available on the FMCSA website, though the general application for a USDOT number is available online (www.fmcsa.gov). It is recommended that counties, cities, or TPO's applying under this exemption print out or copy the applicable forms to request operating authority (OP-1(P) and a USDOT number (MCS-150)) (both also in Appendix L), and mail them in together with the request for special financial

responsibility coverage form and a cover letter explaining the nature of the Section 5311 entity. If the city or county contracts with a TPO for service operation, the letter should explain the contractual relationship of the TPO with the Section 5311 recipient (a city or county). A copy of the contract might also be needed to demonstrate the nature of the agreement. Forms certifying to the insurance levels must be sent by the insurance carrier to FMCSA within 90 days of the operator's application.

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

The FMCSA office in Atlanta can be found at:

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

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

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

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

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

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

RURAL PUBLIC TRANSPORTATION APPLICATION

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

PART I - PROJECT DESCRIPTION

PART II - COMPLIANCE REQUIREMENTS

The Project Description outlines what the public transportation program will accomplish and how it will approach management of resources and operations. The Compliance Requirements are necessary to receive Federal funds. The following instructions should be followed carefully while developing the application:

PART I - PROJECT DESCRIPTION

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

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

The following sections should be included in the Project Description:

Executive Summary

The Executive Summary is a one page outline of the Project's key elements (See page 36). Information about the following items should be included:

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

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

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

The format for the Executive Summary is outlined below:

EXECUTIVE SUMMARY (Exhibit 1)

1. APPLICANT: _____
2. CONTACT PERSON: _____
3. ADDRESS, PHONE, E-MAIL: _____
4. IF TPO, NAME, CONTACT, ADDRESS, PHONE, E-MAIL _____

5. NUMBER OF YEARS PROGRAM HAS BEEN OPERATING: _____
6. PROGRAM OBJECTIVES: _____

7. MARKETS SERVED (including Purchase of Service (POS)): _____

8. COMMUNITY BENEFITS: _____

9. NUMBER OF VEHICLES IN PROGRAM: _____
10. NUMBER THAT ARE LIFT-EQUIPPED: _____
11. NUMBER OF MOBILE RADIOS OR OTHER COMMUNICATION EQUIPMENT: _____
12. DESCRIPTION OF CAPITAL ITEMS BEING REQUESTED (If Replacement Vehicle enter vehicle number and mileage as of June 30, current year), if expansion, enter "Expansion":

13. DESCRIPTION OF PROPOSED MARKETING EFFORTS: _____

TOTAL BUDGET REQUESTED:

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

The Organization

This section(1-6) should describe in detail the management and objectives of the operation. It also should explain the organizational position of the transit system within the local government structure.

The section should include the following:

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

All contracts made with Section 5311 funding must comply with FTA and state procurement requirements, as appropriate to the size and type of the contract. The FTA requirements are detailed in FTA Circular C 4220.1F, "Third Party Contracting Requirements" (available online through www.fta.dot.gov) and the State of Georgia Procurement Manual issued by the Department of Administrative Services (DOAS) (available online through www.doas.state.ga.us). **Proposed TPO**

contract(s) must be submitted for GDOT review and approval with the Project Description. The selected third party operators and the selection process must be approved by PTC prior to awarding a third party contract. Upon execution, a copy of the signed TPO contract must be submitted to PTC. TPO selection needs to go through a competition selection process.

The Market (6-8)

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

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

The Operations (9-19)

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

The following should be included in this section:

Capital Inventory

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

If a new vehicle is requested in the application, **justification** must be included. Also, indicate whether the requested vehicle(s) is for expansion of the fleet or replacement of an existing vehicle that

has ADA accessible features. If it is to replace an existing vehicle, identify the vehicle to be replaced with an **asterisk*** beside the assigned DOT vehicle number in the above inventory and an “E” for expansion. (See example for vehicle number 1443 on next page). If mobile radio equipment is being requested, **a copy of the current unexpired license and frequency must be attached to the application** and identified as such. Vehicles that have been replaced should be turned in to the district office within thirty (30) working days after the delivery of a new (replacement) vehicle. An order will not be submitted for a replacement or expansion vehicle until: 1, all titles for previously delivered vehicles have been turned in; 2, existing fleet have been applied for; and 3, are on file at the Division of Intermodal Programs.

All capital equipment being requested should be included in the RTIP and the Metropolitan Planning Organization’s TIP if the project is within an MPO planning/study boundary (See Section on Planning Requirements,).

Service Quality and Performance

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

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

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

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

1. Operating Performance for Last Calendar Year:

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

*OWPT = One-Way Passenger Trip

2. Operating Performance Projected for Current Year:

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

3. Operating Performance Projected for Application Period:

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

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

General Operating Guidelines

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

The Marketing Program

Marketing plays an important function in the exposure of a system services, which serves to provide information to the general public, help develop community recognition of the public transportation services and stimulates new ridership. The following should be included:

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

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

Financial Data

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

1. Begin this section with an explanation of the most recent year's financial performance, including any balances left in the budget and/or expenses incurred but not reimbursed. (A

copy of December's reimbursement request or the final reimbursement request for the most recent year must be attached).

2. An explanation of the program income, excluding capital, must be included for the last calendar year; the projected current year and the projected application period (See the following example).

PROGRAM INCOME

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

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

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

C. Details of transportation services to be provided, for example:

1. Number of hours per day
2. Number of days per week
3. Number of vehicles to be used per day
4. Service destinations.

- D. What will be the basis for payment to the provider? (Total payments should at a minimum cover fully allocated costs as outlined in the Exhibit 3 – POS Computation Worksheet)
- E. Contract duration; start and end dates. If possible, the Purchase of Service contract should run on a State Fiscal Year cycle.

6. Services provided for the Department of Human Services (DHS) or the Department of Community Health (DCH) or other social service programs should be reimbursed in an amount sufficient to cover the fully allocated operating cost. A POS Computation Worksheet should be submitted to show that this is being done. (Two sample worksheets are included that demonstrate the system's POS revenue both meeting and not meeting the average Fully Allocated Operating Cost).

7. An example of the revised Operating Assistance Reimbursement Form is presented in Exhibit

4. An electronic version of this form will be provided for use by subgrantees. In the electronic version the contract budget is entered at the beginning of the year. Each month the subgrantee enters their expenses, and the entries for the reimbursement form will be calculated and inserted electronically. The subgrantee can then transmit the electronic sheet to the PTC, but will also need to print out the reimbursement form, sign the hard copy, and submit it by mail. This new Reimbursement Form incorporates the current treatment of POS revenue as revenue or local match, based on the budget that is entered, and it will be consistent with the reimbursement elements of the RMIS on-line management information system.

8. All increases in budget line items from the current year's budget must be explained and justified. Separate accounts for farebox, purchase of service revenues must be documented. Transferring funds from drug/alcohol testing and training line items will not be approved. This is to ensure that sufficient funds will be available for any required testing and to encourage systems to take advantage of training opportunities.

9. Systems should aim to recover 20 percent of public transportation costs from the farebox revenues generated through regular operations, with a **minimum ten percent farebox recovery required** for this funding period. All purchase of service agreements should recover the fully allocated costs. If no fare is charged, County/City is responsible to cover the ten percent farebox requirements. Fare is defined as cash given by passengers as payment for rides, excludes charter revenue.

10. Funds received from POS (non US DOT Funds) may be treated as local match. Income from contracts to provide human service transportation (section 5310 only) may be used to reduce the net project cost as revenues such funds and **cannot** be used to provide local match for Section 5311 operating assistance. In either case, the cost of providing the contract service is included in the total project cost.

In the application budget (Exhibits 2 and 4), POS may be treated either as a revenue or local match. If POS is treated as revenue, then the transit operator will subtract POS revenues from the Total Expenses along with farebox revenues to derive the Net Operating Deficit. If POS is treated as local match (non US DOT Funds) then the transit operator will subtract only farebox revenue from total expenses to derive the Net Operating Deficit. Although POS appears in two places on the budget application form, section 5310 funds SHOULD only be entered as REVENUE. All other incomes may also be entered as local match or revenue at the discretion of the subrecipient. If POS is used as local match, excess POS (greater than 50% of the net deficit) MUST be subtracted from the federal share amount--per FTA requirement. If POS is used as revenue, excess POS (greater than the amount shown in the budget) over the course of the year will increase the total revenue, reducing the net deficit--which will also reduce the 50% federal share. The new electronic Reimbursement Form will make the necessary calculations and provide information to assist in the management of the programs to anticipate the impact of POS amounts that are over or under the budgeted amounts.

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

PART II - COMPLIANCE REQUIREMENTS

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

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

The certifications and assurances required for this funding period grant application were published in the Federal Register; or at <http://ftateamweb.fta.dot.gov>

This register contains FTA's comprehensive compilation of the Federal Fiscal Year 2010 Certifications and Assurances to be used in connection with all Federal assistance programs. The 24 categories of certifications and assurances are listed on the other side of the signature page document Exhibit 5.

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

2. **Intergovernmental Review Process**

The applicant should submit the results of an intergovernmental consultation review from the state, regional and metropolitan clearinghouses as applicable (Exhibit 6). The State Clearinghouse Office provides the application identifier designation number. The approval form (SC-4) needs to be returned to GDOT.

3. **Authorizing Resolution**

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

4. Private Enterprise Coordination

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

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

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

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

To avoid a second notice of “No Response”, have the publisher print in the advertisement that if there is no response by the deadline date, GDOT will proceed with the project(s) as described

(See Exhibit 8B). Also, submit correspondence to the Division of Intermodal Programs and maintain a file that there was no response for a public hearing.

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

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

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

5. Charter Service

Currently, GDOT **does not allow** its section 5311 subrecipients to perform charter services with FTA funded equipment. Subrecipients must sign the no intent to provide charter service certification. (see page 22 of this guide for more information)

6. Public Hearing Requirements

Any request for capital program assistance or other Federal assistance (except Urbanized Area Formula Program Assistance), that will substantially affect a community or its transit service, must provide the following certification. FTA may not award Federal assistance until the applicant provides this certification by selecting Category V on the Comprehensive Certification/Assurance document (Exhibit 5). Notices should be published in a newspaper of general circulation. The notice should allow interested persons to comment within 15 days following publication of the notice. A copy of the advertisement along with the publisher's affidavit should be included in the grant application. Public hearing requirements are for grants requesting capital assistance. See Exhibit 8B for an example of a combined notice for Private Enterprise Coordination and the Rural Public Transportation Program. See Appendix G for public hearing requirements.

7. Labor Protection

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

Though FTA has incorporated the Labor and Protection Certification/Assurances into their comprehensive certification and assurance checklist, the Department of Labor still requires that the labor protection documents be signed and be reported to their Department before a contract is executed. Signed agreement (Exhibit 10) must be in the Division of Intermodal Programs by November 30, 2009 if application is not already submitted.

8. FTA Title VI Data Collection and Reporting

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

9. Substance Abuse Certification

All prospective applicants must certify that they have established and implemented an alcohol misuse prevention and anti-drug abuse program in accordance with the terms of 49 CFR, Parts 655 and 40 as amended (Exhibit 12) prior to any contractual agreement. GDOT will not honor any request or application without the establishment of anti-drug abuse and alcohol misuse programs.

10. Certification of Equal Access for Persons with Disabilities

All Applicants requesting vehicles without the access features required by 49 CFR Part 38, must certify that its fleet when viewed in its entirety provides disabled persons with access equal to that provided to any other persons in terms of the following criteria:

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

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

11. Checklist

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

12. **Application Submission**

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

EXHIBIT 1

**SECTION 5311 GRANT APPLICATION
COVER SHEET & CHECKLIST**
(For the Application Period July X 20xx through June 20xx)

Application Preparer _____ Phone No. _____

City/County _____ Exhibit number

PART I:

- | | | |
|---|--------------------------|-----------|
| Executive Summary | <input type="checkbox"/> | Exhibit 1 |
| The Organization | <input type="checkbox"/> | |
| The Market | <input type="checkbox"/> | |
| The Operations | <input type="checkbox"/> | |
| The Marketing Program | <input type="checkbox"/> | |
| Financial Data | <input type="checkbox"/> | |
| Budget (Printed from RMIS) | <input type="checkbox"/> | Exhibit 2 |
| Copy of December Reimbursement Request or Final Request | <input type="checkbox"/> | |
| Purchase of Service Agreement (If Applicable) | <input type="checkbox"/> | |
| Fully Allocated Cost Computation(s) (If Applicable) | <input type="checkbox"/> | Exhibit 3 |
| Third Party Operator Agreement (If Applicable) | <input type="checkbox"/> | |
| Copy of Mobile Radio License (If Applicable) | <input type="checkbox"/> | |

PART II:

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

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

Reviewed by:

Public Transportation Coordinator _____
Date

Program Manager's Review _____
Date

Transit Vehicle Operations Review _____
Date

EXHIBIT 2 Sample Budget
Georgia Department of Transportation
Budget Fiscal Year 20xx Funding Cycle

Grantee: _____

Reporting Period:

Month: _____ Year: _____

Budget **This Period** **Year To Date** **Balance**

Administrative Budget:

Director Salary
Supervisor Salary
Bookkeeper Salary
Secretary Salary
Training/Travel
Marketing
Telephone
Office Supplies
Rental Expenses
Standard Overhead
Computer Software Maintenance
Audit
Other

Subtotal Administrative:

Operating Budget:

Driver Salary
Dispatcher Salary
Mechanic Salary
Fuel
Maintenance & Repairs
Vehicle Insurance
Drug/Alcohol
License
Uniforms
Communications (Radios)
Other

Subtotal Operations:

Total Expenses:

Purchase of Service Revenue
Actual Farebox Revenue
Required Farebox Revenue
Net Expenses:
Purchase of Service Local Match
Excess of POS (above local match)

Section 5311 Federal Share:

Local Share (including any excess POS)

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

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

Formula:

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

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

Estimated System Total OWPTs for the Application Period:

Fully Allocated Operating Cost per OWPT:

Fully Allocated Operating Cost (FAOC) Information

Proposed POS Contracts for the Application Period:

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

POS Revenue Should Meet the Average FAOC:

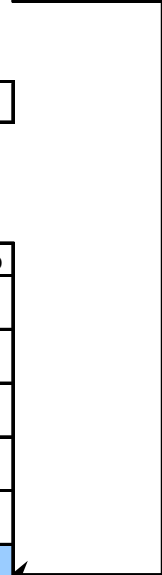


EXHIBIT 3 (continued)
EXAMPLE OF POS REVENUE THAT MEETS THE AVERAGE FAOC

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

Formula:

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

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

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

Fully Allocated Operating Cost per OWPT: \$10

Fully Allocated Operating Cost (FAOC) Information

Proposed POS Contracts for the Application Period:

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

POS Revenue Should Meet the Average FAOC: Meets

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

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

Formula:

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

Operating Expense Total (<i>from Administrative & Operating Budget of Exhibit 2</i>):	\$200,000
Estimated System Total OWPTs for the Application Period:	20,000
Fully Allocated Operating Cost per OWPT:	\$10

Fully Allocated Operating Cost (FAOC) Information

Proposed POS Contracts for the Application Period:

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

POS Revenue Should Meet the Average FAOC: Does Not Meet

GEORGIA DEPARTMENT OF TRANSPORTATION
FINANCIAL REPORTING FORM
Fiscal Year 2010 Funding Cycle

Version 10-29-07

Grantee: _____

Reporting Period: Month June

Year 2010

	BUDGET	THIS PERIOD	YEAR-TO-DATE	BALANCE
ADMINISTRATIVE BUDGET				
Director Salary	\$0	\$0	\$0	\$0
Supervisor Salary	\$0	\$0	\$0	\$0
Bookkeeper Salary	\$0	\$0	\$0	\$0
Secretary Salary	\$0	\$0	\$0	\$0
Training/Travel	\$0	\$0	\$0	\$0
Marketing	\$0	\$0	\$0	\$0
Telephone	\$0	\$0	\$0	\$0
Office Supplies	\$0	\$0	\$0	\$0
Rental Expenses	\$0	\$0	\$0	\$0
Standard Overhead	\$0	\$0	\$0	\$0
Computer Software Maintenance	\$0	\$0	\$0	\$0
Audit	\$0	\$0	\$0	\$0
Other _____	\$0	\$0	\$0	\$0
Other _____	\$0	\$0	\$0	\$0
Subtotal Administrative	\$0	\$0	\$0	\$0
OPERATING BUDGET				
Driver Salary	\$0	\$0	\$0	\$0
Dispatcher Salary	\$0	\$0	\$0	\$0
Mechanic Salary	\$0	\$0	\$0	\$0
Fuel	\$0	\$0	\$0	\$0
Maintenance and Repair	\$0	\$0	\$0	\$0
Vehicle Insurance	\$0	\$0	\$0	\$0
Drug/Alcohol Testing	\$0	\$0	\$0	\$0
License	\$0	\$0	\$0	\$0
Uniforms	\$0	\$0	\$0	\$0
Communications (Radios)	\$0	\$0	\$0	\$0
Other _____	\$0	\$0	\$0	\$0
Other _____	\$0	\$0	\$0	\$0
Subtotal Operations	\$0	\$0	\$0	\$0
TOTAL EXPENSES	\$0	\$0	\$0	\$0
Purchase of Service Revenue	\$0	\$0	\$0	\$0
Actual Farebox Revenue		\$0	\$0	
Required Farebox Revenue¹	\$0	\$0	\$0	\$0
Net Expenses	\$0	\$0	\$0	\$0
Purchase of Service Local Funds	\$0	\$0	\$0	\$0
Excess POS (Above Local Match)	\$0			

¹Actual monthly farebox revenue must be at least 10% of expenses, if not, 10% target requirement will be automatically calculated.

Section 5311 Federal Share align="right">\$0

Local Share (Includes Any Excess POS) align="right">\$0

**GEORGIA DEPARTMENT OF TRANSPORTATION
BUDGET
Fiscal Year 2010 Funding Cycle**

Grantee: _____

Reporting Period: FY 2010

Contract Number: _____

	BUDGET
ADMINISTRATIVE BUDGET	
Director Salary	\$0
Supervisor Salary	\$0
Bookkeeper Salary	\$0
Secretary Salary	\$0
Training/Travel	\$0
Marketing	\$0
Telephone	\$0
Office Supplies	\$0
Rental Expenses	\$0
Standard Overhead	\$0
Computer Software Maintenance	\$0
Audit	\$0
Other _____	\$0
Other _____	\$0
Subtotal Administrative	\$0
OPERATING BUDGET	
Driver Salary	\$0
Dispatcher Salary	\$0
Mechanic Salary	\$0
Fuel	\$0
Maintenance and Repair	\$0
Vehicle Insurance	\$0
Drug/Alcohol Testing	\$0
License	\$0
Uniforms	\$0
Communications (Radios)	\$0
Other _____	\$0
Other _____	\$0
Subtotal Operations	\$0
TOTAL EXPENSES	\$0
Purchase of Service Revenue¹	\$0
Farebox Revenue²	\$0
Net Expenses	\$0
Purchase of Service Local Funds	\$0
Excess POS (Above Local Match)	\$0
Section 5311 Federal Share	\$0
Local Share (Includes Any Excess POS)	\$0

Identify: _____

Identify: _____

Identify: _____

Identify: _____

**Farebox Revenue
Check**

¹If POS income is used as local match, enter 0.

²Farebox revenue must be at least 10% of expenses. → **\$0**

GEORGIA DEPARTMENT OF TRANSPORTATION - SECTION 5311 OPERATING ASSISTANCE EXPENSE SUMMARY FORM
Fiscal Year 2010 Funding Cycle

Grantee: _____
 Contract Number: _____

Billing Period: Month _____ July _____ Year 2010

Total Expenses:	\$0
Purchase of Service Revenue:	\$0
Farebox Revenue:	\$0
Net Expenses:	\$0

Purchase of Service Local Funds:	\$0
Excess POS (Above Local Match):	\$0

Section 5311 Federal Share:	\$0
Local Share (Includes Any Excess POS):	\$0
Adjusted Section 5311 Federal Share:	N/A
Adjusted Local Share (Includes Any Excess POS):	N/A

OPERATING EXPENSE SUMMARY

	This Period	Year-To-Date	Balance	% of Total to Date	Quick Budget Check This Period	Year-To-Date	Alerts
Total Actual Operating Expenditures	\$0	\$0	\$0	0%	OK	OK	
Purchase of Service Revenue	\$0	\$0	\$0	0%			
Actual Farebox Revenue	\$0	\$0			OK		
Required Farebox Revenue ¹	\$0	\$0			Actual Farebox Revenue Used		
Net Expenses	\$0	\$0	\$0	0%	OK	OK	
Purchase of Service Local Funds	\$0	\$0	\$0	0%			
Excess Purchase of Service	\$0	\$0	\$0				

POS and/or Local Dollars For This Period Must Be At Least → \$0

SUMMARY OF FUNDS REQUESTED

Total Section 5311	\$0
Required Local Share	\$0

REIMBURSEMENT REQUESTED

Total Federal Share	\$0
---------------------	-----

¹Actual monthly farebox revenue must be at least 10% of expenses, if not, 10% target requirement will be automatically calculated.

GEORGIA DEPARTMENT OF TRANSPORTATION - SECTION 5311 OPERATING ASSISTANCE REIMBURSEMENT INVOICE
Fiscal Year 2010 Funding Cycle

Grantee: _____
 Contract Number: _____ Billing Period: Month _____ July _____ Year 2010 Invoice Date: _____

Total Expenses:	\$0	Purchase of Service Local Funds:	\$0	Section 5311 Federal Share:	\$0
Purchase of Service Revenue:	\$0	Excess POS (Above Local Match):	\$0	Local Share (Includes Any Excess POS):	\$0
Farebox Revenue:	\$0			Adjusted Section 5311 Federal Share:	N/A
Net Expenses:	\$0			Adjusted Local Share (Includes Any Excess POS):	N/A

SUMMARY OF FUNDS REQUESTED

	This Period	Year-To-Date	Balance	% of Total to Date
Total Section 5311	\$0	\$0	\$0	0%
Required Local Share	\$0	\$0	\$0	0%

REIMBURSEMENT REQUESTED

Total Federal Share:

I certify that the above costs are supported by a statistical report on file with the Georgia Department of Transportation District Office and that these costs are correct and just to the best of my knowledge and belief. I further certify that, for any reimbursement I am requesting via this invoice, payment has not been previously received.

Signature of Authorized Official _____ Date _____ Signature of GDOT District Coordinator _____ Date _____

Printed Name of Authorized Official _____ Printed Name of GDOT District Coordinator _____

EXHIBIT 5
FEDERAL FY 2010 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE

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 5 Continued

FEDERAL FISCAL YEAR 2010 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

AFFIRMATION OF APPLICANT

Name of Applicant: _____

Name of 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 certifications, 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 _____

Authorizing 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

Exhibit 6*
(Page 1 of 2)

**Georgia Intergovernmental Consultation Process
Intergovernmental Coordination Form**

Applicant: _____

Project Name: _____

Applicant's Address: _____

Name and Title of Contact Person: _____

Phone: _____

Impacted City/Cities: _____

Impacted County/Counties: _____

Project Description (Nature, Purpose, Location):

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

FUNDING	Federal Catalog Number: 20.509
----------------	--------------------------------

Source	\$Amount	Federal Program Name: Section 5311
Basic Federal Grant	\$ _____	Federal Agency Name: Federal Transit Administration Federal Agency's Address: 230 Peachtree Street, NW Suite 800, Atlanta, GA 30303-1512
State Matching Grant	\$ _____	
Local Matching Grant	\$ _____	Name and Title of Contact Person: David Schilling, Community Planner Telephone: (404) 865-5645
Other Matching Grant	\$ _____	
Total Cost	\$ _____	

Impacted Regional and Metropolitan Clearinghouse: _____

Signature of Authorizing Official	Title	Date
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- * Please send completed form to: State Clearinghouse c/o Barbara Jackson, Office of Planning and Budget, Suite 8069, 270 Washington Street, S.W., Atlanta, Georgia 30334. (404) 656-3855, Fax#: (404) 656-7916.
- * Send copy to the affected MPO (except Atlanta) if appropriate. Do Not Send to the Regional Development Center (RDC)

EXHIBIT 6

(Page 2 of 2)

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 Development Centers including ARC. **DO NOT SEND TO RDC.**

EXHIBIT 7
(Page 1 of 2)

AUTHORIZING RESOLUTION

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

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

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

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

NOW THEREFORE, BE IT RESOLVED BY _____, hereinafter referred to as the
“**APPLICANT**”, (Applicant’s legal Name)

1. That the (_____) herein after referred to as the “Official is authorized to execute and file an
Title of Designated Official
application on the behalf of the Applicant, a City/County government, with the Georgia Department of Transportation to aid in the financing of public transportation assistance pursuant to Section 5311 of the Federal Transit Act.”
2. That the Official is authorized to execute and file such application and assurances or any other document required by the U.S. Department of Transportation and the Georgia Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
3. That the Official is authorized to execute and file all other standard assurances or any other document required by the Georgia Department of Transportation or the U.S. Department of Transportation in connection with the application for public transportation assistance.
4. That the Official is authorized to furnish such additional information as the U.S. Department of Transportation or the Georgia Department of Transportation may require in connection with the application of the project.
5. That the Official is authorized to execute grant contract agreements on behalf of the Applicant with the Georgia Department of Transportation in connection with the application for public transportation assistance.
6. That the applicant while making application to or receiving grants from the Federal Transit Administration will comply with FTA Circular 9040.1F, FTA Certifications and Assurances for Federal Assistance in FY 2010 as listed in Appendix M, and General Operating Guidelines as illustrated in Appendix D of the Georgia State Management Plan and Administrative Guide for Rural Public Transportation Programs.
7. That the Applicant has or will have available in the General Fund the required non-federal funds to meet local share requirements.

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

APPROVED AND ADOPTED this ____ day of _____, 20 ____.

Chairman of Commission or Sole Commissioner

Type Name and Title

Signed, sealed and delivered this ____ day of _____, 20__ **in the presence of**

Witness

Notary Public/Notary Seal

CERTIFICATE

The undersigned duly qualified and acting _____ of _____ certifies that
(Title of Certifying/ Attesting Official) (Applicant's Legal Name)
the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting held on
_____, 20_____.

Name of Certifying/Attesting Officer

County Seal

Title of Certifying/Attesting Officer

EXHIBIT 8A

PRIVATE ENTERPRISE COORDINATION CERTIFICATION

List of private providers operating in the service area:

Date Notified: _____

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

Last Day to Respond: _____

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

Date: _____

Signature of Authorized Officer

Name and Title of Authorized Officer

EXHIBIT 8B

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

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

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

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

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

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

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

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

COMMISSION CHAIRMAN
ADDRESS
PHONE NUMBER

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

EXHIBIT 9

CERTIFICATION OF NO INTENT TO CHARTER SERVICE

_____ certifies that it does not intend to and will not provide charter service with FTA funded equipment and facilities or provide any exclusive service during the operating period of this application. Should the Applicant decide to provide charter service under the only exception allowed by Georgia Department of Transportation (conveyance of government officials), the Applicant **MUST** notify Georgia Department of Transportation and Federal Transit Administration in writing of such services.

The applicant also certifies that conveyance of government officials shall not exceed 80 hours in a given year and such services must also be reported using Federal Transit Administration’s TEAM module.

DATE: _____

_____ Date: _____
Signature of Authorized Officer

Name and Title of Authorized Officer

EXHIBIT 10

(Page 1 of 6)

SPECIAL SECTION 5333(b) WARRANTY FOR APPLICATION TO THE SMALL URBAN AND RURAL PROGRAM

The following language shall be made part of the contract of assistance with the State or other public body charged with allocation and administration of funds provided under Title 49 U.S.C. Section 5311:

A. General application

The Public Body Georgia DOT agrees that, in the absence of waiver by the Department of Labor, the terms and conditions of this warranty, as set forth below, shall apply for the protection of the transportation related employees of any employer providing transportation services assisted by the Project

_____ (Name of Applicant)

and the transportation related employees of any other surface public transportation providers in the transportation service area of the Project.

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

Certification by the Public Body to the Department of Labor that the designated Recipients have indicated in writing acceptance of the terms and conditions of the warranty arrangement will be sufficient to permit the flow of Section 5311 funding in the absence of a finding of non-compliance by the Department of Labor.

B. Standard Terms and Conditions

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

An employee covered by this arrangement, who is not dismissed, displaced or otherwise worsened in his position with regard to his employment as a result of the Project, but who is dismissed, displaced or otherwise worsened solely because of the total or partial termination of the Project, discontinuance of Project services, or exhaustion of Project funding shall not be deemed eligible for a dismissal or

displacement allowance within the meaning of paragraphs (6) and (9) of the Model agreement or applicable provisions of substitute comparable arrangements.

EXHIBIT 10

(Page 2 of 6)

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

(2)(b) The Recipient or legally responsible party shall provide to all affected employees sixty (60) days' notice of intended actions which may result in displacements or dismissals or rearrangements of the working forces. In the case of employees represented by a union, such notice shall be provided by certified mail through their representatives. The notice shall contain a full and adequate statement of the proposed changes, and an estimate of the number of employees affected by the intended changes, and the number and classifications of any jobs in the Recipient's employment available to be filled by such affected employees.

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

(3) For the purpose of providing the statutory required protections including those specifically mandated by 49 U.S.C. Section 5333(b)¹, the public body will assure as a condition of the release of funds that the Recipient agrees to be bound by the terms and conditions of the National (Model) Section 5333(b) Agreement executed July 23, 1975, identified below², provided that other comparable arrangements may be substituted therefore, if approved by the Secretary of Labor and certified for inclusion in these conditions.

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

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

EXHIBIT 10

(Page 3 of 6)

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

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

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

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

(7) In the event any employee covered by these arrangements is terminated or laid off as a result of the Project, he shall be granted priority of employment or reemployment to fill any vacant position within the control of the Recipient for which he is, or by training or retraining within a reasonable period can become qualified. In the event training or retraining is required by such employment or reemployment, the Recipient or other legally responsible party designated by the Public Body shall provide or provide for such training or retraining at no cost to the employee.

EXHIBIT 10

(Page 4 of 6)

(8) The Recipient will post, in a prominent and accessible place, a notice stating that the Recipient has received federal assistance under 49 U.S.C. Chapter 53 and has agreed to comply with the provisions of 49 U.S.C. Section 5333(b). This notice shall also specify the terms and conditions set forth herein for the protection of employees. The Recipient shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the proper application, administration, and enforcement of these arrangements and to the proper determination of any claims arising thereunder.

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

(10) In the event the Project is approved for assistance under 49 U.S.C. Chapter 53, the foregoing terms and conditions shall be made part of the contract of assistance between the federal government and the Public Body or Recipient of federal funds, provided, however, that this arrangement shall not merge into the contract of assistance, but shall be independently binding and enforceable by and upon the parties thereto, and by any covered employee or his representative, in accordance with its terms, nor shall any other employee protective agreement merge into this arrangement, but each shall be independently binding and enforceable by and upon the parties thereto, in accordance with its terms.

C. Waiver

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

EXHIBIT 10
(Page 5 of 6)

D. Acceptance

The _____ does hereby adopt and accept all terms and conditions of this Special Section 5333(b) Warranty.
Name of Applicant

Furthermore, the _____ assures that this agreement will be in force during the contractual
(Name of Applicant)
period with the Georgia Department of Transportation for assistance under Section 5311 of the Federal Transit Act.

Executed this _____ day of _____, 20_____.

Signature of Authorized Officer

Title of Authorized Officer

EXHIBIT 10
(Page 6 of 6)

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

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

Area Served by this project:

Submit to the Division of Intermodal Programs by November 30, 2009 for reporting purposes to the U.S. Department of Labor.

***Existing**

EXHIBIT 11
(Page 1 of 3)

FTA TITLE VI DATA COLLECTION AND REPORTING

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

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

Part I - General Reporting Requirements:

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

EXHIBIT 11

(Page 2 of 3)

STANDARDIZED MONITORING PROCEDURES

Part II - Grantees Monitoring Procedures

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

EXHIBIT 11
(Page 3 of 3)

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

EXHIBIT 12

Substance Abuse Certification

I, _____, _____,
(Type or Print Name of Official) *(Type or Print Title of Official)*

Certify that _____ and its contractors, as required,
(Type or Print County or City)

for the Section 5311 Rural Public Transportation Program, has established and implemented an alcohol misuse prevention program and anti-drug abuse program in accordance with the terms of 49 CFR, Part 655.

I further certify that the employee training conducted under this part meets the requirements of 49 CFR, Part 40.

(Signature of Official)

(Date) _____

This certification must be written on Agency letter head.

EXHIBIT 13

CERTIFICATION OF EQUAL ACCESS FOR PERSONS WITH DISABILITIES

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

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

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

Certified this _____ day of _____, 201 .

(Signature)

(Typed/Printed Name)

(Title)

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

EXHIBIT 13 (continued)

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

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

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

Vehicle Accessibility Status:

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

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

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

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

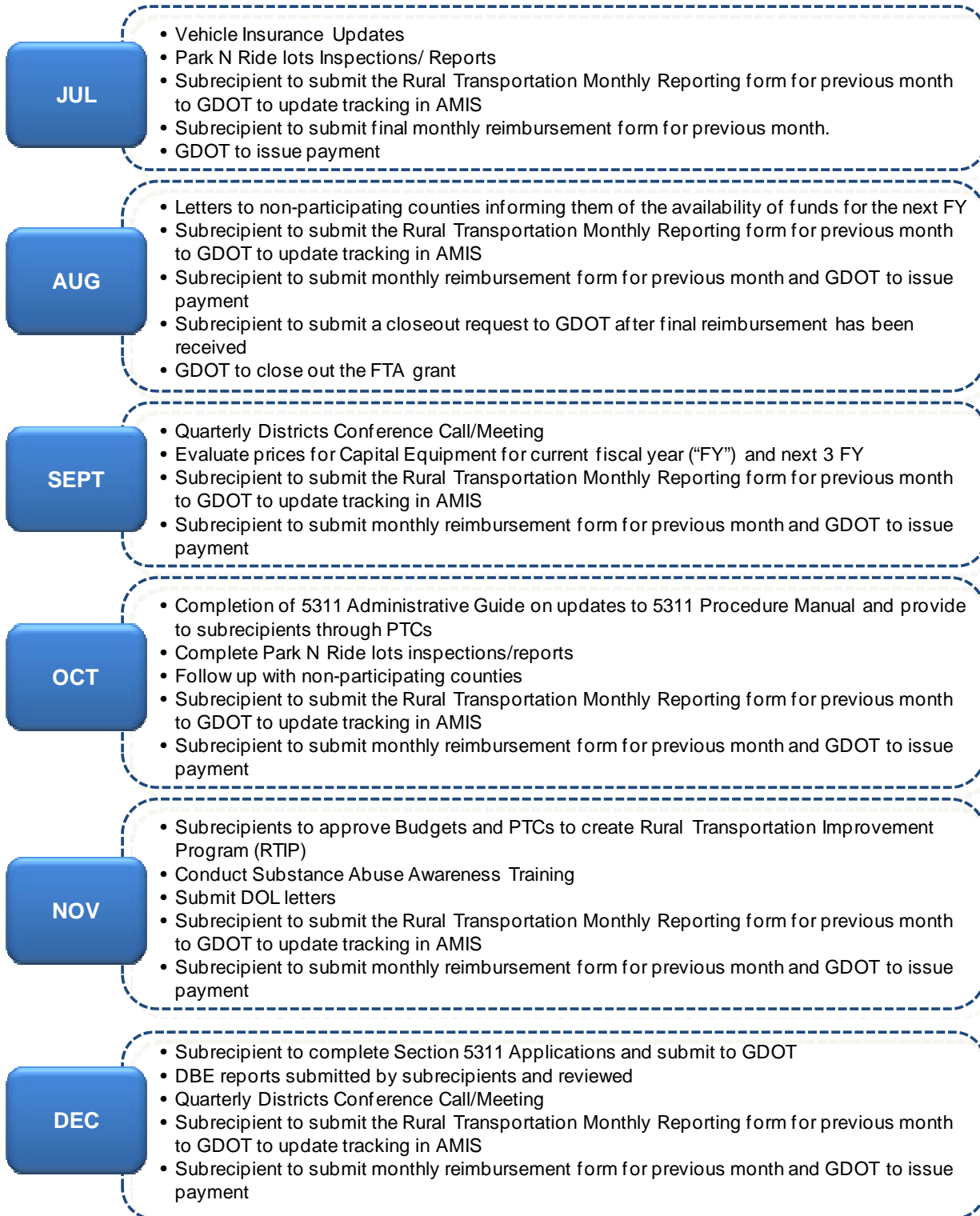
If there are any differences in the answers between the two answer columns, please explain:

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

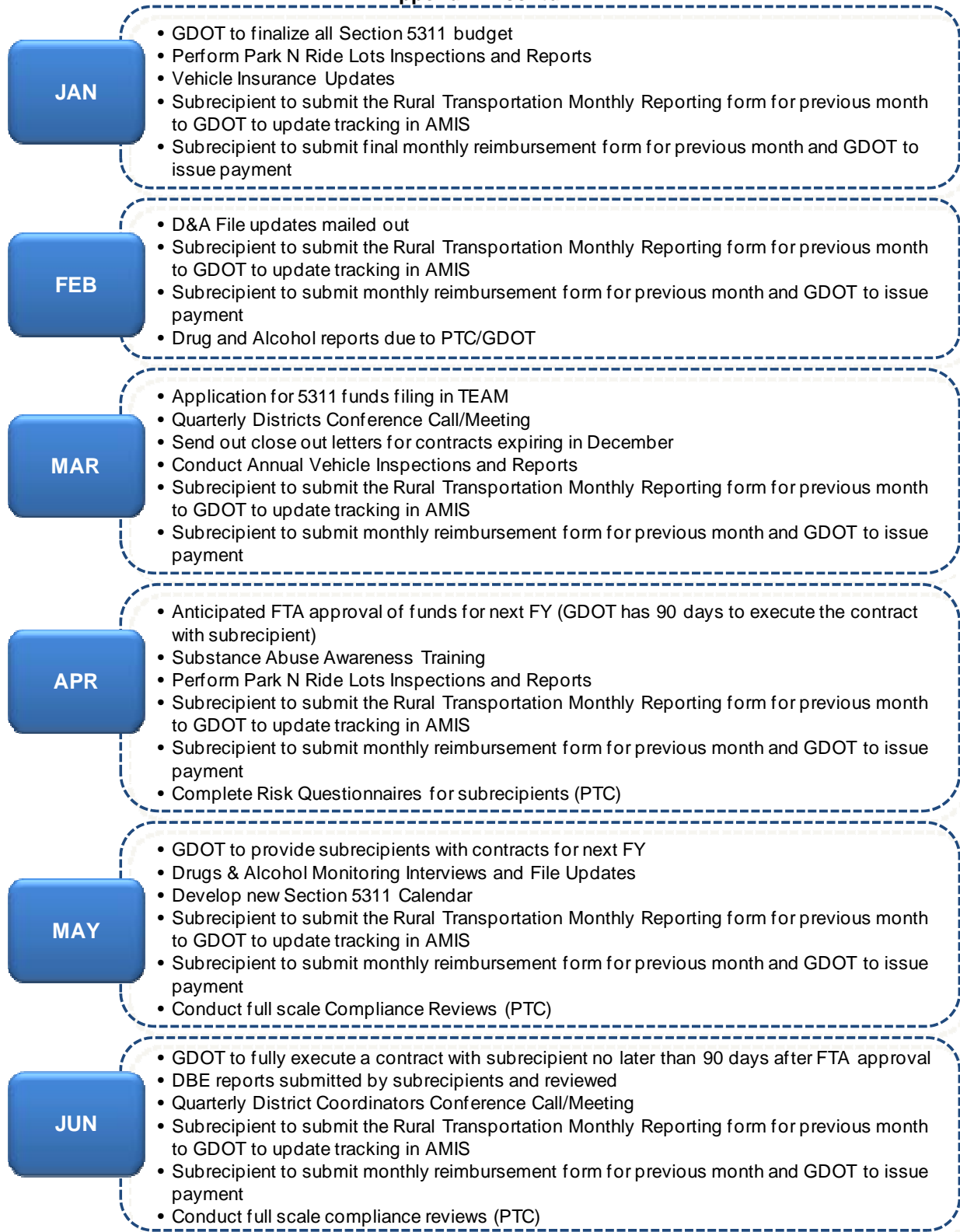
Do these unmet trip requests differ in type or kind from unmet trip requests by persons who do not need an accessible vehicle?

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

APPENDIX A
SECTION 5311 APPLICATION SCHEDULE FOR

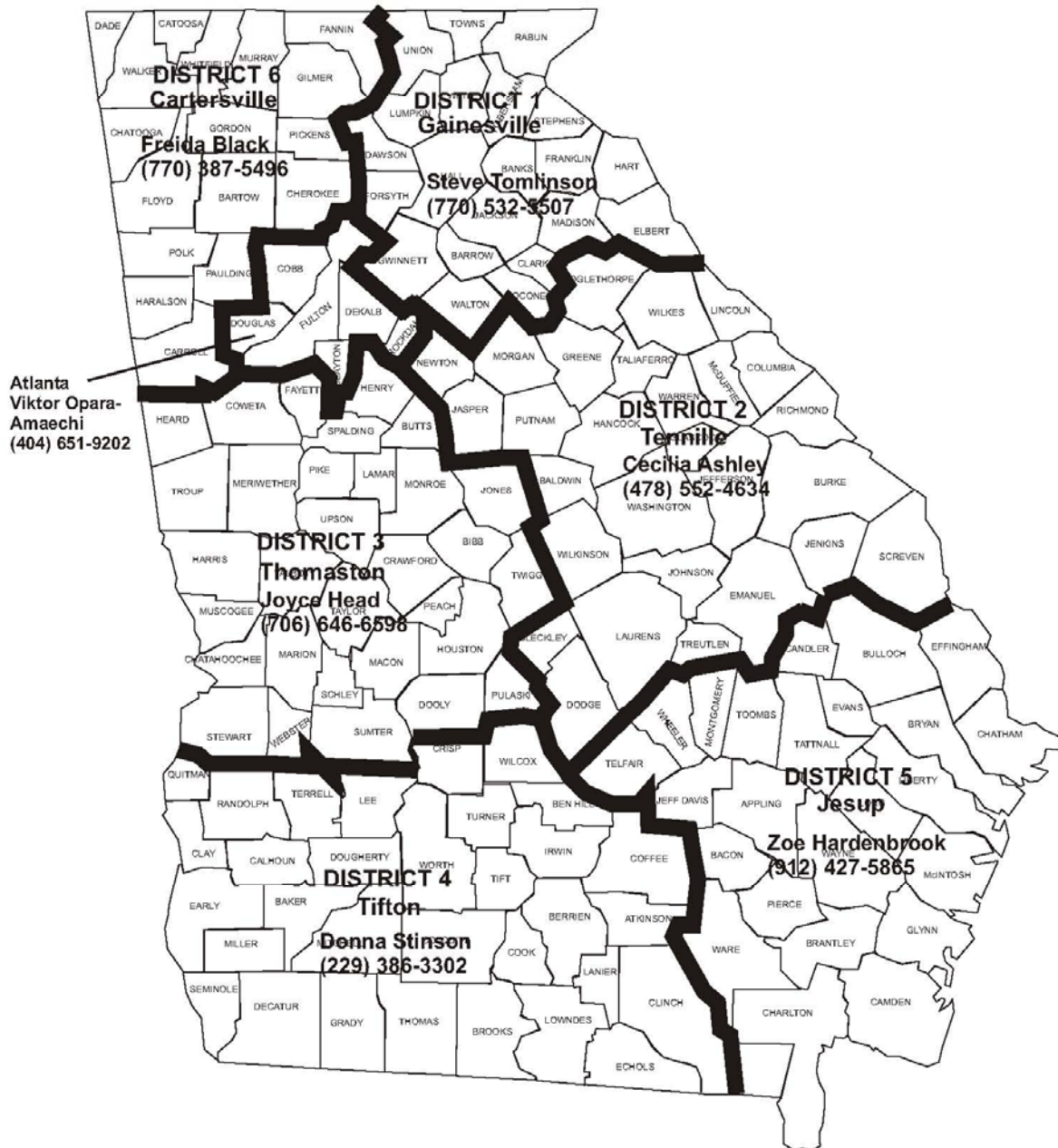


Appendix A contd. 1



APPENDIX B

**Georgia Department of Transportation
District Offices & Boundaries**



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

Definitions:

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

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

OPERATIONS:

Guidelines:

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

Requirement:

- The State will conduct annual vehicle inspections. These inspections may be conducted by GDOT or the Department of Human Resources.

BUDGET:

Guidelines:

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

Requirements:

- Fares must equal a minimum of 10% of the total budget minus the fully allocated operating cost of Purchase of Service (POS). This is achieved by subtracting the 10% from the total operating budget.
- Copies of proposed POS agreements must be provided to GDOT, with completed cost allocation table attached, if applicable.
- Copy of Proposed Third Party Operator Agreement must be attached, if applicable.
- Drug and alcohol testing costs should not exceed \$1,250.00 per program (without an explanation or justification).

RTIP:**Guideline:**

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

Requirements:

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

CAPITAL:**Requirements:**

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

APPENDIX D

PRIVATE ENTERPRISE COORDINATION REQUIREMENTS

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

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

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

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

APPENDIX E

PUBLIC HEARING REQUIREMENTS

(For capital assistance projects that require a public hearing)

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

1. Notice of Public Hearing

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

2. Conduct of Public Hearing

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

3. Transcript

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

APPENDIX F

CHARTER POLICY AND PROCEDURES

GDOT/FTA CHARTER SERVICE POLICY

Section 5311 subrecipients, and their contractors, are **prohibited** from using federally-funded equipment and facilities to provide charter service. This prohibition applies to bus or van services provided by **subrecipients or third party contractors** that provide bus or van services financed or funded in part or wholly with Section 5311 funds.

GDOT will allow the transportation of local elected officials and government personnel on FTA funded vehicles. The conveyance of government officials must not exceed 80hours within any given year. The provider must notify GDOT in writing whenever this occurs and providers must also report the hours and associated activities in FTA TEAM. For more information on this activity and reporting, please call your local PTC.

Details on these requirements can be found in 49 CFR Part 604 as amended.

APPENDIX G

(Page 1 of 8)

REGULATORY REQUIREMENTS OF THE RURAL PUBLIC TRANSPORTATION PROGRAM

FTA Title VI Data Collection and Reporting

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

Department of Labor Special Section 5333(b) Warranty

FTA requires all grantees to indicate in writing that it accepts the terms and conditions of the "Special Section 5333(b) Warranty for Application to the Small Urban and Rural Program." This is shown in Exhibit 10. The Special Warranty has been certified by the Secretary of Labor as providing protections satisfying the requirements of Section 5333(b). Exhibit 10 consists of six pages. Please complete and send in by November 5, 2007. Provide information requested on pages 1, 5, and 6. **Please pay special attention to page 6 of 6 and provide all the information requested, such as the project description, other surface public transportation providers (including taxis), and union representation.**

Distribution of Funds

The distribution of funds for the Section 5311 Program, the non-urbanized population of each County is taken into account in the allocation of funds. The Section 5311 formula for allocation proportions project funds based on non-urbanized population and land area relative to the total for the state. Only 70% of the project monies are apportioned; 30% is set aside for discretionary programs and to supplement County and Congressional District allocations for eligible projects.

Annual Program of Projects

The Program of Projects is developed annually as part of the Department's submission to the Federal Transit Administration. The Program of Projects reflects the results of statewide planning and of application submitted by the Counties for Section 5311 Programs. The Program of Projects reflects the Department's estimated program of Section 5311 activities for the following year. Before a project can be included in Category A of the Program of Projects, it must meet all the criteria set forth for fundable projects. Category B projects may be included if it is the County's intention to complete the eligibility requirements within the period of the grant. Category C projects are not identified; this represents a temporary category for unexpected requirements of projects listed in Categories A and B or any new projects which might be identified after the application cycle has been completed.

APPENDIX G

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State Administration and Technical Assistance Program

The GDOT through its District Offices, workshops and seminars provides technical assistance in the preparation of grant applications as well as program development, administration and operation. The Department utilizes 15 percent of apportioned funds for administration, planning and technical assistance in support of these programmed activities. Funding for additional technical assistance and training is provided through the Rural Transportation Assistance Program (RTAP).

Coordination

The Department coordinates with other State agencies to encourage coordination at the local level. Through the state's Intergovernmental Consultation Process, projects are coordinated with all relevant state agencies and local agencies. This assures that the scope and all interested individuals know nature of the proposed project and they can comment on how the project complements other activities.

The Department also encourages coordination with other projects and transportation consumers. The Department has a Service Policy which sets out major criteria for project operations. The Service Criteria requires that the system should recover, at a minimum, 10% of its public transportation cost from farebox revenue generated through regular operations, with a goal of 20%. Cooperative agreements with other transportation consumers may be obtained through purchase of service agreements at the fully allocated cost.

Incidental Use

During periods when a vehicle is not needed for specific grant related purposes, it may be used for other services only if such use is incidental to the primary purpose of the vehicle and does not interfere with the use of the vehicle for its grant intended purposes. All drivers for this use are required to be Section 5311 program drivers and activity should meet the Fully Allocated Cost (FAC).

Private Enterprise Coordination

As part of the application approval process each applicant must assure that all private for-profit providers have been notified of the proposed project and that they have had adequate opportunity to present their views and offer service proposals for consideration. Other requirements of the ongoing program are reviewed annually in the program compliance certification review described later in this document.

Complaints should be resolved at the local level. Accordingly, a discrete local mechanism, preferably independent, should be established for resolving disputes in a manner which assure fairness to all parties. Complaints which cannot be resolved at the local level will be resolved at the State level according to the Rules and Regulations of Georgia Chapter 672-05 "Contested Cases under the Administrative Procedure Act".

APPENDIX G

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Computer Equipment and Software

The use of computers can assist public transportation operators by facilitating the effective use of operations and fiscal information to improve public services. Laptop computers are also eligible capital expense.

Intercity Bus Transportation

The Georgia Intercity Bus Program provides public transportation to points throughout the state, both rural and urban. The Program consists of three elements: **Vehicle Purchase, Signage, Facilities and Marketing program.** GDOT purchased intercity bus coaches which are been leased to Greyhound and Southeastern Stages through the FTA Section 5311(F) Intercity Bus Program. Of the total project cost 80 percent is federal while the remaining 20 percent is the local match from the private carriers. Future project includes hiring a consultant to complete a new study.

Buy America Public Interest Waiver

On Wednesday, March 15, 1995, FTA issued a public interest waiver under 49 U.S.C. and 49 C.F.R. 661.7(b) to exempt from its Buy America requirements, all purchases made with FTA financial assistance, including capital, planning and operating where the cost is \$2,500.00 or less. This exemption covers many small purchases including office and janitorial supplies, furnishings, maintenance supplies, equipment and other small purchases. The goal of this public interest waiver is to eliminate or reduce the administrative burdens associated with FTA requirements. On July 24, 1995, FTA raised the threshold for a small purchase to \$100,000.

Vehicle Insurance and Driver Requirements

The Georgia codes and federal regulations require the following:

1. Vehicles with maximum capacity of 15 passengers or less - Liability coverage in an amount of \$100,000 for death or injury of one (1) person, \$300,000 in the event of injury or death of two (2) or more persons in a single accident including liability to and employees engaged in operation of the vehicles, and \$50,000 for property damage.
2. Vehicles with capacity over 15 passengers - Liability coverage in an amount of \$100,000 for the death or injury of one (1) person, \$500,000 in the event of injury or death of two (2) or more persons in a single accident including liability to any employees engaged in operation of the vehicles, and \$50,000 for property damage.
3. Collision, fire, theft and comprehensive coverage in an amount required to pay for any damages to the project vehicles and equipment.
4. All drivers of project equipment must possess a valid license. Georgia law requires a Commercial Driver's License (CDL) to operate a vehicle designed to transport more than 15 passengers (including driver). The CDL also requires a physical examination every two years. Contact the Department of Motor Vehicles for details regarding licensing requirements. These requirements apply to drivers involved with charter service as well.

APPENDIX G

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State Program Management

1. **Use** - Equipment shall be used for the purposes detailed in the grant application to the State. The conditions of the State application and capital contract apply for as long as the equipment is needed or for the useful life of the equipment. When vehicles are no longer needed for the purposes outlined in the application, or after useful life is completed, equipment may be used in other activities as approved by the State. At no time may equipment be used for exclusive transportation or to compete unfairly with private companies.

2. **Management of Equipment** - Property records must be maintained to include the following:

- * description of the property
- * Serial number or other identification number
- * the source of property
- * identification of title holder
- * acquisition date
- * original cost of property
- * date of disposal
- * sale price of property

The State will also maintain vehicle records; local areas are required to report any change in vehicle status immediately. Local subrecipients must maintain records with the above information for computers, office equipment, furniture, or any other property paid for with Federal funds.

Local area operators are required to follow manufacturer's recommended maintenance schedule for vehicles and equipment.

3. **Capital Disposition** - The District Public Transportation Coordinator, using any or all of the evaluation criteria listed below as a general guidance, will make an evaluation of a vehicle's condition and useful life. In the event the District Public Transportation Coordinator concludes that the vehicle should be surplus, then a recommendation will be made to the Division of Intermodal Programs. Counties may purchase vehicles back by following DOAS disposition procedures.

Criteria for Replacement of Vehicles:

- A. 100,000 miles or five years by June 30, of year of application or by December 31 of application year.
- B. The vehicle is unserviceable and rehabilitation is not cost effective
- C. Vehicle utilization and productivity generally meets current GDOT operating criteria (Appendix D – operations)

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4. **Procurement** - Procurement must conform to the Official Code of Georgia Annotated Title 50, Chapter 5, Article 3, and State Purchasing. The Georgia Procurement Manual issued by the Department of Administrative Services details requirements. Procurement must be approved prior to purchase. Purchase of unnecessary or duplicative items must be avoided. Grantees are required to analyze procurement and to investigate alternatives that will result in an economical approach. Records at a minimum must include the following:

- * method of procurement
- * selection of contract type
- * selection of contractor
- * basis for procurement

The Agency Purchasing Manual can be found at the following website address:

http://tmp10.georgia.gov/vgn/images/portal/cit_1178350/37108101/procurementmanual.pdf

Purchases should be made through DOAS unless otherwise approved.

5. **Vehicle Monitoring Program** - All public transportation vehicles and equipment will be inspected annually in March-April by GDOT or Department of Human Services personnel using a common form. It is not intended that the vehicle inspection should substitute for or satisfy in any way State or Federal requirements for vehicular or passenger safety. However, should the vehicle condition result in reasonable doubt relative to the contractual requirement that the vehicle be maintained in good operating condition, the inspector may request the vehicle be withdrawn from service pending evaluation and correction of the deficiency. The District Representative may require non-critical deficiencies be corrected within 15 days of the inspection without the withdrawal of the vehicle from service.

Vehicle Maintenance Requirements

Subrecipients must have the technical and managerial capability to maintain FTA-funded equipment and facilities. Project equipment and facilities must be maintained at a high level of cleanliness, safety, and mechanical soundness. All accessibility features and equipment must be kept in operating condition. Subrecipients must have procedures to track when preventive maintenance inspections are due and to schedule preventive maintenance inspections in a timely manner.

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Subrecipients must have a pre-trip inspection program that addresses vehicle condition, appearance, cleanliness, and safety. Deficiencies noted in a pre-trip inspection must be repaired in a timely manner and properly reviewed by management. Include some detail of your pre-trip inspection or checklist. GDOT may provide separate guidance on vehicle maintenance, including recommended pre-trip inspection forms.

Subrecipients must repair accessibility features promptly and take reasonable steps to continue service to persons with disabilities while repairs are made. Subrecipients must maintain a file on each FTA funded vehicle that contains daily logs, pre-trip inspection checklists, and repair records.

6. **Program Monitoring** - Monitoring of service is an established part of the program. The various monitoring activities assure compliance with the contract agreement, service goals, objectives, types of service provided and service criteria. Examples of monitoring techniques include site inspections, riding vehicles and interviews with system directors, transportation coordinators, dispatchers and drivers.

The monthly vehicle utilization report is required to be updated on the vehicle module of RMIS monthly.

Grantees must retain and provide access to program records and other records that are maintained as part of the program regulations or the grant agreement, or otherwise pertinent to the program. Records must be retained for three years after the disposition of the equipment.

7. **Drug and Alcohol Testing Monitoring** – The Department will monitor drug and alcohol testing programs. The new requirements published by FTA are outlined below.

The omnibus Transportation Employee Testing Act of 1991 mandated the Secretary of Transportation to issue regulations to combat prohibited drug use and alcohol misuse in the transportation industry. In February 1994, Federal Transit Administration “FTA” adopted drug and alcohol testing rules, which were promulgated at 49 CFR part 655 as amended. The Act of 1991 required FTA to issue regulations requiring recipients of funds under 49 United States Code 5307, 5309, and 5311 to test safety-sensitive employees for the use of alcohol or drugs in violation of the law or federal regulation.

As a condition of FTA funding, the Act requires recipients to **ESTABLISH** alcohol and drug testing programs (POLICY). The Drug/Alcohol Testing Policy must be approved by GDOT prior to execution of new contract. The Act mandates four types of testing:

(1) Pre-Employment (2) Random (3) Reasonable Suspicion (4) Post Accident.

In addition, the Act permits return- to- duty and follow-up testing under specific circumstances. The Act requires that recipients follow the testing procedures set out by the Department of Health and Human Services (DHHS). The Act does not require recipients to follow a particular course of action when they learn a safety-sensitive employee has violated a law or Federal regulation concerning alcohol or drug use. Rather, the Act directs FTA to issue regulations **establishing consequences** for the use or abuse of alcohol or drugs in violation of FTA regulations. Possible consequences include Education, Counseling, Rehabilitation programs and Suspension or Termination from employment.

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8. **Financial Management** - The GDOT's Fiscal Accounting and Control System (FAS) facilitates preparation of federally mandated program reports. The FAS tracks expenditures to assure conformance with these requirements.

9. **Reimbursement Guidelines** - The Section 5311 program is an ACTUAL COST reimbursement program which uses "generally accepted accounting principles" and the Standard for Audits of Governmental Organizations, Programs, Activities, and Functions, developed by the Comptroller General, dated February 27, 1981. Rural Public Transportation Programs are a partnership between the County/City and the Georgia Department of Transportation. The contract between the two parties is for a specific period of time, usually one year, and specifies a financial relationship between the parties. The financial relationship, which involves cost sharing throughout the contract performance period, must be consistent throughout the Section 5311 program. It is expected that each line item within the budget will be reimbursed through the life of the contract. If there are six months remaining on a twelve month contract, it is expected that approximately half of each line item would still be available for reimbursement.

10. **Audit and Contract Close-out Procedures**—The subrecipient is responsible for the conduct and submission of an annual audit under the Single Audit Act of 1984, as amended, following the guidelines set forth in OMB Circular A-133. The audit must be performed by an independent certified public accountant and should include; 1) a report of federal financial assistance, 2) the auditor's report on the study and evaluation of internal control systems, 3) compliance with applicable laws and regulations and, 4) a report of any findings or questioned costs. The subrecipient public agency is responsible for the submission of the audit report to GDOT within 30 days of its completion and not later than **nine months** from the fiscal period covered by the audit. The public agency has six months to file notice of corrective action it has taken upon notification of any findings or questioned costs.

Contract close-out procedures can be initiated in one of several ways. One way is initiated by the subrecipient. Upon completion of reimbursement for all capital items intended for purchase, the subrecipient must submit a final close-out letter (Appendix J) to the District PTC for their review/recommendation. The District PTC will then forward this to the Division of Intermodal Programs (OIP) for approval. In closing out operating contracts, the subrecipient must submit the final reimbursement (also in Appendix J) along with the close-out letter to the District PTC for their review/recommendation. The District PTC will then forward this to the OIP for approval. Per the contract, the county/city has up to 90 days after the contract expiration date to submit the final reimbursement request. If this is not done within the 90 day period, the OIP may at its discretion use the last invoice submitted by the county/city as the final invoice for closing out the contract.

Alternatively, GDOT will evaluate all grants for close-out potential within three years of activation, or if 95 percent of the funds have been disbursed. Based on this analysis, or upon receipt of final close-out letters and final reimbursement requests, GDOT may initiate closing contracts that have been completed.

Grantees must retain and provide access to program records and other records that are maintained as part of the program regulations or the grant agreement, or otherwise pertinent to the program. Records must be retained for three years after the disposition of the equipment (for capital projects) and for three years after closeout of an operating grant.

11. **Budget Revisions**—the procedure for submitting budget revisions involves a request for revision from the subrecipient to the District PTC, who will review the request and recommend to the DIP for final review. In order to ensure consistency, a standard budget revision form has been developed and made available for use by the subrecipient (Appendix K-1).

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12. **Budget Amendment** - This is a procedure for requesting supplemental funds to cover unanticipated expenses

related to a contract, usually for operating assistance. The procedure for submitting budget amendments involves a request for amendment from the subrecipient to the District PTC, who will review the request and transmit it to the OIP for final review. In order to ensure consistency, a standard budget amendment form has been developed and made available for use by the subrecipient (Appendix K-2).

13. Capital Purchase Request Procedures. County submits request to district public transportation coordinator who will review for concurrence. If they concur, they will submit request to OIP who will review for concurrence. OIP responds by notifying the district public transportation coordinator whether the county was approved or not. The county gets the results from the district public transportation coordinator. No written request for approval is required if the amount of capital item to be purchased is less than \$2,500.00.

Rural Transit Assistance Program (RTAP)

The Rural Transit Assistance Program is intended to be a broad and flexible program of training, technical assistance, research, and other support services for non-urbanized transit.

In keeping with the RTAP program objectives, the Department will place particular emphasis on fostering the development of State and local capacity for addressing the training and technical assistance needs to the rural/small urban transportation community. Additionally, the State Program will strive to improve the quality of information and technical assistance available through the development of training and technical assistance resource materials.

PASS TRAINING

All drivers of Section 5311 vehicles must be trained and certified under the Passenger Service and Safety Training (PASS) training program. For more information, contact your District PTC.

NTD REPORTING

FTA is requiring 5311 recipients to submit a NTD report as a condition for receiving grants. Section 5311(b)(4) specifies that each Section 5311 recipient shall submit an annual report containing information on capital investment, operations, and service provided under Section 5311. Items to be reported include: total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities; revenue vehicle miles; and ridership. The State agency administering FTA's Formula Program for Non-Urbanized Areas (section 5311) is responsible for ensuring that data is collected and compiled for the data collection and compilation from each Section 5311 subrecipient and transportation provider in the State that benefits from the grant. Specific reporting requirements are included in the NTD reporting instructions manual issued each year. Visit the NTD website at www.ntdprogram.gov for the most recent rural reporting manual.

**APPENDIX H
FY 2009 PRICES FOR CAPITAL EQUIPMENT**

Capital Equipment	2009	2010	2011	2012
ADA Mini Van	\$35,500	\$36,200	\$37,000	\$37,800
Standard Van	\$25,500	\$26,000	\$26,500	\$27,000
Conversion Van	\$39,500	\$40,300	\$41,000	\$41,800
Conversion Van with Lift	\$41,500	\$42,100	\$42,800	\$44,000
Shuttle Van	\$41,300	\$42,000	\$42,800	\$43,300
Shuttle Van with Lift*	\$44,500	\$45,200	\$46,000	\$46,700
Shuttle Bus*	\$45,000	\$45,800	\$46,500	\$47,300
Shuttle Bus with Lift*	\$50,800	\$51,600	\$52,500	\$53,200
Mobile Radio	\$1,800	\$1,800	\$1,900	\$2,000
Base Station	\$6,600	\$6,600	\$6,800	\$7,000
Computer, Printer & Software	\$3,300	\$3,300	\$3,800	\$4,000
Computer & Dispatching Software	\$20,500	\$20,800	\$21,200	\$21,500

* **For Diesel Engine – Add \$27,000**
Contract pending

APPENDIX I
SAMPLE FINAL REIMBURSEMENT/CLOSEOUT LETTER

Public Transportation Coordinator
District Office address

RE: Project No. (**ENTER PROJECT NUMBER**)
Capital Improvement/Operating Assistance
(Specify capital or operating)
Final Reimbursement Request/Contract Closeout

Dear PTC (Name of PTC),

_____ requests that project **ENTER PROJECT NUMBER** be processed for (Subrecipient's name) 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 J - 1

EXAMPLE OF BUDGET REVISION

MTG00-0000-00000 - XXX County (Example)
For the Period July 1, 20xx through June 30, 20xx

ADMINISTRATIVE BUDGET	ORIGINAL BUDGET	CHANGE	REVISED BUDGET
Director Salary	0		0
Supervisor Salary	5292	(+528	5820
Bookkeeper Salary	600		600
Secretary Salary	500		500
Training/Travel	500		500
Marketing	500		500
Telephone	400	(+36	436
Office Supplies	0		0
Rental Expenses	0		0
Standard Overhead	0		0
Computer Software Maintenance	0		0
Other	500		500
Other	0		0
OPERATING BUDGET	XXXXXXXX	XXXXXXXX	XXXXXXXX
Driver Salary	78,000	(+1863	79,863
Dispatcher Salary	3000		3000
Mechanic Salary	0		0
Fuel	7500		7500
Maintenance and Repair	5000	(-2,427	2573
Vehicle Insurance	5292		5292
Drug/Alcohol Testing	400		400
License	0		0
Uniforms	0		0
Other	1200		1200

Other	0		0
TOTAL	111,834		111,834
Less Revenue	22,367		22,367
Operating Deficit	89,467		89,467
Federal Share (50%)	44,734		44,734
Local Share (50%)	44,734		44,734

J - 2

**Example of Budget Amendment
MTG00-0XXXXXXXXXXXXX (COUNTY)**

For the period January 1, 20xx through December 31, 20xx

ADMINISTRATIVE BUDGET	ORIGINAL BUDGET	CHANGE	REVISED BUDGET
Director Salary	0	0	0
Supervisor Salary	7,409	+22,543	29,952
Bookkeeper Salary	0	0	0
Secretary Salary	0	0	0
Training/Travel	1,000	-1,000	0
Marketing	210	-210	0
Telephone	1,389	+1,011	2,400
Office Supplies	331	-153	178
Facilities/Equipment Rental	0	0	0
Standard Overhead	0	0	0
Computer Software Maintenance	0	0	0
Audit	525	-525	0
Other	0	0	0
Operating Budget	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Driver Salary	81,612	+58,598	140,210
Dispatcher Salary	0	0	0
Mechanic Salary	0	0	0
Fuel	10,972	+2,467	13,439
Maintenance and Repairs	8,000	-4,208	3,792
Vehicle Insurance	2,756	+2,718	5,474
Drug and Alcohol Testing	406	+11	417
License	0	0	0
Uniforms	0	0	0
Communications (Radios)	1,200	0	1,200
Fringe Benefits	0	0	0
Supplement Requested		81,252	(81,252)
TOTAL	115,810		197,062
Less Revenue	23,162		39,412
Operating Deficit	92,648		157,650
Federal Share (50%)	46,324		78,825
Local Share (50%)	46,324		78,825

**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.

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."

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 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;
- (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;
 - (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);
 - (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 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 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 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.

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:

- (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 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."

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 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 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 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 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 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, 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 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 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 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 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 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.

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 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.

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 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.

**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.

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Selection and Signature Page(s) follow.

Instructions for Completing Form OP-1 Application for Motor Property Carrier and Broker Authority

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I. Overview of Operating Authority

Depending upon the type of business operation (Motor Carrier, Broker, Freight Forwarder, Shipper, Vehicle Registrant, and/or Cargo Tank Facility) and what will be transported (property, hazardous materials, and/or passengers), companies may be required to register for both Interstate Operating Authority (Form OP-1 series or Form OP-2) and USDOT Number (Form MCS-150 series). The Federal Motor Carrier Safety Administration (FMCSA) enforces compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and the Hazardous Materials Regulations (HMRs), which govern safety and financial responsibility. FMCSA's registration requirements reflect the focus on both of these concerns.

FMCSA encourages all applicants with Internet access to use the online registration assistant at <http://www.fmcsa.dot.gov/online-registration> in order to determine FMCSA's registration requirements. Applicants without Internet access can call FMCSA at 1-800-832-5660 for assistance.

Who Needs Operating Authority?

Before beginning **interstate** operations in the United States (U.S.), all authorized for-hire Motor Carriers of non-exempt property and passengers, Brokers, and Freight Forwarders based in the U.S. or Canada must obtain Operating Authority by submitting the appropriate form(s) in the OP-1 series. For a description of the different types of OP-1 forms and the various FMCSA requirements for obtaining Operating Authority, please see "What Are the Steps in Getting Operating Authority?" (Topic IV) in this packet.

NOTE:

- Hawaii-based Motor Carriers that transport household goods, property or passengers within a terminal area (see 49 U.S.C. § 13504) must obtain Operating Authority. Carriers that operate solely within the State of Hawaii and do not transport household goods are *not* required to obtain Operating Authority.
- Mexico-based Motor Carriers should refer to http://www.fmcsa.dot.gov/espanol/forms_sp.htm (Spanish) or <http://www.fmcsa.dot.gov/espanol/english/forms.htm> (English) for more information.

In addition to Operating Authority, some Motor Carriers of property or passengers must obtain a USDOT Number before beginning interstate operations. Please consult "What Forms Do I Need to Complete?" at <http://www.fmcsa.dot.gov/reg-forms> which specifies the required forms for both Operating Authority and USDOT Number.

II. How to Apply

Applications may be submitted online or mailed to FMCSA. Compared to mailing, the online method reduces processing time by as much as 2-3 weeks, thus enabling companies to begin their operations sooner.

Remember, operations cannot begin until the certificate, permit, or license for Operating Authority has been received. For more information, see "What Are the Steps in Getting Operating Authority?" (Topic IV) in this packet.

Apply Online

Applying online requires the use of a valid credit card (American Express, Discover, MasterCard, or Visa). Those who do not wish to submit their credit card information online must complete the application and payment by mail (see "Apply by Mail" below).

The following tips are encouraged:

- Go to <http://www.fmcsa.dot.gov/online-registration> and complete the "Step-by-Step Registration Guide" prior to starting the application. The registration guide will lead users through a series of questions. Based upon the answers to the questions, the guide will identify required registration forms and link users directly to the online application form.
- Utilize the form instructions during the completion of the online form. This will help to ensure that the application is completed accurately.

NOTE:

- The applicant's legal name (or the authorized representative's name) must match the name and billing address of the credit card.
- Record the MC or FF Number that is provided after approval of the application. This number will be needed on the insurance and process agent forms that are required to complete the application process for obtaining Operating Authority (for more details, see "[What Are the Steps in Getting Operating Authority?](#)" (Topic IV) in this packet). This number may also be needed for any correspondence with the FMCSA.

Apply by Mail

Follow the steps below:

- 1) Applicants with Internet access are encouraged to go to <http://www.fmcsa.dot.gov/online-registration> and complete the "Step-by-Step Registration Guide" in order to identify required registration forms.
- 2) Go to <http://www.fmcsa.dot.gov/print-form> to download and print the appropriate form(s) and instructions. Applicants may also call FMCSA at 1-800-832-5660 to request an application packet by mail.
- 3) Follow the instructions to complete the application form(s).
- 4) Save a copy of the application and all supporting documents for the company's business records.
- 5) Mail the completed application form(s), any supporting documents, and payment to one of the following addresses depending upon the type of payment (and method of mail delivery):

- **Check or Money Order** (Make payable to the FMCSA in U.S. dollars)

First-Class Mail

Federal Motor Carrier Safety Administration
P.O. Box 70935
Charlotte, NC 28272-0935

Express Mail

QLP Wholesale Lockbox – NC0810
Lockbox #70935
1525 West WT Harris Blvd.
Charlotte, NC 28262

- **Credit Card** (MasterCard or Visa only)
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, MC-RIO
Washington, DC 20590

NOTE: Sending payment to the wrong address will delay application processing by 2-3 weeks.

III. What Is the Cost?

Operating Authority\$300.00 each

- **Form OP-1**
 - Motor Common Carrier of Property (except Household Goods)
 - Motor Contract Carrier of Property (except Household Goods)
 - Motor Common Carrier of Household Goods
 - Motor Contract Carrier of Household Goods
 - Broker of Property (except Household Goods)
 - Broker of Household Goods
 - United States-based Enterprise Carrier of International Cargo (except Household Goods)
 - United States-based Enterprise Carrier of International Household Goods
- **Form OP-1(P)**
 - Motor Common Carrier of Passengers
 - Motor Contract Carrier of Passengers
- **Form OP-1(FF)**
 - Freight Forwarder of Property (except Household Goods)
 - Freight Forwarder of Household Goods

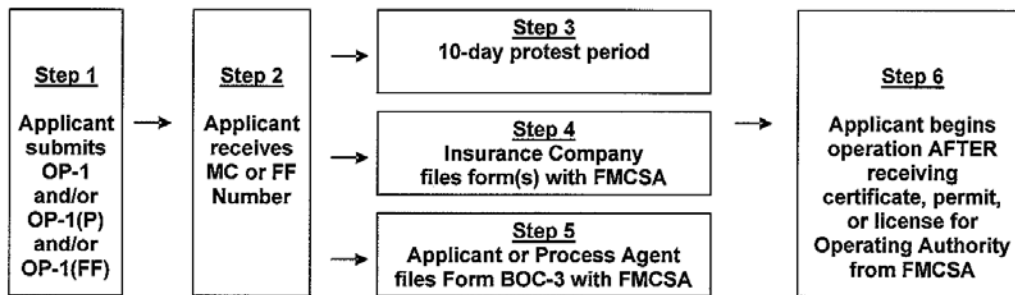
For descriptions of the different types of Operating Authority, see "SECTION II – Type of Authority" under "How to Complete the OP-1 Application for Motor Property Carrier and Broker Authority" (Topic V) in this packet.

NOTE:

- **REFUNDS ARE NOT PERMITTED.**
- **Each type of Operating Authority requires an additional \$300 fee.** For example, an application for both Motor Common Carrier of Property and Motor Common Carrier of Household Goods will require two \$300 fees for a total of \$600. Multiple fees can be combined into a single payment.
- The FMCSA reserves the right to discontinue processing any application for which insufficient payment is received.

IV. What Are the Steps in Getting Operating Authority?

For Motor Carriers, Brokers, and Freight Forwarders based in the U.S. or Canada, the Operating Authority application process includes the six steps shown below. Motor Carriers based in Hawaii or Mexico should see the NOTE in "Overview of Operating Authority" (Topic I) in this packet.



Step 1 – Application for Operating Authority

Motor Carriers, Brokers, and Freight Forwarders begin the Operating Authority application process by submitting one (or more) of the following forms with the appropriate application processing fee:

- **OP-1** - Operating Authority for:
 - o **Motor Carrier** (common property, contract property, common household goods, or contract household goods)
 - o **Broker** (property or household goods)
 - o **United States-based Enterprise Carrier** (international cargo or international household goods)
- **OP-1(P)** - Operating Authority for **Motor Passenger Carrier** (common or contract)
- **OP-1(FF)** - Operating Authority for **Freight Forwarder** (property or household goods)

NOTE:

- For descriptions of the different types of Operating Authority, see "**SECTION II – Type of Authority**" under "**How to Complete the OP-1 Application for Motor Property Carrier and Broker Authority**" (Topic V) in this packet.
- To identify the required form(s) for Operating Authority as well as USDOT Number, see "What Forms Do I Need to Complete?" at <http://www.fmcsa.dot.gov/reg-forms>.

Step 2 – Grant Letter and MC/FF Number

Applicants will receive a grant letter after FMCSA processes and accepts the Operating Authority application as follows:

- If applying online, a Motor Carrier (MC) or Freight Forwarder (FF) Number will be provided immediately and the confirmation grant letter will arrive via mail.
- If applying by mail, the grant letter should arrive via mail in approximately 4 weeks. This letter will include the MC or FF Number. Applicants have the option of checking the status of their application online. See "**Information Sources**" (Topic VI) in this packet for instructions.

Insurance Companies and Process Agents will use the MC or FF Number to make the appropriate filings on behalf of applicants to complete the application process for obtaining Operating Authority.

NOTE: Although an MC or FF Number has been assigned by FMCSA, this does not represent Operating Authority. The applicant may not begin to operate until it has received the corresponding certificate, permit, or license for Operating Authority described in Step 6.

Step 3 – 10-day Protest Period

At the same time the grant letter is mailed, each company's application for Operating Authority will be published in the *FMCSA Register*. This publication initiates the 10-calendar-day protest period, during which any individual can file a protest with FMCSA stating why a company should not be issued Operating Authority. FMCSA will accept protests sent by mail as long as they are postmarked by the last day of the protest period. FMCSA will provide the applicant with information on the adjudication process if any protests are filed. During this protest period, Insurance Companies and Process Agents can file the necessary documents detailed in Step 4 and Step 5 below.

To view the *FMCSA Register*, go to <http://li-public.fmcsa.dot.gov> and then follow the steps below:

- 1) Read the introductory page and then click the "Continue" link
- 2) Select the "FMCSA Register" option in the dropdown menu and click "Go"

Step 4 – Insurance

This step can begin any time after an applicant receives its MC or FF Number as described in Step 2 above and is not dependent on Step 3 being completed. An Insurance Company must file the appropriate insurance form(s) on behalf of the applicant within 90 days of the date the application for Operating Authority was published in the *FMCSA Register*. Otherwise, the application for Operating Authority will be dismissed and the application fee will not be refunded. The applicant will receive a warning letter about the 90-day deadline if FMCSA has not received the required documentation within 20 days.

NOTE:

- Applicants may not file insurance forms on their own behalf. Therefore, FMCSA does not provide insurance forms to applicants.
- An authorized representative from the home or branch office of an Insurance Company must file the required insurance form(s) on the applicant's behalf.
- To minimize processing delays, FMCSA recommends filing forms electronically.
- It is the applicant's responsibility to follow up with the Insurance Company to verify that FMCSA has received and approved the required insurance form(s).
- Failure to promptly submit required forms and documentation will delay application processing and can result in dismissal of the application and loss of the application fee.
- Check the status of insurance filings by either accessing the FMCSA Web site (see "[Information Sources](#)" (Topic VI) in this packet for instructions) or calling FMCSA toll-free at 1-866-637-0635 or 202-385-2423 (Monday through Friday, 8 a.m. to 4:30 p.m. e.s.t.).

Depending upon the type(s) of Operating Authority requested, one or more of the following forms must be filed with FMCSA by an Insurance Company or financial institution:

- Form BMC-91 or BMC-91X for proof of bodily injury and property damage (BI & PD) insurance
- Form BMC-34 for proof of cargo liability insurance
- Form BMC-84 for broker surety bond
- Form BMC-85 for broker trust fund agreement

For specific guidance about which form(s) FMCSA requires, see "[Section III – Insurance Information](#)" under "[How to Complete the OP-1 Application for Motor Property Carrier and Broker Authority](#)" (Topic V) in this packet. Also, see 49 CFR Part 387 for more details. To view this information, go to the FMCSA Web site at <http://www.fmcsa.dot.gov> and search for "387" in the Rules & Regulations search box.

Self Insurance

Motor Carriers, U.S.-based Enterprise Carriers, and Freight Forwarders may qualify as a self-insurer against bodily injury, property damage, and cargo liability claims, by submitting Form BMC-40 (Application for Authority to Self-Insure) and evidence to the FMCSA to demonstrate the existence of the following:

- Adequate tangible net worth that will cover any liability claims in the event of a loss
- Sound self-insurance program
- Adequate safety program

FMCSA will approve an application to self-insure subject to appropriate and reasonable conditions. For more details about self insurance, see 49 CFR § 387.309 and § 387.411.

Insurance Exemptions

Motor Common Carriers and U.S.-based Enterprise Carriers that transport low-value goods, as specified in 49 CFR § 387.301(b), may request exemption from cargo insurance requirements by submitting the cargo exemption form. Freight Forwarders that will not operate commercial motor vehicles (CMV) may seek a waiver of liability (BI & PD) insurance requirements. Direct all requests for insurance exemptions and waivers to the FMCSA Insurance Team, Commercial Enforcement Compliance Division, at 1-866-637-0635 or 202-385-2423.

Step 5 – Process Agent

This step can begin any time after an applicant receives its MC or FF Number as described in Step 2 above. FMCSA requires each applicant for Operating Authority to designate a Process Agent in every State in which it conducts business or maintains an office. A Process Agent is a representative upon whom court papers may be served in any legal proceeding brought against a Motor Carrier, Broker, or Freight Forwarder.

Motor Carriers of Property and/or Passengers, and CMV-operating Freight Forwarders:

- must designate a Process Agent in each State that they operate in or through.
- can act as their own Process Agent in the State in which they maintain a physical office (P.O. Box address is not considered a physical office).

Brokers and Freight Forwarders that will not operate CMVs:

- must designate a Process Agent in each State in which they maintain an office or establish contracts.
- can act as their own Process Agent in the State in which they maintain a physical office (P.O. Box address is not considered a physical office).

Either the applicant or Process Agent, on behalf of the applicant, can file Form BOC-3 (Designation of Process Agents) with the FMCSA. This form must be filed within 90 days of the date the application for Operating Authority was published in the *FMCSA Register*. Failure to meet this deadline will result in dismissal of the Operating Authority application and loss of the application fee. The applicant will receive a warning letter about the 90-day deadline if FMCSA has not received the required documentation within 20 days. To minimize processing delays, FMCSA recommends electronically filing Form BOC-3 at <http://li-public.fmcsa.dot.gov>.

For a fee, many commercial companies will arrange a Process Agent in any State. Some companies offer "blanket coverage," which designates a Process Agent in every U.S. State. For a list of Process Agent companies, visit the FMCSA Web site at <http://www.fmcsa.dot.gov/process-agent>. For more details about Process Agent designation, see 49 CFR Part 366.

Step 6 – Certificate, Permit, or License of Operating Authority

After FMCSA has approved the application, insurance, and process agent filings, and the protest period has ended without any protests, applicants are issued Operating Authority in the form of a certificate (Motor Carrier), permit (Freight Forwarder), or license (Broker). **Applicants may not begin operations until this official record of Operating Authority is received by mail.**

State Regulations and Requirements

In addition to Federal requirements, all applicants must comply with registration, fuel tax, and other State regulations and procedures. Before beginning new or expanded interstate operations, applicants must familiarize themselves with the various State rules applicable to interstate companies in each State in which they plan to operate. Begin this process by contacting the transportation regulatory agency for the State in which the applicant is located.

V. How to Complete the OP-1 Application for Motor Property Carrier and Broker Authority

These instructions will assist companies in accurately completing the application. **Incomplete or incorrect applications will be delayed or suspended until the applicant has been contacted and the problems have been resolved. If an application is rejected, the application fee will not be refunded.**

NOTE FOR APPLICATIONS THAT WILL BE MAILED:

- Please **print clearly in ink** or **type** all information.
- If more space is needed to complete any section on the application form, please attach a separate sheet of paper and label each page with the applicant's legal business name, section number on the form, and item description.
- Retain a copy of the completed application form and any supporting attachments for the company's business records.
- For additional mailing instructions, please see "[Apply by Mail](#)" under "[How to Apply](#)" (Topic II) in this packet.

SECTION I – Applicant Information

All applicants must complete this section.

FMCSA Authority

Select the "YES" response if either of the following conditions are true:

- Operating Authority was previously issued by the Interstate Commerce Commission (ICC), Federal Highway Administration (FHWA), Office of Motor Carrier Safety (OMCS), or Federal Motor Carrier Safety Administration (FMCSA)
- An application for Operating Authority is currently being processed by FMCSA

If neither of the conditions above apply, then select the "NO" response.

If the "YES" response is selected, indicate the MC/FF Number (for example: MC-999999), which is also called the lead docket number. To search for the MC/FF Number, follow the instructions provided under "MC/FF Number" in "[Information Sources](#)" (Topic VI) in this packet.

Legal Business Name

Enter the full legal name of the business entity (i.e., corporation, sole proprietorship/individual, or partnership) that owns/controls the Motor Carrier or Broker operation. This should be the same name that appears on the incorporation certificate, partnership agreement, tax records, etc. Examples are as follows:

- *Corporation* — Enter the full legal name on the incorporation certificate. This name must include the type of corporation, such as: John Doe Inc. or John Doe LLC
- *Sole Proprietorship/Individual* — Enter the full legal name, such as: John A. Doe
- *Partnership* — Enter the full legal names of all partners, such as: John A. Doe and Jane B. Smith

NOTE: To avoid delays in obtaining Operating Authority, the Legal Business Name on the OP-1 application must match the name submitted on insurance documents, Form BOC-3 (Designation of Process Agents), and Form MCS-150 (Application for USDOT Number, which is required for Motor Carriers only).

Doing Business As Name

Leave this item blank unless the Doing Business As (DBA) Name or Trade Name is different from the Legal Business Name entered above. For example: enter "John's Trucking Company" here if the business operates under this name, but John A. Doe is the Legal Business Name.

NOTE: It is important to spell, space, and punctuate the business name the same exact way each time it appears on an application; any difference will be considered a different company. For example: John Jones Trucking Co., Inc.; J. Jones Trucking Co., Inc.; and John Jones Trucking are considered three separate companies.

Business Address

Enter the physical street address of the company's principal place of business. If there is more than one business location, provide the address where most of the company's safety records are maintained. For example: 756 Bounty Street or 15433 State Highway 23.

NOTE: A P.O. Box may not be entered as the Business Address on the OP-1 form. Also, if applying for a USDOT Number, this Business Address must match the Principal Address on the MCS-150 application.

Mailing Address

Enter the mailing address where all correspondence from FMCSA should be sent. Leave this item blank if the Mailing Address is the same as the Business Address.

NOTE: In order to receive pertinent FMCSA notices and verification that insurance documents have been filed on the applicant's behalf, please notify FMCSA of Business or Mailing Address changes by one of the following methods:

- Online at <http://www.fmcsa.dot.gov>
- Fax information to 202-366-3477
- Mail information in writing to 1200 New Jersey Avenue SE, MC-RIO, Washington, DC 20590, Attention: Address Change

Please include Legal Business Name and MC Number (also called lead docket number).

Representative

If someone other than the applicant is preparing the application, provide the representative's name, title/position or relationship to the applicant, business address, and business telephone and fax numbers. This representative will be contacted if questions concerning this application arise.

USDOT Number

Enter the USDOT Number if one has been assigned. If not, please consult "What Forms Do I Need to Complete?" at <http://www.fmcsa.dot.gov/reg-forms> to determine whether a USDOT Number must be obtained.

To find a company's USDOT Number, use either method below:

- Go to <http://safer.fmcsa.dot.gov>
 - 1) Then click "Licensing & Insurance" under "FMCSA Searches"
 - 2) Enter a Legal Name or DBA Name AND the State in which the company headquarters are located
 - 3) Click "Search"
- Call FMCSA at 1-800-832-5660

NOTE: All applicants subject to the Federal Motor Carrier Safety Regulations are required to register with the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation before beginning business operations. For more information, please visit FMCSA's Web site at <http://www.fmcsa.dot.gov/online-registration> or call 1-800-832-5660.

Form of Business

Select only **one** category and provide the requested information:

- *Corporation* — Provide the name of the State where the corporation is incorporated.
- *Sole Proprietorship/Individual* — Provide the full legal name of the individual who is the business owner. This name should match the name entered under Legal Business Name.
- *Partnership* — Provide the full legal name of **each** partner. These names should match the names entered under Legal Business Name.

SECTION II – Type of Operating Authority

All applicants must complete this section. Check all boxes that apply. A separate \$300 fee is required for **each type** of Operating Authority requested.

NOTE: The type(s) of Operating Authority requested will impact the type and level of insurance that is required by FMCSA. Therefore, carefully select only the type(s) of Operating Authority relevant to the business. FMCSA does not refund application fees.

Descriptions of the different types of interstate Operating Authority are as follows:

- **Motor Common Carrier of Property (except Household Goods)** — An authorized for-hire Motor Carrier that transports regulated commodities (except household goods) for the general public in exchange for payment that is based on published tariff rates. Motor Common Carriers of Property (except household goods) must file proof of both public liability (bodily injury and property damage – BI & PD) and cargo insurance with FMCSA in order to obtain interstate Operating Authority.
- **Motor Contract Carrier of Property (except Household Goods)** — An authorized for-hire Motor Carrier that transports regulated commodities (except household goods) for specific customers in exchange for payment that is based on negotiated contracts. Motor Contract Carriers of Property (except household goods) must file proof of public liability (BI & PD) insurance with FMCSA in order to obtain interstate Operating Authority. Cargo insurance is not required. A Motor Contract Carrier of Property (except household goods) cannot be a Motor Common Carrier of Property (except household goods) without applying for additional Motor Common Carrier Operating Authority and filing proof of cargo insurance with FMCSA.
- **Motor Common Carrier of Household Goods** — An authorized for-hire Motor Carrier that transports only household goods for the general public in exchange for payment that is based on published tariff rates. Household goods are personal items that will be used in a home. They include items shipped from a factory or store, if purchased with the intent to use in a home, and transported at the request of the householder who pays for the transportation charges. Motor Common Carriers of Household Goods must file proof of both public liability (BI & PD) and cargo insurance with FMCSA in order to obtain interstate Operating Authority.
- **Motor Contract Carrier of Household Goods** — An authorized for-hire Motor Carrier that transports only household goods for specific customers in exchange for payment that is based on negotiated contracts. Household goods are personal items that will be used in a home. They include items shipped from a factory or store, if purchased with the intent to use in a home, and transported at the request of the householder who pays for the transportation charges. Contract Carriers of Household Goods must file proof of public liability (BI & PD) insurance with FMCSA in order to obtain interstate Operating Authority. Cargo insurance is not required. A Motor Contract Carrier of Household Goods cannot be a Motor Common Carrier of Household Goods without applying for additional Motor Common Carrier Operating Authority and filing proof of cargo insurance with FMCSA.
- **Broker of Property (except Household Goods)** — An individual, partnership, or corporation that receives payment for arranging the transportation of property (excluding household goods) belonging to others by using an authorized Motor Carrier. **A Broker does not assume responsibility for the property and never takes possession of it.**

- **Broker of Household Goods** — An individual, partnership, or corporation that receives payment for arranging the transportation of household goods belonging to others by using an authorized Motor Carrier. **A Broker does not assume responsibility for the household goods and never takes possession of the goods.** Household goods are personal items that will be used in a home. They include items shipped from a factory or store, if purchased with the intent to use in a home, and transported at the request of the householder who pays for the transportation charges.
- **United States-based Enterprise Carrier of International Cargo (except Household Goods)** — A company that transports international cargo (excluding household goods) and is headquartered in the United States, but is owned or controlled (greater than 55%) by a Mexican citizen or resident alien. International cargo must originate in or be destined for a foreign country. Enterprise Carriers are not classified as either common or contract Motor Carriers.
- **United States-based Enterprise Carrier of International Household Goods** — A company that transports international household goods and is headquartered in the United States, but is owned or controlled (greater than 55%) by a Mexican citizen or resident alien. Household goods are personal items that will be used in a home. They include items shipped from a factory or store, if purchased with the intent to use in a home, and transported at the request of the householder who pays for the transportation charges. International household goods must originate in or be destined for a home in a foreign country. Enterprise Carriers are not classified as either common or contract Motor Carriers.

SECTION III – Insurance Information

Only applicants that will operate commercial motor vehicles must complete this section. The bodily injury and property damage (BI & PD liability) insurance coverage requirements are based upon the gross vehicle weight rating (GVWR) of vehicles and the classification of property (including hazardous materials) that will be transported. Check all boxes that apply.

To determine the required minimum amount of BI & PD liability insurance coverage, identify the highest dollar amount in parentheses among the insurance categories that are selected. For example, if the boxes for both non-hazardous commodities (\$750,000) and hazardous materials (\$5,000,000) are checked, the required minimum insurance coverage is \$5,000,000—not \$5,750,000.

NOTE:

- **Motor Common Carriers of Household Goods (HHG), Motor Contract Carriers of HHG, and U.S.-based Enterprise Carriers of International HHG** must maintain a minimum of \$750,000 of BI & PD liability insurance coverage regardless of the GVWR of the vehicles they operate.
- In addition to BI & PD liability insurance coverage, **Motor Common Carriers of Property, Motor Common Carriers of HHG, U.S.-based Enterprise Carriers of International Cargo, and U.S.-based Enterprise Carriers of International HHG** must maintain minimum levels of cargo insurance (Form BMC-34 for cargo liability) in the amount of:
 - o \$5,000 for loss of or damage to property carried on any one motor vehicle
 - o \$10,000 for loss of or damage to property occurring at any one time and place
- **Motor Common Carriers and U.S.-based Enterprise Carriers that transport low-value goods**, as specified in 49 CFR 387.301(b), may request an exemption from cargo insurance requirements by calling the FMCSA Insurance Team, Commercial Enforcement Compliance Division, at 1-866-637-0635 (toll-free) or 202-385-2423 and requesting a cargo exemption form.
- **Motor Contract Carriers of Property and Motor Contract Carriers of HHG** only require proof of BI & PD liability insurance with FMCSA. Cargo insurance is not required by Motor Contract Carriers.

NOTE (continued):

- **Brokers of Property and Brokers of Household Goods** require one of the following in the amount of \$10,000:
 - o Broker Surety Bond (Form BMC-84) must be filed by an insurance company.
 - o Broker Trust Fund Agreement (Form BMC-85) must be filed by a financial institution. This form is available at http://www.fmcsa.dot.gov/print-form_or_by_request from the FMCSA Insurance Team, Commercial Enforcement Compliance Division, at 1-866-637- 0635 (toll-free) or 202-385-2423.
- An insurance company must file the appropriate insurance form(s) on behalf of the applicant within 90 days of the date the application for Operating Authority was published in the FMCSA Register. Call FMCSA toll-free at 1-866-637-0635 to request information about insurance providers.
- For more information about FMCSA's insurance regulations, see "[Step 4 - Insurance](#)" under "[What Are the Steps in Getting Operating Authority?](#)" (Topic IV) in this packet.

SECTION IV – Safety Certification

Only applicants that will operate commercial motor vehicles must complete this section. Select only one response.

Applicants that will only operate vehicles with a GVWR under 10,000 pounds and will not transport hazardous materials, are exempt from the Federal Motor Carrier Safety Regulations. Skip to the paragraph "EXEMPT APPLICANTS," read the corresponding statement, and select the "YES" response in this part only if the applicant attests that the entire statement is true.

All other applicants that will operate vehicles with a GVWR of more than 10,000 pounds must read the statements under "APPLICANTS SUBJECT TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS." These statements describe the activities that Motor Carriers and U.S.-based Enterprise Carriers must follow in order to comply with the FMCSRs. Select the "YES" response in this part only if the applicant attests that all statements are true.

SECTION V – Affiliations

Only applicants with any relationship within the past 3 years to any business entity regulated/licensed by the FMCSA, ICC, FHWA, or OMCS must complete this section.

Examples of an affiliation or relationship include, but are not limited to, owning another company (even a percentage of stock), providing a loan to another company, managing another company, or having a family relationship with an owner or manager of another company.

Disclose any past or current relationship within the last 3 years by providing the following:

- Description of affiliation or relationship
- Name of the company
- MC/FF Number
- USDOT Number
- Latest DOT safety rating (for more information, see "[Information Sources](#)" (Topic VI) in this packet)

SECTION VI – Household Goods Certifications

Only companies applying for Operating Authority as a Motor Common Carrier of Household Goods, Motor Contract Carrier of Household Goods, Broker of Household Goods, or United States-based Enterprise Carrier of International Household Goods must complete this section.

Select the applicable paragraph(s) depending upon the type(s) of Operating Authority requested in "SECTION II – Type of Authority" of the application form. Read the corresponding statement(s) and select the corresponding "YES" response(s) if the entire statement is true.

SECTION VII – Scope of Operating Authority

Only companies applying for Operating Authority as a Motor Contract Carrier of Household Goods must complete this section.

SECTION VIII – Applicant's Oath

All applicants must complete this section. False certifications are subject to the penalties described in the oath.

Type or print the name and title of an individual authorized to sign documents on behalf of the company that is applying for Operating Authority. The authorized signer is one of the following:

- In the case of a sole proprietorship, the owner
- In the case of a partnership, an official partner
- In the case of a corporation, an authorized employee in the ownership structure
- An individual with power of attorney to act on behalf of the applicant (proof of the power of attorney must be submitted with the application)

<p>NOTE: If this application is not signed and dated by an authorized individual, the application will be REJECTED and interstate Operating Authority will NOT be issued.</p>
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VI. Information Sources

For general information and guidance regarding applications, please visit the FMCSA Web site at <http://www.fmcsa.dot.gov> or call FMCSA at 1-800-832-5660.

Status of Application, Insurance, and Process Agent Filings

To check the status, use either of the following methods after FMCSA has processed your application:

- Go to the FMCSA Web site at <http://li-public.fmcsa.dot.gov> and do the following:
 - 1) Read the introductory page and click "Continue"
 - 2) Select "Carrier Search" in the dropdown menu and click "Go"
 - 3) Follow the search instructions (for State, enter the location of the company headquarters)
- Call FMCSA's automated telephone system toll-free at 1-866-637-0635. Please have your MC/FF Number (also called docket number) ready if it has already been assigned (for more information, see Step 2 in "[What Are the Steps in Getting Operating Authority?](#)" (Topic IV) in this packet).

MC/FF Number

To find a company's MC/FF Number, go to <http://li-public.fmcsa.dot.gov> and conduct a search as follows:

- 1) Read the introductory page and click "Continue"
- 2) Select "Carrier Search" in the dropdown menu and click "Go"
- 3) Follow the search instructions (for State, enter the location of the company headquarters)

Those without Internet access can call 1-800-832-5660 or 202-385-2423 for assistance.

USDOT Number Registration

To obtain a USDOT Number, either apply online or by mail as follows:

- Apply online at <http://www.fmcsa.dot.gov/online-registration>, which provides a USDOT Number immediately after successful completion of the online form.
- Go to <http://www.fmcsa.dot.gov/print-form>, print the appropriate MCS-150 form(s), and mail the completed form(s) to FMCSA. Those without Internet access should call 1-800-832-5660 to request forms by mail.

Hazardous Materials Regulations

To determine whether any of the commodities you intend to transport are considered to be hazardous materials, refer to the Federal Hazardous Materials Regulations in Parts 100 through 185 of Title 49 of the Code of Federal Regulations (CFR), particularly the Hazardous Materials Table at 49 CFR Part 172. These regulations are available online at <http://hazmat.dot.gov/regs/rules.htm>. Contact the FMCSA at 202-366-6121 if assistance is needed.

To obtain information about DOT hazardous material transportation registration requirements, call 202-366-4109.

Safety Rating

If a safety rating has already been assigned, view your status online at <http://www.fmcsa.dot.gov> (click "Company Safety Snapshot") or call 1-800-832-5660.

To request a safety fitness review, please contact your local FMCSA field office. To find contact information for your local field office, either:

- Visit the FMCSA Web site at <http://www.fmcsa.dot.gov/field-office>
- Call 1-800-832-5660

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The OMB control number for this collection is 2126-0016. It is estimated that an average of 2 burden hours per response is required to complete this collection of information. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments concerning the accuracy of this burden estimate or suggestions for reducing this burden should be directed to the Federal Motor Carrier Safety Administration, Systems Operations Team, 1200 New Jersey Avenue SE, Washington, DC 20590.

U.S. Department of Transportation
Federal Motor Carrier Safety Administration

FORM OP-1 APPLICATION FOR MOTOR PROPERTY CARRIER AND BROKER AUTHORITY

This application is for businesses requesting operating authority as a motor carrier, broker, and/or U.S.-based enterprise carrier of property or household goods.

FOR FMCSA USE ONLY	
Docket No. MC	Fee No.
Filed	CC Approval No.

SECTION I Applicant Information

Do you now have operating authority from or an application being processed by the FMCSA, FHWA, OMCS, or ICC?
 YES NO If YES, identify the MC/FF Number (or lead docket number): _____

LEGAL BUSINESS NAME _____ **DOING BUSINESS AS NAME** (If different from Legal Business Name) _____

BUSINESS ADDRESS

Physical Street Name and Number (No P.O. Box)	City	State	Zip Code	Telephone Number
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MAILING ADDRESS (If different from Business Address above)

Street Name and Number	City	State	Zip Code
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REPRESENTATIVE (Person who can respond to inquiries)

Name	Title, Position, or Relationship to Applicant
Street Name and Number	City State Zip Code
Telephone Number	Fax Number

USDOT NUMBER (If available; if not, see instructions) _____

FORM OF BUSINESS (Select only one)

Corporation State of Incorporation _____

Sole Proprietorship Legal Name of Owner _____

Partnership Legal Name of Each Partner _____
(separate names with a comma)

SECTION II Type of Operating Authority

Check box(es) for each type of operating authority requested. You must submit a filing fee of \$300.00 for each box checked.

<input type="checkbox"/> Motor Common Carrier of Property (except Household Goods)	<input type="checkbox"/> Broker of Property (except Household Goods)
<input type="checkbox"/> Motor Contract Carrier of Property (except Household Goods)	<input type="checkbox"/> Broker of Household Goods
<input type="checkbox"/> Motor Common Carrier of Household Goods	<input type="checkbox"/> United States-based Enterprise Carrier of International Cargo (except Household Goods)
<input type="checkbox"/> Motor Contract Carrier of Household Goods	<input type="checkbox"/> United States-based Enterprise Carrier of International Household Goods

SECTION III Insurance Information**Applicants that will operate commercial motor vehicles must complete this section.**

The dollar amounts in parentheses represent the minimum amount of bodily injury and property damage (liability) insurance coverage you must maintain and have on file with the FMCSA.

NOTE: Refer to the instructions for information about cargo insurance requirements for motor common carriers and United States-based enterprise carriers, and surety bond/trust fund agreement filings for brokers.

Applicant will operate any vehicle having a gross vehicle weight rating (GVWR) of 10,000 pounds or more to transport:

- Non-hazardous commodities (\$750,000)
- Hazardous materials referenced in the FMCSA's insurance regulations at 49 CFR 387.9 (\$1,000,000)
- Hazardous materials referenced in the FMCSA's insurance regulations at 49 CFR 387.9 (\$5,000,000)

Applicant will operate only vehicles having gross vehicle weight ratings (GVWR) under 10,000 pounds to transport:

- Any quantity of Division 1.1, 1.2, or 1.3 material; any quantity of Division 2.3, Hazard Zone A, or Division 6.1, Packing Group I, Hazard Zone A material; or highway route controlled quantities of a Class 7 material as defined in 49 CFR 173.403 (\$5,000,000)
- Commodities other than those listed above (\$300,000)

SECTION IV Safety Certification (for vehicle-operating applicants only)**APPLICANTS SUBJECT TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS**

If you will operate vehicles of more than 10,000 pounds GVWR and are, thus, subject to pertinent portions of the U.S. DOT's Federal Motor Carrier Safety Regulations (FMCSRs) at 49 CFR, Chapter 3, Subchapter B (Parts 350-399), you must certify as follows:

Applicant has access to and is familiar with all applicable U.S. DOT regulations relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials and it will comply with these regulations. In so certifying, applicant is verifying that, at a minimum, it:

- (1) Has in place a system and an individual responsible for ensuring overall compliance with FMCSRs;
- (2) Can produce a copy of the FMCSRs and the Hazardous Materials Transportation Regulations;
- (3) Has in place a driver safety training/orientation program;
- (4) Has prepared and maintains an accident register (49 CFR Part 390.15);
- (5) Is familiar with DOT regulations governing driver qualifications and has in place a system for overseeing driver qualification requirements (49 CFR Part 391);
- (6) Has in place policies and procedures consistent with DOT regulations governing driving and operational safety of motor vehicles, including drivers' hours of service and vehicle inspection, repair, and maintenance (49 CFR Parts 392, 395, and 396);
- (7) Is familiar with and will have in place on the appropriate effective date, a system for complying with U.S. DOT regulations governing alcohol and controlled substances testing requirements (49 CFR Part 382 and 49 CFR Part 40).

YES NO

EXEMPT APPLICANTS

If you will operate only small vehicles (GVWR under 10,000 pounds) and will not transport hazardous materials, you are exempt from Federal Motor Carrier Safety Regulations, and must certify as follows:

Applicant is familiar with and will observe general operational safety guidelines, as well as any applicable State and local laws and requirements relating to the safe operation of commercial motor vehicles and the safe transportation of hazardous materials.

YES NO

SECTION V Affiliations

Disclose any relationship you have or have had with any other FMCSA-regulated entity (including entities licensed by the FHWA, OMCS, or ICC) within the past 3 years. Examples include, but are not limited to, a percentage of stock ownership, a loan, or a management position. If this requirement applies to you, provide the name of the company, MC/FF Number, USDOT Number, and that company's latest DOT safety rating. If you require more space, attach the information to this application form.

SECTION VI Household Goods Certification

HOUSEHOLD GOODS MOTOR COMMON CARRIER APPLICANTS including United States-based Enterprise Carriers of International Household Goods must certify as follows:

Applicant is fit, willing, and able to provide the specialized services necessary to transport household goods. This assessment of fitness includes applicant's general familiarity with former ICC, FHWA, or OMCS, now FMCSA regulations for household goods movements and also requires an assurance that applicant has or is willing to acquire the protective equipment and trained operators necessary to perform household goods movements and that applicant will offer arbitration as a means of settling loss and damage disputes on collect-on-delivery shipments. The proposed operations will serve a useful public purpose responsive to a public demand or need.

YES NO

HOUSEHOLD GOODS MOTOR CONTRACT CARRIER APPLICANTS including United States-based Enterprise Carriers of International Household Goods must certify as follows:

Applicant is fit, willing, and able to provide the specialized services necessary to transport household goods. This assessment of fitness includes applicant's general familiarity with former ICC, FHWA, or OMCS, now FMCSA regulations for household goods movements and also requires an assurance that applicant has or is willing to acquire the protective equipment and trained operators necessary to perform household goods movements and that applicant will offer arbitration as a means of settling loss and damage disputes on collect-on-delivery shipments. The proposed service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

YES NO

HOUSEHOLD GOODS BROKER APPLICANTS must certify as follows:

Applicant is fit, willing, and able to provide household goods brokerage operations and to comply with all pertinent statutory and regulatory requirements. The involved services will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

YES NO

NOTE: Applicant may attach a supporting statement to this application to provide additional information about any of the above certifications. This evidence is optional.

SECTION VII Scope of Operating Authority

Applicants requesting operating authority as a Motor Contract Carrier of Household Goods must complete this section. Check all boxes that apply.

Contracting shippers have one or more of the distinct needs delineated in Interstate Van Lines, Inc., Extension—Household Goods, 5 I.C.C.2d 168 (1988). Describe briefly the distinct need(s):

Contracts provide for assignment of one or more vehicles for the exclusive use of each shipper in the manner specified in Interstate Van Lines, Inc., Extension—Household Goods, 5 I.C.C.2d 168 (1988).

SECTION VIII Applicant's Oath

This oath applies to all supplemental filings to this application. The signature must be that of the applicant, not the legal representative.

I, _____, verify under penalty of perjury, under the laws of the United States of America,
 (Print Name)

that all information supplied on this form or relating to this application is true and correct. Further, I certify that I am qualified and authorized to file this application. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to 5 years for each offense.

I further certify under penalty of perjury, under the laws of the United States, that I have not been convicted, after September 1, 1989, of any Federal or State offense involving the distribution or possession of a controlled substance, or that if I have been so convicted, I am not ineligible to receive Federal benefits, either by court order or operation of law, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 862).

Finally, I certify that the applicant is not domiciled in Mexico, or owned or controlled by persons of that country. (NOTE: The preceding sentence does not pertain to applicants that are United States-based Enterprise Carriers of International Cargo and/or Household Goods.)

Signature _____ Title _____ Date _____

Form OP-1

Payment Instructions

- 1) Each type of operating authority requested in Section II of the application form requires a \$300 processing fee.
Calculate the total amount due as follows:

$$\begin{array}{c} \underline{\hspace{2cm}} \\ \text{(Enter total number of boxes} \\ \text{checked in Section II)} \end{array} \times \$300 = \$ \begin{array}{c} \underline{\hspace{2cm}} \\ \text{(Enter total payment amount)} \end{array}$$

- 2) Select payment method:

- Check or Money Order - Make payable to **FMCSA** in United States (U.S.) dollars.
Payment must be drawn upon funds deposited in a bank located in the U.S.
- Credit Card - Complete the **Credit Card Payment Authorization** below.

Credit Card Payment Authorization		
Select Credit Card <input type="radio"/> Visa <input type="radio"/> MasterCard	Total Payment Amount	
Credit Card Number	Expiration Date	
Name (exactly as it appears on credit card)		
Credit Card Billing Address		
Street Name and Number		
City	State	Zip Code
Signature		Date

Mailing Instructions (To apply online, please see "How to Apply" (Topic II) in this packet.)

- 1) Save a copy of the completed application form(s), all supporting documents (if any), and payment details for the company's business records.
- 2) Depending upon the type of payment (and method of mail delivery), send the completed application form(s), any supporting documents, and payment to one of the following addresses (NOTE: Sending payment to the wrong address will delay application processing by 2-3 weeks):
- **Check or Money Order**
 - **First-Class Mail**
Federal Motor Carrier Safety Administration
P.O. Box 70935
Charlotte, NC 28272-0935
 - **Express Mail**
QLP Wholesale Lockbox – NC0810
Lockbox #70935
1525 West WT Harris Blvd.
Charlotte, NC 28262
 - **Credit Card**
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, MC-RIO
Washington, DC 20590