

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

### CATEGORY 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.

#### 01.A. Certifications and Assurances of Authority of the Applicant and Its Representative.

The Applicant certifies and affirms that in signing these Certifications, Assurances, and Agreements, both the Applicant, as the Applicant's Authorized Representative, and the Applicant's attorney who is authorized to represent the Applicant in legal matters, may undertake the following activities on the Applicant's behalf, in compliance with applicable state, local, or Indian tribal laws, regulations, and requirements and the Applicant's by-laws or internal rules:

1. Execute and file its application for federal assistance,
2. Execute and file its Certifications, Assurances, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,
3. Comply with applicable federal laws, regulations, and requirements, and
4. Follow applicable Federal guidance.

#### 01.B. Standard Assurances.

The Applicant assures that it understands and agrees to the following:

1. The Applicant will comply with all applicable federal laws, regulations, and requirements in implementing its Award.
2. The Applicant is under a continuing obligation to comply with the terms and conditions of the FTA Master Agreement and other documents for each Award.
3. The Applicant recognizes that federal laws, regulations, and requirements may be amended from time to time and those amendments may affect the implementation of its Award.
4. The Applicant understands that Presidential executive orders and federal guidance, including federal policies and program guidance, may be issued concerning matters affecting the Applicant or its Award.
5. The Applicant agrees that the most recent federal laws, regulations, requirements, and guidance will apply to its Award, unless FTA determines otherwise in writing.
6. Except as FTA determines otherwise in writing, the Applicant agrees that requirements for FTA programs may vary depending on the fiscal year for which the federal assistance for those programs was appropriated or made available.

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

### 01.C. Intergovernmental Review Assurance.

*(This assurance in this Category 01.C does not apply to an Indian tribe, an Indian organization, or an Indian tribal organization that applies for federal assistance made available under 49 U.S.C. § 5311(c)(1), which authorizes FTA's Tribal Transit Programs.)*

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, the Applicant assures that it has submitted or will submit each application for federal assistance to the appropriate state and local agencies for intergovernmental review.

### 01.D. Nondiscrimination Assurance.

The Applicant assures that:

1. The Applicant will comply with the following laws, regulations, and requirements 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-assisted 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 including:
  - a. Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination on the basis of race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity),
  - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d,
  - c. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (prohibiting discrimination on the basis of race, color, religion, sex, (including gender identity and sexual orientation) or national origin,
  - d. Executive Order No. 11246, "Equal Employment Opportunity" September 24, 1965, 42 U.S.C. § 2000e note, as amended by any later Executive Order that amends or supersedes it in part and is applicable to federal assistance programs,
  - e. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 et seq.,
  - f. U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25,
  - g. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, et seq.,
  - h. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 et seq.,
  - i. 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,

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- j. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
  - k. Any other applicable federal statutes that may be signed into law, federal regulations that may be issued, or federal requirements that may be imposed,
2. The Applicant will comply with federal guidance implementing federal nondiscrimination laws, regulations, or requirements, except as FTA determines otherwise in writing.
3. As required by 49 CFR § 21.7:
- a. The Applicant will comply with 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 in the manner that:
    - (1) It implements its Award,
    - (2) It undertakes property acquisitions, and
    - (3) It operates all parts of its facilities, as well as its facilities operated in connection with its Award,
  - b. This assurance applies to the Applicant's Award and to all parts of its facilities, as well as its facilities used to implement its Award,
  - c. The Applicant will promptly take the necessary actions to carry out this assurance, including the following:
    - (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA Headquarters Office of Civil Rights, and
    - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request.
  - d. If the Applicant transfers U.S. DOT or FTA assisted-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 assistance is extended, or
    - (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, or
    - (3) This assurance.
  - f. The 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 law, 49 U.S.C. § 5332,
  - g. The Applicant will comply with applicable federal guidance issued to implement federal nondiscrimination requirements, except as FTA determines otherwise in writing.
  - h. The Applicant will extend the requirements of 49 U.S.C. § 5332, as

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- amended by MAP-21, 42 U.S.C. § 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
- (1) Subrecipient,
  - (2) Transferee,
  - (3) Third Party Contractor or Subcontractor at any tier,
  - (4) Successor in Interest,
  - (5) Lessee, or
  - (6) Other Participant in its Award, except FTA and the Applicant (and later becomes the Recipient).
- i. The Applicant will include adequate provisions to extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each third party agreement, including each:
    - (1) Subagreement at any tier,
    - (2) Property transfer agreement,
    - (3) Third party contract or subcontract at any tier,
    - (4) Lease, or
    - (5) Participation agreement.
  - j. The assurances the Applicant has made will remain in effect as long as FTA determines appropriate, including, for example, as long as:
    - (1) Federal assistance is provided for the Applicant's Award,
    - (2) The Applicant's property acquired or improved with federal assistance is used for a purpose for which the federal assistance is extended, or for a purpose involving similar services or benefits,
    - (3) The Applicant retains ownership or possession of its property acquired or improved with federal assistance provided for its Award,
    - (4) The Applicant transfers property acquired or improved with federal assistance, for the period during which the real property is used for a purpose for which the financial assistance is extended or for another purpose involving the provision of similar services or benefits, or
    - (5) FTA may otherwise determine in writing.
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. § 5332, the Applicant assures that:
- a. The Applicant will comply with the following prohibitions against discrimination based on disability listed below in subsection 4b of this Category 01.D. Assurance of which compliance is a condition of approval or extension of any FTA assistance awarded to:
    - (1) Construct any facility,
    - (2) Obtain any rolling stock or other equipment,
    - (3) Undertake studies,
    - (4) Conduct research, or
    - (5) Participate in any benefit or obtain any benefit from any FTA administered program.
  - b. In any program or activity receiving or benefiting from federal assistance

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

that U.S. DOT administers, no qualified individuals with a disability will, because of his or her disability, be:

- (1) Excluded from participation,
- (2) Denied benefits, or
- (3) Otherwise subjected to discrimination.

### **01.E. Procurement Certification.**

The Applicant agrees to comply with:

- a. U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 200, particularly 2 CFR §200.317-26 “Procurement Standards;
- b. Federal laws, regulations, and requirements applicable to FTA procurements; and
- c. The latest edition of FTA Circular 4220.1 and other applicable federal guidance.

### **01.F. Suspension and Debarment, Tax Liability, and Felony Convictions Certification.**

#### **01.F.1 Suspension and Debarment.**

The Applicant certifies that:

- a. The 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.
- b. To the best of the Applicant’s knowledge and belief, that the Applicant’s Principals and Subrecipients at the first tier:
  - (1) Are eligible to participate in covered transactions of any federal department or agency and are not presently:
    - (a) Debarred,
    - (b) Suspended,
    - (c) Proposed for debarment,
    - (d) Declared ineligible,
    - (e) Voluntarily excluded, or
    - (f) Disqualified.
  - (2) Within a three-year period preceding its latest application or proposal, the Applicant’s management has not been convicted of or had a civil judgment rendered against any of them for:
    - (a) 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,
    - (b) Violation of any federal or state antitrust statute, or
    - (c) Commission of embezzlement, theft, forgery, bribery, falsification or

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- destruction of records, making any false statement, or receiving stolen property.
- (3) The 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 subsection b (2) of this Certification.
  - (4) The 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.
  - (5) If, at a later time, the Applicant receives any information that contradicts the preceding statements of subparagraphs a or b of this Category 01 F Certification, the Applicant will promptly provide that information to FTA.
  - (6) The Applicant will treat each lower tier contract or subcontract under its Award as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
    - (a) Equals or exceeds \$25,000,
    - (b) Is for audit services, or
    - (c) Requires the consent of a federal official.
  - (7) The Applicant will require that each covered lower tier contractor and subcontractor:
    - (a) Comply and facilitate compliance with the federal requirements of 2 CFR parts 180 and 1200, and
    - (b) Assure that each lower tier participant in its Award is not presently declared by any federal department or agency to be:
      - 1 Debarred from participation in any federally assisted Award,
      - 2 Suspended from participation in any federally assisted Award,
      - 3 Proposed for debarment from participation in any federally assisted Award,
      - 4 Declared ineligible to participate in any federally assisted Award,
      - 5 Voluntarily excluded from participation in any federally assisted Award, or
      - 6 Disqualified from participation in any federally assisted Award.
- c. The Applicant will provide a written explanation if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Category 01.F.1 Certification.

### **01.F.2. Tax Liability.**

If your Applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, on behalf of your Applicant, you certify that:

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- a. Your Applicant and its prospective Subrecipients have no unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- b. Your Applicant and its Subrecipients will follow applicable U.S. DOT guidance when issued.

### **01.F.3. Felony Convictions.**

If your Applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, on behalf of your Applicant, you certify that:

- a. The Applicant and its prospective Subrecipients have not been convicted of a felony criminal violation under any federal law within the preceding 24 months.
- b. The Applicant and its Subrecipients will follow applicable U.S. DOT guidance when it is issued.

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

1. *Administrative Activities.* The Applicant assures that:
  - a. For any application the Applicant submits for federal assistance, the Applicant has adequate resources to plan, manage, and properly complete the tasks to implement its Award, including:
    - (1) The legal authority to apply for federal assistance,
    - (2) The institutional capability,
    - (3) The managerial capability, and
    - (4) The financial capability (including funds sufficient to pay the non-federal share of the cost of incurred under its Award).
  - b. As required, the Applicant will give access and the right to examine materials related to its Award to the following entities or individuals, including, but not limited to:
    - (1) FTA,
    - (2) The Comptroller General of the United States, and
    - (3) The State, through an appropriate authorized representative.
  - c. The Applicant will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance.
  - d. The 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) An appearance of a personal or organizational conflict of interest or personal gain.
2. *Specifics of the Award.* The Applicant assures that:

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- a. The Applicant will begin and complete work within the periods of performance that applies following receipt of an FTA Award.
  - b. For FTA assisted construction Awards:
    - (1) The Applicant will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
    - (2) The Applicant will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms to the approved plans and specifications,
    - (3) The Applicant will include a covenant to assure nondiscrimination during the useful life of the real property financed under its Award in its title to that real property, and it will include such covenant in any transfer of such property,
    - (4) To the extent FTA requires, the Applicant will record the federal interest in the title to FTA assisted real property or interests in real property, and
    - (5) The Applicant will not alter the site of the FTA assisted construction or facilities without permission or instructions from FTA by:
      - (a) Disposing of the underlying real property or other interest in the site and facilities,
      - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
      - (c) Changing the terms of the underlying real property title or other interest in the site and facilities.
  - c. The Applicant will furnish progress reports and other information as FTA or the state may require.
3. *Statutory and Regulatory Requirements.* The Applicant assures that:
- a. The Applicant will comply with all federal laws, regulations, and requirements relating to nondiscrimination that apply, including, but not limited to:
    - (1) The prohibitions against discrimination based on 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 based on 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 based on age in federally assisted programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 – 6107,
    - (4) The prohibitions against discrimination based on disability in federally assisted programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794,



## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- (5) The prohibitions against discrimination based on disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*
  - (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. § 3601 *et seq.*
  - (7) The prohibitions against discrimination based on 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 based on 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.
  - (10) The prohibitions against discrimination in employment as provided in Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*,
  - (11) The nondiscrimination provisions of any other statute(s) that may apply to its Award.
- b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 *et seq.*, and 49 U.S.C. § 5323(b), regardless of whether federal assistance has been provided for any of the real property acquired or improved for purposes of its Award:
- (1) The Applicant will provide for fair and equitable treatment of any displaced persons or any persons whose property is acquired or improved as a result of federally assisted programs.
  - (2) The Applicant has the necessary legal authority under state and local laws, regulations, and requirements 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.
  - (3) The Applicant has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
    - (a) The Applicant will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24.
    - (b) As provided by 42 U.S.C. §§ 4622, 4623, and 4624, and 49 CFR part 24, if its Award results in displacement, the Applicant will provide fair and reasonable relocation payments and assistance to:
      - 1 Displaced families and individuals, and
      - 2 Displaced corporations, associations, or partnerships.
    - (c) As provided by 42 U.S.C. § 4625 and 49 CFR part 24, the

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- Applicant will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such:
- 1 Displaced families and individuals, and
  - 2 Displaced, corporations, associations, or partnerships.
- (d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement, the Applicant will make available comparable replacement dwellings to families and individuals,
- (e) The Applicant will do the following:
- 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) The Applicant will be guided by the real property acquisition policies of 42 U.S.C. §§ 4651 and 4652.
- (g) The Applicant will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. §§ 4653 and 4654, understanding that FTA will provide federal assistance for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. 4631.
- (h) The Applicant will execute the necessary implementing amendments to FTA-funded third party contracts and subagreements.
- (i) The Applicant will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances.
- (j) The Applicant will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, related to its Award that involves relocation or land acquisition.
- (k) The Applicant will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions.
- c. The 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. The Applicant will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by federal assistance 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. The Applicant will, to the extent applicable, comply with the labor standards and protections for federally assisted Awards of:

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- (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, 40 U.S.C. § 3701 *et seq.*
- f. The Applicant will comply with any applicable environmental standards prescribed to implement federal laws and executive orders, including, but not limited to:
- (1) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 – 4335 and following 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 the floodplains provisions of Executive Order No. 11988, May 24, 1977, as amended, 42 U.S.C. § 4321 note.
  - (5) Complying with the assurance of 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 1970, 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 Award, as required by 49 U.S.C. § 303 (also known as “Section 4F”).
  - (10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. §§ 1271 – 1287.
  - (11) Complying with and facilitating compliance with:
    - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 300108,
    - (b) The Archaeological and Historic Preservation Act of 1974,

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- as amended, 54 U.S.C. § 312501 *et seq.*, and
- (c) Executive Order No. 11593 (identification and protection of historic properties), 54 U.S.C. § 300101.
- g. To the extent applicable, the Applicant will comply 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 with federal assistance:
- (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 applicable, the Applicant will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR § 41.117(d), before accepting delivery of any FTA assisted buildings.
- i. The Applicant will comply with and assure that each of its Subrecipient located in special flood hazard areas will 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. The Applicant will comply with:
- (1) The Hatch Act, 5 U.S.C. §§ 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with federal assistance, including a federal loan, grant agreement, or cooperative agreement, and
  - (2) 49 U.S.C. § 5323(l)(2) and 23 U.S.C. § 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving federal assistance appropriated or made available under 49 U.S.C. chapter 53 and 23 U.S.C. § 142(a)(2) to whom the Hatch Act does not otherwise apply.
- k. The Applicant will perform the financial and compliance audits as required by the:
- (1) Single Audit Act Amendments of 1996, 31 U.S.C. § 7501 *et seq.*,
  - (2) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards,” 2 CFR part 200, and
  - (3) Most recent applicable U.S. OMB Compliance Supplement, 2 CFR part 200, appendix XI (previously known as the U.S. OMB Circular A-133 Compliance Supplement).

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

1. The Applicant will comply with all other federal laws, regulations, and requirements that apply.
- m. The Applicant will follow federal guidance governing it and its Award, except as FTA has expressly approved otherwise in writing.

### CATEGORY 02. LOBBYING.

The Applicant certifies 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 the Applicant’s requests:
    - (1) For \$100,000 or more in federal assistance for a grant or cooperative agreement, and
    - (2) For \$150,000 or more in federal assistance for a loan, line of credit, or loan guarantee, or loan insurance, and
  - b. The Applicant’s Certification applies to the lobbying activities of:
    - (1) The Applicant,
    - (2) The Applicant’s Principals, and
    - (3) The Applicant’s Subrecipients at the first tier.
2. To the best of the Applicant’s 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, or
    - (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. The Applicant will submit a complete OMB Standard Form-LLL (Rev. 7-97), “Disclosure of Lobbying Activities,” consistent with the instructions on that form, 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, or
    - (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.
  - c. The Applicant will include the language of this Certification in its Award documents under a federal grant, cooperative agreement, loan, line of credit, or loan insurance, including, but not limited to:
    - (1) Each third party contract,
    - (2) Each subcontract,

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- (3) Each subagreement, and
  - (4) Each third party agreement.
3. The Applicant understands that:
  - a. This Certification is a material representation of fact that the federal government relies on, and
  - b. The Applicant must submit this Certification before the Federal Government may award federal assistance 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.
4. The Applicant understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### CATEGORY 03. PRIVATE SECTOR PROTECTIONS.

#### 03.A. Private Property Protections.

To facilitate FTA's ability to make the findings required by 49 U.S.C. § 5323(a)(1), the Applicant assures that:

1. The Applicant has or will have:
  - a. Determined that the federal assistance the Applicant has requested is essential to carrying out its 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.
2. The Applicant has completed the actions described in the proceeding section 1 of this Category 03 A Certification before:
  - a. It acquires the property or an interest in the property of a private provider of public transportation, or
  - b. It 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.

#### 03.B. Charter Service Agreement.

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

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

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- a. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired or improved under an Award derived from:
  - (1) Federal transit laws, 49 U.S.C. chapter 53,
  - (2) 23 U.S.C. §§ 133 or 142, or
  - (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
- b. FTA's charter service restrictions extend to:
  - (1) The Applicant, when it receives federal assistance 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, or
    - (c) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
  - (2) Any Third Party Participant that receives federal assistance derived from:
    - (a) Federal transit laws, 49 U.S.C. chapter 53, or
    - (b) 23 U.S.C. §§ 133 or 142, or
    - (c) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
- c. A Third Party Participant includes any:
  - (1) Subrecipient at any tier,
  - (2) Lessee,
  - (3) Third Party Contractor or Subcontractor at any tier, and
  - (4) Other Third Party Participant in its Award.
- d. The Applicant agrees that neither it nor any governmental authority or publicly owned operator that receives federal public transportation assistance appropriated or made available for its Award 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. The Applicant agrees that the latest Charter Service Agreement selected in its latest annual Certifications and Assurances is incorporated by reference and made part of the Underlying Agreement accompanying its award of federal assistance from FTA.
- f. The Applicant agrees that:
  - (1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives federal assistance from FTA that has demonstrated a pattern of violating of FTA's Charter Service regulations by:
    - (a) Conducting charter operations prohibited by Federal transit laws and FTA's Charter Service regulations, or

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

### **03.C. School Bus Agreement.**

To comply with 49 U.S.C. § 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g), the Applicant agrees to enter into the following School Bus Agreement:

- 1. FTA's "School Bus Operations" regulations at 49 CFR part 605 restricts school bus operations using facilities and equipment acquired or improved with federal assistance derived from:
  - a. Federal transit laws, 49 U.S.C. chapter 53,
  - b. 23 U.S.C. §§ 133 or 142, or
  - c. Any other Act that provides federal public transportation assistance, unless otherwise excepted.
- 2. FTA's school bus operations restrictions extend to:
  - a. The Applicant, when it receives federal assistance appropriated or



## **FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

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

### **CATEGORY 04. ROLLING STOCK REVIEWS AND BUS TESTING.**

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

The Applicant certifies that, when procuring rolling stock for use in revenue service:

1. The 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:

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- a. The Applicant will conduct or cause to be conducted the required pre-award and post-delivery reviews of that rolling stock, and
- b. The Applicant will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

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

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

The applicant certifies that:

1. FTA's bus testing requirements apply to all acquisitions of new buses and new bus models that require bus testing as defined in FTA's Bus Testing regulations, and it will comply with:
  - a. 49 U.S.C. § 5318, and
  - b. FTA regulations, "Bus Testing," 49 CFR part 665.
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, the Applicant will not spend any federal assistance appropriated under 49 U.S.C. chapter 53 to acquire that new bus or new bus model until:
  - (a) The new bus or new bus model has been tested at FTA's bus testing facility, and
  - (b) It has received a copy of the test report prepared for that new bus or new bus model.
3. The Applicant will ensure that the new bus or new bus model that is tested has met the performance standards consistent with those regulations, including the:
  - 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, when issued.
4. The Applicant will ensure that the new bus or new bus model that is tested has received a passing aggregate test score under the "Pass/Fail" standard established by regulation.

### **CATEGORY 05. DEMAND RESPONSIVE SERVICE.**

As required by U.S. DOT regulations, "Transportation Services for Individuals with

## **FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

Disabilities (ADA),” 49 CFR part 37, specifically 49 CFR § 37.77(d), the Applicant certifies that:

1. The 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.
2. Viewed in its entirety, the 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.

### **CATEGORY 06. INTELLIGENT TRANSPORTATION SYSTEMS.**

The Applicant:

1. Understands that, as used in this Assurance, the term Intelligent Transportation Systems is defined to include technologies or systems of technologies that provide or significantly contribute to the provision of one or more Intelligent Transportation Systems (ITS) user services as defined in the “National ITS Architecture.”
2. As provided in 23 U.S.C. § 517(d), any Award that includes an ITS or related activity financed with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities and equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. § 517(a) or (c), unless the Applicant obtains a waiver as provided in 23 U.S.C. § 517(d)(2).

### **CATEGORY 07. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE.**

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

The Applicant certifies that:

1. The Applicant will not seek reimbursement for interest or any other financing costs unless:
  - a. It is eligible to receive federal assistance for those costs, and
  - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, as FTA may require.
2. The Applicant will comply with the same favorable financing cost provisions for Awards financed under:
  - a. The Urbanized Area Formula Grants Program,

## **FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

- b. A Full Funding Grant Agreement,
- c. An Early Systems Work Agreement,
- d. The Fixed Guideway Capital Investment Program financed by previous FTA enabling legislation,
- e. Any program that must comply with the requirements of 49 U.S.C. § 5307, or
- f. Any other program as FTA may specify.

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

The Applicant certifies and assures that, as required by FTA regulations, “Capital Leases,” 49 CFR part 639, to the extent consistent with the FAST Act, if the Applicant acquires any capital asset (other than rolling stock or related equipment) through a lease financed with federal assistance appropriated or made available under 49 U.S.C. chapter 53, it will not enter into a capital lease for which FTA can provide only incremental federal assistance unless it has adequate financial resources to meet its future lease obligations if federal assistance is not available.

## **CATEGORY 08. TRANSIT ASSET MANAGEMENT PLAN AND PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.**

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

The Applicant certifies that it and each of its Subrecipient will:

- 1. Comply with FTA regulations, “Transit Asset Management,” 49 CFR part 625, and
- 2. Follow federal guidance that will implement the regulations at 49 CFR part 625.

### **08.B. Public Transportation Safety Program.**

The Applicant certifies that it will comply with applicable regulations, and follow federal guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

## **CATEGORY 09. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.**

As required by 49 U.S.C. § 5331, and FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR part 655, subpart I, specifically 49 CFR § 655.83, the Applicant, and on behalf of its Subrecipients, and Third Party Contractors, certifies that:

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

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

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

### CATEGORY 10. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS

#### 10.A. Grants for Buses and Bus Facilities Program

The following Certifications for the Grants for Buses and Bus Facilities Program and Low or No Emission Buses are required by 49 U.S.C. § 5339, as amended by the FAST Act, which provides that the requirements of 49 U.S.C. § 5307 shall apply to Recipients of grants made in urbanized areas and under the Low or No Emission Bus Program, 49 U.S.C. § 5339(c). The requirements of 49 U.S.C. § 5311 shall apply to Recipients of Buses and Bus Facilities Program grants made in rural areas under this 49 U.S.C. §§ 5339(a) and (b). Therefore:

1. If the Applicant is in an urbanized area, except as FTA determines otherwise in writing, it certifies that:
  - a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
  - b. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
  - c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
  - d. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5339 during non-peak hours for transportation, Applicants in an urbanized area will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
    - (1) Any senior,
    - (2) Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
  - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
  - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
  - e. When carrying out a procurement under 49 U.S.C. § 5339, it will comply with:
    - (1) The applicable general provisions of 49 U.S.C. § 5323, and
    - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
  - f. It has complied with or will comply with 49 U.S.C. § 5307(b).
  - g. As required by 49 U.S.C. § 5307(d):
    - (1) It has or will have the amount of funds required for the non-federal share,
    - (2) It will provide the non-federal share from sources approved by FTA, and
    - (3) It will provide the non-federal share when needed.
  - h. It will comply with:
    - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
    - (2) The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
  - i. It has a locally developed process to solicit and consider public comment before:
    - (1) Raising a fare, or
    - (2) Implementing a major reduction of public transportation service.
  - j. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.
2. Except as FTA determines otherwise in writing, if the Applicant in a rural area, the Applicant certifies that:
- a. It has or will have and require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
  - b. It has or will have and require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
  - c. It will maintain and require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award, in accordance with the its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR part 625.
  - d. Its state program has provided for a fair distribution of federal assistance appropriated or made available under 49 U.S.C. § 5311(b) within the state to eligible entities, including Indian reservations.
  - e. Its program provides or will provide the maximum feasible coordination of federal assistance for public transportation service with transportation service financed by other federal sources.

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- f. Its Awards and Subawards in its Formula Grants for Rural Areas Program are included in:
  - (1) The statewide transportation improvement program, and
  - (2) To the extent applicable, a metropolitan transportation improvement program.
- g. With respect to the non-federal share:
  - (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5311(g),
  - (2) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
  - (3) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.
- h. It may transfer a facility or equipment acquired or improved under its Award to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
  - (1) The Recipient possessing 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. § 5311.

### **10.B. Low or No Emission Vehicle Deployment.**

Former section 5312(d)(5)(C)(i) of title 49, United States Code, requires the following Certifications for Low or No Emission Vehicle Deployment Program before awarding federal assistance appropriated or made available under MAP-21. Therefore, except as FTA determines otherwise in writing, the Applicant certifies and assures that:

- 1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- 2. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- 3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with its transit management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
- 4. When using or involving a facility or equipment acquired or improved with federal assistance under former 49 U.S.C. § 5312(d)(5) during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour to the following individuals:
  - 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 is unable to use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
- d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
5. When carrying out a procurement under this Program, it will comply with:
  - a. The applicable general provisions of 49 U.S.C. § 5323, and
  - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. It has complied with or will comply with 49 U.S.C. § 5307(b) because:
  - a. It has informed or will inform the public of the amounts of its federal assistance available under this Program,
  - b. It has developed or will develop, in consultation with interested parties including private transportation providers, its proposed Program of Projects for activities to be financed,
  - c. It has published or will publish its proposed 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. It has provided or will provide an opportunity for a public hearing to obtain the views of individuals on its proposed Program of Projects,
  - e. It has assured or will assure that its proposed Program of Projects provides for coordination of public transportation services assisted under 49 U.S.C. § 5336, as amended by the FAST Act, with federally assisted transportation services supported by other federal sources,
  - f. It 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. It has made or will make the final list of Projects for which an Award is sought available to the public.
7. With respect to the non-federal share:
  - a. It has or will have the amount of funds required for the non-federal share,
  - b. It will provide the non-federal share from sources approved by FTA, and
  - c. It will provide the non-federal share when needed.
8. It will comply with:
  - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
  - b. The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
9. It has a locally developed process to solicit and consider public comment before:
  - a. Raising a fare, or
  - b. Implementing a major reduction of public transportation service.
10. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.



## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

### CATEGORY 11. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

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. Therefore, except as FTA determines otherwise in writing, the Applicant certifies that:
  - a. Each Applicant 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 for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.
  - b. The Applicant will comply with the following selection and planning requirements:
    - (1) The Projects the Applicant has selected or will select for an Award or Subaward of federal assistance appropriated or made available under 49 U.S.C. § 5310 are included in a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated.
    - (2) 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.
    - (3) Within its Award, the Projects selected to receive federal assistance will assist in providing transportation services for seniors and individuals with disabilities are included in its Program of Projects submitted to FTA annually.
    - (4) To the maximum extent feasible, the services financed by 49 U.S.C. § 5310 will be coordinated with transportation services financed by other federal departments and agencies, including any transportation activities carried out by a recipient of federal assistance from the Department of Health and Human Services.
  - c. As required by 49 U.S.C. § 5310(e)(2)(B), the Applicant certifies that if it allocates federal assistance received under 49 U.S.C. § 5310 to any

## FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES

- Subrecipient, it will have allocated that federal assistance on a fair and equitable basis.
- d. The Applicant will not transfer a facility or equipment acquired or improved with federal assistance appropriated or made available under 49 U.S.C. § 5310, to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, unless:
    - (1) The recipient possessing the facility or equipment consents to the transfer, and
    - (2) The facility or equipment will continue to be used as required under 49 U.S.C. § 5310.
  - e. As required by 49 U.S.C. § 5310(b)(2), it will use at least fifty-five (55) percent of the federal assistance it receives for Capital Projects to meet the special needs of seniors and individuals with disabilities.
  - f. The requirements of 49 U.S.C. § 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized by 49 U.S.C. § 5310.
2. FTA has determined that certain requirements of 49 U.S.C. § 5307 are appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, some of which require Certifications. Therefore, as specified under 49 U.S.C. § 5307(c)(1), the Applicant certifies that:
- a. The Applicant has or will have and will require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
  - b. The Applicant has or will have and will require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award or Subaward.
  - c. The Applicant will maintain and will require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award or Subaward, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
  - d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, the Applicant will require each Subrecipient to comply with:
    - (1) The applicable general provisions of 49 U.S.C. § 5323, and
    - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
  - e. With respect to the non-federal share:
    - (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5310,
    - (3) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
    - (4) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.

## **FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

- f. It has complied or will comply and will require each Subrecipient to comply with:
  - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
  - (2) The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
- g. To the extent applicable, it will and will require its Subrecipient to comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

### **CATEGORY 12. FORMULA GRANTS FOR RURAL AREAS PROGRAM.**

The following Certifications apply to each state or state organization serving as the Applicant for federal assistance appropriated or made available for the Rural Areas Formula Program financed under 49 U.S.C. § 5311(b), as amended by FAST Act.

The Applicant certifies and assures that:

1. The Applicant has or will have and require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award:
2. The Applicant has or will have and require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. The Applicant will maintain and require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. The Applicant will and will require each Subrecipient to comply with applicable regulations and guidance that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.
5. The Applicant's state program has provided for a fair distribution of federal assistance appropriated or made available under 49 U.S.C. § 5311(b) within the state to eligible entities, including Indian reservations.
6. The Applicant's program provides or will provide the maximum feasible coordination of federal assistance for public transportation service authorized by 49 U.S.C. § 5311(b) with transportation service financed by other federal sources.
7. The Applicant's Awards and Subawards 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.
8. With respect to the non-federal share:

## **FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

- a. The Applicant has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by former 49 U.S.C. § 5311(g),
- b. The Applicant will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
- c. The Applicant will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.

### **CATEGORY 13. TRIBAL TRANSIT PROGRAMS (PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAMS).**

FTA has established terms and conditions for Tribal Transit Program grants financed with federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The Applicant certifies and assures that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
4. With respect to its procurement system:
  - a. It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 200, for Awards made on or after December 26, 2014,
  - b. It will 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 former 49 CFR § 18.36, for Awards made before December 26, 2014, or
  - c. It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
5. It will comply with the Certifications, Assurances, and Agreements in:
  - a. Category 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
  - b. Category 04.B (Bus Testing),
  - c. Category 05 (Demand Responsive Service),
  - d. Category 06 (Intelligent Transportation Systems), and
  - e. Category 9 (Alcohol and Controlled Substances Testing).

## **FTA FISCAL YEAR 2018 CERTIFICATIONS AND ASSURANCES**

### **CATEGORY 14. CONSTRUCTION HIRING PREFERENCES.**

As provided by section 192 of division L, title I of the Consolidated Appropriations Act, 2017, Public Law No.114-113, the Applicant certifies that if, in connection with any third party contract for construction hiring financed under title 49 U.S.C. or title 23 U.S.C., it uses a geographic, economic, or any other hiring preference not otherwise authorized by law or prohibited under 2 CFR § 200.319(b):

1. Except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the third party contract requires resides in the jurisdiction where the work will be performed;
2. It will include appropriate provisions in its bid document ensuring that its third party contractor(s) do not displace any of its existing employees in order to satisfy such hiring preference, and
3. That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.