

**SUBRECIPIENT AGREEMENT**

Subrecipient: <b>City of Fort Lauderdale</b>		Grant Number: FL-57-X050-00
Address: 1515 West Palmetto Park Road Boca Raton, FL 33486		
Project Description: <b>City of Fort Lauderdale –TriRail/Northwest Link and Neighborhood Link Routes</b>		
Project Activity Period: October 1, 2013 through June 30, 2015		
Estimated Project Amount:	Capital \$ Operating \$ 713,682	SFRTA Action  Item No:  Date:
Section 5317 NF Funds:	Capital \$ Operating \$ 356,841	
Local Match:	Capital \$ Operating \$ 356,841	
Federal Grant No:	FL-57-X050-00	
CFDA No. :	20521	

**AGREEMENT**

**THIS AGREEMENT** is made and entered into by and between the South Florida Regional Transportation Authority (SFRTA) and the City of Fort Lauderdale (City), each acting by and through its duly authorized officers.

**WHEREAS:**

1. The SFRTA, acting in its role as the Miami Urbanized Area Designated Recipient, submitted an application to the Federal Transit Administration (FTA) for federal grant funds under the FTA’s New Freedom Program pursuant to 49 U.S.C. Section 5317, which included City’s project as described herein.
2. The FTA’s New Freedom Program is authorized under the provisions set forth in the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU), enacted on August 10, 2005, as codified at 49 U.S.C. 5317.
3. The FTA’s New Freedom Program aims to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in

society. The New Freedom Program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the American with Disabilities Act.

4. The SFRTA received New Freedom grant funds from the FTA pursuant to grant number **FL-57-X050-00**.
5. This Agreement is intended to memorialize the terms under which City is to receive the FTA grant funds.

**NOW THEREFORE**, SFRTA and City agree as follows:

**ARTICLE I. CITY WORKSCOPE: APPROVED BUDGET AND MATERIAL REPRESENTATIONS**

- 1.01 Workscope.** City agrees to perform and complete in a satisfactory and proper manner the Workscope specified on **Exhibit A** (FTA Grant Application) in accordance with the terms and conditions of this Agreement. The Workscope details the activities to be completed by City and a proposed schedule for the completion of the Workscope. All Workscope activities must be consistent with the approved Workscope and the approved budget detailed below. Any proposed change in the scope of work is not effective until City receives written approval from the SFRTA Project Manager.
- 1.02 Approved Budget.** City agrees to complete the Workscope in accordance with the approved budget specified on **Exhibit A**. The approved budget details the cost associated with each scope of work activity. Any request for re-budgeting in excess of twenty percent (20%) of the approved budget must be in writing and approved in writing by the SFRTA Project Manager. Re-budgeting of project funds among the existing approved budget items of the Workscope are allowable without prior approval if the amount of project funds to be transferred is less than twenty percent (20%) of the approved budget. However, re-budgeting between operating and capital line items is not allowable due to differing match requirements.
- 1.03 Material Representations.** City agrees that all representations contained in its application for grant assistance are material representations of fact upon which the SFRTA relied in awarding this grant and are incorporated by reference into this Agreement.

**ARTICLE II. AUTHORIZED USE OF GRANT AND MATCHING FUNDS; ELIGIBILITY OF COST**

- 2.01 Authorized Use of Grant and Matching Funds.** City is only authorized to use the grant funds subject to this agreement for costs directly incurred for the performance of the Workscope during the Project Activity Period as specified in section 6.01, and in accordance with the Approved Budget.
- 2.02 Eligibility of costs.** All expenses are subject to FTA regulations including:

- *FTA Master Agreement (18)* (<http://www.fta.dot.gov/documents/18-Master.pdf>)
- *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*, 49 CFR Part 18  
([http://www.access.gpo.gov/nara/cfr/waisidx\\_06/49cfr18\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr18_06.html))
- *Uniform Administrative Requirements for Grants and Agreements with Institution of Higher Education, Hospitals, and other Non-Profit Organizations*, 49 CFR Part 19  
([http://www.access.gpo.gov/nara/cfr/waisidx\\_05/49cfr19\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/49cfr19_05.html))
- *Grant Management Requirements*, FTA Circular 5010.1D  
([http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_8640.html](http://www.fta.dot.gov/laws/circulars/leg_reg_8640.html))
- *Third Party Contracting Requirements*, FTA Circular 4220.1F,  
([http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_8641.html](http://www.fta.dot.gov/laws/circulars/leg_reg_8641.html)) (See also paragraph 10.05)
- *New Freedom Guidance*, FTA Circular C 9045.1  
([http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_6624.html](http://www.fta.dot.gov/laws/circulars/leg_reg_6624.html))

City acknowledges that the federal requirements in this article and throughout this Agreement are subject to change and agrees that the most recent of these requirements shall govern this Agreement at any particular time.

The listed documents are incorporated by reference into this Agreement. Copies of these documents are available at the internet websites indicated or, upon request by City, from the SFRTA.

### ARTICLE III. GRANT AMOUNT, MATCH AND PAYMENT

- 3.01 Estimated Project Amount.** The total estimated cost of the Workscope is **\$0** for capital and **\$713,682** for operating, consisting of the Maximum Federal Grant amount and City required match.
- 3.02 Maximum Federal Grant Amount.** SFRTA awards to the recipient a grant of up to **\$0** for capital and **\$356,841** for operating for the Workscope. In no event will SFRTA's obligations under this Agreement exceed the lesser of the following:
- A. The Maximum Federal Grant Amount; or
  - B. The combination of 50% of the total net operating Workscope expenditures plus 80% of capital Workscope expenditures.

SFRTA shall bear no responsibility for cost overruns that may be incurred by City in performance of the Workscope. If it appears likely that additional funds will be needed to complete the Workscope, the parties will meet to discuss the possibility of amending this Agreement.

- 3.03 Subrecipient Match.** City has an obligation under this Agreement to share in the costs of project by providing a local match from sources other than from FTA funds, i.e., not less than **\$0** for capital and **\$356,841** for operating against the respective Maximum Grant Amount. If the final expenses for the Workscope are less than the Estimated Project Amount, then local

match shall be reduced to fifty percent (50%) of the final Workscope amount as approved by the FTA for operating and twenty percent (20%) for capital as approved by the FTA. If the final expenses for the Workscope exceed the Estimated Project Amount, City is responsible for providing the funds to cover the final costs and expenses.

**3.04 Reimbursement.** Expenses will be reimbursed by SFRTA based on submission of an invoice from City using the form attached hereto as **Exhibit B**. Invoices should be submitted in triplicate on the approved form with the following attachments on each copy:

- A.** Copies of all receipts for expenses paid during the period; and
- B.** Disadvantaged Business Enterprise (DBE) report for each third party contract using the approved form attached hereto as **Exhibit C** (see section 5.04).

City shall submit any additional data and information requested by SFRTA to support City reimbursement request and shall submit any additional data and information that may be required by the federal government for reporting to the FTA.

Upon SFRTA review and approval of City's invoice, the SFRTA will distribute to City the approved reimbursement amount. SFRTA may deny part of any reimbursement request if it reasonably believes that it is not a supportable Workscope expense. If SFRTA intends to deny a reimbursement request, it will first submit the disputed amount to the FTA for its determination as to use of funds along with any supporting documentation provided by City. The FTA's determination will be final. No reimbursement request will be made which would cause the distribution of grant funds to exceed, cumulatively, through such payment, the limits in Article III. Distribution of any funds or approval of any report is not to be construed as SFRTA's waiver of any City noncompliance with this Agreement.

**3.05 Repayment of Unauthorized Use of Grant Funds.** Upon a finding by SFRTA that City has made an unauthorized or undocumented use of grant funds, and upon a written demand for repayment issued by the SFRTA, City shall promptly repay such amounts to SFRTA. If City disputes SFRTA's determination, SFRTA will submit the disputed amount to the FTA for its determination as to use of funds along with any supporting documentation provided by City. The FTA's determination will be final.

**3.06 Reversion of Unexpended Grant Funds.** All funds granted by SFRTA under this Agreement that have not been expended for Workscope activities during the Project Activity Period shall revert to SFRTA.

**3.07 Grant Contingent on Federal Funding.** SFRTA shall not be liable to City, its contractors or subcontractors for any claim or expense arising out of or incidental to the FTA's disallowance of any Workscope expense. City shall include this language in all contracts with contractors being paid with grant funds provided under this Agreement.

#### **ARTICLE IV. ACCOUNTING AND RECORDKEEPING REQUIREMENTS**

- 4.01 Documentation of Workscope Costs.** All costs charged to the Workscope, whether paid with grant funds or charged as City match, must be supported by proper documentation, including properly executed payrolls, time records, invoices, contracts, receipts for expenses, vouchers, evidencing in detail the nature and propriety of the charges.
- 4.02 Establishment and Maintenance of Workscope Information.** City agrees to establish and maintain accurate, detailed and complete separate book, accounts, financial records, documentation, and other evidence relating to: (a) City match under this Agreement, and (b) the receipt and expenditure of all grant funds. These documents shall include the property records required by Article VIII of this Agreement. City shall establish and maintain all such information in accordance with generally accepted accounting principles and practices and shall retain all Workscope information until the latest of:
- A. Six (6) years following the term of this Agreement; or
  - B. If any litigation claims, or audit is commenced during either such period, when all such litigation, claims or audits have resolved.
- 4.03 Audit.** The accounts and records of the parties relating to this Agreement shall be audited in the same manner as all other accounts and records of City are audited. During the time of maintenance of information under paragraph 4.02, authorized representatives of SFRTA, the Legislative Auditor and or State Auditor, the United States Secretary of Transportation, the FTA Administrator, and the United States Comptroller General will have access to all such books, records, documents, accounting practices and procedures, and other information for the purpose of inspection, audit, and copying during normal business hours. The parties will provide facilities for such access and inspection.

## **ARTICLE V. REPORTING AND MONITORING REQUIREMENTS**

- 5.01 Quarterly Milestone Progress Reports.** City shall submit quarterly milestone progress reports to SFRTA. SFRTA shall provide City with an electronic version of the milestone progress report that City must complete. Each quarterly progress report must include a detailed summary of the completed Workscope activities and a report on the Workscope schedule. Both SFRTA and City must approve each quarterly milestone progress report. The Quarterly progress reports are due as follows:
- **January 15 for quarter October 1 – December 31**
  - **April 15 for quarter January 1 – March 31**
  - **July 15 for quarter April 1 – June 30**
  - **October 15 for quarter July 1 – September 30**
- 5.02 Final Reports.** Upon completion of the Workscope and not later than sixty (60) calendar days after the end of the Project Activity Period, City must submit a final progress report and a final financial status report of expenditures for the full Workscope that contains a final accounting of the grant matching expenditures. If outstanding claims related to work occurring during the Project Activity Period still exist sixty (60) days following the end of the Project Activity Period, the submission of the Final Report shall automatically extend until all outstanding

claims have been resolved. The final report must include inventory of Workscope property as required by Article VIII of this Agreement.

- 5.03 Contents of Reports.** City agrees to report completely and to provide the SFRTA with any additional or follow-up information as may be requested by the SFRTA.
- 5.04 DBE Reporting Requirements.** City shall provide the SFRTA with reports on all DBE activity (see section 10.05 E) for each third party agreement in the form attached hereto as **Exhibit C** and based on the procurement process established for City in the *Federal Transit Administration Master Agreement (18) Section 15 Procurement*. (see section 2.02 for weblink).
- 5.05 Other Monitoring Activities.** To assist the SFRTA in monitoring compliance with this Agreement, City agrees to attend meetings as requested by the SFRTA and to permit site visits by the SFRTA staff, during business hours, upon reasonable notice. City agrees to submit to the SFRTA a copy of any promotional information regarding the Workscope disseminated by City during the term of this Agreement.
- 5.06 Changed Conditions.** City agrees to notify the SFRTA immediately of any change in conditions, law, ordinance, or regulation, or any other event that may affect City's ability to perform the Workscope in accordance with the terms of this Agreement.
- 5.07 Special Reporting Requirements.** The SFRTA is required to report to the FTA regarding activities. Accordingly, City agrees to provide the SFRTA with any additional follow-up information reasonably requested by the SFRTA, in order to meet the SFRTA FTA reporting requirements. Specific reporting requirements are included in the *Federal Transit Administration Master Agreement (18) Section 8 Reporting, Record Retention and Access* (see section 2.02 for weblink).

## **ARTICLE VI. PROJECT ACTIVITY PERIOD; TERM; TERMINATION**

- 6.01 Project Activity Period.** City agrees to complete all Workscope activities during the period from **October 1, 2013 through June 30, 2015** (Project Activity Period). Grant funds may not be used to reimburse costs for any Workscope activities taking place before the beginning or after the end of the Project Activity Period.
- 6.02 Term.** The term of this Agreement shall extend from the effective date of this Agreement to a date sixty (60) calendar days following the end of the Project Activity Period to permit close out of this Agreement. If outstanding claims related to work occurring during the Project Activity Period still exist sixty (60) calendar days following the end of the Project Activity Period, the Term of this Agreement shall automatically extend for an additional ninety (90) calendar days in order to resolve any and all outstanding claims.
- 6.03 Termination.** Termination of this Agreement by either party shall be governed by the provisions of the *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 49 CFR Part 18*.

**6.04 Effect of Workscope Closeout or Termination.** City agrees that Workscope closeout or termination of this Agreement does not invalidate continuing obligations imposed on City by this Agreement. Project closeout or termination of this Agreement does not alter the SFRTA authority to disallow costs and recover funds on the basis of a later audit or other review, and does not alter City obligation to return any funds to the SFRTA as a result of later refunds, corrections, or other transactions.

**ARTICLE VII. CONTACT PERSONS; PROJECT MANAGER**

**7.01 Contact Persons.** The authorized contact persons for receipts of notices, reports, invoices and approvals under this Agreement are the following:

**SFRTA:**

Carla D. McKeever  
Grants Administrator  
800 NW 33<sup>rd</sup> St.  
Pompano Beach, FL 33064  
954.788.7953  
[mckeeverc@sfrta.fl.gov](mailto:mckeeverc@sfrta.fl.gov)

**COPY TO:**

Teresa J. Moore  
General Counsel  
800 NW 33<sup>rd</sup> St.  
Pompano Beach, FL 33064  
954.788.7973  
[mooret@sfrta.fl.gov](mailto:mooret@sfrta.fl.gov)

**CITY:**

Lee R. Feldman  
City Manager  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301  
954.828.5013  
[lfeldman@fortlauderdale.gov](mailto:lfeldman@fortlauderdale.gov)

**COPY TO:**

Darlene Pfeiffer  
Business Manager  
290 NE 3<sup>rd</sup> Avenue  
Fort Lauderdale, FL 33301  
954.828.3775  
[dpfeiffer@fortlauderdale.fl.gov](mailto:dpfeiffer@fortlauderdale.fl.gov)

Or such other person as may be designated in writing for itself by either party.

**7.02 The SFRTA Project Manager.** For purposes of administration of the Agreement, the contact person listed in section 7.01, or such other person as may be designated in writing by the SFRTA Executive Director shall be the Project Manager. Nothing, however, in this Agreement will be deemed to authorize the SFRTA Project Manager to execute amendments to this Agreement on behalf of the SFRTA.

**7.03 City Project Manager.** For purposes of administration of this Agreement, the contact person listed in section 7.01, or such other person as may be designated in writing by City, shall be the Project Manager. City Project Manager shall coordinate Workscope activity with the SFRTA Project Manager and complete the project manager training provided by the SFRTA to ensure compliance with all federal requirements.

## ARTICLE VIII. GRANT PROPERTY

The title, acquisition, use, management, and disposition of all property acquired or constructed with grant funds under this Agreement shall be governed by applicable federal law, rule, and guidance including without limitation, the provisions of:

- *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments* 49 C.F.R. Parts 18.31, 18.32, and 18.33 ([www.access.gpo.gov/nara/cfr/waisidx\\_98/49cfr18\\_98.html](http://www.access.gpo.gov/nara/cfr/waisidx_98/49cfr18_98.html))
- *Grant Management Requirements*, FTA Circular 5010.1D ([http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_8640.html](http://www.fta.dot.gov/laws/circulars/leg_reg_8640.html))

The listed documents are incorporated by reference into this Agreement. Copies of these documents are available at the internet websites indicated or, upon request by City, from the SFRTA.

City acknowledges that the federal requirements in this Article and throughout this Agreement are subject to change and agrees that the most recent requirements shall govern the Agreement at any particular time.

## ARTICLE IX. GENERAL CONDITIONS

- 9.01 Amendments.** The terms of this Agreement may be changed only by mutual agreement of the parties. Such changes shall be effective only upon the execution of written amendments signed by authorized officers of the parties to this Agreement.
- 9.02 Assignment Prohibited.** City shall not assign, subgrant or transfer any Workscope activities without receiving the express written consent of SFRTA. SFRTA may condition such consent on compliance by City with terms and conditions specified by SFRTA.
- 9.03** Nothing herein is intended to serve as a waiver of sovereign immunity by either party nor shall anything included herein be construed as consent to be sued by third parties in any matter arising out of this Agreement or any other contract. City and SFRTA are a state agencies or political subdivisions as defined in Chapter 768.28, Florida Statutes, and agree to be fully responsible for the acts and omissions of its agents or employees to the extent permitted by law.
- 9.04 Workscope Data.** City agrees that the results of the Workscope, the reports submitted, and any new information or technology that is developed with the assistance of this grant is subject to requirements of the *FTA Master Agreement (18)*. City shall allow public access to all documents, records, reports or other material subject to the applicable provisions for Chapter 119 Florida Statutes, and made or received by City in connection with this Agreement. Failure of City to grant such public access may be grounds for termination of the Agreement by the SFRTA.

- 9.05 Nondiscrimination.** City shall agree to comply with all applicable laws relating to nondiscrimination and affirmative action. City agrees to not discriminate against employee, applicant for employment, or participant in the Workscope because of race, color, creed, religion, national origin, sex, marital status with regard to public assistance, membership or activity in a local civil rights commission, disability, or age; and further agrees to take action to ensure that applicants and employees are treated equally with respect to all aspects of employment, including selection for training, rates of pay, and other forms of compensation.
- 9.06 Acknowledgement.** City shall appropriately acknowledge the grant assistance made by the SFRTA and the FTA under this agreement in any promotional materials, reports, and publications relating to the Workscope.
- 9.07 Compliance with Law; Obtaining Permits, Licenses, and Authorizations.** City agrees to conduct the Workscope in compliance with all applicable provisions of federal and state laws, rules or regulations. City is responsible for obtaining and complying with all federal or state permits, licenses, and authorizations necessary for performing the Workscope.
- 9.08 Incorporation of Exhibits.** All Exhibits attached to this Agreement will be deemed incorporated into this Agreement.

## **ARTICLE X. GENERAL FEDERAL REQUIREMENTS**

- 10.01 Federal Requirements.** The requirements in this Article X are in addition to and, unless inconsistent and irreconcilable, do not supplant requirements found elsewhere in this Agreement. If any requirement in this Article is inconsistent with a provision found elsewhere in this Agreement and is irreconcilable with such provision, the requirement in this Article shall prevail. When performing work or expanding funds for Project activities, City agrees to comply with all applicable terms and conditions referenced herein. **City acknowledges that the federal requirements in this Article X are subject to change and agrees that the most recent requirements shall govern this Agreement at any particular time.**
- 10.02 Incorporation of Specific Federal Requirements.** Specifically, and without limitation, City agrees to comply with the federal requirements set forth in *Uniform, Administrative Requirements for Grants and Cooperative Agreement to State and Local Government*, 49 CFR Part 18 (see section 2.02 for weblink) and agrees to require, unless specifically exempted, City's (if authorized) and third party contractors at every tier to comply with the same. These requirements include, but are not limited to the following:

**Debarment and Suspension.** City agrees to comply, and assures the compliance of City, lessee, or third party contractor at any tier, with Executive Order Nos. 12549 and 12689, *Debarment and Suspension* 31 U.S.C. § 6101 note, and U.S. DOT regulations, *Government-wide Debarment and Suspension (Nonprocurement)*, 49 C.F.R. Part 29. City agrees to and assures that its lessees, and third party contractors will review the *excluded Parties Listing System* at <http://epls.gov/> before entering into any third party subagreement, lease or third party contract [U.S. DOT issued a new amendment to these regulations adopting the optional lower

tier coverage for tiers lower than the first tier below a covered nonprocurement transaction].  
*See, 71 Fed. Reg. 62394, October 25, 2006.*

**Integrity Certification.** By signing this Agreement, City certifies that neither it nor its participants is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Agreement by any Federal department or agency. This certification is a material representation of fact upon which the SFRTA relies in entering this Agreement. If it is later determined that City knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. City shall provide to the SFRTA immediate written notice if at any time City learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

**Certification of Restrictions on Lobbying Disclosure.** The provisions of this section apply only if the amount of this Agreement (including the value of any amendments thereto) is equal to, or exceeds \$100,000.

City certifies that no federal appropriated funds have been paid or will be paid by or on behalf of City for influencing or attempting to influence an officer or employee of any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement. The certification of this compliance (*Lobbying Restriction Certification*) submitted by City in connection with this project is incorporated in, and made a part of, this Agreement.

City further certifies that, if any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee or any federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the projects funded by the funds allocated to City in this Agreement, City shall complete and submit to the SFRTA, Standard Form-LLL, *Disclosure Form to Report Lobbying*, in accordance with its instructions.

City certifies that it will require that the language of this certification be included in the award documents for any subcontracts equal to or in excess of \$100,000 under this Agreement, and that all subcontracts shall certify and disclose accordingly to City. All certifications and disclosures shall be forwarded to the SFRTA by City.

The certifications referred to in this section (including the *Lobbying Restriction Certification* submitted by City in connection with this project and incorporated in, and made a part of, this Agreement) are material representations of fact upon which the SFRTA relies when this contract is made.

**10.03 Federal Certification and Assurances (C & A); Execution and Incorporation.** City agrees to comply with and to certify compliance with the current *Federal Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements (C & A)* attached hereto and incorporated herein as **Exhibit D**. City must certify compliance with the applicable provisions by signing the appropriate certification(s) and returning the signed certification(s) as part of the execution of this Agreement. During the terms of this Agreement, City shall annually execute the most current C & A document and provide the same to the SFRTA.

**10.04 Compliance with Federal Requirements; Incorporation of Specific Documents by Reference.** City agrees to comply with all federal statutes, rules, FTA Circulars, Executive Orders, guidance, and other requirements that may be applicable to this grant. In particular, and without limitation, City agrees to comply with the terms and conditions of the following documents when performing work or expending funds for Workslope activities.

- *FTA Master Agreement* (<http://www.fta.dot.gov/documents/18-Master.pdf>)
- *Uniform, Administrative Requirements for Grants and Cooperative Agreement to State and Local Government*, 49 CFR Part 18  
[www.access.gpo.gov/nara/cfr/waisidx\\_98/49cfr18\\_98.html](http://www.access.gpo.gov/nara/cfr/waisidx_98/49cfr18_98.html)
- *Grant Management Requirements*, FTA Circular 5010.1D,  
([http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_8640.html](http://www.fta.dot.gov/laws/circulars/leg_reg_8640.html))

The listed documents are incorporated by reference into this Agreement. Copies of these documents are available at the internet websites indicated or, upon request by City, from the SFRTA.

**10.05 Compliance with Federal Procurement Requirement.** City will comply with all applicable federal law, rule, and guidance relating to procurement including, without limitation, the provisions of *Third Party Contracting Requirements*, FTA Circular 4220.1F, which document is incorporated by reference into this agreement. A copy of this document is available at the FTA internet website, [http://www.fta.dot.gov/laws/circulars/leg\\_reg\\_8641.html](http://www.fta.dot.gov/laws/circulars/leg_reg_8641.html) or upon request by City, from the SFRTA. The Federal Procurement Basics are contained in the *Federal Transit Administration Master Agreement (18) Section 15 Procurement* (see section 2.02 for weblink). **Certification of City Procurement System.** City certifies that its procurement system complies with the standards described in the previous paragraph.

- B. The SFRTA Approval of Contracts.** City shall not execute any third party contract or otherwise enter into a binding agreement until it has first received written approval from the SFRTA Project Manager.
- C. Inclusion of Provisions in Lower Tier Contracts.** City agrees to include adequate provisions to ensure compliance with applicable federal requirements in each lower tier third party contract financed in whole or in part with financial assistance under this agreement including all applicable provisions of this Agreement.
- D. Disadvantaged Business Enterprise Requirements.** City agrees to comply with the requirements of 49 C.F.R. Part 26 and the SFRTA U.S. DOT approved Disadvantaged

Business Enterprise (DBE) Requirements, which is attached to and incorporated into this Agreement as **Exhibit E**.

**10.06 No Federal Obligation.** This grant is financed by federal funds. However, payments to City will be made by the SFRTA. The United States is not a party to this Agreement and no reference in this Agreement to the United States, USDOT, FTA, or any representatives of the federal government makes the United States a party to this Agreement. City shall include this clause in any contracts or agreements under this Agreement.

**10.07 Special Provisions.** In accordance with Executive Order No. 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, 23 U.S.C.A. § 402 note, and DOT Order 3902.10, Text Messaging While December 30, 2009, City is encouraged to comply with the terms of the following Special Provision.

a. Definitions. As used in this Special Provision:

(1) "Driving" means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise. "Driving" does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

(2) "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or answer an incoming call, unless the practice is prohibited by State or local law.

b. Safety. City is encouraged to:

(1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving:

(a) Authority-owned or Authority-rented vehicles or Government-owned, leased or rented vehicles;

(b) Privately-owned vehicles when on official Project related business or when performing any work for or on behalf of the Project; or

(c) Any vehicle, on or off duty, and using an employer supplied electronic device.

(2) Conduct workplace safety initiatives in a manner commensurate with City's size, such as:

(a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

(b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

**IN WITNESS WHEREOF**, the parties have caused this agreement to be executed by their duly authorized officers on the dates set forth below. This agreement is effective upon final execution by both parties.

**ATTEST:**

**CITY OF FORT LAUDERDALE**

\_\_\_\_\_

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

(CORPORATE SEAL)

\_\_\_\_\_ day of \_\_\_\_\_, 2013

Approved as to form and legal sufficiency

\_\_\_\_\_

**ATTEST:**

**SOUTH FLORIDA REGIONAL  
TRANSPORTATION AUTHORITY**

\_\_\_\_\_

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

Executive Director

\_\_\_\_\_ day of \_\_\_\_\_, 2013

(SFRTA SEAL)

Approved as to form and legal

sufficiency by:

\_\_\_\_\_

SFRTA General Counsel

## **EXHIBITS LIST**

Exhibit A	Workscope and Budget
Exhibit B	Expense Reimbursement Form
Exhibit C	DBE Monthly Subcontractor Utilization Report
Exhibit D	Annual List of certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreement
Exhibit E	The SFRTA USDOT Approved Disadvantaged Business Enterprise Requirements

**EXHIBIT A  
WORKSCOPE AND BUDGET**

**Workscope**

**City of Fort Lauderdale- TriRail/Northwest Link and Neighborhood Link Routes**

Project description: The project funds will be utilized for operating two (2) routes the TriRail/ Northwest Link and Neighborhood Link. The routes serve disabled, disadvantaged and low income populations by providing access to social services, jobs, health educational and governmental facilities.

**Workscope Budget**

**City of Fort Lauderdale- TriRail/Northwest Link and Neighborhood Link Routes**

<b>I. OPERATING PROJECT COST:</b>	<b>\$713,682</b>
• Operating costs associated with operating two (2) routes	
<b>OPERATING TOTAL PROJECT COST:</b>	<b>\$713,682</b>

**II. PARTICIPATION**

**Maximum Federal Participation** (50%) or **\$356,841**

**Agency Participation**

**In-Kind**

**Cash**

**Other**

(50%) or **\$356,841**

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**TOTAL OPERATING PROJECT COST** **\$ 713,682**





## MONTHLY SUBCONTRACTOR UTILIZATION REPORT

1.) Did any of the DBE subcontractors rent/lease equipment from the prime consultant or an affiliate company during the report period?  
If yes, explain the arrangement, including a description of the equipment and the cost.

\_\_\_\_\_

2.) Did any of the DBE subcontractors utilize employees or former employees of the prime consultant or an affiliate company during the reporting period?

\_\_\_\_\_

3.) Did any of the DBE subcontractors subcontract any portion of its work to a non-DBE during the report period? If yes, explain fully.

\_\_\_\_\_

4.) Has the scope of work or the subcontract amount for any of the DBE subcontractors changed since the last report? If yes, explain fully.

\_\_\_\_\_

By signing this form, the person individually and on behalf of the Firm represents to the SFRTA that the information contained on both the above forms is complete truthful, and accurate.

AUTHORIZED SIGNATURE: \_\_\_\_\_ TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_

**SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY  
MONTHLY EMPLOYEE UTILIZATION REPORT**

This report is required by Executive Order 11246, Sec. 203. Failure to report may result in contracts being canceled, terminated or suspended in whole or in part and the firm may be declared ineligible for further SFRFTA federally funded contracts.

Reporting Period		Name, Address, & Telephone No. of Consultant or Vendor									
From _____	To _____										
Contract # _____											
Classifications	Total No. of Employees	Total No. of Minority & Female Emp.	Black-Not of Hispanic Origin	Hispanic American	Asian or Pacific Islander	American Indian or Alaskan Native	Caucasian Female	Minority Percentage *	Female Percentage *		
Company Official's Signature & Title										Date Signed	Page _____ of _____

This item represents a percentage of the total number of hours worked on said contract for the reporting period.

**ITB NUMBER**

examination in 2012, his optometrist noted, "In my opinion, Mr. Normington has sufficient vision to perform the driving tasks required to safely operate a commercial vehicle." Mr. Normington reported that he has driven straight trucks for 14 years, accumulating 280,000 miles, and tractor-trailer combinations for 14 years, accumulating 140,000 miles. He holds a Class A CDL from Wyoming. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

*Thomas L. Terrell*

Mr. Terrell, 57, has had a chronic retinal detachment in his left eye due to a traumatic incident in 1984. The best corrected visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2012, his ophthalmologist noted, "He has sufficient vision in his right eye and unless he has some future problem in the right eye, he should have no problems performing his duties of operating a commercial vehicle." Mr. Terrell reported that he has driven straight trucks for 39 years, accumulating 78,000 miles, and tractor-trailer combinations for 39 years, accumulating 273,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

#### Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business March 15, 2013. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: February 4, 2013.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2013-03337 Filed 2-12-13; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Federal Fiscal Year 2013 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements

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

**ACTION:** Notice of availability.

**SUMMARY:** The Federal Transit Administration (FTA) is directed to publish annually a list of all certifications required under 49 U.S.C. Chapter 53. For Federal Fiscal Year 2013 (FY 2013), FTA consolidated and updated the various pre-award Certifications and Assurances required to be submitted by an Applicant seeking an award of Federal public transportation assistance (funding) during FY 2013. This notice announces the availability of the FY 2013 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements and the FTA Master Agreement, both of which are available at the FTA Web site, <http://www.fta.dot.gov>. This notice also highlights the changes made to FTA's Certifications and Assurances for FY 2013 that differ from previous provisions and also provides instructions on how and when to submit Certifications and Assurances for FY 2013.

**DATES:** *Effective Date:* These FY 2013 Certifications and Assurances are effective October 1, 2012, the first day of Federal Fiscal Year (FY) 2013.

**FOR FURTHER INFORMATION CONTACT:** The appropriate Regional or Metropolitan Office listed in this Notice. For copies of related documents and information, see our Web site at <http://www.fta.dot.gov> or contact our Office of Administration at 202-366-4007.

#### Region 1: Boston

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

#### Region 2: New York

States served: New York, and New Jersey; Telephone # 212-668-2170

#### Region 3: Philadelphia

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

#### Region 4: Atlanta

States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee;

Territories served: Puerto Rico and the U.S. Virgin Islands  
Telephone # 404-865-5600

#### Region 5: Chicago

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

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

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

#### Region 7: Kansas City

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

#### Region 8: Denver

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

#### Region 9: San Francisco

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

#### Region 10: Seattle

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

#### Chicago Metropolitan Office

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

#### Los Angeles Metropolitan Office

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

#### Lower Manhattan Recovery Office

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

#### New York Metropolitan Office

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

#### Philadelphia Metropolitan Office

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

#### Washington DC Metropolitan Office

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

#### SUPPLEMENTARY INFORMATION:

##### 1. What are FTA's responsibilities?

The second sentence of 49 U.S.C. 5323(n) states in pertinent part that "The Secretary [of Transportation] shall publish annually a list of all certifications required under this

chapter [49 U.S.C. chapter 53] \* \* \*.” Below is our list of certifications required for our programs:

01. Required Certifications and Assurances for Each Applicant.
  02. Lobbying.
  03. Private Sector Protections.
  04. Procurement and Procurement System.
  05. Rolling Stock Reviews and Bus Testing.
  06. Demand Responsive Service.
  07. Intelligent Transportation Systems.
  08. Interest and Finance Costs and Leasing Costs.
  09. Transit Asset Management and Agency Safety Plans.
  10. Alcohol and Controlled Substances Testing.
  11. Fixed Guideway Capital Investment Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21.
  12. State of Good Repair Program.
  13. Fixed Guideway Modernization Grant Program.
  14. Bus/Bus Facilities Programs.
  15. Urbanized Area Formula Programs and Job Access and Reverse Commute (JARC) Program.
  16. Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program.
  17. Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.
  18. Public Transportation on Indian Reservations and “Tribal Transit Programs”.
  19. Low or No Emission/Clean Fuels Grant Programs.
  20. Paul S Sarbanes Transit in Parks Program.
  21. State Safety Oversight Program.
  22. Public Transportation Relief Program.
  23. Expedited Project Delivery Pilot Program.
  24. Infrastructure Finance Programs.
- Since 1995, we have consolidated Certifications and Assurances into a single document for publication in the **Federal Register**. To receive Federal funding made available or appropriated for the grant and cooperative agreement programs we administer, your Applicant must submit the annual Certifications and Assurances required for the type of funding your Applicant is seeking. We are now publishing our FY 2013 Certifications and Assurances, after our **Federal Register** publication of our “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 Fiscal Year

2013 Apportionments, Allocations, Program Information and Interim Guidance,” 77 FR 63670, October 16, 2012 (FTA FY 2013 Apportionments Notice).

In addition to reading the information in this Notice and its Appendix A (located at our Web site, <http://www.fta.dot.gov>) we strongly advise your Applicant’s certified or authorized representative (you) to read the information accompanying the apportionment tables in the FTA FY 2013 Apportionments Notice, particularly in light of the following legislation signed into law during FY 2012:

- a. The Moving Ahead for Progress in the 21st Century Act (MAP-21) Pub. L. 112-141, July 6, 2012, which is FTA’s most recent authorizing legislation, and
- b. The Continuing Appropriations Resolution, 2013 (CR), Pub. L. 112-175, September 28, 2012, which provides appropriations to FTA for October 1, 2012 through March 27, 2013.

## 2. What is Their Legal Effect?

a. *With Certain Exceptions, the Latest FTA Certifications and Assurances Control.* Certifications and Assurances are pre-award representations typically required by Federal law or regulation that your Applicant must submit before FTA may provide Federal funding for a Project. Typically, FTA’s FY 2013 Certifications and Assurances have superseded any FTA Certifications and Assurances published in an earlier fiscal year, except as FTA determines otherwise in writing. Our annual Certifications and Assurances also supersede other Certifications and Assurances that may have appeared as illustrations in a discontinued FTA circular. For this year, however, certain Certifications and Assurances in effect before MAP-21 became effective will continue to apply to certain Projects and Project activities. For this reason, our Certifications and Assurances have increased to accommodate requirements for Programs funded by MAP-21 and Programs funded in FY 2012 or a previous fiscal year. Therefore, it is critically important that you know the fiscal year in which the funding awarded for your Project was appropriated.

After publication in the **Federal Register**, your Applicant must submit sufficient FY 2013 Certifications and Assurances required by Federal law or regulations before FTA may award Federal funds to support your Applicant’s Project.

b. *Binding Commitment.* An Applicant typically acts through its certified or authorized representative. In

that case, your Applicant will be required to comply with any Certifications or Assurances you make on its behalf irrespective of how long you remain your Applicant’s authorized representative. When you provide your Applicant’s Certifications and Assurances to FTA, both you and your Applicant are agreeing to comply with their terms. As a result, when Certifications and Assurances that would apply under MAP-21 differ from Certifications and Assurances that would apply in FY 2012 or a previous fiscal year, we have included both types in the single Group used to support the funding your Applicant’s requests.

c. *Length of Commitment.* Your Applicant’s FY 2013 Certifications and Assurances remain in effect until its Project is closed or the useful life of its Project property has expired, whichever is later. If your Applicant provides different Certifications and Assurances in a later fiscal year, the later Certifications and Assurances generally will apply to its Project, except as we determine otherwise in writing.

d. *Duration.* You and your Applicant may use the FY 2013 Certifications and Assurances in Appendix A to support applications for FTA funding until we issue our FY 2014 Certifications and Assurances.

e. *Our FY 2013 Certifications and Assurances are an Incomplete List of Federal Requirements.* We caution that our FY 2013 Certifications and Assurances focus mainly on those representations your Applicant is required to present to FTA before FTA may award Federal funds for your Applicant’s Project. Consequently, our Certifications and Assurances do not include many other Federal requirements that will apply to your Applicant and its Project.

f. *Federal Requirements.* In addition to the information in this Notice and our FTA FY 2013 Apportionments Notice, we also strongly encourage you and your Applicant’s staff and Third Party Participants to review all Federal legislation, regulations, and guidance that apply to your Applicant and its proposed Project. Our FY 2013 Master Agreement identifies many of those requirements and can be accessed at <http://www.fta.dot.gov>.

g. *Penalties for False or Fraudulent Statements.* If you or your Applicant provides any false or fraudulent statement to the Federal government, you or your Applicant may incur both Federal civil and criminal penalties. *See:*

- (1) The Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. 3801 *et seq.*,

(2) U.S. Department of Transportation (U.S. DOT) regulations, "Program Fraud Civil Remedies," 49 CFR part 31, and

(3) Section 5323(l)(1) of title 49, U.S.C., which provides for Federal criminal penalties and termination of Federal funding should you or your Applicant provide a false or fraudulent certificate, submission, or statement in connection with the Federal transit program authorized by 49 U.S.C. chapter 53.

### 3. What are your responsibilities?

a. Make Sure All Involved With Your Applicant's Project Understands the Federal Requirements That Will Apply to Your Applicant and Its Project.

Your Applicant will be responsible for compliance with all Federal requirements that apply to itself and its Project. Nevertheless, people and organizations participating in your Applicant's Project (Third Party Participants) can seriously affect your Applicant's ability to comply with those Federal requirements. Therefore, all Third Party Participants involved in your Applicant's Project need to know and agree to comply with the Federal requirements that affect their Project related activities.

b. Subrecipient and Other Third Party Participation. Except in limited circumstances when we have determined otherwise, your Applicant is ultimately responsible for compliance with all Certifications and Assurances that you select on its behalf even though much of its Project will be carried out by Subrecipients or other Third Party Participants. Therefore, we strongly recommend that you take appropriate measures to ensure that the Subrecipients and other Third Party Participants in your Applicant's Project do not take actions that will cause your Applicant to violate the representations made in its Certifications and Assurances.

c. Submit Your Applicant's Certifications and Assurances. You must submit all Groups of the FY 2013 Certifications and Assurances that apply to your Applicant and the Projects for which it seeks FTA funding in FY 2013. For your convenience, we recommend that you submit all 24 Groups of Certifications and Assurances. Those provisions of the various Certifications and Assurances that do not apply to your Applicant or its Project will not be enforced.

d. Obtain the Affirmation of Your Applicant's Attorney. You must obtain an affirmation of your Applicant's Attorney, signed in FY 2013, stating that your Applicant has sufficient authority under its State and local law to certify

its compliance with the FY 2013 Certifications and Assurances that you have selected on its behalf. Your Applicant's Attorney must sign this affirmation during FY 2013. An Affirmation of your Applicant's Attorney dated in a previous fiscal year is insufficient, unless FTA expressly determines otherwise in writing.

e. When To Submit.

(1) If your Applicant is applying for funding under any of the discretionary capital programs (New Starts, Small Starts, or Core Capacity Improvement), we expect to receive your FY 2013 Certifications and Assurances within ninety (90) days from the date of this publication or soon after the submittal of your Applicant's request for FY 2013 funding. Likewise, if your Applicant is a current FTA grantee with an active project funded with FTA capital or formula funds, we expect to receive your FY 2013 Certifications and Assurances within ninety (90) days from the date of this publication or soon after the submittal of your Applicant's request for FY 2013 funding.

(2) If your Applicant seeks funding from an FTA program other than a formula program or a discretionary capital program, we expect to receive your Applicant's FY 2013 Certifications and Assurances as soon as possible.

### 4. Where are FTA's FY 2013 certifications and assurances?

a. Appendix A of this Notice, which is available at our Web site, <http://www.fta.dot.gov>, and

b. TEAM-Web, our electronic award and management system, <http://fteamweb.fta.dot.gov>, at the "Cert's & Assurances" tab of the "View/Modify Recipients" page in the "Recipients" option.

### 5. What changes have been made since FY 2012?

a. *Recent Federal Statutes.* MAP-21 and the CR have required many changes to FTA's annual Certifications and Assurances and the Projects to which they apply. FTA's FY 2013 Certifications and Assurances encompass those necessary changes:

b. *Application of Statutes.* When FTA issued its FY 2013 Certifications and Assurances, the CR provided for continuing projects or activities for which funding was available in FY 2012, except as provided in section 154 of the CR. In section 154 of the CR, Congress updated the appropriations language for FTA's formula programs providing an obligation limitation and liquidating authority to reflect changes to FTA's formula programs authorized in MAP-21. Section 154 of the CR

allows FTA to administer FY 2013 funds for formula grant programs according to the terms and conditions established under MAP-21. Funding under the CR is not available for programs that were repealed by MAP-21. Except for the "MAP-21 cross-cutting" requirements listed in subsection 5.c below, the program and eligibility requirements in effect in FY 2012 or a previous fiscal year apply to the following Projects as of October 16, 2012, the date the FTA FY 2013 Apportionments Notice was published:

(1) Projects financed with funding made available or appropriated in FY 2012 or a previous fiscal year, which funding FTA has awarded before October 1, 2012, when MAP-21 became effective,

(2) Projects financed with funding made available or appropriated for FY 2012 or a previous fiscal year, which funding FTA awards or will award after October 1, 2012, when MAP-21 became effective.<sup>1</sup>

c. Notwithstanding the applicability of program and eligibility requirements in effect in FY 2012 or a previous fiscal year for those Projects listed in the preceding subsection 5.b above, FTA has determined that the following MAP-21 requirements apply to Projects funded with appropriations for FY 2012 or a previous fiscal year. (FTA refers to these requirements as "MAP-21 cross-cutting" requirements.) As listed in the FTA FY 2013 Apportionments Notice, FTA has determined MAP-21 cross-cutting requirements include, but are not limited to:

- (1) Metropolitan and Statewide Planning,
- (2) Environmental Review Process,
- (3) Agency Safety Plans,
- (4) Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),
- (5) Costs Incurred by Providers of Public Transportation by Vanpool,
- (6) Revenue Bonds as Local Match,
- (7) Debt Service Reserve,
- (8) Government's Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,
- (9) Private Sector Participation,
- (10) Bus Testing,
- (11) Buy America,
- (12) Corridor Preservation,
- (13) Rail Car Procurements,
- (14) Veterans Preference/ Employment, and
- (15) Alcohol and Controlled Substance Testing.

<sup>1</sup> FTA may provide unobligated funds made available or appropriated for FY 2012 or a previous fiscal year for new projects authorized under provisions of law that MAP-21 has repealed.

d. *Preface*. We amended the Preface to identify the Web site for our FY 2013 Master Agreement, <http://www.fta.dot.gov>.

e. *Compliance with All Applicable Requirements*.

(1) In the past, we have cautioned Applicants that their Subrecipients may also be responsible for compliance with certain Federal requirements that are not identified in our annual Certifications and Assurances. Now, throughout this Notice and the FY 2013 Certifications and Assurances, we are cautioning your Applicant that its other Third Party Participants may also need to comply with certain Federal requirements, regardless of whether those requirements are identified in our annual Certifications and Assurances, and

(2) Because TEAM-Web has the capacity for only twenty-four (24) Groups of Certifications and Assurances, we have consolidated related Certifications and Assurances, both old and new, into a single group, so that the total number of groups does not exceed twenty-four (24). Should one or more certifications or assurances within a group not apply to your Applicant or its Project, selecting the entire group will not make those inapplicable certifications or assurances then applicable to your Applicant and its Project. Provisions of any Certification or Assurance that do not apply to your Applicant or its Project will not be enforced.

f. *Group 01, Certification D, "Nondiscrimination," and former Certification E, "Assurance of Nondiscrimination on the Basis of Disability."*

(1) For consistency with the MAP-21 amendment to 49 U.S.C. 5332 that added disability to the list of prohibited reasons for discrimination, we made the following changes:

(a) We consolidated the former Group 01, Certification E, prohibiting discrimination against individuals with disabilities with the former Group 01, Certification D, the "Nondiscrimination" certifications that apply to various other prohibitions against discrimination,

(b) We added "disability" as a prohibited reason for discrimination in Sections 1 and 1.a, and

(c) We substituted "religion for "creed," in Sections 1 and 1.a,

(2) We added a reference to U.S. DOT regulations, 49 CFR part 39, in Sections 1.f, and

(3) We added a new Section 2 to obtain your Applicant's agreement to follow Federal guidance issued to implement Federal nondiscrimination

requirements, except as FTA determines otherwise in writing.

g. *Re-numbering*. We re-numbered:

(1) Former Group 01, Certification F as Group 01, Certification E, and

(2) Former Group 01, Assurance G, as Group 01, Assurance F.

h. *Re-numbered Group 01, Certification F, "U.S. OMB Assurances in SF-424B and SF-424D" [former Group 01, Certification G]*. We added a reference to the new MAP-21 amendment to 49 U.S.C. 5323(b), which expressly requires compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 *et seq.* among the requirements that apply to FTA's Capital Projects funded by 49 U.S.C. chapter 53.

i. *New Group 03, "Private Sector Protections," [consolidating former Group 04 "Protections for Private Providers of Public Transportation," former Group 09 "Charter Service Agreement," and former Group 10 "School Transportation Agreement"]*. We established a new Group 03 focusing on protections for private providers of public transportation:

(1) The "Private Sector Property Protections" of Group 03 include the following:

(a) Private Sector Property Protections, with no substantive changes made,

(b) Charter Service Agreement, with the following substantive changes:

(1) Consistent with the exception for JARC activities authorized in FTA's Charter Service Regulations, 49 CFR 604.2, for repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, the Federal Transit Administrator has determined that FTA's Charter Service requirements are not appropriate for the JARC activities that will be funded under 49 U.S.C. 5307, as amended by MAP-21,

(2) Consistent with the exception for New Freedom activities authorized in FTA's Charter Service Regulations, 49 CFR 604.2, for repealed 49 U.S.C. 5317, the Federal Transit Administrator has determined that FTA's Charter Service requirements are not appropriate for the New Freedom activities that will be funded under 49 U.S.C. 5310, as amended by MAP-21, and

(3) Use by intercity and charter operators of FTA funded facilities as specified in 49 U.S.C. 5323(r), as amended by MAP-21, will not result in a violation of FTA's Charter Service Regulations, and

(c) School Bus Agreement, with no substantive changes made.

j. *Re-numbered Group 04, "Procurement and Procurement*

*System" [former Group 03, "Procurement Certification"]*. We transferred former Group 03 to Group 04 without making any substantive changes.

k. *New Group 05 "Rolling Stock Reviews and Bus Testing" [consolidating former Group 06, "Acquisition of Rolling Stock for Use in Revenue Service," and Group 08, "Bus Testing"]*. We established a new Group 05 focusing certifications that certain reviews and testing required for certain rolling stock have or will be completed:

(1) The following Certifications are included in the new Group 05:

(a) "Rolling Stock Reviews," required by 49 U.S.C. 5323(m), and

(b) "Bus Testing," required by 49 U.S.C. 5318, as amended by MAP-21, and

(2) MAP-21 Changes:

(a) MAP-21 did not make any substantive changes to the "Rolling Stock Reviews" certification, but

(b) MAP-21 did change the bus testing requirements, which requirements are now reflected in the FY 2013 "Bus Testing" certification.

l. *Former Group 05 "Public Hearing."* We deleted the former "Public Hearing" certification because MAP-21 amended 49 U.S.C. 5323(b) to repeal FTA's special statutory public hearing requirements.

m. *Re-numbered Group 06, "Demand Responsive Service," [former Group 11]*. We transferred the "Demand Responsive Service" certification from former Group 11 to Group 06 without making any substantive changes.

n. *Re-numbered Group 07, "Intelligent Transportation Systems," [former Group 14]*:

(1) We transferred the "Intelligent Transportation Systems" assurance from former Group 14 to Group 7, and

(2) We changed the assurance to add the new citation to the Intelligent Transportation System statutory provisions now codified at 23 U.S.C. 517.

o. *New Group 08, "Interest and Financing Costs and Leasing Costs," [consolidating former Group 13, "Interest and Other Financing Costs," and former Group 07, "Acquisition of Capital Assets by Lease"]*.

(1) We established a new Group 08 focused on certifications involving finance that includes the following certifications:

(a) "Interest and Financing Costs," and

(b) "Acquisition of Capital Assets by Lease,"

(2) In addition to transferring the certifications identified above,

(a) Rather than include in the "Financing and Leasing Costs

certification the several citations to those requirements in 49 U.S.C. chapter 53 (both before and after MAP-21 was signed into law), we have listed the types of projects to which the “Interest and Financing Costs” certifications would apply, and

(b) We made no substantive changes to the “Acquisition of Capital Assets through a Lease” certification.

p. *New Group 09, “Transit Asset Management and Safety Plans.”* We established a new Group 09 focused on plans MAP-21 requires:

(1) The “Transit Asset Management Plan” certification of compliance with the rule issued under 49 U.S.C. 5326(d), as amended by MAP-21, are required by 49 U.S.C. 5337(a)(4), as amended by MAP-21, and

(2) The “Public Transportation Agency Safety Plan” certifications required by 49 U.S.C. 5329(d), as amended by MAP-21.

q. *Re-numbered Group 10, “Alcohol and Controlled Substances Testing,” [former Group 12, “Alcohol Misuse and Prohibited Drug Use”].* We transferred former Group 12 to re-numbered Group 10 and revised its provisions to conform to 49 U.S.C. 5331, as amended by MAP-21. We added a provision that should your Applicant reside in a State that permits marijuana use for medical or recreational purposes, your Applicant must comply with Federal (not State) controlled substance testing requirements of 49 CFR part 655.

r. *New Group 11, “Fixed Guideway Capital Investment Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect Before MAP-21.”*

(1) We established a new Group 11 focused on certifications for FTA’s new Fixed Guideway Capital Investment Program, consisting of only the New Starts Program, the Small Starts Program, and the Core Capacity Program.

(a) Before MAP-21 became effective, the Capital Investment Program under former 49 U.S.C. 5309 consisted of the:

- (i) New Fixed Capital Program,
- (ii) Fixed Guideway Modernization Grant Program, and
- (iii) Buses and Bus Related Equipment and Facilities Program,

(b) MAP-21:

(i) Repealed the former Fixed Guideway Modernization Grant Program, and

(ii) Established the new Bus and Bus Facilities Formula Program in 49 U.S.C. 5339, as amended by MAP-21.

(c) Therefore, we have established separate certifications for Fixed Guideway Capital Investment Program, encompassing the New Starts Program,

the Small Starts Program, and the Core Capacity Program) that remain in 49 U.S.C. 5309, as amended by MAP-21, irrespective of whether those programs are:

(i) Financed with funding that was made available or appropriated for 49 U.S.C. 5309, as amended by MAP-21, or

(ii) Financed with funding that was made available or appropriated for former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, and

(2) Your Applicant should provide the certifications in Group 11 if it seeks funding made available or appropriated for:

(a) 49 U.S.C. 5309, as amended by MAP-21, or

(b) Former 49 U.S.C. 5309 in effect in FY2012 or a previous fiscal year.

s. *New Group 12, “State of Good Repair Program.”* MAP-21 created a new State of Good Repair Program. We request each Applicant for State of Good Repair funding to provide the “State of Good Repair Program” certification in new Group 12.

t. *New Group 13, “Fixed Guideway Modernization Grant Program.”* MAP-21 amended 49 U.S.C. 5309 without re-authorizing the Fixed Guideway Grant Modernization Program. Because unobligated funds remain for that Program, we have included a “Fixed Guideway Modernization Grant Program” certification for Applicants seeking those funds.

u. *New Group 14, “Bus and Bus Facilities Programs.”*

(1) MAP-21 amended former 49 U.S.C. 5309 by:

(a) Changing the Bus and Bus Related Equipment and Facilities Program from a discretionary program to a new formula Bus and Bus Facilities Formula program,

(b) Establishing the new program under 49 U.S.C. 5339, and

(c) Repealing the Alternatives Analysis Program under former 49 U.S.C. 5339 in effect in FY 2012 or a previous fiscal year,

(2) Accordingly, we established a new Group 14 with certifications for Bus and Bus Facilities Projects depending on whether the funding source for those Projects is:

(a) The Bus and Bus Facilities Formula Program under MAP-21, or

(b) The Bus and Bus Related Equipment and Facilities Grant Program (Discretionary),

(3) The “Bus and Bus Facilities Formula Program” certification reflects the provisions of MAP-21, while the “Bus and Bus Related Equipment and Facilities Grant Program (Discretionary)” certification, reflects the provisions of FTA enabling

legislation in effect in FY 2012 or a previous fiscal year,

(4) Notwithstanding 49 U.S.C. 5339(b), as amended by MAP-21, which makes 49 U.S.C. 5307 requirements applicable to the new Bus and Bus Facilities Formula Program, the Federal Transit Administrator has determined that:

(a) The certification required by 49 U.S.C. 5307(c)(1)(J), as amended by MAP-21, to spend one (1) percent of the funds made available for security projects does not apply to the Bus and Bus Facilities Formula Program because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, and

(b) The certification required by 49 U.S.C. 5307(c)(1)(K), as amended by MAP-21, to spend one (1) percent of the funds made available for associated transit improvement projects does not apply to the Bus and Bus Facilities Formula Program because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, and

(5) Therefore, to assure that FTA can award the type of funding most suitable for your Applicant’s Project, your Applicant should provide the certifications in Group 14 if it seeks funding made available or appropriated for:

(a) 49 U.S.C. 5339, as amended by MAP-21, or

(b) Former 49 U.S.C. 5309 in effect in FY2012 or a previous fiscal year.

v. *New Group 15, “Urbanized Area Formula Grant Programs and Job Access and Reverse Commute (JARC) Formula Grant Program,” [consolidating former Group 15, “Urbanized Area Formula Program,” and Group 19, “Job Access and Reverse Commute Program,” with the new “Urbanized Area Formula Program” authorized by MAP-21]:*

(1) We established a new Group 15 focused on our public transportation programs in urbanized areas, including separate certifications for each of the following three programs:

(a) The Urbanized Area Formula Grant Program under MAP-21,

(b) The Urbanized Area Formula Program in effect in FY 2012 or a previous fiscal year, and

(c) The Job Access and Reverse Commute (JARC) Program, which authorized the separate JARC program,<sup>2</sup> even though MAP-21 repealed former

<sup>2</sup> JARC activities are now eligible for funding made available or appropriated for the Urbanized Area Formula Program authorized by 49 U.S.C. 5307, as amended by MAP-21.

49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, and

(2) Therefore, to assure that FTA can award the type of funding most suitable for your Applicant's Project, your Applicant should provide the certifications in Group 15 if it seeks funding made available or appropriated for:

(a) 49 U.S.C. 5307, as amended by MAP-21,

(b) Former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, or

(c) Former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year.

w. *New Group 16, "Seniors/Elderly/Individuals with Disabilities and New Freedom Programs," [consolidating former Group 18, "Elderly and Individuals with Disabilities Formula Program and Pilot Program," and Group 20, "New Freedom" Program, with the new certification for the "Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program"]*.

(1) We established a new Group 16 focused on our programs that provide specialized public transportation for seniors and individuals with disabilities, including separate certifications for each of the following three programs:

(a) The Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program,

(b) The Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program in effect in FY 2012 or a previous fiscal year, and

(c) The New Freedom Program, even though MAP-21 repealed former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, which authorized the separate New Freedom program,<sup>3</sup>

(2) Consistent with the legislation under former 49 U.S.C. 5310 in effect in FY 2012 and previous fiscal years, the new Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized by 49 U.S.C. 5310, as amended by MAP-21, must comply with the requirements of 49 U.S.C. 5307, as amended by MAP-21, but does permit exceptions. Therefore, as authorized by 49 U.S.C. 5310(c)(1), as amended by MAP-21, and consistent with similar determinations made for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program authorized by former 49 U.S.C.

<sup>3</sup>New Freedom activities are now an eligible for funding made available or appropriated for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized by 49 U.S.C. 5310, as amended by MAP-21.

5310 in effect in FY 2012 or a previous fiscal year, the Federal Transit Administrator has determined that the following Certifications required by 49 U.S.C. 5307(c)(1), as amended by MAP-21, are not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program:

(a) The half fare requirements of U.S.C. 5307(c)(1)(D), as amended by MAP-21, are not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program because:

(i) The services financed under this Program are designed specifically for and available primarily to seniors and 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, and

(ii) The half fare provisions that benefit those individuals are focused on peak periods, and peak demand that has not been relevant to the provision of 49 U.S.C. 5310 specialized services,

(b) The public participation, planning, and coordination provisions of 49 U.S.C. 5307(c)(1)(F), as amended by MAP-21, are not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program because 49 U.S.C. 5310, as amended by MAP-21, prescribes specific public participation, planning, and coordination provisions for this Program,

(c) The requirements of 49 U.S.C. 5307(c)(1)(I), as amended by MAP-21, for a "locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation" are not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program because 49 U.S.C.

5310(c)(2)(B), as amended by MAP-21, expressly requires a locally coordinated transportation plan from which projects to support public transportation for seniors and individuals with disabilities are to be selected,

(d) The requirement of 49 U.S.C. 5307(c)(1)(J), as amended by MAP-21, to spend one (1) percent of funds made available for 49 U.S.C. 5310, as

amended by MAP-21, for security projects is not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities because the

requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, and

(e) The requirement of 49 U.S.C. 5307(c)(1)(K), as amended by MAP-21, to spend one (1) percent of funds authorized for 49 U.S.C. 5310, as amended by MAP-21, for associated transit improvements is not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, and

(4) To assure that FTA will be able to award the type of funding most suitable for your Applicant's Project, your Applicant should provide the certifications in Group 16 if it seeks funding made available or appropriated for:

(a) 49 U.S.C. 5310, as amended by MAP-21,

(b) Former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, or

(c) Former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year.

x. *New Group 17, "Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs," [former Group 18, "Nonurbanized Area Formula Program for States"]*.

(1) We established a new Group 17 focused on our public transportation programs in rural areas, including separate certifications for the following four programs:

(a) The Formula Grants for Rural Areas Program,

(b) The Formula Grants for Other than Urbanized Areas Program,

(c) The Appalachian Development Public Transportation Assistance Program, and

(d) The Over-the-Road Bus Accessibility Program, and

(2) Therefore, to assure that FTA will be able to award the type of funding most suitable for your Applicant's Project, your Applicant should provide the certifications in Group 17 if it seeks funding made available or appropriated for:

(a) 49 U.S.C. 5311(b), as amended by MAP-21,

(b) Former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year,

(c) 49 U.S.C. 5311(c)(2), as amended by MAP-21, or

(d) Former section 3038 of the Transportation Equity Act for the 21st Century, as amended by section 3039 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

y. *New Group 18, "Public Transportation on Indian Reservations"*

and "Tribal Transit Programs" [former Group 22, "Tribal Transit Program"].

(1) We established a new Group 18 focused on our public transportation programs in Indian tribal areas, including separate certifications for the following two programs:

(a) The Public Transportation on Indian Reservations Program, and  
 (b) The "Tribal Transit Program," and  
 (2) Therefore, to assure that FTA can award the type of funding most suitable for your Applicant's Project, your Applicant should provide the certifications in Group 18 if it seeks funding made available or appropriated for:

(a) 49 U.S.C. 5311(c)(1), as amended by MAP-21, or

(b) Former 49 U.S.C. 5311(c)(1) in effect in FY2012 or a previous fiscal year.

z. *New Group 19, "Low or No Emission/Clean Fuels Grant Programs" [former Group 16, "Clean Fuels Grant Program"]*.

(1) We established a new Group 19 focused on our programs to reduce emissions, including separate certifications for the following two programs:

(a) The Low or No Emission Vehicle Deployment Program, authorized by 49 U.S.C. 5312(d)(5), as amended by MAP-21, and

(b) The Clean Fuels Grant Program, authorized by former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year,

(2) Consistent with the determinations made for the Clean Fuels Program authorized by former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year, the new Low or No Emission Vehicle Deployment Program must comply with the requirements of 49 U.S.C. 5307, as amended by MAP-21. The Federal Transit Administrator has determined, however, that the following Certifications required by 49 U.S.C. 5307(c)(1), as amended by MAP-21, are not appropriate for the Low or No Emission Vehicle Deployment Program:

(a) The certification required by 49 U.S.C. 5307(c)(1)(J), as amended by MAP-21, to spend one (1) percent of funds made available for the Low or No Emission Vehicle Deployment Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, for security projects:

(i) Does not apply to the Low or No Emission Vehicle Deployment Program because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, but

(ii) Does apply to the Low or No Emission Vehicle Deployment Program if funds made available or appropriated for 49 U.S.C. 5307 will be used for

projects within the Low or No Emission Vehicle Deployment Program, and

(b) The certification required by 49 U.S.C. 5307(c)(1)(K), as amended by MAP-21, to spend one (1) percent of funds made available for 49 U.S.C. 5312(d)(5), as amended by MAP-21, for associated transit improvement projects:

(i) Does not apply to the Low or No Emission Vehicle Deployment Program because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, but

(ii) Does apply to the extent that funds made available or appropriated for 49 U.S.C. 5307 will be used for a project within the Low or No Emission Vehicle Deployment Program, and

(3) To assure that FTA can award the type of funding most suitable for your Applicant's Project, your Applicant should provide the certifications in Group 19 if it seeks funding made available or appropriated for:

(a) 49 U.S.C. 5312(d)(5), as amended by MAP-21, or

(b) Former 49 U.S.C. 5308 in effect in FY2012 or a previous fiscal year.

aa. *Re-Numbered Group 20, "Paul S. Sarbanes Transit in Parks Program," [former Group 21]*. MAP-21 repealed the Paul S. Sarbanes Transit in Parks Program, authorized by former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year. Because unobligated funds remain under that Program, we have included certifications required for Applicants seeking those funds.

bb. *New Group 21, "State Safety Oversight Grant Program."* MAP-21 created a new State Safety Oversight Grant Program. We request that each Applicant for State Safety Oversight Program funding to provide the Assurances in new Group 21.

cc. *New Group 22, "Public Transportation Emergency Relief Program."* MAP-21 created a new Public Transportation Emergency Relief Program. We request each Applicant for Public Transportation Emergency Relief Program funding to provide the Assurances in new Group 22.

dd. *New Group 23, "Expedited Project Delivery Pilot Program."* MAP-21 established a new Pilot Program requiring a certification that an Applicant's public transportation system is in a state of good repair. We request each Applicant for that Pilot Program funding to provide the Assurances in new Group 23.

ee. *New Group 24, "Infrastructure Finance Programs," [consolidating former Group 23, "TIFIA Projects" and former Group 24, "Deposits of Federal Financial Funding to State Infrastructure Banks"]*.

(1) We established a new Group 24 focused on infrastructure finance programs, including:

(a) The Transportation Infrastructure Finance and Innovation Act (TIFIA) Program under 23 U.S.C. 601-609, and

(b) The State Infrastructure Banks (SIB) Program under 23 U.S.C. 610,

(2) For the TIFIA Program, we added references to MAP-21, TIFIA financing, and the 49 U.S.C. 5337 requirements added for Projects funded with TIFIA financing pursuant to 49 U.S.C. 5323(o), as amended by MAP-21,<sup>4</sup> and

(3) For the SIB Program, we added references to MAP-21, SIB financing, and the 49 U.S.C. 5337 requirements added for Projects funded with SIB financing pursuant to 49 U.S.C. 5323(o), as amended by MAP-21.<sup>5</sup>

(4) To clarify, the Federal Transit Administrator has determined that the following Certifications required by 49 U.S.C. 5307(c)(1), as amended by MAP-21, are not appropriate for the TIFIA or SIB Programs:

(a) The certification required by 49 U.S.C. 5307(c)(1)(J), as amended by MAP-21, to spend one (1) percent of funds made available for the TIFIA and for the SIB Programs, as amended by MAP-21, for security projects:

(i) Does not apply to the TIFIA or SIB Programs because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, but

(ii) Does apply to any TIFIA or SIB Program to the extent that funds made available or appropriated for 49 U.S.C. 5307 will be used for a project within a TIFIA or SIB Program, and

(b) The certification required by 49 U.S.C. 5307(c)(1)(K), as amended by MAP-21, to spend one (1) percent of funds made available for 49 U.S.C. 5312(d)(5), as amended by MAP-21, for associated transit improvement projects, which:

(i) Does not apply to the Low or No Emission Vehicle Deployment Program because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, but

(ii) Does apply if funds made available or appropriated for 49 U.S.C.

<sup>4</sup> Although Section 2002 of MAP-21 made several changes to 23 U.S.C. 601-609, which authorize the TIFIA program, we only added references to MAP-21, TIFIA financing, and 49 U.S.C. 5337 requirements for transit asset management plans, which MAP-21 added for TIFIA Projects. Apart from having a transit asset management plan, the provisions of 49 U.S.C. 5337, as amended by MAP-21, however, do not add new Certification requirements to those of 49 U.S.C. 5307 or 5309.

<sup>5</sup> Apart from having a transit asset management plan, the provisions of 49 U.S.C. 5337, as amended by MAP-21, however, do not add new Certification requirements to those of 49 U.S.C. 5307 or 5309.

5307 will be used for projects within the Low or No Emission Vehicle Deployment Program, and

**6. How do I submit them?**

a. *Electronic Submission.* Except in unusual circumstances as determined by FTA, you must submit your Applicant's FY 2013 Certifications and Assurances in TEAM-Web. To submit the Certifications and Assurances on behalf of your Applicant, you must be registered in TEAM-Web.

The TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of the "View/Modify Recipients" page contains fields for selecting among the 24 Groups of Certifications and Assurances that apply to your Applicant and also a designated field for selecting all 24 Groups of which only the requirements that apply to your Applicant will be enforced.

The "Cert's & Assurances" tab has a field for you to enter your personal identification number (PIN), which is your electronic signature. There is also a field for the Attorney's PIN, affirming your Applicant's legal authority to make and comply with the Certifications and Assurances you have selected on your Applicant's behalf. You may enter your PIN in place of the Attorney's PIN, provided that your Applicant has on file a similar affirmation that has been written, dated, and signed by its Attorney in FY 2013.

b. *Paper Submission.* You may submit your Applicant's FY 2013 Certifications and Assurances on paper only if you cannot submit them electronically in TEAM-Web and FTA agrees to accept hard copy submissions. In that case, you must submit the Signature Page(s) in Appendix A of this Notice indicating the Groups of Certifications and Assurances your Applicant is providing if you cannot submit them electronically. You may place a single mark in the designated space to signify your Applicant's agreement to comply with all Groups of Certifications and Assurances to the extent that they apply to your Applicant, or select the specific Groups of Certifications and Assurances that apply to your Applicant and its Projects.

You must enter your signature on the Signature Page(s) and provide an Affirmation by your Applicant's Attorney concerning your Applicant's legal capacity to make and comply with the FY 2013 Certifications and Assurances you have selected on your Applicant's behalf. You may enter your signature in place of the Attorney's signature in the Affirmation by Applicant's Attorney part of the Signature Page, provided that your

Applicant has on file a similar affirmation, written, dated, and signed by its Attorney in FY 2013.

For more information, you may contact the appropriate FTA Regional or Metropolitan Office.

**Authority.** 49 U.S.C. chapter 53; the Moving Ahead for Progress in the 21st Century Act (MAP-21) Pub. L. 112-141, June 6, 2012; other Federal laws administered by FTA; U.S. DOT and FTA regulations codified or to be codified in Title 49, Code of Federal Regulations; and FTA Circulars.

Issued in Washington, DC, this 7th day of February, 2013.

**Peter M. Rogoff,**  
Administrator.

[FR Doc. 2013-03335 Filed 2-12-13; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### Agency Information Collection Activity Under OMB Review; Reports, Forms and Recordkeeping Requirements

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on October 22, 2012, and comments were due on December 21, 2012. No comments were received.

**DATES:** Comments must be submitted on or before March 15, 2013.

**ADDRESSES:** Send comments regarding this collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: MARAD Desk Officer. Alternatively comments may be sent via email to the Office of Information and Regulatory Affairs, Office of Management and Budget, at the following address:  
[oir.submissions@omb.eop.gov](mailto:oir.submissions@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Lisa Simmons, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202-366-2321; FAX: 202-366-7901 or email: [lisa.simmons@dot.gov](mailto:lisa.simmons@dot.gov). Copies of

this collection also can be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration (MARAD).

*Title of Collection:* Application for Capital Construction Fund and Exhibits.

*OMB Control Number:* 2133-0027.

*Type of Request:* Extension of currently approved collection.

*Affected Public:* U.S. citizens who own or lease one or more eligible vessels and who have a program to provide for the acquisition, construction or reconstruction of a qualified vessel.

*Form Number:* None.

*Abstract:* This information collection consists of an application for a Capital Construction Fund (CCF) agreement under 46 U.S.C. Chapter 535 and annual submissions of appropriate schedules and exhibits. The Capital Construction Fund is a tax-deferred ship construction fund that was created to assist owners and operators of U.S.-flag vessels in accumulating the large amount of capital necessary for the modernization and expansion of the U.S. merchant marine. The program encourages construction, reconstruction, or acquisition of vessels through the deferment of Federal income taxes on certain deposits of money or other property placed into a CCF.

*Annual Estimated Burden Hours:* 1790 hours.

*Comments Are Invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

**Authority:** 49 CFR 1.93.

**Julie P. Agarwal,**

Secretary, Maritime Administration.

[FR Doc. 2013-03297 Filed 2-12-13; 8:45 am]

**BILLING CODE 4910-81-P**

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

### PREFACE

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

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

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

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

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

*Your Applicant understands and agrees that when you apply for funding on behalf of a*

## **FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES**

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

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

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

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

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

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

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

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

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

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

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

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

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

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

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

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

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

*(The assurance in Group 01.C does not apply to an Indian tribe, an Indian organization or a tribal organization that applies for funding made available or*

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

*appropriated for FTA's Public Transportation on Indian Reservations Program authorized by 49 U.S.C. 5311(c)(1), as amended by MAP-21 or to FTA's Tribal Transit Program authorized by former 49 U.S.C. 5311(c)(1) in effect in FY 2012 or a previous fiscal year.)*

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

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

On behalf of your Applicant, you assure that:

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

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

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

On behalf of your Applicant, you certify that:

1. Your Applicant will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the provisions of U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180,
2. To the best of your knowledge and belief, and your Applicant's knowledge and belief, that your Applicant's Principals and Subrecipients at the first tier:
  - a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:
    - (1) Debarred,

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- (e) Voluntarily excluded from participation in your Applicant's federally funded Project, or
  - (f) Disqualified from participation in your Applicant's federally funded Project, and
3. Your Applicant will provide a written explanation as indicated on its Signature Page or a page attached in FTA's TEAM-Web if it or any of its principals, including any of its first tier Subrecipients or any of its Third Party Participants at a lower tier, is unable to certify compliance with to the preceding statements in this Certification 01.E.

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

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

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
- (3) Your Applicant will include a covenant to assure nondiscrimination during the useful life of its Project in its title to federally funded real property,
  - (4) To the extent FTA requires, your Applicant will record the Federal interest in the title to FTA funded real property or interests in real property, and
  - (5) To the extent practicable, absent permission and instructions from FTA, your Applicant will not alter the site of the FTA funded construction Project or facilities by:
    - (a) Disposing of the underlying real property or other interest in the site and facilities,
    - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
    - (c) Changing the terms of the underlying real property title or other interest in the site and facilities, and
- c. Your Applicant will furnish progress reports and other information as FTA or the State may require.
3. Statutory and Regulatory requirements. On behalf of your Applicant, you assure that:
- a. Your Applicant will comply with all Federal statutes relating to nondiscrimination that apply, including, but not limited to:
    - (1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
    - (2) The prohibitions against discrimination on the basis of sex, as provided in:
      - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
      - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25,
    - (3) The prohibitions against discrimination on the basis of age in federally funded programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,
    - (4) The prohibitions against discrimination on the basis of disability in federally funded programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
    - (5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*
    - (6) The prohibitions against discrimination in the sale, rental, or financing of

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,

- (7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,
  - (8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,
  - (9) The confidentiality requirements for the records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and
  - (10) The nondiscrimination provisions of any other statute(s) that may apply to its Project,
- b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 *et seq.*, and the MAP-21 amendment to 49 U.S.C. 5323(b), regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes, your Applicant will provide for fair and equitable treatment of displaced persons or persons whose property is acquired as a result of federally funded programs, and:
- (1) Your Applicant has the necessary legal authority under State and local laws and regulations to comply with:
    - (a) The Uniform Relocation Act. 42 U.S.C. 4601 *et seq.*, as specified by 42 U.S.C. 4630 and 4655, and
    - (b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR 24.4, and
  - (2) Your Applicant has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations, because:
    - (a) Your Applicant will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,
    - (b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, your Applicant will provide fair and reasonable relocation payments and assistance for displacement, resulting from any FTA funded Project, of:
      - 1 Families and individuals, and
      - 2 Partnerships, corporations, or associations,
    - (c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, your Applicant will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such displaced:
      - 1 Families and individuals, and
      - 2 Partnerships, corporations, or associations,
    - (d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement, your Applicant will make available comparable

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

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40 U.S.C. 3701 *et seq.*,

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- (1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and
  - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4,
- h. To the extent practicable, obtaining a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR 41.117(d), before accepting delivery of any FTA funded building,
- i. To the extent practicable, complying with, and assuring its Subrecipients located in special flood hazard areas comply with, section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:
- (1) Participating in the Federal flood insurance program, and
  - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more,
- j. To the extent practicable, complying with:
- (1) The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds, including a Federal loan, grant agreement, or cooperative agreement, and
  - (2) 49 U.S.C. 5323(l)(2), as amended by MAP-21, and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding made available or authorized for 49 U.S.C. chapter 53 and 23 U.S.C. 142(a)(2) to whom the Hatch Act does not otherwise apply,
- k. Performing the financial and compliance audits as required by the:
- (1) Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*,
  - (2) U.S. OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” Revised, and
  - (3) Most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT, and
- l. To the extent practicable, complying with all the provisions of all other Federal laws or regulations that apply, and follow Federal guidance governing your Applicant and its Project, except to the extent that FTA has expressly approved otherwise in writing.

### GROUP 02. LOBBYING.

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

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

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

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

On behalf of your Applicant, you certify that:

1. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," specifically 49 CFR 20.110:
  - a. The lobbying restrictions of this Certification apply to your Applicant's requests:
    - (1) For \$100,000 or more in Federal funding for a grant or cooperative agreement, and
    - (2) For \$150,000 or more in Federal funding for a loan, line of credit, or loan guarantee, and
  - b. Your Certification on behalf of your Applicant applies to the lobbying activities of:
    - (1) Your Applicant,
    - (2) Your Applicant's Principals, and
    - (3) Your Applicant's Subrecipients at the first tier,
2. To the best of your knowledge and belief:
  - a. No Federal appropriated funds have been or will be paid by or on its behalf to any person to influence or attempt to influence:
    - (1) An officer or employee of any Federal agency regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance, and
    - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance,
  - b. Your Applicant will submit a complete OMB Standard Form-LLL, "Disclosure of Lobbying Activities (Rev. 7-97)," consistent with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
    - (1) An officer or employee of any Federal agency regarding the award of a:
      - (a) Federal grant or cooperative agreement, or
      - (b) Federal loan, line of credit, loan guarantee, or loan insurance, and
    - (2) A Member of Congress, an employee of a member of Congress, or an officer

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- or employee of Congress regarding the award of a:
  - (a) Federal grant or cooperative agreement, or
  - (b) Federal loan, line of credit, loan guarantee, or loan insurance, and
- c. Your Applicant will include the language of this Certification in the award documents for all subawards at all tiers, including, but not limited to:
  - (1) Subcontracts,
  - (2) Subgrants,
  - (3) Subagreements, and
  - (4) Third party contracts under a:
    - (a) Federal grant or cooperative agreement, or
    - (b) Federal loan, line of credit, loan guarantee, or loan insurance,
- 3. Your Applicant understands that:
  - a. This Certification is a material representation of fact that the Federal government relies on, and
  - b. Your Applicant must submit this Certification before the Federal government may award funding for a transaction covered by 31 U.S.C. 1352, including a:
    - (1) Federal grant or cooperative agreement, or
    - (2) Federal loan, line of credit, loan guarantee, or loan insurance, and
- 4. Your Applicant also understands that any person who does not file a required Certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **GROUP 03. PRIVATE SECTOR PROTECTIONS.**

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

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

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

### A. Private Sector Property Protections.

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

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

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

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

### B. Charter Service Agreement.

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

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- charter service from receiving FTA funds,
  - (b) Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations, or
  - (c) Any other appropriate remedy that may apply, and
2. Exceptions. Apart from exceptions to the charter service restrictions in FTA's Charter Service Regulations, FTA has established the following additional exceptions to those restrictions:
- a. FTA's Charter Service restrictions do not apply to your Applicant seeking funding made available or appropriated for 49 U.S.C. 5307 to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, provided that your Applicant uses that FTA funding for program purposes only,
  - b. FTA's Charter Service restrictions do not apply to your Applicant seeking funding made available or appropriated for 49 U.S.C. 5310 to be used for New Freedom activities that would have been eligible for assistance under repealed 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, provided your Applicant uses that FTA funding for program purposes only, and
  - c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that recipient provides a private intercity or charter transportation operator reasonable access to that recipient's federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes as specified in 49 U.S.C. 5323(r), as amended by MAP-21.

### C. School Bus Agreement.

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

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

1. FTA's "School Bus Operations" regulations restrict school bus operations (as defined in the FTA regulations) using facilities and equipment acquired with Federal funding derived from:
  - a. Federal transit laws, 49 U.S.C. chapter 53, or
  - b. 23 U.S.C. 133 or 142,
2. FTA's school bus operations restrictions extend to:
  - a. Your Applicant, when it becomes a recipient of Federal funding made available or authorized for:

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- (1) Federal transit laws, 49 U.S.C. chapter 53, or
- (2) 23 U.S.C. 133 or 142,
- b. Any Third Party Participant that receives Federal funding derived from:
  - (1) Federal transit laws, 49 U.S.C. chapter 53, or
  - (2) 23 U.S.C. 133 or 142,
3. A Third Party Participant includes any:
  - a. Subrecipient at any tier,
  - b. Lessee,
  - c. Third Party Contractor or Subcontractor at any tier, and
  - d. Other Third Party Participant in the Project,
4. You and your Applicant agree, and will obtain the agreement of any Third Party Participant involved in your Applicant's Project, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
  - a. Federal transit laws, specifically 49 U.S.C. 5323(f) and (g), as amended by MAP-21,
  - b. FTA regulations, "School Bus Operations," 49 CFR Part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), as amended by MAP-21,
  - c. Any other Federal School Bus regulations, or
  - d. Federal guidance, except as FTA determines otherwise in writing,
5. You and your Applicant agree that the latest School Bus Agreement you have selected on its behalf in FTA's latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
6. You and your Applicant agree that FTA will bar your Applicant or any Third Party Participant that has violated this School Bus Agreement from receiving Federal transit funding in an amount FTA considers appropriate.

### **GROUP 04. PROCUREMENT AND PROCUREMENT SYSTEM.**

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

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

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

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

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

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

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

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

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

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

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

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

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

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- b. Your Applicant will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

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

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

On behalf of your Applicant, you certify that:

1. Because the MAP-21 cross-cutting requirement “Bus Testing” applies to all acquisitions of new buses and new bus models that require bus testing, your Applicant will comply with:
  - a. 49 U.S.C. 5318, as amended by MAP-21, and
  - b. FTA regulations, “Bus Testing,” 49 CFR part 665, to the extent these regulations are consistent with 49 U.S.C. 5318, as amended by MAP-21,
2. As required by 49 CFR 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration:
  - a. Your Applicant will not spend any Federal funds appropriated under 49 U.S.C. chapter 53 to acquire that bus until:
    - (1) The bus has been tested at FTA’s bus testing facility, and
    - (2) It has received a copy of the test report prepared on that new bus model, and
  - b. Your Applicant will not authorize final acceptance of the bus until:
    - (1) The bus has been tested at FTA’s bus testing facility,
    - (2) It has received a copy of the test report prepared on that new bus model,
3. Your Applicant will ensure that the bus that is tested has met the performance standards consistent with those regulations, including:
  - a. Performance standards for:
    - (1) Maintainability,
    - (2) Reliability,
    - (3) Performance (including braking performance),
    - (4) Structural integrity,
    - (5) Fuel economy,
    - (6) Emissions, and
    - (7) Noise, and
  - b. Minimum safety performance standards established under 49 U.S.C. 5329, as amended by MAP-21, and
4. After FTA has issued regulations authorized by 49 U.S.C. 5318(e)(2), as amended by MAP-21, your Applicant will ensure that the bus that is tested has received a passing aggregate test score under the “Pass/Fail” standard established under 49 U.S.C. 5318(e)(2), as amended by MAP-21.

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

*You must select the Certification in Group 06 on behalf of your Applicant if your*

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

*Applicant is a public entity, operates demand responsive service and intends to use FTA funding to acquire a non-rail vehicle that is not accessible, but financed with FTA funds made available or appropriated for:*

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

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

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

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

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

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

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

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

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

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

On behalf of your Applicant, you assure that:

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

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

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

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

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

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

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

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

On behalf of your Applicant, you certify that:

1. Your Applicant will not seek reimbursement for interest or other financing costs unless:
  - a. It is eligible to receive Federal funding for those costs, and
  - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, to the extent FTA may require, and
2. Your Applicant will comply with the same favorable financing cost provisions for:
  - a. Urbanized Area Formula Projects funded by MAP-21 or previous FTA enabling legislation,
  - b. Projects under Full Funding Grant Agreements funded by MAP-21 or previous FTA enabling legislation,
  - c. Projects with Early Systems Work Agreements funded by MAP-21 or previous FTA enabling legislation,
  - d. Fixed Guideway Capital Investment Projects funded by previous FTA enabling legislation,
  - e. State of Good Repair Projects funded by MAP-21,
  - f. Bus and Bus Facilities Projects funded by MAP-21, and
  - g. Low or No Emission Vehicle Development Projects funded by MAP-21.

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

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

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

1. Your Applicant will not use Federal funding authorized under 49 U.S.C. chapter 53 to finance the cost of leasing any capital asset until:
  - a. It performs calculations demonstrating that leasing the capital asset would be

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- more cost-effective than purchasing or constructing a similar asset, and
- b. It completes these calculations before the later of:
    - (1) Entering into the lease, or
    - (2) Receiving a capital grant for the asset, and
  2. Your Applicant will not enter into a capital lease for which FTA can provide only incremental Federal funding unless your Applicant has adequate financial resources to meet its future lease obligations if Federal funding is not available.

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

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

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

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

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

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

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

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*FTA has determined that MAP-21 requirements will apply to all funding for New Starts,*

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

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

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

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

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

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

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

On behalf of your Applicant, you certify that:

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

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

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

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

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

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

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

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writing, on behalf of your Applicant, you certify that:

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

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

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

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

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

- *Bus and Bus Facilities Formula Grant Program financed with funds made available or appropriated for 49 U.S.C. 5339, as amended by MAP-21, or*
- *Bus and Bus Related Equipment and Facilities Project financed with funds made available or appropriated for former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a previous fiscal year.*

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

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

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

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

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

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

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately,
4. Your Applicant will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C.5339, as amended by MAP-21, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - c. Any individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
  - d. Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C.5339, as amended by MAP-21, your Applicant will comply with the:
  - a. General provisions for FTA programs of 49 U.S.C. 5323, as amended by MAP-21, and

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- b. Third party procurement requirements of 49 U.S.C. 5325, as amended by MAP-21,
6. Your Applicant has complied with or will comply with 49 U.S.C. 5307(b), as amended by MAP-21, because it:
  - a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5339,
  - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
  - d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by U.S. DOT under 49 U.S.C. 5336 with federally funded transportation services supported by United States Government sources other than U.S. DOT,
  - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), as amended by MAP-21, your Applicant:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from approved non-Federal sources except if otherwise authorized by law, and
  - c. Will provide the local share funds when needed,
8. Your Applicant will comply with:
  - a. The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
  - b. The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,
9. Your Applicant has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
10. Your Applicant will comply with requirements for Public Transportation Agency Safety Plan requirements of 49 U.S.C. 5329, as amended by MAP-21.

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

*You must select the Certification in Group 14.B if your Applicant seeks funding for its Bus or Bus Related Equipment and Facilities Project financed with funds made available or appropriated for former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a*

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

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

- In FY 2013, you must have selected the Certifications and Assurances required by former 49 U.S.C. 5307(d)(1)(A) – (C) and (H) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead, or*
- You must have selected the Certification in Group 14.B.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,

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- b. Financial capacity to carry out its proposed Projects,
- c. Technical capacity to carry out its proposed Projects,
- d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
- e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately,
4. Your Applicant will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C. 5307, as amended by MAP-21, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - c. Any individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
  - d. Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C. 5307, as amended by MAP-21, your Applicant will comply with the:
  - a. General provisions for FTA programs of 49 U.S.C. 5323, and
  - b. Third party procurement requirements of 49 U.S.C. 5325,
6. Your Applicant has complied with or will comply with 49 U.S.C. 5307(b), as amended by MAP-21, because it:
  - a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5307,
  - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
  - d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by U.S. DOT under 49 U.S.C. 5336 with federally funded transportation services supported by United States Government sources other than U.S. DOT,
  - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of

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- Projects, and
- g. Has made or will make the final Program of Projects available to the public,
  7. As required by 49 U.S.C. 5307(d), as amended by MAP-21, your Applicant:
    - a. Has or will have the amount of funds required for the local share,
    - b. Will provide the local share funds from approved non-Federal sources except if otherwise authorized by law, and
    - c. Will provide the local share funds when needed,
  8. As required by 49 U.S.C. 5307(c)(1)(H) and 49 U.S.C. 5309(c)(2), as amended by MAP-21, your Applicant will comply with:
    - a. The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
    - b. The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,
  9. As required by 49 U.S.C. 5307(c)(1)(I), as amended by MAP-21, your Applicant has a locally developed process to solicit and consider public comment before:
    - a. Raising a fare, or
    - b. Implementing a major reduction of public transportation,
  10. Each fiscal year:
    - a. Your Applicant will ensure that at least one (1) percent of the amount of the 49 U.S.C. 5307 funding apportioned to the urbanized area is spent for public transportation security Projects as described in 49 U.S.C. 5307(c)(1)(J)(i) including:
      - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
      - (2) Increased camera surveillance of an area in or adjacent to that system,
      - (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
      - (4) Any other Project intended to increase the security and safety of an existing or planned public transportation, or
    - b. The Designated Recipients in your Applicant's urbanized area will certify that such expenditures for transportation security Projects are not necessary, (Information about the intentions of your Designated Recipients in the Applicant's urbanized area must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Program application in TEAM-Web),
  11. If your Applicant serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:
    - a. Each fiscal year, your Applicant will ensure that at least one (1) percent of the amount apportioned to the urbanized area is spent for Associated Transit Improvements, as defined in 49 U.S.C. 5302(1), as amended by MAP-21,
    - b. Your Applicant will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:
      - (1) A list of its Associated Transit Improvement Projects or Project activities during that Federal fiscal year using those 49 U.S.C. 5307 funds, or
      - (2) Sufficient information to demonstrate that the Designated Recipients in

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

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

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

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

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately,
4. Your Applicant will ensure that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any elderly individual,
  - b. Any handicapped individual, as described in 49 CFR part 27,
  - c. Any individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
  - d. Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting

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requirements that apply instead:

- a. Your Applicant will use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - b. Your Applicant will not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
  - c. As provided by the MAP-21 cross-cutting requirement, “Buy America,” your Applicant will comply with 49 U.S.C. 5323(j), as amended by MAP-21,
  - d. Your Applicant will comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - e. As provided by MAP-21 cross-cutting requirements, your Applicant will comply with applicable railcar option restrictions of 49 U.S.C. 5325(e), as amended by MAP-21, and
  - f. As required by the MAP cross-cutting requirement, “Veterans Preference/Employment,” your Applicant will comply with 49 U.S.C. 5325(k), as amended by MAP-21,
6. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, former 49 U.S.C. 5307(b) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 requirements that apply instead:
- a. For a capital project that will substantially affect a community or the public transportation service of a community, your Applicant:
    - (1) Has provided an adequate opportunity for public review and comment on its Project,
    - (2) After providing notice, has held a public hearing on the project if the project affects significant economic, social, or environmental interests,
    - (3) Has considered the economic, social, and environmental effects of the project, and
    - (4) Has found that the project is consistent with official plans for developing the community,
  - b. The notice of a hearing your Applicant published:
    - (1) Included a concise description of the proposed project, and
    - (2) Was published in a newspaper of general circulation in the geographic area the project will serve, and
  - c. Your Applicant’s application for a capital grant that will substantially affect a community, or the public transportation service of a community under former 49 U.S.C. chapter 53 in effect in FY 2012 or a previous fiscal year for a capital project described in paragraph (1) will include the following:
    - (1) A Certification that the applicant has complied with the requirements of 49 U.S.C. 5323(b)(1)(C), and
    - (2) In the environmental record for the project, evidence that your Applicant has complied with the requirements of 49 U.S.C. 5323(b)(1)(C).
7. Your Applicant:
- a. Has or will have the amount of funds required for the local share by former 49 U.S.C. 5307(e) in effect in FY 2012 or a previous fiscal year, except as

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- superseded by MAP-21 cross cutting requirements that apply instead,
- b. Will provide the local share funds from approved non-Federal sources except as permitted by former 49 U.S.C. 5307(e) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead, and
  - c. Will provide the local share funds when needed,
8. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21,
  9. Your Applicant has a locally developed process to solicit and consider public comment before:
    - a. Raising a fare, or
    - b. Implementing a major reduction of public transportation,
  10. Each fiscal year:
    - a. Your Applicant will spend at least one (1) percent of its 49 U.S.C. 5307 funding for public transportation security Projects (limited to capital Projects if your Applicant serves an urbanized area with a population of 200,000 or more), including:
      - (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. Your Applicant will certify that such expenditures for transportation security Projects are not necessary,  
(Information about your Applicant's intentions must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Program application in TEAM-Web),
  11. If your Applicant serves an urbanized area with a population of at least 200,000 individuals:
    - a. Each fiscal year, your Applicant will ensure that at least one (1) percent of the amount apportioned to the urbanized area is spent for Transit Enhancements, as defined in former 49 U.S.C. 5302(a)(15),
    - b. Your Applicant 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 your Applicant's urbanized area together have spent one (1) percent of the amount of funding that must be made available to them for Transit Enhancements or have included the same information in a separate report attached in TEAM-Web, and

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- c. The report of your Applicant or the Designated Recipients' Transit Enhancement Projects or Project activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
12. As required by the MAP-21 cross-cutting requirement, "Agency Safety Plans," your Applicant will comply with its Public Transportation Agency Safety Plan, as required by 49 U.S.C. 5329, as amended by MAP-21.

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

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

1. The following Certification for the Urbanized Area Formula Grants Program are required by former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. Your Applicant will make awards of JARC funding on a competitive basis following:
    - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5316, and
    - (2) A statewide solicitation for applications for JARC funding in compliance with former 49 U.S.C. 5316,
  - b. Any allocations to Subrecipients of JARC funding authorized by former 49 U.S.C. 5316 will be distributed on a fair and equitable basis,
  - c. As required by former 49 U.S.C. 5316:
    - (1) The projects your Applicant has selected or will select for funding made available or appropriated for that program were derived from a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated,
    - (2) That locally developed, coordinated plan was produced through a process that included:
      - (a) Representatives of public, private, and nonprofit transportation providers,
      - (b) Representatives of public, private, and nonprofit human services providers, and
      - (c) Participation by the public,
  - d. Before your Applicant transfers funds to a project funded by former 49 U.S.C. 5336, that project has been or will have been coordinated with private

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

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cutting requirements that apply instead, your Applicant will, and will require each Subrecipient to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1. The following Certification for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as

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superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:

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

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- maximum feasible coordination of transportation services funded by former 49 U.S.C. 5310 with transportation services funded by other Government sources, and
- g. Your Applicant will comply with the requirements of former 49 U.S.C. 5307 that FTA determined will apply to the former Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program,
2. The following Certification for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:
- a. Your State Applicant and each of its Subrecipients have or will have the:
- (1) Legal capacity to carry out its proposed Projects,
  - (2) Financial capacity to carry out its proposed Projects,
  - (3) Technical capacity to carry out its proposed Projects,
  - (4) Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - (5) Necessary capacity to carry out the security aspects of its proposed Projects,
- b. Your State Applicant and each Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
- c. Your State Applicant and each of its Subrecipients will maintain its Project equipment and facilities adequately,
- d. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead, your Applicant will, and will require each Subrecipient to, do the following:
- (1) Use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - (2) Not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
  - (3) As provided by the MAP-21 cross-cutting requirement, "Buy America," comply with 49 U.S.C. 5323(j), as amended by MAP-21,
  - (4) Comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - (5) As provided by MAP-21 cross cutting requirement, "Rail Car Procurement," comply with the railcar option restrictions of 49 U.S.C. 5325(e), as amended by MAP-21, and
  - (6) As required by the MAP-21 cross-cutting requirement, "Veterans Preference/Employment," comply with 49 U.S.C. 5325(k), as amended by MAP-21,
- e. Your State Applicant:
- (1) Has or will have and, as necessary, will require each Subrecipient to have

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- the amount of funds required for the local share by former 49 U.S.C. 5307(e) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead,
- (2) Will provide and, as necessary, will require each Subrecipient to provide the local share funds from approved non-Federal sources except as permitted by former 49 U.S.C. 5307(e) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead, and
  - (3) Will provide and, as necessary, will require each Subrecipient to provide the local share funds when needed,
- f. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21, and
  - g. To the extent applicable, as required by the MAP-21 cross-cutting requirement, "Agency Safety Plans," your State Applicant will comply with and, as necessary, will require each Subrecipient to comply with, its Public Transportation Agency Safety Plan, as required by 49 U.S.C. 5329, as amended by MAP-21.

### C. New Freedom Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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8. Your Applicant may transfer a facility or equipment acquired using a grant under 49 U.S.C. 5311(b) to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
  - a. The recipient in possession of the facility or equipment consents to the transfer, and
  - b. The facility or equipment will continue to be used as required under 49 U.S.C. 5311, as amended by MAP-21, and
9. Each fiscal year:
  - a. Your Applicant will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities, including:
    - (1) Planning and marketing for intercity bus transportation,
    - (2) Capital grants for intercity bus facilities,
    - (3) Joint-use facilities,
    - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
    - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
  - b. Your Applicant will provide to the Federal Transit Administrator a Certification of the Governor of the State that:
    - (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
    - (2) The State's intercity bus service needs are being met adequately.

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

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

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

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

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

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(2) The State's intercity bus service needs are being met adequately.

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

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

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

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

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

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

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

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### GROUP 18. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS AND “TRIBAL TRANSIT” PROGRAMS.

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

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

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

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

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

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

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

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

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

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1. Your Applicant has or will have the necessary legal, financial, and managerial capability to:
  - a. Apply, receive and disburse 49 U.S.C. 5311(c)(1) funding, and
  - b. Carry out each Project, including the:
    - (1) Safety aspects of its proposed Projects, and
    - (2) Security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant's Project equipment and facilities will be adequately maintained,
4. Your Applicant's Project will achieve maximum feasible coordination with transportation service funded by other Federal sources,
5. Your Applicant will:
  - a. Have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18, specifically 49 CFR 18.36, or
  - b. Inform FTA promptly that its procurement system does not comply with those U.S. DOT regulations, and
6. Your Applicant will comply with the Certifications, Assurances, and Agreements in:
  - a. Group 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
  - b. Group 05.B (Bus Testing),
  - c. Group 06 (Demand Responsive Service),
  - d. Group 07 (Intelligent Transportation Systems), and
  - e. Group 10 (Alcohol and Controlled Substances Testing).

### **B. "Tribal Transit" Program.**

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

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

1. Your Applicant has or will have the necessary legal, financial, and managerial capability to:
  - a. Apply, receive and disburse 49 U.S.C. 5311(c)(1) funding, and
  - b. Carry out each Project, including the:

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

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

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

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

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

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

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*previous fiscal year.*

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

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

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

*You must select the Certification in Group 19.A, if your Applicant seeks funding for its Low or No Emission Vehicle Development Project financed with funds made available or appropriated for 49 U.S.C. 5312(d)(5), as amended by MAP-21.*

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

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed Projects,
  - b. Financial capacity to carry out its proposed Projects,
  - c. Technical capacity to carry out its proposed Projects,
  - d. Necessary capacity to carry out the safety aspects of its proposed Projects, and
  - e. Necessary capacity to carry out the security aspects of its proposed Projects,
2. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Your Applicant will maintain its Project equipment and facilities adequately,
4. Your Applicant will ensure that, during non-peak hours, for transportation using or involving a facility or equipment funded for its Project, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
  - a. Any senior,
  - b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability), and cannot use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
  - c. Any individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or

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- d. Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under this Program, your Applicant will comply with the:
  - a. General provisions for FTA programs of 49 U.S.C. 5323, and
  - b. Third party procurement requirements of 49 U.S.C. 5325,
6. Your Applicant:
  - a. Has informed or will inform the public of the amounts of its funding available under this Program,
  - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
  - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,
  - d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - e. Has assured or will assure that the proposed Program of Projects provide for coordination of transportation services with federally funded transportation services supported by United States Government sources other than U.S. DOT,
  - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
  - g. Has made or will make the final list of Projects available to the public,
7. Your Applicant:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from approved non-Federal sources, except if otherwise authorized by law, and
  - c. Will provide the local share funds when needed,
8. Your Applicant will comply with:
  - a. The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
  - b. The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,
9. Your Applicant has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
10. Your Applicant will comply with its Public Transportation Agency Safety Plan as required by 49 U.S.C. 5329, as amended by MAP-21.

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

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

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

1. Your Applicant has or will have the:
  - a. Legal capacity to carry out its proposed projects,
  - b. Financial capacity to carry out its proposed projects,
  - c. Technical capacity to carry out its proposed projects,
  - d. Safety aspects of its proposed projects, and
  - e. Security aspects of its proposed projects,
2. Your Applicant has or will have satisfactory continuing control over the use of project equipment and facilities,
3. Your Applicant will maintain the project equipment and facilities adequately,
4. Your Applicant will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving project facilities or equipment supported under former 49 U.S.C. 5308:
  - a. Elderly individuals,
  - b. Individuals with disabilities, or
  - c. Individuals presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 *et seq.* or 42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead:
  - a. Your Applicant will use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - b. Your Applicant will not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
  - c. As provided by the MAP-21 cross-cutting requirement, "Buy America," your Applicant will comply with 49 U.S.C. 5323(j), as amended by MAP-21,
  - d. Your Applicant will comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - e. As provided by MAP-21 cross cutting requirement, "Rail Car Procurement," your Applicant will comply with the railcar option restrictions of 49 U.S.C. 5325(e), as amended by MAP-21, and

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- f. As required by the MAP-21 cross-cutting requirement, “Veterans Preference/Employment,” your Applicant will comply with 49 U.S.C. 5325(k), as amended by MAP-21,
6. Your Applicant has complied with or will comply with former 49 U.S.C. 5307(c) because it:
  - a. Has informed or will inform the public of the amounts of its Clean Fuels Grant Program funds available under 49 U.S.C. 5308, and the projects it proposes to undertake,
  - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, the projects proposed to be funded,
  - c. Has published or will publish a list of its projects in a way that affected citizens, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed projects and its performance,
  - d. Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
  - e. Has assured or will assure that the proposed Program of Projects provide for coordination of transportation services with federally funded transportation services supported by United States Government sources other than U.S. DOT,
  - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
  - g. Has made or will make the final list of projects available to the public,
7. Your Applicant:
  - a. Has or will have the amount of funds required for the local share,
  - b. Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
  - c. Will provide the local share funds when needed,
8. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21
9. Your Applicant has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation, and
10. Consistent with the MAP-21 cross-cutting requirement, “Safety,” your Applicant will comply with its Public Transportation Agency Safety Plan requirements of 49 U.S.C. 5329, as amended by MAP-21.

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

*The Certification in Group 20 is in addition to other Certifications and Assurances listed previously that are required for Paul S. Sarbanes Transit in Parks Program funding,*

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*former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.*

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

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

*Before FTA may provide funding made available or appropriated for your Project, on behalf of your Applicant, you must have selected the Certification in Group 20 and other Certifications and Assurances listed previously that are required for the funding your Applicant seeks.*

1. The following Certification for the Paul S. Sarbanes Transit in Parks Program (Parks Program) is required by former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 requirements that apply instead. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
  - a. Your Applicant will consult with the appropriate Federal land management agency during the planning process, and
  - b. The requirements of former 49 U.S.C. 5307, as determined by FTA, will apply to the Parks Program, authorized by former 49 U.S.C. 5320, and
2. FTA has determined certain requirements of former 49 U.S.C. 5307 to be appropriate for the Parks Program, of which some require Certifications. Therefore as specified under former 49 U.S.C. 5307(d)(1), except as superseded by MAP-21 cross-cutting requirements, you certify that:
  - a. Your Applicant has or will have the:
    - (1) Legal capacity to carry out its proposed projects,
    - (2) Financial capacity to carry out its proposed projects,
    - (3) Technical capacity to carry out its proposed projects,
    - (4) Safety aspects of its proposed projects, and
    - (5) Security aspects of its proposed projects,
  - b. Your Applicant has or will have satisfactory continuing control over the use of project equipment and facilities,

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- c. Your Applicant will maintain the project equipment and facilities adequately,
- d. When carrying out a procurement under former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead:
  - (1) Your Applicant will use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
  - (2) Your Applicant will not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
  - (3) As provided by the MAP-21 cross-cutting requirement, "Buy America," your Applicant will comply with 49 U.S.C. 5323(j), as amended by MAP-21,
  - (4) Your Applicant will comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
  - (5) As provided by MAP-21 cross cutting requirement, "Rail Car Procurement," comply with the railcar option restrictions of 49 U.S.C. 5325(e), as amended by MAP-21, and
  - (6) As required by the MAP-21 cross-cutting requirement, "Veterans Preference/Employment," your Applicant will comply with 49 U.S.C. 5325(k), as amended by MAP-21,
- e. Your Applicant has complied or will comply with the requirements of former 49 U.S.C. 5307(c). Specifically, your Applicant:
  - (1) Has made or will make available to the public information on the amounts available for the Parks Program, former 49 U.S.C. 5320, and the projects it proposes to undertake,
  - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, projects to be financed,
  - (3) Has published or will publish a list of proposed projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant,
  - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
  - (5) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
  - (6) Has made or will make the final list of projects available to the public,
- f. Your Applicant:
  - (1) Has or will have the amount of funds required for the local share,
  - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
  - (3) Will provide the local share funds when needed,
- g. Your Applicant has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5301, 5303, and 5304, as amended by MAP-21, and

## **FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES**

- h. Your Applicant has a locally developed process to solicit and consider public comment before:
- (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation.

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

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

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

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

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

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

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

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

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

*At the time the FY 2013 Certifications and Assurances for various FTA programs were issued, the Certification and Assurance requirements for the Public Transportation*

## **FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES**

*Emergency Relief Program, authorized under 49 U.S.C. 5324, as amended by MAP-21, were not formally established.*

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

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

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

As required by 49 U.S.C. 5324(d)(1), as amended by MAP-21, on behalf of your Applicant, you assure that your Applicant will comply with the requirements of the Certifications and Assurances as FTA determines will apply to an Applicant for funding made available or appropriated for the Public Transportation Emergency Relief Program.

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

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

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

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

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

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

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

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

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

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

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

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

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

*The Certifications and Assurances apply to requests for Transportation Infrastructure*

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

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

1. To comply with 49 U.S.C. 5307, specifically 49 U.S.C. 5307(d)(1), on behalf of your Applicant, you certify that:
  - a. Your Applicant has or will have the:
    - (1) Legal capacity to carry out its proposed Projects,
    - (2) Financial capacity to carry out its proposed Projects,
    - (3) Technical capacity to carry out its proposed Projects,
    - (4) Necessary capacity to carry out the safety aspects of its proposed Projects, and
    - (5) Necessary capacity to carry out the security aspects of its proposed Projects,
  - b. Your Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
  - c. Your Applicant will maintain its Project equipment and facilities adequately,
  - d. Your Applicant will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a TIFIA-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare will be charged to the following individuals:
    - (1) A senior,
    - (2) An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
    - (3) An individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
    - (4) An individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
  - e. When carrying out a TIFIA-funded procurement, your Applicant will comply with:
    - (1) 49 U.S.C. 5323, and
    - (2) 49 U.S.C. 5325,

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- f. Your Applicant has complied with or will comply with 49 U.S.C. 5307(b), as amended by MAP-21, because it:
    - (1) Has made or will make available to the public information on amounts of its TIFIA funding request(s),
    - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
    - (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
    - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
    - (5) Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by U.S. DOT under TIFIA with federally funded transportation services supported by United States Government sources other than U.S. DOT,
    - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
    - (7) Has made or will make the final Program of Projects available to the public,
  - g. Your Applicant:
    - (1) Has or will have at least (twenty) 20 percent of the TIFIA net project costs required for the local share,
    - (2) Will provide the local share funds from approved non-Federal sources, and
    - (3) Will provide the local share funds when needed,
  - h. Your Applicant will comply with:
    - (1) The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
    - (2) The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,
  - i. Your Applicant has a locally developed process to solicit and consider public comment before:
    - (1) Raising a fare, or
    - (2) Implementing a major reduction of public transportation, and
  - j. Your Applicant will comply with the 49 U.S.C. 5329(d) requirements for a Public Transportation Agency Safety Plan, and
2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, your Applicant agrees that it will not seek reimbursement for interest and other financing costs incurred in connection with its Project that must be in compliance with those requirements unless:

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- a. It is eligible to receive Federal funding for those expenses, and
  - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
3. To comply with the requirements of 49 U.S.C. 5337(a)(4), your Applicant agrees that it will adopt a transit asset management plan that complies with 49 U.S.C. 5326(d).

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

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

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

1. Your Applicant will comply with the following applicable Federal laws establishing the various SIB programs since 1995:
  - a. 23 U.S.C. 610, as amended by MAP-21,
  - b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
  - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or
  - d. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181,
2. Your Applicant will comply with or follow the Cooperative Agreement establishing the State's SIB program between:
  - a. Your Applicant and FHWA, FRA, and FTA, or
  - b. Your Applicant and FHWA and FTA,
3. Your Applicant will comply with or follow the Grant Agreement that provides FTA funding for the SIB and is between your Applicant and FTA including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that any provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
  - a. 23 U.S.C. 610, as amended by MAP-21,
  - b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
  - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note,
  - d. Federal guidance pertaining to the SIB Program,
  - e. The Cooperative Agreement establishing the State's SIB Program, or
  - f. The FTA Grant Agreement,
4. As required by 49 U.S.C. 5323(o), Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, as amended by MAP-21, apply to any

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

Project under 49 U.S.C. chapter 53 that receives SIB support or financing under 23 U.S.C. 610 (or any support from 23 U.S.C. 601 – 609),

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

## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

- proposed Program of Projects and its performance as an Applicant or Recipient,
- (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
  - (5) Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by U.S. DOT under 49 U.S.C. 5336 and the SIB Program with federally funded transportation services supported by United States Government sources other than U.S. DOT,
  - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
  - (7) Has made or will make the final Program of Projects available to the public,
- g. Your Applicant:
- (1) Has or will have the amount of funds required for the local share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
  - (2) Will provide the local share funds from approved non-Federal sources, and
  - (3) Will provide the local share funds when needed,
- h. Your Applicant will comply with the:
- (1) The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and
  - (2) The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,
- i. Your Applicant has a locally developed process to solicit and consider public comment before:
- (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation, and
- j. As required by 49 U.S.C. 5307(c)(1)(L), it will comply with the 49 U.S.C. 5329(d) requirements for a Public Transportation Agency Safety Plan, and
2. As required by 49 U.S.C. chapter 53, your Applicant certifies that it will not seek reimbursement for interest and other financing costs incurred in connection with its Project unless:
    - a. It is eligible to receive Federal funding for those expenses, and
    - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
  3. To comply with the requirements of 49 U.S.C. 5337(a)(4), your Applicant agrees that it will adopt a transit asset management plan that complies with 49 U.S.C. 5326(d).

Selection and Signature Page(s) follow.

**FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES**

# FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

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

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

**The Applicant agrees to comply with applicable provisions of Groups 01 – 24. \_\_\_\_\_**

**OR**

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

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

# FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

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

## AFFIRMATION OF APPLICANT

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

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

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

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

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

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

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

Name \_\_\_\_\_

Authorized Representative of Applicant

## AFFIRMATION OF APPLICANT'S ATTORNEY

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

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

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

## 56 DBE COMPLIANCE AND SUBCONTRACTING

a. The Contractor shall cooperate with the Authority in meeting commitments and goals with regard to the maximum utilization of Disadvantaged Business Enterprises (DBE). Best efforts shall be used on the Project to ensure DBE receive the maximum opportunity to compete for subcontracts.

b. A stated goal of the Authority is that of DBE's will be afforded full opportunity to participate in this Project and will not be discriminated against on the grounds of race, sex, color, religion, ancestry, national origin, physical handicap including AIDS, marital status, age over forty or cancer-related medical condition.

c. Requests for general information regarding the DBE program, shall be addressed during the questions period specified in Section 1.4 of this document.

d. The Contractor agrees to ensure that certified DBE firms are provided the maximum opportunity to participate in the performance of Work under the Contract. The DBE participation that the Contractor commits to in its Proposal that meets or exceeds the contract goal shall become the goal of record, and the Authority shall enforce the DBE participation committed to in the Proposal. If the Contractor cannot meet the stated DBE contract goal, the Contractor shall provide the Authority with information necessary to establish Contractor's good faith efforts to obtain the DBE participation goal. Successful achievement of good faith efforts will be based on criteria specified by the Authority, which includes the following areas:

(1) **Advertisement**

Copies of advertisements placed in at least one general circulation media, one trade association publication and one minority focused media at least twenty (20) days prior to the Proposal due date.

(2) **Community Outreach**

Copies of letters, telephone logs and faxes used to contact organizations/groups, including names of organizations/groups, dates, names of contacts, telephone numbers and copies of correspondence received from any of these organizations/groups acknowledging contact by the Contractor.

(3) **Defining Scope of Work**

The Contractor shall determine the portion of the Work that is intended to be performed by its own workforce and that portion of the Work that has been identified for subcontracting.

(4) **Written Requests for Proposal**

Extend written Invitations for Quote/Proposal to DBE firms for all Work that the Contractor intends to subcontract and provide specification requirements to DBE's.

(5) Solicitation Follow-up

Oral and/or written follow-up of initial solicitation of DBE firms.

(6) Attend Pre-Bid/Proposal Conference

Although attendance at Pre-Bid/Proposal Conferences scheduled by the Authority is optional, this is one of the criteria for meeting good faith efforts.

(7) List of Proposals from DBE's

If applicable, documentation showing instances where the Contractor negotiated in good faith with DBE's and did not unjustifiably reject proposals prepared by any DBE.

e. The Authority may verify that all information is complete, accurate and adequately documents the Contractor's good faith efforts before committing itself to the performance of the Contract by the Contractor. An opportunity for an administrative reconsideration is available whenever a good faith effort is challenged. The Contractor has the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts. The Authority's decision on reconsideration will be made by an official who did not take part in the original determination that the Contractor failed to meet the goal or make adequate good faith efforts to do so.

f. Compliance with DBE Requirements

The Contractor shall fully comply with the requirements and provisions set forth in the SFRTA/Tri-Rail DBE Requirements, including the Authority only counting the value of the work toward the DBE contract goal only when a DBE performs a commercially useful function as part of the Contract. The Authority will evaluate such relevant factors as the amount of work subcontracted, industry practices and whether the amount paid is commensurate with the work performed. Failure to carry out these DBE Requirements is a material breach of this Contract by the Contractor that may result in the termination of this Contract or such other remedy as the Authority deems appropriate.

g. The Contractor shall submit a schedule of DBE participation for those DBE firms it intends to utilize during the Project and an Intent To Perform as Subcontractor form from each proposed DBE Subcontractor.

h. Monthly Subcontractor Utilization Report & Monthly Employee Utilization Report

The Contractor shall provide a Monthly Subcontractor Utilization Report and a Monthly

Employee Utilization Report with each application for payment. These forms are included in this package with the "SFRTA/Tri-Rail DBE Requirements".

b. Funds Received or Made Available for the Project. The Recipient agrees to deposit in a financial institution all advance Project payments it receives from the Federal Government and to record in the Project Account all amounts provided by the Federal Government for the Project and all other funds provided for, accruing to, or otherwise received on account of the Project (Project funds) in compliance with applicable Federal laws, regulations, and directives, except to the extent that FTA determines otherwise in writing. FTA encourages the use of financial institutions owned at least fifty (50) percent by minority group members.

c. Documentation of Project Costs and Program Income. Except to the extent that FTA determines otherwise in writing, the Recipient agrees to support all costs charged to the Project, including any approved services or property contributed by the Recipient or others, with properly executed payrolls, time records, invoices, contracts, or vouchers describing in detail the nature and propriety of the charges, including adequate records to support the costs the Recipient has incurred underlying any payment FTA has agreed to participate in based on a “payable” milestone. The Recipient also agrees to maintain accurate records of all program income derived from Project implementation, except certain income FTA determines to be exempt from Federal program income requirements.

d. Checks, Orders, and Vouchers. The Recipient agrees that it will not draw checks, drafts, or orders for property or services to be charged against the Project Account until it has received and filed a properly signed voucher describing in proper detail the purpose for the expenditure.

## **Section 8. Reporting, Record Retention, and Access.**

a. Types of Reports. The Recipient agrees to submit to FTA all reports required by Federal laws and regulations, and directives, the Grant Agreement or Cooperative Agreement for the Project, this Master Agreement, and any other reports FTA may specify, except to the extent that FTA determines otherwise in writing.

b. Report Formats. The Recipient agrees that all reports and other documents or information intended for public availability developed in the course of the Project and required to be submitted to FTA must be prepared and submitted in electronic and or typewritten hard copy formats as FTA may specify. Electronic submissions must comply with the electronic accessibility provisions of Subsections 12.g(9) and 15.u of this Master Agreement. FTA also reserves the right to specify that records be submitted in other formats.

c. Record Retention. During the course of the Project and for three years thereafter from the date of transmission of the final expenditure report, the Recipient agrees to maintain intact and readily accessible all data, documents, reports, records, contracts, and supporting materials relating to the Project as the Federal Government may require.

d. Access to Records of Recipients and Subrecipients. The Recipient agrees to permit, and require its subrecipients to permit, the U.S. Secretary of Transportation, the Comptroller General of the United States, and, to the extent appropriate, the State, or their authorized representatives,

upon their request to inspect all Project work, materials, payrolls, and other data, and to audit the books, records, and accounts of the Recipient and its subrecipients pertaining to the Project, as required by 49 U.S.C. § 5325(g).

e. Project Closeout. The Recipient agrees that Project closeout does not alter the reporting and record retention requirements of this Section 8 of the Master Agreement.

## **Section 9. Payments.**

The Recipient agrees that it will not seek payment from FTA for Project costs until it has executed the Grant Agreement or Cooperative Agreement for the Project.

a. Recipient's Request for Payment. Except to the extent that FTA determines otherwise in writing, to obtain a payment for Project expenses from FTA, the Recipient agrees to:

(1) Demonstrate or certify that it will provide adequate local funds that, when combined with Federal payments, will cover all costs to be incurred for the Project. Except to the extent that the Federal Government determines in writing that the Recipient may defer its provision of its local share for the Project, a Recipient required under the terms of Federal law, regulation, directive, the Grant Agreement or Cooperative Agreement to provide a local share for the Project agrees that it will not:

(a) Request or obtain Federal funds exceeding the amount justified by the local share previously provided, and

(b) Take any action that would cause the proportion of Federal funds made available to the Project at any time to exceed the percentage authorized by the Grant Agreement or Cooperative Agreement for the Project,

(2) Submit to FTA all financial and progress reports required to date by the Grant Agreement or Cooperative Agreement for the Project and this Master Agreement, and

(3) Identify the source(s) of Federal assistance provided for the Project from which the payment is to be derived.

b. Payment by FTA. Except to the extent FTA determines otherwise in writing, the Recipient agrees that FTA will make all payments of Federal assistance through the Automated Clearing House (ACH) method of payment regardless of the amount involved, but not before the Recipient has executed the Grant Agreement or Cooperative Agreement for the Project, in accordance with the following provisions:

(1) Electronic Clearing House Operation Payments. If payment is made through the FTA Electronic Clearinghouse Operation (ECHO) using an ECHO Control Number, the Recipient agrees to comply with: FTA's ECHO requirements that implement U.S. Department of Treasury (U.S. Treasury) Circular 1075, Part 205, "Withdrawal of Cash from the Treasury for Advances