

**TRANSIT FEASIBILITY STUDY  
REQUEST FOR PROPOSAL (RFP)  
FOR THE HUALAPAI INDIAN TRIBE**



**PUBLISHED: DECEMBER 31, 2014**

**RESPOND BY: FEBRUARY 6, 2015**

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December 2014**

**1. INTRODUCTION**

The Hualapai Tribe is seeking proposals to prepare a Transit Feasibility Study with funding from the Arizona Department of Transportation's (ADOT). Federal Transit Administration (FTA) funded program: CFDA 20.505 Metropolitan Transportation Planning funding and funding from the Hualapai Indian Tribe. A Transit Feasibility Study may address the needs of multiple jurisdictions as well as the needs of neighborhoods within jurisdictions.

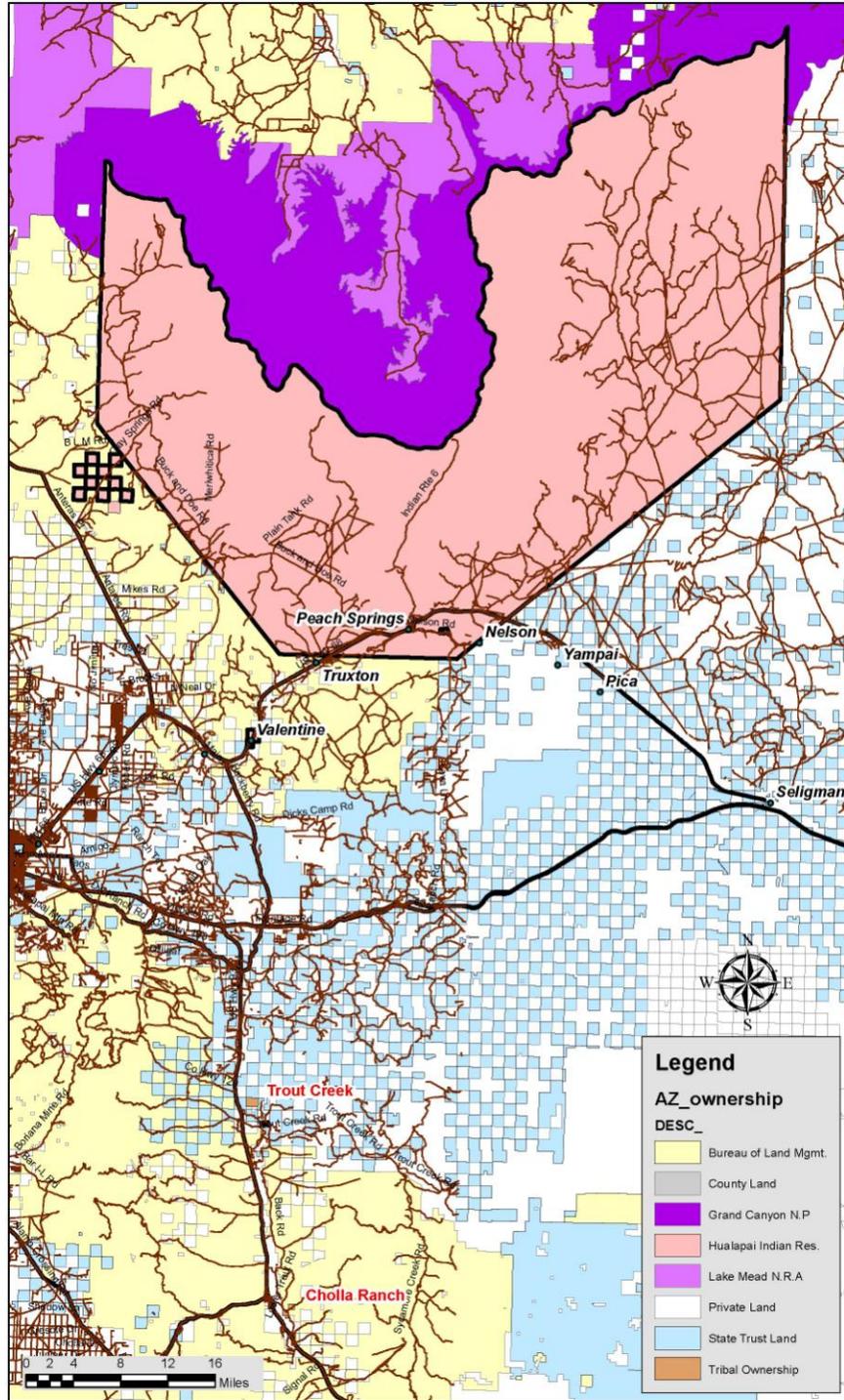
The Hualapai Indian Reservation and Trust boundaries encompass 1,000,438 million acres located in a remote area of Northwest Arizona with portions of the Reservation being located in Mohave, Yavapai and Coconino Counties. It is bounded on the north by the midpoint of the Colorado River (108 miles long), Lake Mead National Recreation Area and the Grand Canyon National Park; on the east by the Havasupai Indian Reservation and the owned Boquillas Ranch controlled by the Navajo Nation; on the south by Bureau of Land Management (BLM), State of Arizona, Burlington Northern Santa Fe Railroad and private land owners; on the west by private and BLM holdings.

The principle community is Peach Springs located along Historic State Route 66 approximately 50 miles northeast of Kingman, Arizona. There are also scattered homes located along Buck and Doe Road, the Box Canyon and Milkweed subdivisions and Indian Route 18. The west end of the reservation is home to the Skywalk and Grand Canyon West, an economic development of the Tribe. In addition, there are several areas located outside the main reservation boundaries. These are:

- Valentine: 755 acres of trust land,
- Hunt Ranch: Several parcels encompassing 120 acres of fee land,
- Truxton Triangle: 142 acres of fee land in process for conversion to trust land located along State Route 66 contiguous to the Reservation's southern boundary,
- Big Sandy Allotments: Approximately 1,000 acres of land located some 20 miles north of the Town of Wikieup, and
- Cholla Canyon Ranch: 360 acres of fee land in process for conversion to trust land located on the north bank of the Big Sandy River and east of the Town of Wikieup.

See map for the extent of the Hualapai Tribe's land holdings.

### Hualapai Reservation, Trust, Allotment and Fee Lands



Drawn by: Kevin Davidson, 4/4/2013

## **2. STATEMENT OF NEED AND PROJECT OBJECTIVES**

The Study area is largely within the Hualapai Indian Reservation boundary; however, transit needs have been shown to exist between Peach Springs and Kingman, Bullhead City, Seligman, Phoenix, Tuba City, Las Vegas and the Supai Village (Hill Top). The chronically high unemployment rate of 30% impacts all aspects of life on the reservation. Distance from shopping and employment opportunities exasperates an already difficult situation. Many tribal members do not have access to reliable vehicles and if unable to obtain assistance from friends and family, must often walk between four and seven miles along State Highway 66 to obtain groceries or medical assistance.

There is currently a Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities program in place that is run by the Health and Wellness Department. This program does not address the needs of the remainder of the Tribe. Identifying the need for a rural public transit system is also key to addressing some of the pedestrian safety issues throughout Peach Springs.

Grand Canyon West provides employment to many tribal members. This tribal business is located about 55 miles northwest of Peach Springs by way of Buck and Doe Road, a predominately dirt and gravel roadway, with a penchant for destroying vehicles. In an attempt to minimize costs on employee vans, transportation to the west side for employment is via State Highway 66 (28 miles paved), Antares Road (32 miles dirt), Pierce Ferry Road (5 miles paved) and Diamond Bar Road (14 miles paved) a roundtrip distance of approximately 157 miles. There is also employee van service provided between Kingman and Grand Canyon West. The completion of the Transit Feasibility Study will help determine the best way to provide service to these employees.

The principal focus of the Study is to address the transit planning needs identified by the Tribe. In 2013, the Tribe was awarded a PARA grant to complete their Long Range Transportation Plan with a very small transit component, insufficient to provide an in-depth transit feasibility study. One of the outcomes identified in the Long Range Transportation Plan was for the Hualapai Tribe to pursue additional funding dedicated solely for a transit feasibility study.

The planning process will include a review of the Tribe's current studies, including the soon to be completed Long Range Transportation Plan, and other related studies including Road Safety Assessments (RSAs), an update of strategies, development of a public involvement plan, data collection and analyses, and the development of a draft and final report.

An extensive public participation program will be included as part of the Study, which will allow the Hualapai Indian Tribe to actively receive input from community members and stakeholder representatives and to incorporate their priorities into the plan and program for improvements. Extensive public participation in the planning process will

also result in more support from the community for funding transportation improvements.

The major product of the Study will be a final report, which contains a Transit Feasibility Study and strategic plan for implementation.

The establishment of a Section 5311 program for the Hualapai Reservation would produce several benefits to the Reservation and Region as follows:

- Establish inter-city connectivity from Peach Springs to Kingman along Route 66. This project would provide regular transit service along Route 66 and connect the communities of Valle Vista, Antares, Hackberry, Annandale, Valentine, Crozier and Truxton to either destination,
- Operate the current employee van pool that transports workers from both Peach Springs and Kingman to Grand Canyon West,
- Provide on-demand service to other towns cities such as Supai Village (Hilltop) Seligman, Bullhead City, Tuba City, Phoenix and Las Vegas,
- Establish intra-city transit service within the Peach Springs and Buck and Doe communities.
- The reduction in demand for the Section 5310 program operated by Hualapai Tribe would allow the Tribe to focus on its primary clientele of elderly and disabled.
- It would have a positive economic impact on the region as the employment pool to local businesses would be increased as well as providing access to local businesses to a transit-limited population.

It is anticipated that a transit feasibility study, such as this one, will:

- Enhance the awareness and understanding of the specific transit needs of the community.
- Assess the needs of the community through public engagement and participation.
- Develop transit strategies to increase connectivity within and outside the Reservation and address the transit needs of the Hualapai Tribe.
- Recommend sources of funding that could potentially be used to develop public transportation services.
- Provide a roadmap for developing a transit service.

### 3. ADMINISTRATION

#### Non Technical

This study will be managed by a Project Management Team (PMT) which will be comprised of the following

:

Project Manager from ADOT  
Communications Representative from ADOT  
Project Manager from the consultant team  
The Planning Director from the Hualapai Tribe

Specific to the areas of management, the following are the most vital:

Scope  
Cost Control  
Timeliness

#### Technical

A Technical Advisory Committee (TAC) will be established to coordinate the technical aspects of the study. This committee will be a broad cross-section of the community which has interest in the outcome of the study. They are as follows:

Hualapai Tribe

*Health, Education and Wellness Department  
Senior Center*

Havasupai Tribe

Grand Canyon Resort Corporation

Boys and Girls Club

Indian Health Services

Arizona Department of Transportation, Multimodal Planning Division

Arizona Department of Transportation, Communications

Arizona Department of Transportation, Kingman District

City of Kingman - Kingman Area Rapid Transit

Coconino County

Mohave County

Yavapai County

Mohave Community College

Western Arizona Council of Governments Organization (WACOG)

Northern Arizona Council of Governments Organization (NACOG)

Kingman Regional Medical Center

Walmart

#### **4. STAKEHOLDER INVOLVEMENT AND PUBLIC PARTICIPATION**

The potential product of this study, a local transit system, will be of significant benefit to our stakeholders. These include, but are not limited to, Hualapai Health, Education and Wellness Department who provide transportation to seniors and disabled to medical appointments, food stores, and other basic needs under the 5310 program. Another stakeholder is the Grand Canyon Resort Corporation which operates the employee van pool that serves Grand Canyon West. A transportation system therefore, benefits multiple levels of need.

These stakeholders will also assist in developing a Public Involvement Plan to maximize the study's outreach to all stakeholder and public beneficiaries.

#### **5. REGULATORY COMPLIANCE**

- 5.1 Tribal governments must comply with federal tribal transportation regulations as stipulated under 25 CFR Part 170 with regard to the federal Tribal Transportation Program (TTP) funding of transit facility improvement projects on tribal or BIA routes. This Study may address certain aspects of the federal TTP requirements in the event study recommendations include pursuing TTP funding for transit improvements and activities.

Of particular note is Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, which established environmental justice as a federal government priority. Environmental justice was initially established in Title VI of the 1964 Civil Rights Act. This Study must examine the potential effects, both positive and negative, that its recommendations/policies may have on minority and low-income populations. Should any disproportionate burden be placed on minority or low-income populations, as a result of this Study, then considerations that dictated this recommendation over alternative actions should be discussed. In addition, a concerted effort must be made to reach minority and low-income populations when conducting the Study's public outreach. Documentation of efforts to address environmental justice issues must be included in the appropriate Study products.

- 5.2 Introduction to Federal Terms & Conditions Section - The following terms are required for federally funded projects. These terms may be waived for non-federal funded projects upon written request from the Contractor. The Contractor agrees to include these requirements in each applicable subcontract issued for services under this contract. Because this solicitation is funded by a federal agency of the US Department of Transportation, the more restrictive of federal or state regulations applies. Where any conflict with federal law occurs concerning the programs and functions of the Hualapai Indian Tribe as established by the law of this state, such federal law shall control. For purposes of this section, "federal law" means any statute passed by the Congress of the

United States, any final regulations adopted by any administrative agency of the United States government and published in the Code of Federal Regulations or the federal register or any final decision of the federal judiciary.

- 5.3 Code of Federal Domestic Assistance (CFDA) - A component of the Federal Funding Accountability and Transparency Act requires that sub-awards greater than \$25,000 document the funding Catalog of Federal Domestic Assistance (CFDA) program number, participating Federal Agency name, and percentage of participation. This requirement provides data relevant to the Hualapai Indian Tribe's FFATA and/or Recovery Act compliance reporting. FTA requires reporting for All Procurements.
- 5.4 Reserved.
- 5.5 Compliance with federal requirements: The Federal Terms and Conditions include, in part, certain Standard Terms and Conditions required by the U.S. Department of Transportation (DOT), whether or not expressly set forth in these contract provisions. All contractual provisions required by the DOT are hereby incorporated by reference. Anything to the contrary herein notwithstanding, as authorized by Common Law (49 CFR Part 18) the most restrictive of State or Federally-mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any funding Federal Agency requests which would cause the Hualapai Indian Tribe to be in violation of the Federal terms and conditions. All applicable clauses shown in the funding Federal Agency Grant Agreement with the Hualapai Indian Tribe apply to this Agreement. Federal Highways Administration: The Stewardship and Oversight Agreement for Arizona in effect at the time this solicitation was advertised is located at: <http://www.fhwa.dot.gov/azdiv/stewtoc.cfm> . Federal Transit Administration: The FTA Master Agreement in effect at the time this solicitation was advertised is located at: <http://www.fta.dot.gov/documents/20-Master.pdf>
- 5.6 Architectural & Engineering Contract Requirements - When procuring architectural engineering or related services supported with funds made available or appropriated for 49 U.S.C. chapter 53 or under any other applicable law requiring the Project to be administered under 49 U.S.C. chapter 53, the Recipient agrees that it will comply, and assures its Sub-recipients will comply, with 49 U.S.C. § 5325(b).
- 5.7 No Federal Government Obligations - The Hualapai Indian Tribe and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Hualapai Indian Tribe, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract. The Contractor agrees to include the above clause in each subcontract. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

- 5.8 Program Fraud and False or Fraudulent Statements and Related Acts - The Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. 3801 et seq. and US DOT regulations, "Program Fraud Civil Remedies" 49 CFR Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the US Department of Transportation assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Contractor further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Contractor to the extent the Federal Government deems appropriate. The Contractor also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a construction project that is financed in whole or in part with Federal assistance, the Government reserves the right to impose the penalties of 18 USC 1001 and 49 USC 5307(n) (1) on the Contractor, to the extent the Federal Government deems appropriate. The Contractor agrees to include the above two clauses in each subcontract. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.
- 5.9 Access to Third Party Contract Records - Representatives of the State and the funding Federal agency, the Secretary of Transportation, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers, and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions and are authorized to review and inspect the contract and procurement activities and facilities during normal business hours. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed. The right of access must not be limited to the required retention period but shall last as long as the records are retained.
- 5.10 Changes to Federal Requirements - The contractor shall at all times comply with all applicable Federal regulations, policies, procedures, and directives, including without limitation those listed directly or by reference between the Hualapai Indian Tribe and the Federal agency providing funding for this contract, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract. Changes to Contract Scope: Federal legislation and implementing regulations allow for change orders within the scope of the work covered by the contract. In the event of changed conditions, an adjustment of contract scope is permissible if the altered character of the work does not differ materially from that of the original contract as long as the work is approved by the ADOT Project Manager with the requirement that the change must involve the work covered by the contract. Changes that materially differ from the scope of work are

considered Cardinal Changes and are not permissible. All work changes must be reviewed by the Contracts Program Manager and/or ADOT Procurement Officer in advance of proceeding to ensure the change is permissible under State and Federal requirements and regulations. Work cannot proceed until appropriate financial and administrative processing has occurred and any federal approvals are received when and where necessary and a modified purchase order is issued."

- 5.11 Termination - In the event that the contract is terminated, as permitted by 49 U.S.C. Part 18, if the Contractor has any property in its possession belonging to the Hualapai Indian Tribe, the Contractor will account for the same, and dispose of it in the manner the Hualapai Indian Tribe directs. Upon receipt of notice of termination, the Contractor shall (1) immediately discontinue all services affected (unless the notice directs otherwise), and (2) deliver to the Contracting Officer all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process.
- 5.12 Civil Rights (Title VI, ADA, EEO except Special DOL EEO clause for construction projects) - The Contractor is required to comply with Executive Order 2009-09, "Non-discrimination in Employment by Government Contractors and Subcontractors," which is hereby included in its entirety by reference and considered a part of this contract. The Contractor is required to comply with Title VI of the Civil Rights Act of 1964, as amended. Accordingly, Title 49, Code of Federal Regulations, Part 26 through Appendix H and Title 23, CFR 710.405 (b) are made applicable by reference and are hereinafter considered a part of this contract. The Contractor is required to comply with the provisions of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor Regulations (41-CFR Part 60). Said provisions are made applicable by reference and are hereinafter considered a part of this contract. The Contractor shall post in conspicuous places available to employees and applicants for employment, the following notice: "It is the policy of this company not to discriminate against any employee, or applicant for employment, because of race, color, religion, creed, national origin, sex, age, handicapped, or disabled veterans and Vietnam era veterans. Such actions shall include, but are not limited to: employment, upgrading, demotion, transfer, recruitment, or recruitment advertising; laying-off or termination; rates of pay or other compensation; and selection for training, and on-the-job training. Also, it is the policy to ensure and maintain a working environment free of harassment, intimidation, and coercion."

#### Affirmative Action

Contractor shall take the following affirmative action steps with respect to securing supplies, equipment, or services under the terms of this contract:

- Include qualified firms owned by socially and economically disadvantaged individuals on solicitation lists.
- Assure that firms owned by socially and economically disadvantaged individuals are solicited whenever they are potential sources.

- When economically feasible, divide total requirements into smaller tasks or quantities so as to permit maximum participation by firms owned by socially and economically disadvantaged individuals.
- Where the requirement permits, establish delivery schedules which will encourage participation by firms owned by socially and economically disadvantaged individuals.
- Use the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce, and the Community Services Administration, as required."

5.13 Debarment and Suspension - Non-Procurement Debarment and Suspension In accordance with 49 CFR 29.505, and by signature on this contract, the contractor certifies its compliance, and the compliance of any sub-consultants or subcontractors, present or future, by stating that any person associated therewith in the capacity of owner, partner, director, officer, principal investor, project director, manager, auditor, or any position involving Federal Funds:

- is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal Agency;
- has not been suspended, debarred, voluntarily excluded, or determined ineligible by any Federal Agency within the past three (3) years;
- does not have a proposed debarment pending; and
- has not been indicted, convicted, or had a civil judgment rendered against the firm by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years as specified by 49 CFR paragraph 29.305(a).

Each participant of federal funding must certify ""that it and its principals are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency, and that they have not been convicted or had civil judgment rendered within the past three years for certain types of offenses.

5.14 Energy Conservation - Contractor is required to comply with mandatory standards and policies, as applicable relating to energy efficiency which are contained in the State Energy Conservation Plan issued by the State of Arizona in compliance with the Energy Policy and Conservation Act (P.L. 94-165).

5.15 Employment of funding Federal agency and State's Personnel - The Contractor shall not employ any person or persons in the employ of the United States Department of Transportation, the funding Federal Agency, or of the State of Arizona or any of its boards, agencies, or commissions, for any work required by the terms of this Contract, without prior written permission of the United States Department of Transportation, funding Federal agency, or of the State.

- 5.16 Subcontracts - The Contractor agrees to execute a written contract with all Subcontractors for work to be completed under this contract. The executed contract shall include Subcontractor's Scope of Work and all the Terms and Conditions set forth in this contract. The Contractor shall provide electronic copies of signed subcontract agreements with all Subcontractors to the Department Business Engagement and Compliance Office (BECO) by uploading them to the BECO'S online DBE Contract & Labor Compliance Management System (DBE System) at <https://adot.dbesystem.com>. Subcontract agreements shall include all required assurances and required clauses as outlined in this contract. Each agreement and required attachment shall be dated and signed by the Subcontractor in order for the subcontract to be considered valid. The contractor explicitly agrees to insert in all subcontracts the clauses hereof entitled ""Civil Rights,"" ""Affirmative Action,"" ""Ownership of Documents,"" ""Patents and Copyrights"", ""Anti Lobbying and Disclosure"", ""Retention of Records"" and ""Environmental Protection"". The Contractor shall be in breach of this contract if the Contractor materially modifies the federal regulations and State statutes in its subcontract agreements terms and conditions with its Subcontractor. Deviations from the terms of this contract may result in termination of the contract, or any other such remedy as deemed appropriate by the Department.
- 5.17 Retention of Records - The contractor and any sub consultant/subcontractor/contractor shall keep and maintain all books, papers, records, accounting records, files, accounts, reports, costs proposals with backup data, and all other material relating to the contract and related project(s), and shall make all such material available at any reasonable time during the term of work on the contract and related project(s) and for five (5) years from the date of final payment to the contractor for auditing, inspection, and copying upon the State's request, or at the request of the funding Federal agency or any other authorized representative of the Federal Government. The contractor shall insert in each of its subcontracts the above requirement and also a clause requiring its subcontractors to include the above requirement in any lower-tier subcontracts or purchase orders.
- 5.18 Property or Equipment - Except as otherwise provided in this contract, the lease, rental, or purchase of property or equipment to perform the work herein described must have the prior written approval of the Client. The control, utilization, and disposition of property or equipment acquired using Federal/State funds shall be determined by the State in accordance with the property management standards set forth in 49 CFR Part 18 , ADOT Manual - FIN 11.02.
- 5.19 PRIVACY ACT - The Contractor agrees to comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974, 5U.S.C. § 552a. Among other things, the contractor agrees to obtain the express consent of the Federal Government before the Contractor or its employees operate a system of records on behalf of the Federal Government. The Contractor understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of that Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying contract. The Contractor also agrees to include these requirements in each

subcontract to administer any system of records on behalf of the Federal Government financed in whole or in part with Federal assistance provided by agencies of the US Department of Transportation.

- 5.20 RESTRICTION UPON MATERIALS 49 CFR 18.33 23 CFR 420.121(p) - No requirement shall be imposed and no procedure shall be enforced in connection with a project which may operate to require the use of or provide a price differential in favor of articles or materials produced within the State, or otherwise prohibit, restrict or discriminate against the use of articles or materials shipped from or prepared, made or produced in any State, territory or possession of the United States.
- 5.21 Assignment Clause – All rights and obligations under this Contract are personal to Contractor, and Contractor may not assign this Contract, or any rights or obligations hereunder, to any person. Any such attempted assignment shall be void.
- 5.22 No Exclusionary Specifications No Geographic Preferences, FTA Exception - When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- 5.23 DELIVERABLES / DISCLAIMER - The Consultant shall include the following disclaimer in each deliverable. This report was funded in part through grants from the Federal Transit Administration, U.S. Department of Transportation. The contents of this report reflect the views of the authors, who are responsible for the facts and the accuracy of the data, and for the use or adaptation of previously published material, presented herein. The contents do not necessarily reflect the official views or policies of the Arizona Department of Transportation or the Federal Transit Administration, U.S. Department of Transportation. This report does not constitute a standard, specification, or regulation. Trade or manufacturers' names that may appear herein are cited only because they are considered essential to the objectives of the report. The U.S. government and the State of Arizona do not endorse products or manufacturers.
- 5.24 Participation by Disadvantaged Business Enterprises - The Contractor is required to adhere to the commitment of participation made to ADOT-certified Disadvantaged Business Enterprises (DBE) as indicated in the firms Technical Proposal or subsequently agreed to by the State during negotiations. The State or other political subdivision of the State, at its' discretion on a case by case basis, may waive the above limitations.

#### DISADVANTAGED BUSINESS ENTERPRISES:

The Arizona Department of Transportation has established a Disadvantaged Business Enterprise (DBE) program in accordance with the regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. Both ADOT and the Hualapai Tribe have received federal financial assistance from the USDOT and as a condition of receiving this assistance the Department has agreed to comply with 49 CFR Part 26.

5.24.1 To ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts, the following policies apply:

1. Ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
3. Ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are counted as DBEs;
5. Help remove barriers to the participation of DBEs in USDOT-assisted contracts; and
6. Assist in the development of firms that can compete successfully in the market place outside the DBE program.

5.24.2 Assurances of Non-Discrimination:

The Contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, sex or national origin in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of contracts.

Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the state deems appropriate. The Contractor, sub-recipient, or subcontractor shall ensure that all subcontract agreements contain this non-discrimination assurance.

5.24.3 Definitions:

(A) Disadvantaged Business Enterprise (DBE): a for-profit small business concern which meets both of the following requirements:

- (1) Is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly-owned business, at least 51 percent of the stock is owned by one or more such individuals; and,
- (2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

(B) Socially and Economically Disadvantaged Individuals: any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

- (1) Any individual who is found to be a socially and economically disadvantaged individual on a case-by-case basis.
- (2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

- (i) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
- (ii) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- (iii) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- (iv) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
- (v) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
- (vi) "Women;"
- (vii) Any additional groups whose members are designated as socially and economically disadvantaged by the Small Business Administration (SBA), at such time as the SBA designation becomes effective.

(C) Joint Venture: an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

(D) Non-DBE: any firm that is not a DBE.

(E) RACE-CONSCIOUS: a measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

(F) RACE-NEUTRAL: a measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

#### 5.24.4 Working with DBEs:

The Department works with DBEs and assists them in their efforts to participate in the highway construction program. All bidders should contact the Business Engagement and Compliance Office at the address shown below for assistance in their efforts to use DBEs in the construction program of the Department:

Arizona Department of Transportation  
 Business Engagement and Compliance Office  
 1135 N. 22nd Avenue, Mail Drop 154A

Phoenix, AZ 85009  
Phone (602) 712-7761  
FAX (602) 712-8429

#### 5.24.5 Applicability:

The Department has established an overall annual goal for DBE participation on Federal-aid contracts. The Department intends for the goal to be met with a combination of race-conscious efforts and race-neutral efforts. Race-conscious participation occurs where the Contractor uses a percentage of DBEs, as defined herein, to meet the contract-specified goal. Race-neutral efforts are those that are, or can be, used to assist all small businesses or increase opportunities for all small businesses. The regulation, 49 CFR 26, defines race-neutral as when a DBE wins a prime contract, is awarded a subcontract on a project without DBE goals, and is awarded a subcontract from a prime Contractor that did not consider the firm's DBE status.

The provisions are applicable to all bidders including DBE bidders.

#### 5.24.6 Certification:

Certification as a DBE shall be predicated on:

- (1) The completion and execution of an application for certification as a "Disadvantaged Business Enterprise".
- (2) The submission of documents pertaining to the firm(s) as stated in the application(s), including but not limited to a statement of social disadvantage and a personal financial statement.
- (3) The submission of any additional information which the Department may require to determine the firm's eligibility to participate in the DBE program.
- (4) The information obtained during the on-site visits to the offices of the firm and to active job-sites.

Applications for certification may be filed with the Department at any time. Both hardcopy submission and online submission is available. For online submissions, the online application process may be accessed through the internet at [www.azdbe.org](http://www.azdbe.org).

DBE firms and firms seeking DBE certification shall cooperate fully with requests for information relevant to the certification process. Failure or refusal to provide such information is a ground for denial or removal of certification.

Arizona is a member of the AZ Unified Certification Program (AZUCP). Only DBE firms that are certified by the AZUCP are eligible for credit on ADOT projects. A list of DBE firms certified by AZUCP is available on the internet at [www.azdbe.org](http://www.azdbe.org). The list will

indicate contact information and specialty for each DBE firm, and may be sorted in a variety of ways. However, ADOT does not guarantee the accuracy and/or completeness of this information, nor does the Department represent that any licenses or registrations are appropriate for the work to be done.

The Department's certification is not a representation of qualifications and/or abilities. The Contractor bears all risks that the firm may not be able to perform its work for any reason.

#### 5.24.7 General:

Each Contractor shall establish a program that will ensure nondiscrimination in the award and administration of contracts and subcontracts.

Each Contractor shall also designate a full-time employee who shall be responsible for the administration of the Contractor's DBE program.

Agreements between the bidder and a DBE in which the DBE promises not to provide subcontracting quotations to other bidders are prohibited.

#### 5.24.8 DBE Subcontractor Payment Reporting:

The Department is required to collect data on DBE and non-DBE participation to report to FHWA on Federal-aid projects. The Contractor is notified that such recordkeeping is required by the Department for tracking DBE participation.

The Contractor shall submit a report on a monthly basis indicating the amounts earned by and paid to all DBEs and non-DBEs working on the project. In addition, the Contractor shall require that all DBE and non-DBE subcontractors verify receipt of payment.

The Contractor shall provide all such required information for the current month by the 5th of the following month. The required information shall be submitted electronically through the Department's web-based payment tracking system (<https://adot.dbesystem.com>).

#### 5.24.9 Goals:

The Department has not established contract goals for DBE participation in this contract. Contractors are still encouraged to employ reasonable means to obtain DBE participation. Contractors must retain records in accordance with these DBE specifications. The Contractor is notified that this recordkeeping is important to the Department so that it can track DBE participation where only race-neutral efforts are employed.

#### 5.24.10 Crediting DBE Participation:

#### 10.01 General Requirements:

Only the value of the work actually performed by the DBE can be credited toward DBE participation. Credit is given only after the DBE has been paid for the work performed.

The Contractor bears the responsibility to determine whether the DBE possesses the proper Contractor's license(s) to perform the work.

The Department's certification is not a representation of qualifications and/or abilities. The Contractor bears all risks that the DBE may not be able to perform its work for any reason.

A DBE may participate as a prime Contractor, subcontractor, joint-venture partner with either a prime Contractor or a subcontractor, or as a vendor of materials or supplies. A DBE joint venture partner shall be responsible for a clearly defined portion of the work to be performed, in addition to meeting the requirements for ownership and control.

The dollar amount of work to be accomplished by DBEs, including partial amount of a lump sum or other similar item, shall be on the basis of subcontract, purchase order, hourly rate, rate per ton, etc., as agreed to between parties.

With the exception of bond premiums, all work must be attributed to specific bid items. Where work applies to several items, the DBE contracting arrangement must specify unit price and amount attributable to each bid item. DBE credit for any individual item of work performed by the DBE shall be the lesser of the amount to be paid to the DBE or the prime Contractor's bid price. If the amount bid by the DBE on any item exceeds the prime Contractor's bid amount, the prime Contractor may not obtain credit by attributing the excess to other items. Where more than one DBE is engaged to perform parts of an item (for example, supply and installation), the total amount payable to the DBEs will not be considered in excess of the prime Contractor's bid amount for that item.

Bond premiums may be stated separately, so long as the arrangement between the prime Contractor and the DBE provides for separate payment not to exceed the price charged by the bonding company.

DBE credit may be obtained only for specific work done for the project, supply of equipment specifically for physical work on the project, or supply of materials to be incorporated in the work. DBE credit will not be allowed for costs such as overhead items, capital expenditures (for example, purchase of equipment), and office items.

If a DBE performs part of an item (for example, installation of materials purchased by a Non-DBE), the DBE credit shall not exceed the lesser of (1) the DBE's contract or (2) the prime Contractor's bid for the item, less a reasonable deduction for the portion performed by the Non-DBE.

When a DBE performs as a partner in a joint venture, only that portion of the total dollar value of the contract which is clearly and distinctly performed by the DBE's own forces can be credited.

The Contractor may credit second-tier subcontracts issued to DBEs by non-DBE subcontractors. Any second-tier subcontract to a DBE must meet the requirements of a first-tier DBE subcontract.

All DBE and non-DBE subcontracting activity must be reported by the Contractor. This includes lower-tier subcontracting regardless of whether or not the DBE is under contract with another DBE.

A prime Contractor may credit the entire amount of that portion of a construction contract that is performed by the DBE's own forces. The cost of supplies and materials obtained by the DBE for the work of the contract can be included so long as that cost is reasonable. Leased equipment may also be included. No credit is permitted for supplies purchased or equipment leased from the prime Contractor or its affiliate(s).

When a DBE subcontracts a part of the work of its contract to another firm, the value of the subcontract may be credited towards DBE participation only if the DBE's subcontractor is itself a DBE and performs the work with its own forces. Work that a DBE subcontracts to a non-DBE firm does not count towards DBE participation.

A prime Contractor may credit the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a USDOT-assisted contract, provided the fees are reasonable and not excessive as compared with fees customarily allowed for similar services.

#### 10.02 Police Officers:

DBE credit will not be permitted for procuring DPS officers. For projects on which officers from other agencies are supplied, DBE credit will be given only for the broker fees charged, and will not include amounts paid to the officers. The broker fees must be reasonable.

#### 10.03 Commercially Useful Function:

As a prime Contractor, a DBE shall perform a significant portion of the contract work with its own work force in accordance with normal industry practices and Subsection 108.01 -Subletting of Contract of the Standard Specifications.

A prime Contractor can credit expenditures to a DBE subcontractor only if the DBE performs a commercially useful function on the contract. A DBE performs a commercially useful function when it is responsible for execution of the work of a contract and is carrying out its responsibilities by actually performing, managing, and

supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, the Department will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

A DBE will not be considered to perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, the Department will examine similar transactions, particularly those in which DBEs do not participate.

If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or if the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the Department will presume that the DBE is not performing a commercially useful function.

When a DBE is presumed not to be performing a commercially useful function as provided above, the DBE may present evidence to rebut this presumption. Decisions on commercially useful function matters are subject to review by FHWA, but are not administratively appealable to U.S. DOT.

#### 10.04 Trucking:

The Department will use the following factors in determining whether a DBE trucking company is performing a commercially useful function. The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals. The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract on every day that credit is to be given for trucking.

The Contractor will receive credit for the total value of transportation services provided by the DBE using trucks it owns, insures and operates, and using drivers it employs.

The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services.

The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit for the total value of the transportation services provided by non-DBE lessees not to exceed the value of

transportation services provided by DBE-owned trucks on the contract. Additional participation by non-DBE lessees results in credit only for the fee or commission paid to the DBE as a result of the lease agreement.

Example: DBE Firm X uses two of its own trucks on contract. It leases two trucks from DBE Firm Y and six trucks from non-DBE firm Z. DBE credit would only be awarded for the total value of transportation services provided by Firm X and Firm Y, and may also be awarded for the total value of transportation services provided by four of the six trucks provided by Firm Z. In all, full credit would be allowed for the participation of eight trucks. With respect to the other two trucks provided by Firm Z, DBE credit could be awarded only for the fees or commissions pertaining to those trucks Firm X receives as a result of the lease with Firm Z.

#### 10.05 Materials and Supplies:

The Department will credit expenditures with DBEs for material and supplies as follows. If the materials or supplies are obtained from a DBE manufacturer, 100 percent of the cost of the materials or supplies is credited. A manufacturer is defined as a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract, and of the general character described by the specifications.

If the materials or supplies are purchased from a DBE regular dealer, 60 percent of the cost of the materials or supplies is credited. A DBE regular dealer is defined as a firm that owns, operates, or maintains a store or warehouse or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a DBE regular dealer in such bulk items as petroleum products, steel, cement, stone or asphalt without owning, operating, or maintaining a place of business, as provided above, if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement, and not on an ad-hoc or contract-by-contract basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph and the paragraph above. With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, the Department will credit the entire amount of the fees or commissions charged by the DBE for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward DBE goals, provided the fees are determined to be reasonable and not excessive as compared with fees customarily allowed for similar services. The cost of the materials and supplies themselves may not be counted toward the DBE goal.

DBE credit for supplying paving grade asphalt and other asphalt products will only be permitted for standard industry hauling costs, and only if the DBE is owner or lessee of the equipment and trucks. Leases for trucks must be long term (extending for a fixed time period and not related to time for contract performance) and must include all attendant responsibilities such as insurance, titling, hazardous waste requirements, and payment of drivers.

#### 5.24.11 Joint Checks:

##### 11.01 Requirements:

A DBE subcontractor and a material supplier (or equipment supplier) may request permission for the use of joint checks for payments from the prime Contractor to the DBE subcontractor and the supplier. Joint checks may be issued only if all the conditions in this subsection are met.

1. The DBE subcontractor must be independent from the prime Contractor and the supplier, and must perform a commercially useful function. The DBE subcontractor must be responsible for negotiating the price of the material, determining quality and quantity, ordering the materials, installing (where applicable), and paying for the material. The DBE subcontractor may not be utilized as an extra participant in a transaction, contract, or project in order to obtain the appearance of DBE participation.
2. The use of joint checks will be allowed only if the prime Contractor, DBE subcontractor, and material supplier establish that the use of joint checks in similar transactions is a commonly recognized business practice in the industry, particularly with respect to similar transactions in which DBE's do not participate.
3. A material or supply contract may not bear an excessive ratio relative to the DBE subcontractor's normal capacity.
4. There may not be any exclusive arrangement between one prime and one DBE in the use of joint checks that may bring into question whether the DBE is independent of the prime Contractor.
5. Any arrangement for joint checks must be in writing, and for a specific term (for example, one year, or a specified number of months) that does not exceed a reasonable time to establish a suitable credit line with the supplier. The prime Contractor may act solely as the payer of the joint check, and may not have responsibility for establishing the terms of the agreement between the DBE subcontractor and the supplier. The DBE must be responsible for receiving the check from the prime Contractor and delivering the check to the supplier. The prime Contractor cannot require the DBE subcontractor to use a specific supplier, and the prime Contractor may not participate in the negotiation of unit prices between the DBE subcontractor and the supplier.

## 11.02 Procedure and Compliance:

1. The Civil Rights Office must approve the agreement for the use of joint checks in writing.
2. After obtaining authorization for the use of joint checks, the prime Contractor, the DBE, and the supplier must retain documentation to allow for efficient monitoring of the agreement.
3. Copies of canceled checks must be submitted with the payment information for the period in which the joint check was issued. Certificates of payment must indicate whether or not joint checks were used.
4. The prime Contractor, DBE, and supplier each have an independent duty to report to the Department in the case of any change from the approved joint check arrangement.

Any failure to comply will be considered by the Department to be a material breach of this contract and will subject the prime Contractor, DBE, and supplier to contract remedies and, in the case of serious violations, a potential for termination of the contract, reduction or loss of prequalification, debarment, or other remedies which may prevent future participation by the offending party.

## 6. GOAL OF STUDY

The goal of this study is to create Transit Feasibility Study and Service Plan for the Hualapai Tribe. This goal would include a two-phased approach. Phase 1 would be a Transit Feasibility Study to assess the community environment, local interest, demographic needs, and alternatives to providing effective transit services. If the feasibility review demonstrates that there is a viable opportunity to provide transit services for the Hualapai Tribe, then the project would proceed to Phase II, the development of a Service Plan.

The Feasibility Phase would include the identification and participation of key stakeholders, the identification of our transit dependent populations and their needs, the identification of important community activity centers in need of transit services, and opportunities for coordination.

The Service Plan Phase which may include the recommended transit mode, identification of funding opportunities, estimated capital and operating costs for services, staffing needs, routes, schedules, bus stop locations, vehicle and facility needs, a timetable for implementation.

The scope of the project has been broken out into eight work tasks with a timeline associated with each. These tasks are summarized in the following table:

## **7 SCOPE OF WORK**

### **7.1 Work Task 1: Technical Memorandum 1 – Project Management Plan.**

#### **7.1.1 Objective**

The objective of Task 1 is to refine and finalize the Project Management Plan (PMP) for the study, in collaboration with the Project Management Team (PMT) and the Technical Advisory Committee (TAC). The PMP (Technical Memorandum 1) shall include a detailed description of work tasks, associated deliverables, schedule, detailed study area map, staffing requirements, and a project management framework to ensure that the objectives of the Hualapai Tribe are achieved. The PMP also includes the Public Involvement Plan (PIP) that will be developed by the ADOT Communications Division.

Task 1 also includes project management and project coordination activities, such as regular communication with the ADOT project manager and Tribe's Planner and submittal of monthly progress reports.

#### **7.1.2 Work Activities**

- Review and refine the Study boundary to include all areas of the Hualapai Reservation
- Develop a project schedule including the identification of project milestones and deliverables for all tasks. Consultant will include key dates associated with all appropriate transit grants that can be leveraged by the Hualapai Tribe. Examples of such grants include FTA Section 5310, 5311, 5311(c), and others included under MAP-21.
- Identify staffing requirements for the efficient delivery of this transit planning project.
- Develop a project coordination plan, which will include communication and coordination processes to address tribal communications protocol, list of prospective stakeholders and specify in detail all project activities, roles, and responsibilities. This plan will also identify a study management structure which will include the PMT consisting of:
  - 1) ADOT project management;
  - 2) Hualapai Tribe;
  - 3) Technical Consultant; and
  - 4) ADOT Communications Division.The PMT will administer all management decisions with respect to the study.
- Develop a meeting and a milestone presentation schedule for the TAC.
- The PMP will be produced within 30 days of Notice to Proceed.
- Coordinate/facilitate the kick-off meeting with the ADOT PMT to discuss the PMP and PIP.

- Address ADOT comments to the PMP made at the kick-off meeting and submit a revised PMP to the ADOT PMT for review and approval within two weeks of the kick-off meeting.
- Attend the first TAC meeting to present the PMP.
- Address TAC comments, prepare the final PMP, and submit the final PMP to ADOT-MPD for posting on the ADOT website within two weeks of said meeting.
- General activities: Prepare meeting agendas and summaries, monthly invoices and progress reports.

### **7.1.3 Deliverables**

- Technical Memorandum 1 – Project Management Plan
- Public Involvement Plan
- TAC Meeting 1 agenda
- TAC Meeting summary

**Responsible Party:** Technical Consultant and Public Involvement Consultant

**7.2 Work Task 2: Working Paper 1 – Historical and current inventory of the Hualapai Reservation:** location, governance, cultural, natural and socioeconomic resources, land development patterns, infrastructure, travel modes, transportation facilities, and integration into existing systems in Kingman, Arizona, Bullhead City, Arizona, Phoenix, Arizona and Las Vegas, Nevada.

### **7.2.1 Objective**

The objective of Task 5.2 is to develop a historical and contemporary understanding of the Hualapai Reservation, particularly related to the promotion of a local or regional public transportation system. This initial in-depth research is critical to bring to light informational components about the history of the Tribe, its governance, defining cultural features, socio-economic characteristics, land-use patterns, existing infrastructure, travel patterns and needs.

These informational components will help establish a background understanding of the Hualapai Tribe and develop baseline conditions to properly conduct this study.

### **7.2.2 Work Activities**

- Conduct data collection to document historical, and contemporary conditions for the Hualapai Tribe with respect to:
  - 1) Geographic location
  - 2) Governance
  - 3) Cultural and natural resources
- At the very least, obtain and analyze the 2010 census data with respect to:
  - 1) Age

- 2) Median income
- 3) Household types
- 4) Disabled and elderly populations
- 5) Median Household income levels
- 6) Mean travel time to work
- 7) Housing units
- 8) High density housing units
- 9) Land area in square miles, 2010
- 10) Persons per square mile, 2010
- 11) Employment centers, non farm
- 12) Persons per household
- 13) Per capita incomes

The above list is neither an exhaustive nor final list, other parameters can be included if the PMP decides to do so.

- Obtain and analyze available future demographic and socioeconomic projections data for a five- year period in the aforementioned categories; coordinate this information with any available studies for the Hualapai Tribe. These studies can include planning, transportation, resource allocation and infrastructure studies that have been completed within the last five years and those that may support the definition of public transportation needs in the area. Examples of such studies may include Tribal or jurisdictional master plans, short or long range capital infrastructure plans, short or long range multimodal transportation plans, para-transportation studies, etc.
- Interview staff and stakeholders to discuss current transit needs and issues, and future events/developments that have been planned or are in the planning stages that might affect mobility within and outside the study area;
- Attend the second TAC meeting to present Working Paper 1 and prepare a meeting summary;
- Address TAC comments, prepare the final draft of Working Paper 1, and submit to ADOT for posting on the ADOT website within two weeks of said meeting.
- General activities: Prepare meeting agendas and summaries, monthly invoices and progress reports.

### **7.2.3. Deliverables**

- Technical Memorandum 2 – Working Paper 1
- TAC Meeting 2 agenda,
- TAC Meeting summary.

**Responsible Party:** Technical Consultant

## **7.3 Work Task 3: Summary Report 1 - Public Participation Process.** Preliminary identification of community needs:

### **7.3.1 Objective**

Provide a broad, community-wide forum and opportunity to inform and solicit feedback and support from interested residents, stakeholders, elected officials and other community leaders. It is important to address the following within Task 5.3:

- Broaden the dissemination of project information and awareness to community residents and interested stakeholders.
- Describe what will/has occurred in the study process, future/present work tasks and present existing conditions, future projections and deficiencies
- Encourage active participation in the community area planning process.
- Solicit and receive any feedback or guidance that may influence this study. 30 - 45 day comment period may be required.

### **7.3.2 Work Activities**

1) Technical Advisory Committee (TAC) meetings – An ADOT Communications Division representative will attend all TAC meetings to provide public involvement updates and post and/or publish minutes to the final agency and public summary report.

2) Public engagement and information – ADOT Communications Division and project Technical Consultant will coordinate to host a public meeting and/or open house to present, review and discuss the study and potential transit solutions.

3) Officials Presentation(s) – ADOT will present study details local officials, i.e. elected and chamber, if a need is determined.

### **7.3.3 Deliverables: Summary Report 1**

**Responsible Party:** ADOT Communications Division

**7.4 Work Task 4: Working Paper 2** – Estimation of transit demand, including the identification of transit modes, transit corridors and transit programs to meet the projected demand, over a five-year period, to provide affordable and accessible public transportation options currently nonexistent on the Reservation that will help in the reduction of automobile traffic on SR 66 and all connecting street systems for the region.

#### **7.4.1 Objective**

The objective of work Task 5.4 is to use the data collected in the section above to estimate transit demand over a period of five-years, and to identify the transit mode(s) most suitable to meet this demand. Additionally, the objective is to identify corridors that could be fully utilized, connections that should be made (e.g. commuter, healthcare, shopping, entertainment, and other activity centers), and infrastructure needs (e.g. transit transfer stations, bus stations/stops, park

and ride facilities, etc.) that have to be met to respond to transit demand on the Hualapai Reservation.

#### **7.4.2 Work Activities**

- Identify a method of estimating travel demand and justify its applicability for this particular study.
- Using the selected methodology, estimate transit demand for the Hualapai Tribe and Grand Canyon Resort Corporation. Estimate demand annually, monthly and daily where possible.
- Identify the transit mode best suited to meet this demand and justify the applicability of this mode in meeting the demand.
- Identify key corridors for travel, key connection points and analyze infrastructure needs (bus stop locations and facilities) to develop the corridors and connections for increased mobility. Economic development on and near SR 66 is projected to increase even further in the near future. Tribally owned enterprises contribute to both the tribal and local economies. Economic opportunities developed in this corridor present a need for public transportation availability and connectivity that has gone otherwise unmet.
- Investigate any changes necessary to the ordinances, codes and policies of the Tribe to accommodate public transportation service.
- Provide baseline estimates for cost of developing a public transportation system (estimated capital, e.g. vehicles, and operating costs, e.g. staff, for services) within the Hualapai Reservation. Include a forecasted or phased costs associated with investing in public transportation up to five-years as a timetable for implementation.
- Designate routes and schedules.
- Identify funding opportunities.
- Attend the 4th TAC meeting to present Working Paper 2 and prepare a meeting summary.
- Address TAC comments, prepare the final draft of Working Paper 2, and submit to ADOT for posting on the ADOT website within two weeks of said meeting.
- General activities: Prepare meeting agendas and summaries, monthly invoices and progress reports.

#### **7.4.3 Deliverables**

- Technical Memorandum 2 – Working Paper 2.
- TAC Meeting 4 agenda.
- TAC Meeting summary.

**Responsible Party:** Technical consultant

### **7.5 Work Task 5: Final Report.**

**7.5.1 The final report will include the following, and will be distributed for review and comment.**

- Summary of Working Paper 1 and Working Paper 2.
- Summary of Reports that document the public involvement process.
- Recommendations regarding future studies in the Study area.
- Recommendations for potential projects prioritized by 5 year time-frames.
- A brief executive summary.

**Responsible Party:** Technical Consultant

## **7.6 Incidental Elements - Discovery:**

### **7.6.1 The consultant shall allocate a reserve budget to cover incidental elements.**

The contractor acknowledges that during the development of the feasibility study, additional issues and concerns may be discovered that should be addressed as elements of the study. These additional work elements, critical to the study's efficacy and necessary for the attainment of the goals of the feasibility shall be submitted in writing by the Contractor to the Hualapai Tribe at the time of discovery. No work shall proceed without the express written approval of the Hualapai Indian Tribe's project manager.

**Responsible Party: Technical Consultant**

## **8. STUDY PRODUCTS**

**The following is a summary of required deliverables:**

- Technical Memorandum 1: Refine and finalize the Project Management Plan (Work Task 5.1).
- Working Paper 1: Historical and current inventory of the Hualapai Tribe (Work Task 5.2).
- Summary Report 1: Public participation process (Work Task 5.3).
- Working Paper 2: Estimation of transit demand. (Work Task 5.4).
- Final Report and Executive Summary (Work Task 5.5): One hard copy and one CD copy delivered to each TAC member, plus ten hard copies and ten CD copies delivered to the Arizona Department of Transportation. Each CD will contain all working papers, the public involvement summaries, and the final report.
- One CD containing need estimation methodology documentation, including all applicable project data and spreadsheets will be delivered to the Arizona Department of Transportation. Study documents should be prepared using Microsoft Word, Excel, and PowerPoint, where applicable.

## **9. CONSULTANT SCORING AND SELECTION PROCESS**

The Hualapai Tribe reserves the right to make multiple awards or to award a contract by individual line items or alternatives, by group of line items or alternatives, or to make an aggregate award, or regional awards, whichever is most advantageous or appropriate for the project.

Responsiveness: Proposals will be verified for all submission requirements. Any proposal not meeting submission requirements will be deemed not-responsive and disqualified for review.

The selection process will be qualifications-based. The effort (number of hours) indicated in the proposal will be a factor in the EVALUATION process to identify the most qualified firm for this project. Price will NOT be considered during EVALUATION. However, the PRICE will be considered for final award. The following criteria will be used to evaluate and rank-order proposals, and select the most qualified consultant for the project:

### **Firm Profile (5 Points)**

Proposing consultants shall include a brief profile of their firm(s). The profile should provide an overview of the firm's areas of expertise, its history and primary market areas. For consulting teams, each participating firm should provide a firm profile. This section will familiarize the selection committee with the proposing consultant firms.

### **Project Manager Experience and Commitment (30 Points)**

The consulting team requires a strong project manager with extensive transportation planning and transit expertise. The project manager must show experience managing multimodal transportation studies.

The project manager must also be highly skilled at managing complex processes and projects, particularly those that are dynamic and at times, subject to political forces. Extensive public and stakeholder involvement experience is important, as is a strong knowledge of the local planning environment. Demonstrated experience with Tribal Governments/Entities is desired.

The project manager must be highly skilled at managing projects to ensure that they are delivered within scope, according to schedule, and within budget. The proposal should also discuss how the project manager would ensure a high quality of work, preferably through a formal quality assurance plan and process.

The proposal must also discuss the commitments of the project manager. Specifically, show the existing and 12 month future time commitments of the project manager and briefly describe his/her role in the projects or other commitments. Discuss how these commitments will affect the project manager's ability to manage activities. Also, indicate the primary work location of the project manager.

### **Expertise and Experience of Key Personnel (30 Points)**

Project team members should possess strong expertise in transportation planning in general and transit planning in particular, and in a variety of modal and transportation engineering areas. Specialists should be included in the proposal with expert knowledge in the following areas:

- Demonstrated experience with Tribal Governments/Entities;
- Transit planning and policy analysis;
- Transit performance measures;
- Public and stakeholder outreach and involvement; and
- Any other area the consultant believes may be necessary to ensure the project success.

Proposals should clearly indicate the expertise, background, and availability of proposed project staff. Licenses and other professional credentials of proposed staff should be noted.

### **Work Plan / Hours of Effort (35 Points)**

In this section the proposal should discuss in detail how the required work tasks will be carried out. It should include such information as how proposed staff resources will be utilized during each task and how the consultant will coordinate with jurisdictional staff. The consultant should indicate key milestones necessary to meet the Transit Feasibility Study schedule and how the firm expects to meet them. The proposal should also discuss the expected relationship between the consultant and the Technical Advisory Committees. This section provides proposing consultants with the opportunity to discuss original and innovative ideas or concepts that they believe may be directly relevant to fulfilling the goals of the Study.

In addition to the criteria identified above, further evaluation of the firm's qualifications and experience may include an oral interview.

## 10. PROPOSAL REQUIREMENTS

**Eligibility to Propose:** Only firms to which a task assignment is distributed and having a contract under the indicated discipline may submit a proposal as a prime consultant for a task assignment.

**Prime versus Sub:** A firm may not be awarded as both a prime and a sub-consultant on the same task assignment even if multiple studies are listed in that task assignment. In the event that a prime consultant proposal is selected, any proposal for which that firm was submitted in as a sub-consultant will be ineligible for selection regardless of the number of awards being issued for the task assignment.

**Conflicts of Interest:** Any firm who assisted a local agency or project beneficiary in creation and/or submission of their application for a project, a study, or funding is ineligible to submit a proposal for a resulting task assignment.

**Proposal Content:**

**Identification:** State the Task Assignment Title of this solicitation, Key Person Name, name and business address of the organization that will conduct the work, and the name, title, mailing address, email, telephone number of the firm's project manager.

**Table of Contents:** Include a table of contents referencing the page number for each content requirement at a minimum.

**Project Understanding:** Clearly and concisely communicate the Consultant's intent, creativity, resourcefulness, and understanding of the issues to be investigated by the project.

**Project Work Plan:** Describe in detail the methodology and all work tasks that will be included in the project. The work plan should also include:

- An organizational chart for the project team with all team members identified by name and functional role.
- A brief profile of the prime firm that describes each firm's areas of expertise and recent experience.
- The names, functional role, and labor classification (from the contract) of the project team members. For each team member, include relevant qualifications and experience.
- A breakdown of deliverable products by percentage of the project's overall cost. These products should be tied to project tasks whenever possible.
- A description and/or depiction of how the results of the project will be documented.

Cooperative Features: Provide a section that notes whether or not assistance in the form of sub-consultants, data, or equipment is required from other organizations, describe the assistance that will be needed for obtaining such help or information. Include a brief profile of each sub-consulting firm that describes the firm's areas of expertise and recent experience; mailing address, contact name, phone number, and email address; the names, labor classification roles, relevant qualifications, and experience of the project employee team members from the firm. If the sub-consultant is a certified DBE (Disadvantaged Business Enterprise), indicate such. (Letters of commitment and requests to add new sub-consultants should be included in an appendix to the proposal. Appendix content details are shown below.)

The Contractor shall perform greater than 51% of the work assigned. The volume of work performed by the sub-contractors shall not exceed 49% of the total contract value.

Traffic Counts and similar services: Traffic counts and other services performing components of the scope tasks are considered sub-consulting services. As required in your contract, sub-consulting services must be priced out using labor categories and the not-to-exceed rates just as you do for your prime budget section. A flat rate for these services cannot be accepted. We do, however, understand there may be additional direct-cost non-labor components (example: traffic counts require tubes or other consumable supplies) that may be indicated as line item(s) under direct costs in the budget.

#### Sub-Consultant Appendix:

Include single-page, signed letters of commitment from each sub-consultant, written on the sub-consultant's letterhead. The letter of commitment must include a statement that the sub-consultant agrees to comply with all terms and conditions of the prime contract. The letter must include the sub-consultant's mailing address, contact name, phone number, and email address.

If the proposal includes sub-consultants that are not currently approved in the prime consultant's procurement contract or subsequent amendments, the prime consultant must:

Include ONE COPY of a justification letter for each new sub-consultant to be used (This letter is not the commitment letter required from the sub-consultant):

- a. On the prime consultant's letterhead, ADDRESSED, BUT NOT MAILED to Hualapai Tribe, Planning and Economic Development Department, P.O. Box 179, Peach Springs, Arizona, 86434.
- b. Include a statement justifying the need for the sub-consultant on the project team, as described in the proposal Cooperative Features section.

- c. If the sub-consultant is a certified DBE (Disadvantaged Business Enterprise), indicate such in the letter.
- d. Include the sub-consultant’s mailing address, contact name, phone number, and email address.

Work Plan Schedule: Provide bar-type progress charts (Gantt chart) to illustrate the scheduling and interrelationships among the work plan tasks.

On-Going Projects: Provide a list of projects that the same staff being assigned to this task assignment are currently involved in, indicating the percentage of hours committed to that project:

Agency	Project Title	Agency PM Name	Consultant Staff Member	% of Time Committed

Budget/Price Sheet – submit as separate document: The maximum not-to-exceed budget for this task assignment has not been determined. Provide a project budget/price sheet that reflects the costs expected to be invoiced to the Hualapai Indian Tribe in each calendar quarter (Jan-Mar, Apr-Jun, Jul-Sep, Oct-Dec) beginning on the estimated proceed date of 3/10/2015 through the expected completion date of as determined by your proposal. The budget must indicate each team member’s name (including sub-consultant team members) and the labor classification role to which they are assigned and the number of hours expected for that rate/role. Of the individuals listed, please indicate which individual(s) is/are “key personnel”: at least one individual should be considered “key” and have ultimate responsibility to ensure successful accomplishment of work to be performed.

Page Count: The proposal must not exceed 15 pages. This page limitation applies to all sheets in the response, including but not limited to: letter of transmittal, external protective or decorative cover sheets, cover letter, and table of contents, text, graphs, divider sheets, tab sheets, index and appendices. (Exception: Letters of commitment from sub-consultants and sub-consultant justification letters included in the submission as an appendix will not be counted as part of the page count.) Do not double-side hard-copy proposals. All pages should be single-sided.

Page Size and Content: There is a 3 page limit for 11x17 pages, which may only contain graphs, images, maps, pictures, photographs, or tables that are relevant and necessary to the proposal. No general text is allowed on 11x17 pages. The remaining pages of the proposal

must be no larger than 8½x11; there is no restriction of content on 8½x11 pages except that it must be relevant and necessary to the proposal.

Font on all pages must be no smaller than 12 point.

Number of Copies: Submit copies of the proposal via U.S. Mail, personal delivery, or courier. Also, submit the proposal electronically by email.

#### Special Items:

Refer to Attachment A for FTA certifications and assurances, check sheet, and signature page. Please enclose completed documents (initialed and signed) with the submittal package.

## 11. DEADLINES

Questions related to the task assignment shall be submitted to Kevin Davidson by email to ([kdavidson@hualapai-nsn.gov](mailto:kdavidson@hualapai-nsn.gov)) no later than 5:00 PM Arizona Time on Tuesday, February 3, 2015.

This RFP may also be downloaded from Hualapai Tribe's website: <http://hualapai-nsn.gov/>

Proposals: hard-copy and electronic transmittals, must be physically received no later than 5:00 PM Arizona Time on FRIDAY, February 6, 2015.

- Electronic Copies must be submitted to: [kdavidson@hualapai-nsn.gov](mailto:kdavidson@hualapai-nsn.gov)
- Hard Copies may be mailed to Hualapai Tribe, P.O. Box 179, Peach Springs, AZ, 86434 or
- Hard Copies may be hand delivered to Hualapai Planning Office, 887 Hwy 66, Peach Springs, Arizona

## 12. POST-AWARD REPORTING REQUIREMENTS

Progress Report and Pay Application: In addition to any report or deliverable described in the SCOPE or Proposal Content Areas, a Progress Report and Pay Application consisting of, 1) the invoice, 2) the table of billable hours, and 3) the progress narrative will be submitted to the Tribe's project manager for review and processing. The Progress Report and Pay Application shall be presented no more than monthly and no less than quarterly.

All direct costs must be supported by receipts and other suitable and appropriate documentation. Travel expenses will be reimbursed in accordance with the State Travel Policy. The State travel policy may be accessed via the internet at the State of Arizona, General Accounting Office's website at (<http://www.gao.az.gov/travel>).

The Progress Payment Report shall be delivered by electronic mail to:

Kevin A. Davidson

Planning & Economic Development Director

Hualapai Planning & Economic Development Department

887 Highway 66, Peach Springs, AZ 86434

[kdavidson@hualapai-nsn.gov](mailto:kdavidson@hualapai-nsn.gov)

928-769-1310

**Attachment A**

**Federal Fiscal Year 2014 Certifications and Assurances for Federal Transit  
Administration Assistance Programs**

FEDERAL FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES FOR  
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

Name of APPLICANT / SUBRECIPIENT		
<p>The Applicant agrees to comply with applicable provisions of Groups 01 – 24. Even if every category is not applicable to a current award you must indicate by initialing that should the category become applicable during the life of these Certifications and Assurances, that the APPLICANT/SUBRECIPIENT will at that time comply. <b>Initial every right-hand box on this form.</b></p>		
Category / Item	Description	Initial Each Box
1	Required Certifications and Assurances for Each Applicant	
A	<i>Assurance of Authority of the Applicant and Its Representative</i>	
B	<i>Standard Assurances</i>	
C	<i>Intergovernmental Review Assurance</i>	
D	<i>Nondiscrimination Assurance</i>	
E	<i>Suspension and Debarment Certification</i>	
F	<i>U.S. OMB Assurances in SF-424B and SF-424D</i>	
2	Lobbying	
3	Procurement and Procurement Systems	
4	Private Sector Protections	
A	<i>Private Property Protections</i>	
B	<i>Charter Service Agreement</i>	
C	<i>School Bus Agreement</i>	
5	Rolling Stock Reviews and Bus Testing	
A	<i>Rolling Stock Reviews</i>	
B	<i>Bus Testing</i>	
6	Demand Responsive Service	
7	Intelligent Transportation Systems	
8	Interest and Financing Costs and Acquisition of Capital Assets by Lease	
A	<i>Interest and Financing Costs</i>	
B	<i>Acquisition of Capital Assets by Lease</i>	
9	Transit Asset Management and Public Transportation Agency Safety Plans	
A	<i>Transit Asset Management Plan</i>	
B	<i>Public Transportation Agency Safety Plan</i>	
10	Alcohol and Controlled Substances Testing	
11	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect Before Map-21	
12	State of Good Repair Program	
13	Fixed Guideway Modernization Grant Program	

14	Bus and Bus Facilities Formula Grants Program and Bus and Bus Related Equipment and Facilities Grant Program (Discretionary)	
A	<i>Bus and Bus Facilities Formula Grants Program</i>	
B	<i>Bus and Bus Related Equipment and Facilities Grant Program (Discretionary)</i>	
15	Urbanized Area Formula Grants Programs, Passenger Ferry Grant Program, and Job Access and Reverse Commute (JARC) Formula Grant Program	
A	<i>Urbanized Area Formula Grants Program under MAP-21</i>	
B	<i>Urbanized Area Formula Grants Program before MAP-21 became Effective</i>	
C	<i>Passenger Ferry Grant Program</i>	
D	<i>Job Access and Reverse Commute (JARC) Formula Grant Programs</i>	
16	Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program	
A	<i>Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program</i>	
B	<i>Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program</i>	
C	<i>New Freedom Program</i>	
17	Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs	
A	<i>Formula Grants for Rural Areas Program</i>	
B	<i>Formula Grants for Other Than Urbanized Areas Program</i>	
C	<i>Appalachian Development Public Transportation Assistance Program</i>	
D	<i>Over-the-Road Bus Accessibility Program</i>	
18	Tribal Transit Programs	
19	Low or No Emission/Clean Fuels Grant Programs	
A	<i>Low or No Emission Vehicle Deployment</i>	
B	<i>Clean Fuels Grant Program</i>	
20	Paul S Sarbanes Transit in Parks Program	
21	State Safety Oversight Program	
22	Public Transportation Emergency Relief Program	
23	Expedited Project Delivery Pilot Program	
24	Infrastructure Finance Programs	
A	Transportation Infrastructure Finance and Innovation Act (TIFIA) Program	
B	State Infrastructure Banks (SIB) Program	

# FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

**FEDERAL FISCAL YEAR 2014 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**  
**(Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)**

## AFFIRMATION OF APPLICANT

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

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

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2014, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks now, or may later seek FTA funding during Federal Fiscal Year 2014.

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

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

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

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

## AFFIRMATION OF APPLICANT'S ATTORNEY

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

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

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

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

Name \_\_\_\_\_  
Attorney for Applicant

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

### PREFACE

*Except as the Federal Transit Administration (FTA or We) determines otherwise in writing, before FTA may award Federal transit assistance (funding or funds) to support a public transportation Project, an Authorized Representative (You) of the Project sponsor (Applicant) must select certain Certifications and Assurances required by Federal law or regulation. The Authorized Representative must be duly authorized by the Applicant to, among other things, sign these Certifications and Assurances and bind the Applicant's compliance. You, as the Authorized Representative, must select all Certifications and Assurances required of your Applicant (or it) to support its applications for FTA funding during Federal fiscal year (FY) 2014.*

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

*We have consolidated our Certifications and Assurances into twenty-four (24) Groups. At a minimum, you must select the Assurances in Group 01 on your Applicant's behalf. If your Applicant requests more than \$100,000, you must also select the "Lobbying" Certification in Group 02, unless it is an Indian tribe or organization or a tribal organization. Depending on the nature of your Applicant and its Project, you may also need to select some Certifications and Assurances in Groups 03 through 24. However, instead of selecting individual Groups of Certifications and Assurances, you may make a single selection that will encompass all twenty-four (24) Groups of Certifications and Assurances that apply to all our programs.*

*FTA, your Applicant, and you understand and agree that not every provision of these twenty-four (24) Groups of Certifications and Assurances will apply to every Applicant or every Project FTA funds even if you make a single selection encompassing all twenty-four (24) Groups. Nor will every provision of all Certifications and Assurances within a single Group apply if that provision does not apply to your Applicant or its Project. The type of Project and Applicant will determine which Certifications and Assurances apply.*

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

*If your Applicant is a team, a consortium, a joint venture, or a partnership, it understands and agrees that you must identify the activities each member will perform and the extent to which each member will be responsible for compliance with the*

## **FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES**

*Certifications and Assurances you select on its behalf, except as FTA determines otherwise in writing.*

*It is important that your Applicant and You also understand that these Certifications and Assurances are pre-award requirements, generally imposed by Federal law or regulation, and do not include all Federal requirements that may apply to it or its Project. Our FTA Master Agreement MA(20) for Federal FY 2014, available at <http://www.fta.dot.gov>, contains a list of most of those requirements.*

*We expect You to submit your Applicant's FY 2014 Certifications and Assurances and its applications for funding in TEAM-Web. You must be registered in TEAM-Web to submit the FTA FY 2014 Certifications and Assurances on its behalf. The TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of the "View/Modify Recipients" page contains fields for selecting among the twenty-four (24) Groups of Certifications and Assurances and a designated field for selecting all twenty-four (24) Groups of Certifications and Assurances. If FTA agrees that you cannot submit your Applicant's FY 2014 Certifications and Assurances electronically, you must submit the Signature Page(s) in Appendix A of this Notice, as FTA directs, marked to show the Groups of Certifications and Assurances it is submitting.*

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

- *FTA's latest authorization legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, June 6, 2012,*
- *The Continuing Appropriations Act, 2014, Pub. L. 113-46, October 17, 2013,*
- *The Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. 113-6, March 26, 2013,*
- *The Continuing Appropriations Resolution, 2013 (CR), Pub. L. 112-175, September 28, 2012, and*
- *FTA's authorizing legislation in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

*With certain exceptions, Projects financed in FY 2014 with funds appropriated or made available for FY 2012 or a previous fiscal year must be in compliance with the requirements for that type of Project in effect during the fiscal year for which the funding was derived, except as superseded by MAP-21 cross-cutting requirements that apply.*

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

*Before FTA may provide funding for your Applicant's Project, in addition to any other Certifications and Assurances that you must select on behalf of your Applicant, you must also select the Certifications and Assurances in Group 01, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and*

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

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

*Any provision of the Certifications and Assurances in Group 01 that does not apply will not be enforced.*

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

You certify that both you, as your Applicant's Authorized Representative, and your Applicant's attorney, who is authorized to represent the Applicant in legal matters, who sign these Certifications, Assurances, and Agreements, may undertake the following activities on its behalf, in compliance with applicable State, local, or Indian tribal laws and regulations, and its by-laws or internal rules:

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

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

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

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

program and eligibility requirements for FY 2012 or a specific previous fiscal year, except as superseded by applicable MAP-21 cross-cutting requirements, apply to:

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

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

*(The assurance in Group 01.C does not apply to an Indian tribe, an Indian organization or a tribal organization that applies for funding made available for FTA's Tribal Transit Programs authorized by 49 U.S.C. 5311(c)(1).*

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that your Applicant has

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<sup>1</sup> More information about these matters appears in the Federal Transit Administration, "Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and FTA FY 2013 Apportionments, Allocations, Program Information and Interim Guidance," 77 Fed. Reg. 663670, Oct. 16, 2012.

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

submitted or will submit each application for Federal funding to the appropriate State and local agencies for intergovernmental review, to facilitate compliance with those regulations.

### **1.D. Nondiscrimination Assurance.**

On behalf of your Applicant, you assure that:

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (1) While the property is used for the purpose that the Federal funding is extended, and
    - (2) While the property is used for another purpose involving the provision of similar services or benefits,
  - e. The United States has a right to seek judicial enforcement of any matter arising under:
    - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
    - (2) U.S. DOT regulations, 49 CFR part 21, and
    - (3) This assurance,
  - f. It will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:
    - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
    - (2) U.S. DOT regulations, 49 CFR part 21, and
    - (3) Federal transit laws, 49 U.S.C. 5332,
  - g. It will comply with Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA determines otherwise in writing,
  - h. It will extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
    - (1) Subrecipient,
    - (2) Transferee,
    - (3) Third Party Contractor or Subcontractor at any tier,
    - (4) Successor in Interest,
    - (5) Lessee, or
    - (6) Other participant in its Project, except FTA and the Applicant (that later becomes the Recipient),
  - i. It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including each:
    - (1) Subagreement at any tier,
    - (2) Property transfer agreement,
    - (3) Third party contract or subcontract at any tier,
    - (4) Lease, or
    - (5) Participation agreement, and
  - j. The assurances you have made on its behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:
    - (1) Federal funding is extended to its Project,
    - (2) Its Project property is used for a purpose for which the Federal funding is extended,
    - (3) Its Project property is used for a purpose involving the provision of similar services or benefits,
    - (4) It retains ownership or possession of its Project property, or
    - (5) FTA may otherwise determine in writing, and
4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR 27.9, and consistent with 49 U.S.C.

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

5307(c)(1)(D)(ii), you assure that:

- a. It will comply with the following prohibitions against discrimination on the basis of disability listed in Group 1.D.4.b below, of which compliance is a condition of approval or extension of any FTA funding awarded to:
  - (1) Construct any facility,
  - (2) Obtain any rolling stock or other equipment,
  - (3) Undertake studies,
  - (4) Conduct research, or
  - (5) Participate in or obtain any benefit from any FTA administered program, and
- b. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no qualified people with a disability will, because of their disability, be:
  - (1) Excluded from participation,
  - (2) Denied benefits, or
  - (3) Otherwise subjected to discrimination.

### **1.E. Suspension and Debarment Certification.**

On behalf of your Applicant, you certify that:

1. It will comply and facilitate compliance with U.S. DOT regulations, “Nonprocurement Suspension and Debarment,” 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) “Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” 2 CFR part 180,
2. To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:
  - a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:
    - (1) Debarred,
    - (2) Suspended,
    - (3) Proposed for debarment,
    - (4) Declared ineligible,
    - (5) Voluntarily excluded, or
    - (6) Disqualified,
  - b. Its management has not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for:
    - (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,
    - (2) Violation of any Federal or State antitrust statute, or
    - (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,
  - c. It is not presently indicted for, or otherwise criminally or civilly charged by a

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding subsection 1.E.2.b of this Certification,
- d. It has not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,
  - e. If, at a later time, it receives any information that contradicts the statements of subsections 2.a – 2.d above, it will promptly provide that information to FTA,
  - f. It will treat each lower tier contract or lower tier subcontract under its Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
    - (1) Equals or exceeds \$25,000,
    - (2) Is for audit services, or
    - (3) Requires the consent of a Federal official, and
  - g. It will require that each covered lower tier contractor and subcontractor:
    - (1) Comply and facilitate compliance with the Federal requirements of 2 CFR parts 180 and 1200, and
    - (2) Assure that each lower tier participant in its Project is not presently declared by any Federal department or agency to be:
      - (a) Debarred from participation in its federally funded Project,
      - (b) Suspended from participation in its federally funded Project,
      - (c) Proposed for debarment from participation in its federally funded Project,
      - (d) Declared ineligible to participate in its federally funded Project,
      - (e) Voluntarily excluded from participation in its federally funded Project, or
      - (f) Disqualified from participation in its federally funded Project, and
3. It will provide a written explanation as indicated on a page attached in FTA's TEAM-Web or the Signature Page if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Certification Group 01.E.

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

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

1. *Administrative Activities.* On behalf of your Applicant, you assure that:
  - a. For every Project described in any application it submits, it has adequate resources to properly plan, manage, and complete its Project, including the:
    - (1) Legal authority to apply for Federal funding,
    - (2) Institutional capability,
    - (3) Managerial capability, and
    - (4) Financial capability (including funds sufficient to pay the non-Federal share of Project cost),
  - b. It will give limited access and the right to examine Project-related materials to

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

entities or individuals, as required, including, but not limited to the:

- (1) FTA,
  - (2) The Comptroller General of the United States, and
  - (3) State, through an authorized representative, if appropriate,
- c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance, and
- d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:
- (1) A personal or organizational conflict of interest, or personal gain, or
  - (2) The appearance of a personal or organizational conflict of interest or personal gain,
2. *Project Specifics*. On behalf of your Applicant, you assure that:
- a. Following receipt of an FTA award, it will begin and complete Project work within the time periods that apply,
  - b. For FTA funded construction Projects:
    - (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
    - (2) It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
    - (3) It will include a covenant to assure nondiscrimination during the useful life of its Project in its title to federally funded real property,
    - (4) To the extent FTA requires, it will record the Federal interest in the title to FTA funded real property or interests in real property, and
    - (5) It will not alter the site of the FTA funded construction Project or facilities without permission or instructions from FTA by:
      - (a) Disposing of the underlying real property or other interest in the site and facilities,
      - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
      - (c) Changing the terms of the underlying real property title or other interest in the site and facilities, and
  - c. It will furnish progress reports and other information as FTA or the State may require, and
3. *Statutory and Regulatory requirements*. On behalf of your Applicant, you assure that:
- a. It will comply with all Federal statutes relating to nondiscrimination that apply, including, but not limited to:
    - (1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
    - (2) The prohibitions against discrimination on the basis of sex, as provided in:
      - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
      - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25,

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (3) The prohibitions against discrimination on the basis of age in federally funded programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,
  - (4) The prohibitions against discrimination on the basis of disability in federally funded programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
  - (5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
  - (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,
  - (7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,
  - (8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,
  - (9) The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and
  - (10) The nondiscrimination provisions of any other statute(s) that may apply to its Project,
- b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 *et seq.*, and 49 U.S.C. 5323(b), regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes:
- (1) It will provide for fair and equitable treatment of displaced persons or persons whose property is acquired as a result of federally funded programs, and
  - (2) It has the necessary legal authority under State and local laws and regulations to comply with:
    - (a) The Uniform Relocation Act. 42 U.S.C. 4601 *et seq.*, as specified by 42 U.S.C. 4630 and 4655, and
    - (b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR 24.4, and
  - (3) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
    - (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,
    - (b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, if an FTA funded Project results in displacement, it will provide fair and reasonable relocation payments and assistance to:
      - 1 Displaced families or individuals, and

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- 2 Displaced Partnerships, corporations, or associations,
      - (c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such displaced:
        - 1 Families and individuals, and
        - 2 Partnerships, corporations, or associations,
      - (d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals,
      - (e) It will:
        - 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
        - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,
      - (f) It will be guided by the real property acquisition policies of 42 U.S.C. 4651 and 4652,
      - (g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs for providing payments for those expenses, as required by 42 U.S.C. 4631,
      - (h) It will execute the necessary implementing amendments to FTA funded third party contracts and subagreements,
      - (i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances,
      - (j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, relating to any FTA funded Project involving relocation or land acquisition, and
      - (k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,
    - c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures,
    - d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:
      - (1) The National Research Act, as amended, 42 U.S.C. 289 *et seq.*, and
      - (2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11,
    - e. It will, to the extent applicable, comply with the labor standards and protections for federally funded Projects of:
      - (1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 – 3144, 3146, and 3147,
      - (2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively, and

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*,
- f. It will comply with any applicable environmental standards that may be prescribed to implement Federal laws and executive orders, including, but not limited to:
  - (1) Following the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 – 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,
  - (2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. 7606 note,
  - (3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. 4321 note,
  - (4) Following the evaluation of flood hazards in floodplains provisions of Executive Order No. 11988, 42 U.S.C. 4321 note,
  - (5) Complying with the assurance of Project consistency with the approved State management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 – 1465,
  - (6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 – 7671q,
  - (7) Complying with the protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,
  - (8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544,
  - (9) Complying with the environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation Project, as required by 49 U.S.C. 303,
  - (10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and
  - (11) Complying with and facilitating compliance with:
    - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,
    - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and
    - (c) Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note,
- g. To the extent applicable, comply with the following Federal requirements for the care, handling, and treatment of warmblooded animals held or used for research, teaching, or other activities supported by Federal funding:
  - (1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and
  - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- subchapter A, parts 1, 2, 3, and 4,
- h. To the extent applicable, obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR 41.117(d), before accepting delivery of any FTA funded building,
  - i. Comply with, and assure that its Subrecipients located in special flood hazard areas comply with, section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:
    - (1) Participating in the Federal flood insurance program, and
    - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more,
  - j. Comply with:
    - (1) The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds, including a Federal loan, grant agreement, or cooperative agreement, and
    - (2) 49 U.S.C. 5323(l)(2) and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding appropriated or made available for 49 U.S.C. chapter 53 and 23 U.S.C. 142(a)(2) to whom the Hatch Act does not otherwise apply,
  - k. Perform the financial and compliance audits as required by the:
    - (1) Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*,
    - (2) U.S. OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” Revised, and
    - (3) Most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT,
  - l. Comply with all other Federal laws or regulations that apply, and
  - m. Follow Federal guidance governing it and its Project, except to the extent that FTA has expressly approved otherwise in writing.

### GROUP 02. LOBBYING.

*Before FTA may provide funding for a Federal grant or cooperative agreement exceeding \$100,000 or a Federal loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, in addition to other Certifications and Assurances you must select on your Applicant’s behalf, you must also select the Lobbying Certifications in Group 02, unless your Applicant is an Indian Tribe exempt from the requirements of 31 U.S.C. 1352 or FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in*

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

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

*Any provision of the Certifications in Group 02 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that:

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

## **FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES**

- (4) Other third party agreements under a:
  - (a) Federal grant or cooperative agreement, or
  - (b) Federal loan, line of credit, loan guarantee, or loan insurance,
3. It understands that:
  - a. This Certification is a material representation of fact that the Federal government relies on, and
  - b. It must submit this Certification before the Federal government may award funding for a transaction covered by 31 U.S.C. 1352, including a:
    - (1) Federal grant or cooperative agreement, or
    - (2) Federal loan, line of credit, loan guarantee, or loan insurance, and
4. It also understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **GROUP 03. PROCUREMENT AND PROCUREMENT SYSTEMS.**

*We request that you select the Procurement and Procurement Systems Certification in Group 03 on behalf of your Applicant, especially if it is a State, local, or Indian tribal government with a certified procurement system, as provided in 49 CFR 18.36(g)(3)(ii).*

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

*Any provision of the Certification in Group 03 that does not apply will not be enforced.*

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

### **GROUP 04. PRIVATE SECTOR PROTECTIONS.**

*Before FTA may provide funding for a Project that involves the acquisition of public transportation property or operation of public transportation facilities or equipment, in addition to other Certifications you must select on your Applicant's behalf, you must also select the Private Property Protections Assurances in Group 04.A and enter into the Agreements in Group 04.B and Group 04.C on behalf of your Applicant, except as FTA determines otherwise in writing.*

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

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

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

### **4.A. Private Property Protections.**

*If your Applicant is a State, local government, or Indian tribal government and seeks FTA funding to acquire the property of a private transit operator or operate public transportation in competition with or in addition to a public transportation operator, the Private Property Protections Assurances in Group 04.A apply to your Applicant, except as FTA determines otherwise in writing.*

To facilitate FTA's ability to make the findings required by 49 U.S.C. 5323(a)(1), on behalf of your Applicant, you assure that:

1. It has or will have:
  - a. Determined that the funding is essential to carrying out a Program of Projects as required by 49 U.S.C. 5303, 5304, and 5306,
  - b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
  - c. Paid just compensation under State or local laws to the company for any franchise or property acquired, and
2. It has completed the actions described in Group 4.A.1 of this Certification before it:
  - a. Acquires the property or an interest in the property of a private provider of public transportation, or
  - b. Operates public transportation equipment or facilities:
    - (1) In competition with transportation service provided by an existing public transportation operator, or
    - (2) In addition to transportation service provided by an existing public transportation operator.

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

*If your Applicant seeks FTA funding to acquire or operate transit facilities or equipment, the Charter Service Agreement in Group 04.B applies to your Applicant, except as FTA determines otherwise in writing.*

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

1. FTA's "Charter Service" regulations apply as follows:

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- a. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired by Recipients of FTA funding for transportation Projects with Federal funding derived from:
  - (1) Federal transit laws, 49 U.S.C. chapter 53,
  - (2) 23 U.S.C. 133 or 142, or
  - (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
- b. FTA's charter service restrictions extend to:
  - (1) Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:
    - (a) Federal transit laws, 49 U.S.C. chapter 53,
    - (b) 23 U.S.C. 133 or 142, or
    - (c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and
  - (2) Any Third Party Participant that receives Federal funding derived from:
    - (a) Federal transit laws, 49 U.S.C. chapter 53,
    - (b) 23 U.S.C. 133 or 142, or
    - (c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
- c. A Third Party Participant includes any:
  - (1) Subrecipient at any tier,
  - (2) Lessee,
  - (3) Third Party Contractor or Subcontractor at any Tier, and
  - (4) Other Third Party Participant in its Project,
- d. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives Federal public transportation assistance appropriated or made available for its Project will engage in charter service operations, except as permitted under:
  - (1) Federal transit laws, specifically 49 U.S.C. 5323(d) and (g),
  - (2) FTA regulations, "Charter Service," 49 CFR part 604, to the extent consistent with 49 U.S.C. 5323(d) and (g),
  - (3) Any other Federal Charter Service regulations, or
  - (4) Federal guidance, except as FTA determines otherwise in writing,
- e. You and your Applicant agree that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
- f. You and your Applicant agree that:
  - (1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives FTA funding appropriated or made available for its Project that has engaged in a pattern of violations of FTA's Charter Service regulations by:
    - (a) Conducting charter operations prohibited by Federal transit laws and FTA's Charter Service regulations, or
    - (b) Otherwise violating its Charter Service Agreement it has elected in its

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- latest annual Certifications and Assurances, and
- (2) These corrective measures and remedies may include:
    - (a) Barring it or any Third Party Participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds,
    - (b) Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations, or
    - (c) Any other appropriate remedy that may apply, and
  2. In addition to the exceptions to the charter service restrictions in FTA's Charter Service Regulations, FTA has established the following additional exceptions to those restrictions:
    - a. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5307 and 5311, to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, provided that it uses that FTA funding for those program purposes only,
    - b. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5310, to be used for New Freedom activities that would have been eligible for assistance under repealed 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, provided it uses that FTA funding for those program purposes only, and
    - c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Recipient provides a private intercity or charter transportation operator reasonable access to that Recipient's federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes, as provided in 49 U.S.C. 5323(r).

### **4.C. School Bus Agreement.**

*If your Applicant seeks FTA funding to acquire or operate transit facilities or equipment, the School Bus Agreement in Group 04.C applies to your Applicant, except as FTA determines otherwise in writing.*

To comply with 49 U.S.C. 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), on behalf of your Applicant, you are entering into the following School Bus Agreement:

1. FTA's "School Bus Operations" regulations restrict school bus operations using facilities and equipment acquired with Federal funding derived from:
  - a. Federal transit laws, 49 U.S.C. chapter 53,
  - b. 23 U.S.C. 133 or 142, or
  - c. Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
2. FTA's school bus operations restrictions extend to:

## **FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES**

- a. Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:
  - (1) Federal transit laws, 49 U.S.C. chapter 53,
  - (2) 23 U.S.C. 133 or 142, or
  - (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and
- b. Any Third Party Participant that receives Federal funding derived from:
  - (1) Federal transit laws, 49 U.S.C. chapter 53,
  - (2) 23 U.S.C. 133 or 142, or
  - (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
3. A Third Party Participant includes any:
  - a. Subrecipient at any tier,
  - b. Lessee,
  - c. Third Party Contractor or Subcontractor at any tier, and
  - d. Other Third Party Participant in the Project,
4. You and your Applicant agree, and will obtain the agreement of any Third Party Participant involved in your Applicant's Project, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
  - a. Federal transit laws, specifically 49 U.S.C. 5323(f) and (g),
  - b. FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g),
  - c. Any other Federal School Bus regulations, or
  - d. Federal guidance, except as FTA determines otherwise in writing,
5. You and your Applicant agree that the latest School Bus Agreement you have selected on its behalf in FTA's latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
6. You and your Applicant agree that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, FTA may:
  - a. Bar your Applicant or Third Party Participant from receiving further Federal transit funds, or
  - b. Require the Applicant or Third Party Participant to take such remedial measures as FTA considers appropriate.

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

*Before FTA may provide funding for a Project to acquire rolling stock for use in revenue service or to acquire a new bus model, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Rolling Stock Reviews and Bus Testing Certifications in Group 05, except as FTA determines otherwise in writing.*

*Your Applicant is ultimately responsible for compliance with the Certifications and*

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

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

*Any provision of the Certifications in Group 05 that does not apply will not be enforced.*

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

*If your Applicant seeks FTA funding to acquire rolling stock for use in revenue service, the Certifications in Group 05.A apply to your Applicant, except as FTA determines otherwise in writing.*

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

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

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

*If your Applicant seeks FTA funding to acquire a new bus model, the Bus Testing Certifications in Group 05.B apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that:

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

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

### **GROUP 06. DEMAND RESPONSIVE SERVICE.**

*If your Applicant is a public entity, operates demand responsive service, and seeks FTA funding to acquire a non-rail vehicle that is not accessible, before FTA may provide funding for that Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Demand Responsive Service Certifications in Group 06, except as FTA determines otherwise in writing.*

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

*Any provision of the Certifications in Group 06 that does not apply will not be enforced.*

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

1. Your Applicant offers public transportation services equivalent in level and quality of service to:
  - a. Individuals with disabilities, including individuals who use wheelchairs, and
  - b. Individuals without disabilities, and
2. Viewed in its entirety, its service for individuals with disabilities is:

## **FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES**

- a. Provided in the most integrated setting feasible, and
- b. Equivalent to the service it offers individuals without disabilities with respect to:
  - (1) Response time,
  - (2) Fares,
  - (3) Geographic service area,
  - (4) Hours and days of service,
  - (5) Restrictions on priorities based on trip purpose,
  - (6) Availability of information and reservation capability, and
  - (7) Constraints on capacity or service availability.

### **GROUP 07. INTELLIGENT TRANSPORTATION SYSTEMS.**

*Before FTA may provide funding for an Intelligent Transportation Systems (ITS) Project or a Project in support of an ITS Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Intelligent Transportation Systems Assurances in Group 07, except as FTA determines otherwise in writing.*

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

*Any provision of the Assurances in Group 07 that does not apply will not be enforced.*

On behalf of your Applicant, you and your Applicant:

1. Understand that, as used in this assurance, the term Intelligent Transportation Systems (ITS) Project is defined to include any Project that, in whole or in part, finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the "National ITS Architecture," and
2. Assure that, as provided in 23 U.S.C. 517(d), any ITS Project it undertakes that is funded with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities or equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. 517(a) or (c), unless it obtains a waiver as provided in 23 U.S.C. 517(d)(2).

### **GROUP 08. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE.**

*Before FTA may provide funding appropriated or made available for 49 U.S.C.*

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

*chapter 53 to support interest or financing costs of any Project financed under the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, or another program as FTA may specify, or finance leasing costs, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 08, except as FTA may determine otherwise in writing.*

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

*Any provision of the Certifications and Assurances in Group 08 that does not apply will not be enforced.*

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

*If your Applicant intends to use FTA funding to support interest or other financing costs for Projects funded by the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, or another program as FTA may specify, the Interest and Financing Costs Certifications in Group 08.A apply to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify that:

1. It will not seek reimbursement for interest or other financing costs unless:
  - a. It is eligible to receive Federal funding for those costs, and
  - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, to the extent FTA may require, and
2. It will comply with the same favorable financing cost provisions for:
  - a. Urbanized Area Formula Grants Projects,
  - b. Projects under Full Funding Grant Agreements,
  - c. Projects with Early Systems Work Agreements,
  - d. Fixed Guideway Capital Investment Projects funded by previous FTA enabling legislation,
  - e. State of Good Repair Projects,
  - f. Bus and Bus Facilities Projects, and
  - g. Low or No Emission Vehicle Development Projects.

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

*If your Applicant seeks FTA funding to acquire capital assets through a lease, the Acquisition of Capital Assets by Lease Certifications and Assurances in Group 08.B*

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

*applies to your Applicant, except as FTA determines otherwise in writing.*

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

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

### **GROUP 09. TRANSIT ASSET MANAGEMENT PLAN AND PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.**

*Before FTA may provide funding appropriated or made available for 49 U.S.C. chapter 53 to support your Applicant’s Project, in addition to other Certifications and Assurances you must select on your Applicant’s behalf, you must also select the Certifications in Group 09, except as FTA determines otherwise in writing.*

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

*Any provision of the Certifications in Group 09 that does not apply will not be enforced.*

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

*If your Applicant applies for funding appropriated or made available for 49 U.S.C. chapter 53, the Transit Asset Management Certifications in Group 09.A apply to your Applicant, except as FTA determines otherwise in writing.*

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

1. Follow Federal guidance when issued that implements transit asset management system provisions of 49 U.S.C. 5326, except as FTA determines otherwise in writing,

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

and

2. Comply with the final Federal regulations when issued that implement the transit asset management provisions of 49 U.S.C. 5326.

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

*If your Applicant applies for funding under 49 U.S.C. chapter 53 and it is a State government, local government, or any other operator of a public transportation system, the Public Transportation Safety Plan Certifications in Group 09.B apply to your Applicant, except as FTA determines otherwise in writing.*

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

1. Follow the Federal guidance, when issued, that will implement the safety plan provisions of 49 U.S.C. § 5329(d), except as FTA determines otherwise in writing, and
2. Comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

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

*If your Applicant must comply with the alcohol and controlled substance testing requirements of 49 U.S.C. 5331 and its implementing regulations, before FTA may provide funding for your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 10, except as FTA may determine otherwise in writing.*

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

*Any provision of the Certifications in Group 10 that does not apply will not be enforced.*

As required by 49 U.S.C. 5331, and FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, subpart I, specifically 49 CFR 655.83, on behalf of your Applicant, including a State Applicant, and on behalf of its Subrecipients and Third Party Contractors, you certify that:

1. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have established and implemented:
  - a. An alcohol misuse testing program, and
  - b. A controlled substance testing program,
2. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- requirements apply have complied or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. 5331, and
3. Consistent with U.S. DOT Office of Drug and Alcohol Policy and Compliance Notice, issued October 22, 2009, if your Applicant, its Subrecipients, or Third Party Contractors to which these testing requirements apply reside in a State that permits marijuana use for medical or recreational purposes, your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have complied or will comply with the Federal controlled substance testing requirements of 49 CFR part 655.

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

*The Certifications in Group 11 apply to the New Starts, Small Starts, or Core Capacity Programs, 49 U.S.C. 5309.*

*Before FTA may provide funding for your Applicant's New Starts, Small Starts, or Core Capacity Project in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 11, except as FTA may determine otherwise in writing.*

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

*Any provision of the Certifications in Group 11 that does not apply will not be enforced.*

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

1. It has or will have the following capabilities to carry out its proposed Project(s), including the safety and security aspects of the Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It will comply with:
  - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and

## **FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES**

- b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304.

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

*Certain Certifications and Assurances listed previously are required for the State of Good Repair Program funding under 49 U.S.C. 5337.*

*Before FTA may provide funding for your Applicant's Project under the State of Good Repair Program, 49 U.S.C. 5337, for your Applicant's Project, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 12, except as FTA determines otherwise in writing.*

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

*Any provision of the Assurance in Group 12 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It will comply with:
  - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
  - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304.

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

*Before FTA may provide funding for your Applicant's Project under the Fixed Guideway Modernization Grant Program, former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 13, except as FTA determines otherwise in writing.*

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

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

*Any provision of the Certification in Group 13 that does not apply will not be enforced.*

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

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

### **GROUP 14. BUS AND BUS FACILITIES FORMULA GRANTS PROGRAM AND BUS AND BUS RELATED EQUIPMENT AND FACILITIES GRANT PROGRAM (DISCRETIONARY).**

*The Certifications in Group 14 are required for funding under:*

- 14.A. *The Bus and Bus Facilities Formula Grants Program, 49 U.S.C. 5339, as amended by MAP-21, and*
- 14.B. *The Bus and Bus Related Equipment and Facilities Grant Program (Discretionary), former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply.*

*Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 14, except as FTA determines otherwise in writing.*

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

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

*Any provision of the Certifications in Group 14 that does not apply will not be enforced.*

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

*If your Applicant seeks FTA funding for its Project under the Bus and Bus Facilities Formula Grants Program, 49 U.S.C. 5339, the Certifications in Group 14.A below apply to your Applicant, except as FTA determines otherwise in writing.*

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

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C.5339, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
  - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C.5339, it will comply with the:
  - a. General Provisions of 49 U.S.C. 5323, and
  - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has complied with or will comply with 49 U.S.C. 5307(b), because it:
  - a. Has made or will make available to the public information on amounts of its

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- funding available to it under 49 U.S.C. 5339,
- b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
  - d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by FTA under 49 U.S.C. 5336 with transportation services supported by other United States Government sources,
  - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), it:
    - a. Has or will have the amount of funds required for the local share,
    - b. Will provide the local share funds from sources approved by FTA, and
    - c. Will provide the local share funds when needed,
  8. It will comply with:
    - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
    - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
  9. It has a locally developed process to solicit and consider public comment before:
    - a. Raising a fare, or
    - b. Implementing a major reduction of public transportation, and
  10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d)..

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

*If your Applicant seeks FTA funding for its Project under the Bus and Bus Related Equipment and Facilities Grant Program (Discretionary), former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 14.B below apply to your Applicant, except as FTA determines otherwise in writing.*

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

### **GROUP 15. URBANIZED AREA FORMULA GRANTS PROGRAMS, PASSENGER FERRY GRANT PROGRAM, AND JOB ACCESS AND REVERSE COMMUTE (JARC) FORMULA GRANT PROGRAM.**

*The Certifications in Group 15 are required for funding under:*

- 15.A. *The Urbanized Area Formula Grants Program financed with funds appropriated or made available for 49 U.S.C. 5307, as amended by MAP-21, which among other things, authorizes funding for Job Access and Reverse Commute (JARC) Projects and Project Activities,*
- 15.B. *The Urbanized Area Formula Grants Program financed with funds appropriated or made available for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply,*
- 15.C. *The Passenger Ferry Grant Program financed with funds appropriated or made available for 49 U.S.C. 5307(h), as amended by MAP-21, and*
- 15.D. *The Job Access and Reverse Commute (JARC) Formula Grant Program financed with funds appropriated or made available for former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

*Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 15, except as FTA determines otherwise in writing.*

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

*Any provision of the Certifications in Group 15 that does not apply will not be enforced.*

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

*If your Applicant seeks FTA funding for its Project under the Urbanized Area Formula Grants Program, 49 U.S.C. 5307, as amended by MAP-21, the Certifications in Group 15.A apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications for the Urbanized Area Formula Grants Program funding appropriated or made available in FYs 2013 and 2014 are required by 49 U.S.C. 5307(c)(1). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- as defined in 49 U.S.C. 5302(1),
- b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:
    - (1) A list of its Associated Transit Improvement Projects or Project Activities during that Federal fiscal year using those 49 U.S.C. 5307 funds, or
    - (2) Sufficient information to demonstrate that the Designated Recipients in its urbanized area together have spent one (1) percent of the funding apportioned to the area for Associated Transit Improvement Projects or Project Activities, or have included the same information in a separate report attached in TEAM-Web, and
  - c. The report of its Associated Transit Improvement Projects or Project Activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
12. It will comply with the final Federal regulations, when issued, that implement the safety requirements of 49 U.S.C. § 5329(d).

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

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

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

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any elderly individual,
  - b. Any handicapped individual, as described in 49 CFR part 27,
  - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, it will comply with the following provisions as amended by MAP-21:
  - a. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - b. The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
  - c. “Buy America” under 49 U.S.C. 5323(j),
  - d. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - e. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
  - f. “Veterans Preference/Employment” under 49 U.S.C. 5325(k),
6. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
7. It:
  - a. Has or will make available to the public information on amounts available to it under 49 U.S.C. 5307 and the Program of Projects it proposes to undertake,
  - b. Will develop or has developed, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be financed,
  - c. Will publish or has published 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 Applicant or Recipient’s performance,
  - d. Will provide or has provided an opportunity for a public hearing in which to obtain the views of citizens on the proposed Program of Projects,
  - e. Will ensure or has ensured that the proposed Program of Projects provides for the coordination of public transportation services assisted under 49 U.S.C. 5336 with transportation services assisted from other U.S. Government sources,
  - f. Will consider or has considered comments and views received, especially those of private transportation providers, in preparing the final Program of Projects, and
  - g. Will make or has made the final Program of Projects available to the public,
8. It:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from sources approved by FTA, and
  - c. Will provide the local share funds when needed,
9. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304,
10. It has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation,
11. Each fiscal year:
  - a. At least one (1) percent of the 49 U.S.C. 5307 funding apportioned to an urbanized area must be spent for public transportation security Projects (limited to capital Projects if it serves an urbanized area with a population of 200,000 or

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

more), including:

- (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
  - (2) Increased camera surveillance of an area in or adjacent to that system,
  - (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
  - (4) Any other Project intended to increase the security and safety of an existing or planned public transportation, or
- b. It will certify that such expenditures for transportation security Projects are not necessary (Information about its intentions must be recorded in the “Security” tab page of the TEAM-Web “Project Information” window when it submits its Urbanized Area Formula Grants Program application in TEAM-Web),
12. If it serves an urbanized area with a population of at least 200,000 individuals:
- a. Each fiscal year, it will ensure that at least one (1) percent of the amount apportioned to the urbanized area is spent for Transit Enhancements, as defined in former 49 U.S.C. 5302(a)(15),
  - b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:
    - (1) A list of its Transit Enhancement Project Activities during that Federal fiscal year using those former 49 U.S.C. 5307 funds, or
    - (2) Sufficient information to demonstrate that the Designated Recipients in its urbanized area together have spent one (1) percent of the amount of funding that must be made available to them for Transit Enhancements or have included the same information in a separate report attached in TEAM-Web, and
  - c. The report of its or the Designated Recipients’ Transit Enhancement Projects or Project Activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
13. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

### **C. Passenger Ferry Grant Program.**

*If your Applicant seeks FTA funding for its Project under the Passenger Ferry Grant Program, 49 U.S.C. 5307(h), the Certifications in Group 15.C apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications for the Passenger Ferry Grant Program funding are required by 49 U.S.C. 5307(h) and (c)(1). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C. 5307(h), the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
  - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C. 5307(h), it will comply with the:
  - a. General Provisions of 49 U.S.C. 5323, and
  - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. As required by 49 U.S.C. 5307(d), it:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from sources approved by FTA, and
  - c. Will provide the local share funds when needed,
7. As required by 49 U.S.C. 5307(c)(1)(H), it will comply with:
  - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
  - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
8. As required by 49 U.S.C. 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
9. . It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

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

*If your Applicant seeks FTA funding for its Project under the Job Access and Reverse Commute (JARC) Formula Grant Program, former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 15.C apply to your Applicant, except as FTA determines otherwise in writing.*

1. The following Certifications for the Job Access and Reverse Commute (JARC) Formula Grant Program are required by former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- that apply. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
- a. It will make awards of JARC funding on a competitive basis following:
    - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5316 if your Applicant receives funding under former 49 U.S.C. 5316(c)(1)(A), and
    - (2) A statewide solicitation for applications for JARC funding in compliance with former 49 U.S.C. 5316 if your Applicant receives funding under former 49 U.S.C. 5316(c)(1)(B) or (C),
  - b. Any allocations to Subrecipients of JARC funding authorized by former 49 U.S.C. 5316 will be distributed on a fair and equitable basis,
  - c. As required by former 49 U.S.C. 5316:
    - (1) The Projects it has selected or will select for former 49 U.S.C. 5316 funding must be derived from a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated, and
    - (2) That locally developed and coordinated plan was produced through a process that included:
      - (a) Representatives of public, private, and nonprofit transportation providers,
      - (b) Human service providers, and
      - (c) Participation by the public,
  - d. Before it transfers funds to a Project funded by former 49 U.S.C. 5336, that Project has been or will have been coordinated with private nonprofit providers of services as required under former 49 U.S.C. 5316(g)(2),
  - e. Before using funds apportioned for Projects serving an area other than that for which funding was apportioned under former 49 U.S.C. 5316:
    - (1) The State's chief executive officer, or his or her designee, will have certified that all the JARC program objectives of former 49 U.S.C. 5316 are being met in the area from which the funding would be derived, and
    - (2) If the State has a statewide program for meeting the JARC program objectives of former 49 U.S.C. 5316, the funds can be used for Projects anywhere in the State, and
  - f. The requirements of former 49 U.S.C. 5307 will apply to the JARC Program, authorized by former 49 U.S.C. 5316, and
2. The following Certifications for the JARC Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. Therefore, except as FTA determines otherwise in writing, on its behalf, you certify that:
- a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
    - (1) The legal capacity,

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (2) The financial capacity, and
- (3) The technical capacity,
- b. It has or will have, and will require each Subrecipient to have satisfactory continuing control over the use of Project equipment and facilities,
- c. It will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,
- d. To the extent applicable, it will ensure, and will require each Subrecipient to ensure, that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5316 the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - (1) Any elderly individual,
  - (2) Any handicapped individual, as described in 49 CFR part 27,
  - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
  - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
- e. When carrying out a procurement under former 49 U.S.C. 5316, it will comply with the following provisions as amended by MAP-21:
  - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - (2) The prohibition against exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
  - (3) “Buy America” under 49 U.S.C. 5323(j),
  - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m), and
  - (5) “Veterans Preference/Employment” under 49 U.S.C. 5325(k),
- f. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- g. It:
  - (1) Has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the local share by former 49 U.S.C. 5316,
  - (2) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
  - (3) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds when needed,
- h. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304,
- i. It has or will have, and will require each Subrecipient to have, a locally developed process to solicit and consider public comment before:
  - (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation, and
- j. To the extent applicable, it will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

### GROUP 16. SENIORS/ELDERLY/INDIVIDUALS WITH DISABILITIES

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

### AND NEW FREEDOM PROGRAMS.

*The Certifications in Group 16 are required for funding under:*

- 16.A. The Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, financed or to be financed with funds appropriated or made available for 49 U.S.C. 5310, as amended by MAP-21, which among other things authorizes funding for New Freedom Projects and Project Activities,*
- 16.B. The Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program financed or to be financed with funds appropriated or made available for former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, and*
- 16.C. The New Freedom Program financed or to be financed with funds appropriated or made available for former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

*Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 16, except as FTA determines otherwise in writing.*

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

*Any provision of the Certifications in Group 16 that does not apply will not be enforced.*

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

*If your Applicant seeks FTA funding for its Project under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, 49 U.S.C. 5310, as amended by MAP-21, the Certifications in Group 16.A apply to your Applicant, except as FTA determines otherwise in writing.*

1. The following Certifications for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. 5310. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. Each of its Subrecipients is:

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (1) A private nonprofit organization, or
- (2) A State or local governmental authority that:
  - (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or
  - (b) Certifies that there are no private nonprofit organizations readily available in the area to provide the services authorized for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program,
- b. It will comply with the following Project selection and planning requirements:
  - (1) The Projects it has selected or will select for funding appropriated or made available for 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
    - (a) Locally developed, and
    - (b) Coordinated,
  - (2) The public transit-human services transportation plan was developed and approved through a process that included participation by:
    - (a) Seniors,
    - (b) Individuals with disabilities,
    - (c) Representatives of public, private, and nonprofit transportation providers,
    - (d) Representatives of public, private, and nonprofit human services providers, and
    - (e) Other members of the public,
  - (3) The transportation projects to assist in providing transportation services for seniors and individuals with disabilities are included in a program of projects,
  - (4) A program of projects under Group 16.A.1.b(3) above is or will be submitted annually to FTA, and
  - (5) To the maximum extent feasible, the services funded by 49 U.S.C. 5310 will be coordinated with transportation services funded by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services,
- c. As required by 49 U.S.C. 5310(e)(2)(B), it certifies that if it allocates funds received under 49 U.S.C. 5310, to Subrecipients, it will have allocated those funds on a fair and equitable basis,
- d. It will transfer a facility or equipment financed with funding appropriated or made available for a grant under 49 U.S.C. 5310, to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, only if:
  - (1) The recipient in possession of the facility or equipment consents to the transfer, and
  - (2) The facility or equipment will continue to be used as required under 49 U.S.C. 5310,
- e. As required by 49 U.S.C. 5310(b)(2), it will use at least fifty-five (55) percent of the funds on capital projects to meet the special needs of seniors and disabled, and
- f. The requirements of 49 U.S.C. 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- Disabilities, authorized by 49 U.S.C. 5310, and
2. FTA has determined certain requirements of 49 U.S.C. 5307, to be appropriate for which some require Certifications. Therefore, as specified under 49 U.S.C. 5307(c)(1), it certifies that:
    - a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
      - (1) Legal capacity,
      - (2) Financial capacity, and
      - (3) Technical capacity,
    - b. It has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,
    - c. It will maintain, and will require each Subrecipient to maintain its Project equipment and facilities adequately,
    - d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, it will, and will require each Subrecipient to comply with the:
      - (1) General Provisions of 49 U.S.C. 5323, and
      - (2) Third Party Contract Provisions of 49 U.S.C. 5325,
    - e. It has complied or will comply with, and will require each Subrecipient to comply with:
      - (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
      - (2) The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304, and
    - f. To the extent applicable, it will comply with, and require its Subrecipients to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

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

*If your Applicant seeks FTA funding for its Project under the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program, former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, the Certifications in Group 16.B apply to your Applicant, except as FTA determines otherwise in writing.*

1. The following Certifications for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. Therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:
  - a. Each of your State Applicant's Subrecipients is:
    - (1) A private nonprofit organization, if the public transportation service that

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- would undertake public transportation capital Project(s) planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities is:
- (a) Unavailable,
  - (b) Insufficient, or
  - (c) Inappropriate, or
- (2) A State or local governmental authority that:
- (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or
  - (b) Certifies that there are not any nonprofit organizations readily available in the area to provide public transportation capital Projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities,
- b. The Projects your State Applicant has selected or will select for funding appropriated or made available for former 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
- (1) Locally developed, and
  - (2) Coordinated,
- c. That public transit-human services transportation plan was developed and approved through a process that included participation by:
- (1) Elderly Individuals,
  - (2) Individuals with disabilities,
  - (3) Representatives of public, private, and nonprofit transportation providers,
  - (4) Representatives of human services providers, and
  - (5) Other members of the public,
- d. If your State Applicant allocates funds received under former 49 U.S.C. 5310 to Subrecipients, your State Applicant will have allocated those funds on a fair and equitable basis,
- e. The Program of Projects your State Applicant has submitted or will submit contains or will contain an assurance that the Program provides for the maximum feasible coordination of transportation services funded by former 49 U.S.C. 5310 with transportation services funded by other Government sources,
- f. If your State Applicant transfers former 49 U.S.C. 5310 funds to another Project funded under 49 U.S.C. 5336 in accordance with former 49 U.S.C. 5310(b)(2), the Project for which the funds are requested has been coordinated with private nonprofit providers of service under former 49 U.S.C. 5310, and
- g. It will comply with the requirements of former 49 U.S.C. 5307 that FTA determined will apply to the former Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program,
2. The following Certifications for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5307(d)(1). Therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:
- a. Your State Applicant and each of its Subrecipients have or will have the following to carry out its proposed Project(s), including the safety and security

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- aspects of the proposed Project(s):
- (1) Legal capacity,
  - (2) Financial capacity, and
  - (3) Technical capacity,
- b. Your State Applicant and each Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
  - c. Your State Applicant and each of its Subrecipients will maintain its Project equipment and facilities adequately,
  - d. When carrying out a procurement under former 49 U.S.C. 5310, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
    - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
    - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
    - (3) “Buy America” under 49 U.S.C. 5323(j),
    - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
    - (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
    - (6) “Veterans Preference/Employment” under 49 U.S.C. 5325(k),
  - e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
  - f. Your State Applicant:
    - (1) Has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the local share by former 49 U.S.C. 5310(c)(2),
    - (2) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
    - (3) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds when needed,
  - g. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304, and
  - h. To the extent applicable, your State Applicant will comply with and, as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

### **16.C. New Freedom Program.**

*If your Applicant seeks FTA funding for its Project under the New Freedom Program, former 49 U.S.C. 5317, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, the Certifications in Group 16.C apply to your Applicant, except as FTA determines otherwise in writing.*

1. Former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year requires the following Certification for the New Freedom Program. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. It will make awards of New Freedom funding on a competitive basis after conducting:

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5317(d)(1), or
    - (2) A statewide solicitation for applications for New Freedom funding in compliance with former 49 U.S.C. 5317(d)(2),
  - b. Any allocations to Subrecipients of New Freedom funding authorized by former 49 U.S.C. 5317 will be distributed on a fair and equitable basis,
  - c. It will comply with the following Project selection and planning requirements:
    - (1) The Projects it has selected or will select for funding appropriated or made available for that program were derived from a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated,
    - (2) That locally developed and coordinated plan was produced through a process that included:
      - (a) Representatives of public, private, and nonprofit transportation providers,
      - (b) Representatives of public, private, and nonprofit human services providers, and
      - (c) Participation by the public,
  - d. Before it transfers funds to a Project funded by former 49 U.S.C. 5311(c), former 49 U.S.C. 5336, or both:
    - (1) The funding to be transferred may be made available only to Projects eligible for funding appropriated or made available for former 49 U.S.C. 5317, and
    - (2) It will have consulted with responsible local officials and publicly owned operators of public transportation in each area for which the amount to be transferred was originally awarded,
  - e. The requirements of former 49 U.S.C. 5307 and 5310, as determined by FTA, will apply to the New Freedom Program, authorized by former 49 U.S.C. 5317, and
2. The following Certifications for the New Freedom Program are required by former 49 U.S.C. 5307(d)(1) and 5310. Therefore, except as FTA determines otherwise in writing, on its behalf, you certify that:
  - a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
    - (1) Legal capacity,
    - (2) Financial capacity, and
    - (3) Technical capacity,
  - b. It has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,
  - c. It will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,
  - d. When carrying out a procurement under former 49 U.S.C. 5317, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
    - (1) Competitive procurement (as defined or approved by FTA), as required by

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- 49 U.S.C. 5325(a),
- (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
- (3) “Buy America” under 49 U.S.C. 5323(j),
- (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
- (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
- (6) “Veterans Preference/Employment” under 49 U.S.C. 5325(k),
- e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- f. It:
  - (1) Has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the local share required by former 49 U.S.C. 5317(g),
  - (2) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
  - (3) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds when needed,
- g. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304, and
- h. To the extent applicable, it will comply with and, as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

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

*The Certifications in Group 17 are required for funding under:*

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

*MAP-21 cross-cutting requirements that apply.*

*(Separate Certifications and Assurances have been established for an Indian tribe that is an Applicant for a Tribal Transit Project financed with funding made available for 49 U.S.C. 5311(c).)*

*Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 17, except as FTA determines otherwise in writing.*

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

*Any provision of the Certifications and Assurances in Group 17 that does not apply will not be enforced.*

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

*If your Applicant seeks FTA funding for its Project under the Formula Grants for Rural Areas Program, 49 U.S.C. 5311, as amended by MAP-21, the Certifications in Group 17.A apply to your Applicant, except as FTA determines otherwise in writing.*

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

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its State program has provided for a fair distribution of Federal funding appropriated or made available for 49 U.S.C. 5311(b), within the State, including Indian reservations,
5. Its program provides or will provide the maximum feasible coordination of public transportation service funded by 49 U.S.C. 5311(b), with transportation service funded by other Federal sources,

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

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

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

*If your Applicant seeks FTA funding for its Project under the Formula Grants for Other Than Urbanized Areas Program, former 49 U.S.C. 5311 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 17.B apply to your Applicant, except as FTA determines otherwise in writing.*

The following Certifications apply to each State or State organization serving as your Applicant for funding appropriated or made available for the Formula Grants for Other Than Urbanized Areas Project authorized by former 49 U.S.C. 5311(b)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. On its behalf, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
  3. Its Project equipment and facilities will be adequately maintained,
  4. Its State program required under former 49 U.S.C. 5311(b)(2) has provided for a fair distribution of Federal funding appropriated or made available for former 49 U.S.C. 5311(b), within the State, including Indian reservations,
  5. Its State program required under former 49 U.S.C. 5311(b)(2) provides or will provide the maximum feasible coordination of public transportation service funded by former 49 U.S.C. 5311(b), with transportation service funded by other Federal sources,
  6. Its Projects in its Formula Grants for Other than Urbanized Areas Program are included in:
    - a. The Statewide Transportation Improvement Program, and
    - b. To the extent applicable, a Metropolitan Transportation Improvement Program,
  7. It:
    - a. Has or will have the amount of funds required for the local share, as required by former 49 U.S.C. 5311(g),
    - b. Will provide the local share funds sources approved by FTA, and
    - c. Will provide the local share funds when needed,
  8. It may transfer a facility or equipment acquired using a grant under former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
    - a. The Recipient in possession of the facility or equipment consents to the transfer, and
    - b. The facility or equipment will continue to be used as required under former 49 U.S.C. 5311, and
  9. Each fiscal year:
    - a. It will spend at least fifteen (15) percent of its former 49 U.S.C. 5311 funding available for that fiscal year to develop and support intercity bus transportation within the State with eligible activities, including:
      - (1) Planning and marketing for intercity bus transportation,
      - (2) Capital grants for intercity bus shelters,
      - (3) Joint-use stops and depots,
      - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
      - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
    - b. It will provide to the Federal Transit Administrator a Certification from the Chief Executive Officer of the State that:
      - (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
      - (2) The State's intercity bus service needs are being met adequately.

## **FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES**

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

*If your Applicant seeks FTA funding for its Project under the Appalachian Development Public Transportation Assistance Program, 49 U.S.C. 5311(c)(2), the Certification in Group 17.C applies to your Applicant, except as FTA determines otherwise in writing.*

On behalf of your Applicant, you certify and assure that, in addition to other Certifications and Assurances it must provide, if it is unable to use its funding made available or appropriated for public transportation operating assistance, in accordance with 49 U.S.C. 5311(c)(2)(D), it may use the funding for a highway Project only after:

1. It provides notice and an opportunity for comment and appeal to affected public transportation providers,
2. It approves for such use in writing, and
3. In approving the use, it determines that local transit needs are being addressed.

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

*If your Applicant seeks FTA funding for its Project under the Over-the-Road Bus Accessibility Program, section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. 5310 note, the Assurances in Group 17.D apply to your Applicant, except as FTA determines otherwise in writing.*

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

It assures that the Federal requirements for the Over-the-Road Bus Accessibility Program during FY 2012 will apply to the Project, except as FTA determines otherwise in writing. Certifications and Assurances for funding to be awarded under this program in FY 2014 are included in these FTA Certifications and Assurances for FY 2014. Each Applicant must submit Group 01 (“Required Certifications and Assurances for Each Applicant”). Each Applicant seeking more than \$100,000 in Federal funding must provide both Group 01, and Group 02, (“Lobbying”).

## **GROUP 18. TRIBAL TRANSIT PROGRAMS.**

*The Certifications in Group 18 are required for funding under:*

- *The Public Transportation on Indian Reservations Formula Program, 49 U.S.C. 5311(c)(1), as amended by MAP-21, and*
- *The Public Transportation on Indian Reservations Discretionary Program, 49 U.S.C. 5311(c)(1).*

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

*Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 18, except as FTA determines otherwise in writing.*

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

*Any provision of the Certifications in Group 18 that does not apply will not be enforced.*

FTA has established terms and conditions for Tribal Transit Program grants financed with funding appropriated or made available for 49 U.S.C. 5311(c)(1). On behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its Project will achieve maximum feasible coordination with transportation service funded by other Federal sources,
5. It will:
  - a. Have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18, specifically 49 CFR 18.36, or
  - b. Inform FTA promptly that its procurement system does not comply with those U.S. DOT regulations,
6. It will comply with Buy America under 49 U.S.C. 5323(j), and
7. It will comply with the Certifications, Assurances, and Agreements in:
  - a. Group 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
  - b. Group 05.B (Bus Testing),
  - c. Group 06 (Demand Responsive Service),
  - d. Group 07 (Intelligent Transportation Systems), and
  - e. Group 10 (Alcohol and Controlled Substances Testing).

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

*The Certifications in Group 19 are required for funding under:*

- 19.A. The Low or No Emission Vehicle Deployment Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, and*
- 19.B. The Clean Fuels Grant Program, former 49 U.S.C. 5308, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

*Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 19, except as FTA determines otherwise in writing.*

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

*Any provision of the Certifications in Group 19 that does not apply will not be enforced.*

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

*If your Applicant seeks FTA funding for its Project under the Low or No Emission Vehicle Development Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, the Certifications and Assurances in Group 19.A apply to your Applicant, except as FTA determines otherwise in writing.*

Section 5312(d)(5)(C)(i) of title 49 requires the following Certifications for Low or No Emission Vehicle Deployment Program funding appropriated or made available for MAP-21. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours, for transportation using or involving a facility or equipment funded for its Project, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability), and cannot use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
- c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
- d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under this Program, it will comply with the:
  - a. General Provisions of 49 U.S.C. 5323, and
  - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has:
  - a. Informed or will inform the public of the amounts of its funding available under this Program,
  - b. Developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,
  - d. Provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Assured or will assure that the proposed Program of Projects provides for coordination of public transportation services assisted under 49 U.S.C. 5336 with federally funded transportation services supported by other United States Government sources,
  - f. Considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
  - g. Made or will make the final list of Projects available to the public,
7. It:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from sources approved by FTA, and
  - c. Will provide the local share funds when needed,
8. It will comply with:
  - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
  - b. The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,
9. It has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

*If your Applicant seeks FTA funding for its Project under the Clean Fuels Grant Program, former 49 U.S.C. 5308, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 crosscutting requirements that apply, the Certifications and Assurances in Group 19.B apply to your Applicant, except as FTA determines otherwise in writing.*

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

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain the Project equipment and facilities adequately,
4. It will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving Project facilities or equipment supported under former 49 U.S.C. 5308:
  - a. Elderly individuals,
  - b. Individuals with disabilities,
  - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
  - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under former 49 U.S.C. 5308, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
  - a. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - b. The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
  - c. "Buy America" under 49 U.S.C. 5323(j),
  - d. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - e. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
  - f. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
6. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
7. It:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from sources approved by FTA, and
  - c. Will provide the local share funds when needed,

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

8. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304,
9. It has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d).

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

*Before FTA may provide funding for your Applicant's Project under the Paul S. Sarbanes Transit in Parks Program, former 49 U.S.C. 5320, in effect in FY 2012 or a previous fiscal year for your Applicant's Project, except as superseded by MAP-21 requirements that apply, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 20, except as FTA may determine otherwise in writing.*

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

*Any provision of the Certifications and Assurances in Group 20 that does not apply will not be enforced.*

1. The following Certifications and Assurances for the Paul S. Sarbanes Transit in Parks Program (Parks Program) are required by former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. It will consult with the appropriate Federal land management agency during the planning process, and
  - b. The requirements of former 49 U.S.C. 5307, as determined by FTA, will apply to the Parks Program, authorized by former 49 U.S.C. 5320, and
2. FTA has determined certain requirements of former 49 U.S.C. 5307 to be appropriate for the Parks Program, of which some require Certifications. Therefore as specified under former 49 U.S.C. 5307(d)(1) except as superseded by MAP-21 cross-cutting requirements that apply, you certify that:
  - a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
    - (1) Legal capacity,
    - (2) Financial capacity, and

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- (3) Technical capacity,
- b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
- c. It will maintain the Project equipment and facilities adequately,
- d. When carrying out a procurement under former 49 U.S.C. 5320, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
  - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
  - (3) “Buy America” under 49 U.S.C. 5323(j),
  - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
  - (6) “Veterans Preference/Employment” under 49 U.S.C. 5325(k),
- e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- f. It has complied or will comply with the requirements of former 49 U.S.C. 5307(c). Specifically, it:
  - (1) Has made or will make available to the public information on the amounts available for the Parks Program, former 49 U.S.C. 5320, and the Projects it proposes to undertake,
  - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, Projects to be financed,
  - (3) Has published or will publish a list of proposed Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed Projects and submit comments on the proposed Projects and its performance,
  - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed Projects,
  - (5) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
  - (6) Has made or will make the final list of Projects available to the public,
- g. It:
  - (1) Has or will have the amount of funds required for the local share,
  - (2) Will provide the local share funds from sources approved by FTA, and
  - (3) Will provide the local share funds when needed,
- h. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304, and
- i. It has a locally developed process to solicit and consider public comment before:
  - (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation.

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

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

*Before FTA may provide funding for your Applicant's Project under the State Safety Oversight Grant Program, 49 U.S.C. 5329(e), as amended by MAP-21, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certifications in Group 21, except as FTA may determine otherwise in writing.*

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

*Any provision of the Certifications in Group 21 that does not apply will not be enforced.*

On behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
  - a. Legal capacity,
  - b. Financial capacity, and
  - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. When carrying out a procurement for its Project, it will comply with the:
  - a. The Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments, 49 C.F.R. part 18,
  - b. General Provisions of 49 U.S.C. 5323, and
  - c. Third Party Contract Requirements of 49 U.S.C. 5325,
5. As required by 49 U.S.C. 5329(e)(6)(C), it:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds only from sources approved by FTA, and will not be met by:
    - (1) Any Federal funds,
    - (2) Any funds received from a public transportation agency, or
    - (3) Any revenues earned by a public transportation agency, and
  - c. Will provide the local share funds when needed,
6. It meets the applicable requirements of 49 C.F.R. part 659, Rail Fixed Guideway Systems: State Safety Oversight, and
7. It has received or will receive an FTA certification upon a determination that its State Safety Oversight Program meets the requirements of 49 U.S.C. 5329(e) and is adequate to promote the purposes of 49 U.S.C. 5329.

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

## **FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES**

*Before FTA may provide funding for your Applicant's Project under the Public Transportation Emergency Relief Program, 49 U.S.C. 5324, as amended by MAP-21, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Assurance in Group 22, except as FTA may determine otherwise in writing.*

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

*Any provision of the Assurance in Group 22 that does not apply will not be enforced.*

As required by 49 U.S.C. 5324(d), on behalf of your Applicant, you assure that it will comply with the requirements of the Certifications and Assurances as FTA determines will apply to an Applicant for funding appropriated or made available for the Public Transportation Emergency Relief Program.

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

*Before FTA may provide funding for your Applicant's Project under the Expedited Project Delivery Pilot Program, section 20008(b)(5)(D) of MAP-21, in addition to other Certifications and Assurances you must select on its behalf, you must also select the Certification in Group 23, except as FTA may determine otherwise in writing.*

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

*To the extent that the Certification in Group 23 does not apply, it will not be enforced.*

On behalf of your Applicant, you certify that its existing public transportation system or the public transportation system that is the subject of the Project is in a state of good repair, as required by section 20008(b)(5)(D) of MAP-21.

### **GROUP 24. INFRASTRUCTURE FINANCE PROGRAMS.**

*The Certifications in Group 24 apply to the following programs:*

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

24.A. *The Transportation Infrastructure Finance and Innovation Act (TIFIA) Program, 23 U.S.C. 601-609, except as superseded by MAP-21 cross-cutting requirements that apply, and*

24.B. *The State Infrastructure Banks (SIB) Program, 23 U.S.C. 610, except as superseded by MAP-21 cross-cutting requirements that apply.*

*Before FTA may provide credit assistance under TIFIA for your Applicant's Project or funding for your Applicant to deposit in a SIB, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 24, except as FTA may determine otherwise in writing.*

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

*Any provision of the Certifications and Assurances in Group 24 that does not apply will not be enforced.*

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

*If your Applicant seeks FTA funding for its Project under the TIFIA Program, the Certifications and Assurances in Group 24.A applies to your Applicant, except as FTA determines otherwise in writing.*

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

1. To comply with 49 U.S.C. 5307, specifically 49 U.S.C. 5307(d)(1), on its behalf, you certify that:
  - a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
    - (1) Legal capacity,
    - (2) Financial capacity, and
    - (3) Technical capacity,
  - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
  - c. It will maintain its Project equipment and facilities adequately,
  - d. It will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a TIFIA-financed Project, a fare that is not

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

more than fifty (50) percent of the peak hour fare will be charged to the following individuals:

- (1) A senior,
  - (2) An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design, or
  - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
  - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
- e. When carrying out a TIFIA-funded procurement, it will comply with:
- (1) 49 U.S.C. 5323, and
  - (2) 49 U.S.C. 5325,
- f. It has complied with or will comply with 49 U.S.C. 5307(b), because it:
- (1) Has made or will make available to the public information on amounts of its TIFIA funding request(s),
  - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
  - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - (5) Has ensured or will ensure that the proposed Program of Projects provides for coordination of public transportation services funded by FTA under 49 U.S.C. 5336 and U.S. DOT under TIFIA with federally funded transportation services supported by other United States Government sources,
  - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - (7) Has made or will make the final Program of Projects available to the public,
- g. It:
- (1) Has or will have at least (twenty) 20 percent of the TIFIA net Project costs required for the local share,
  - (2) Will provide the local share funds from sources approved by FTA, and
  - (3) Will provide the local share funds when needed,
- h. It will comply with:
- (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
  - (2) The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- i. It has a locally developed process to solicit and consider public comment before:
  - (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation, and
- j. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d),
2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, it agrees that it will not seek reimbursement for interest and other financing costs incurred in connection with its Project that must be in compliance with those requirements unless:
  - a. It is eligible to receive Federal funding for those expenses, and
  - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*)
4. The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 5321 *et seq.*, and will receive an environmental categorical exclusion, a finding of no significant impact, or a record of decision under NEPA for its Project prior to obligation of funds, and
5. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. 5326(d), when required.

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

*If your Applicant is a State and seeks FTA funding under the SIB Program to deposit in its SIB, the Certifications and Assurances in Group 24.B applies to your State and its Project, except as FTA determines otherwise in writing.*

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

1. It will comply with the following applicable Federal laws establishing the various SIB programs since 1995:
  - a. 23 U.S.C. 610, as amended by MAP-21,
  - b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
  - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or
  - d. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181,
2. It will comply with or follow the Cooperative Agreement establishing the State's SIB program between:
  - a. It and FHWA, FRA, and FTA, or
  - b. It and FHWA and FTA,
3. It will comply with or follow the Grant Agreement that provides FTA funding for the SIB and is between it and FTA, including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that any provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
  - a. 23 U.S.C. 610, as amended by MAP-21,

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
  - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note,
  - d. Federal guidance pertaining to the SIB Program,
  - e. The Cooperative Agreement establishing the State's SIB Program, or
  - f. The FTA Grant Agreement,
4. As required by 49 U.S.C. 5323(o), Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, as amended by MAP-21, apply to any Project under 49 U.S.C. chapter 53 that receives SIB support or financing under 23 U.S.C. 610 (or any support from 23 U.S.C. 601 – 609),
  5. As required by 49 U.S.C. 5323(o) and 49 U.S.C. 5307(d)(1):
    - a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those proposed Project(s):
      - (1) Legal capacity,
      - (2) Financial capacity, and
      - (3) Technical capacity,
    - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
    - c. It will maintain its Project equipment and facilities adequately,
    - d. It will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a SIB-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare will be charged to the following individuals:
      - (1) A senior,
      - (2) An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
      - (3) An individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
      - (4) An individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
    - e. When carrying out a procurement under a SIB-financed Project, it will comply with the:
      - (1) General Provisions of 49 U.S.C. 5323, and
      - (2) Third Party Contract Provisions of 49 U.S.C. 5325,
    - f. It has complied with or will comply with 49 U.S.C. 5307(b), because it:
      - (1) Has made or will make available to the public information on amounts of its funding requested under the SIB program,
      - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
      - (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

- have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
- (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - (5) Has ensured or will ensure that the proposed Program of Projects provide for coordination of public transportation services funded by FTA under 49 U.S.C. 5336 and the SIB Program with federally funded transportation services supported by other United States Government sources,
  - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - (7) Has made or will make the final Program of Projects available to the public,
- g. It:
- (1) Has or will have the amount of funds required for the local share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
  - (2) Will provide the local share funds from sources approved by FTA, and
  - (3) Will provide the local share funds when needed,
- h. It will comply with the:
- (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
  - (2) The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,
- i. It has a locally developed process to solicit and consider public comment before:
- (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation, and
- j. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. § 5329(d),
2. As required by 49 U.S.C. chapter 53, it certifies that it will not seek reimbursement for interest and other financing costs incurred in connection with its Project unless:
    - a. It is eligible to receive Federal funding for those expenses, and
    - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require, and
  3. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. 5326(d).

Selection and Signature Page(s) follow.