

DEPARTMENT OF TRANSPORTATION**Federal Transit Administration****Over-the-Road Bus Accessibility Program Grants**

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of funds; solicitation of grant applications.

SUMMARY: The U.S. Department of Transportation (DOT) Federal Transit Administration (FTA) announces the availability of funds for the Over-the-road Bus (OTRB) Accessibility Program, authorized by Section 3038 of the Transportation Equity Act for the 21st Century (TEA-21). The OTRB Accessibility Program makes funds available to private operators of over-the-road buses to finance the incremental capital and training costs of complying with DOT's over-the-road bus accessibility final rule, published in a **Federal Register** Notice on September 24, 1998. The OTRB Accessibility Program calls for national solicitation of applications, with grantees to be selected on a competitive basis. Federal funds are available for up to 50 percent of the project cost.

A total of \$24.3 million is available for the program over the life of TEA-21. The guaranteed level of funding available for intercity fixed-route service is \$2 million in fiscal year (FY) 1999 and FY 2000, \$3 million in FY 2001, and \$5.3 million in FY 2002 and FY 2003, for a total of \$17.5 million. The guaranteed level of funding for other over-the-road bus services, including charter and tour bus, is \$1.7 million per year from FY 2000 to FY 2003, for a total of \$6.8 million.

For FY 1999, \$2 million was appropriated for intercity fixed-route service providers.

This announcement describes application procedures for the OTRB Accessibility Program and the procedures FTA will use to determine which projects it will fund. It includes all of the information needed to apply for an OTRB Accessibility Program grant.

This announcement is available on the Internet on the FTA website at <http://www.fta.dot.gov/library/legal/otrbap.htm>. This website will also have commonly asked questions and answers. FTA will announce final project selections on the website and in the **Federal Register**.

DATES: Complete applications for OTRB Accessibility Program grants must be submitted to the appropriate FTA regional office (see Appendix A) by the

close of business April 16, 1999. The appropriate FTA regional office is that office which serves the state in which an applicant's headquarters office is located. FTA will announce grant selections in June 1999, and we expect that grants will be made by September 30, 1999, the end of the Federal fiscal year. Applicants should not incur costs prior to grant approval by FTA. FTA will accept comments on this notice until March 10, 1999. Based on input, FTA may provide amending or clarifying program information.

ADDRESSES: Comments and questions related to this notice can be made at FTA's website, <http://www.fta.dot.gov/library/legal/otrbap.htm>, or can be mailed or faxed to the following address: Sue Masselink, Federal Transit Administration, Room 9315, 400 7th Street, S.W., Washington, D.C. 20590 (FAX (202) 366-7951).

FOR FURTHER INFORMATION: Contact the appropriate FTA Regional Administrator (Appendix A) for application-specific information and issues. For general program information, contact Sue Masselink, Office of Program Management, (202) 366-2053, e-mail: sue.masselink@fta.dot.gov. A TDD is available at 1-800-877-8339 (TDD/FIRS).

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I. General Program Information**A. Authority**

The program is authorized under Section 3038 of the Transportation Equity Act for the 21st Century (TEA-21). Funds have been appropriated for this program under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, Fiscal Year 1999, which includes Appropriations for Department of Transportation and Related Agencies.

B. Background

Over-the-road buses are used predominantly in intercity service as well as charter and tour bus services. These services are an important element of the U.S. transportation system. TEA-21 authorizes FTA's new Over-the-road Bus Accessibility Program to assist over-the-road bus operators in complying

with the Department's Over-the-road Bus Accessibility rule, "Transportation for Individuals with Disabilities" (49 CFR Part 37) published in a **Federal Register** notice on September 24, 1998.

Summary of DOT's Over-the-Road Bus Accessibility Rule

Under the over-the-road bus accessibility rule, all new buses obtained by large (Class I carriers, i.e., those with gross annual operating revenues of \$5.3 million or more), fixed-route carriers, starting in 2000, must be accessible, with wheelchair lifts and tie-downs that allow passengers to ride in their own wheelchairs. The rule requires the fixed-route carriers' fleets to be completely accessible by 2012. The buses acquired by small (gross operating revenues of less than \$5.3 million annually) fixed-route providers also are required to be lift-equipped, although they do not have a deadline for total fleet accessibility. Small providers also can provide equivalent service in lieu of obtaining accessible buses. Starting in 2001, charter and tour companies will have to provide service in an accessible bus on 48 hours' advance notice. Fixed-route companies must also provide this kind of service on an interim basis until their fleets are completely accessible.

Small carriers who provide mostly charter or tour service and also provide a small amount of fixed-route service can meet all requirements through 48-hour advance-reservation service.

Small carriers have an extra year to begin complying with the requirements that apply to them starting in October 2001, compared to October 2000 for large carriers.

Specifications describing the design features that an over-the-road bus must have to be readily accessible to and usable by persons who use wheelchairs or other mobility aids required by the "Americans with Disabilities Act Accessibility Guidelines for Transportation Vehicles: Over-the-Road Buses" rule (36 CFR Part 1192) were published in another **Federal Register** Notice on September 28, 1998.

C. Scope

Improving mobility and shaping America's future by ensuring that the transportation system is accessible, integrated, efficient and offers flexibility of choices is a key strategic goal of the Department of Transportation. Over-the-road Bus Accessibility projects will improve mobility for individuals with disabilities by providing financial assistance to help make vehicles accessible and provide training to ensure that drivers and others understand how to use accessibility

features as well as how to treat patrons with disabilities.

D. Eligible Applicants

Grants will be made directly to operators of over-the-road buses. Only intercity, fixed-route over-the-road bus service providers may apply for OTRB Accessibility program funds in fiscal year 1999. Thereafter, other over-the-road bus service providers, including operators of local fixed-route service, commuter service, and charter or tour service may apply for funds appropriated for these providers. Private for-profit operators of over-the-road buses are eligible to be direct applicants for this program. This is a departure from the other FTA programs in which the direct applicant must be a state or local public body.

E. Vehicle and Service Definitions

An "over-the-road bus" is a bus characterized by an elevated passenger deck located over a baggage compartment.

Intercity, fixed-route over-the-road bus service is regularly scheduled bus service for the general public, using an over-the-road bus that: operates with limited stops over fixed routes connecting two or more urban areas not in close proximity or connecting one or more rural communities with an urban area not in close proximity; has the capacity for transporting baggage carried by passengers; and makes meaningful connections with scheduled intercity bus service to more distant points.

Other over-the-road bus service means any other transportation using over-the-road buses, including local fixed-route service, commuter service, and charter or tour service (including tour or excursion service that includes features in addition to bus transportation such as means, lodging, admission to points of interest or special attractions).

F. Eligible Projects

Projects to finance the incremental capital and training costs of complying with DOT's over-the-road bus accessibility rule (49 CFR Part 37) are eligible for funding. Capital projects eligible for funding include adding lifts and other accessibility components to new vehicle purchases, and purchasing lifts to retrofit existing vehicles.

Eligible training costs are those required by the final accessibility rule as described in 49 CFR 37.209. These activities were required under the interim OTRB accessibility rule and include training in proper operation and maintenance of accessibility features and equipment, boarding assistance, securement of mobility aids, sensitive

and appropriate interaction with passengers with disabilities, and handling and storage of mobility devices. The costs associated with developing training materials or providing training for local providers of over-the-road bus services for these purposes are eligible expenses.

FTA has sponsored the development of accessibility training materials for public transit operators. FTA-funded Project Action is a national technical assistance program to promote cooperation between the disability community and transportation industry. Project Action provides training, resources and technical assistance to thousands of disability organizations, consumers with disabilities, and transportation operators. It maintains a resource center with the most up-to-date information on transportation accessibility. Project Action may be contacted at: Project Action, 700 Thirteenth Street, N.W., Suite 200, Washington, DC 20590, Phone: 1-800-659-6428, Internet address: <http://www.projectaction.org/>.

G. Grant Criteria

FTA will award grants based on:

- a. The identified need for over-the-road bus accessibility for persons with disabilities in the areas served by the applicant;
- b. The extent to which the applicant demonstrates innovative strategies and financial commitment to providing access to over-the-road buses to persons with disabilities;
- c. The extent to which the over-the-road bus operator requires equipment required by DOT's over-the-road bus accessibility rule prior to the required timeframe in the rule;
- d. The extent to which financing the costs of complying with DOT's rule presents a financial hardship for the applicant; and
- e. The impact of accessibility requirements on the continuation of over-the-road bus service, with particular consideration of the impact of the requirements on service to rural areas and for low-income individuals.

H. Funding Availability

TEA-21 authorizes the OTRB Accessibility program for intercity fixed-route service at a guaranteed level of \$2 million in FY 1999 and FY 2000, \$3 million in FY 2001, and \$5.3 million in FY 2002 and FY 2003. The guaranteed level of funding for other over-the-road bus services is \$1.7 million per year from FY 2000 through FY 2003. FTA funds are available for up to 50 percent of the cost of a project. There is no restriction on how much of

each year's apportionment can be used for either capital or training projects.

For FY 1999, \$2 million has been appropriated for the intercity fixed-route service providers.

I. Grant Requirements

The grant application must include documentation necessary to meet the requirements of FTA's Nonurbanized Area Formula program (Section 5311 under Title 49, United States Code). Technical assistance regarding these requirements is available in each FTA regional office. For incremental capital costs, applicants must comply with all of the Federal requirements described in this section, either when purchasing wheelchair lifts and securement devices to retrofit existing vehicles, or when purchasing new wheelchair accessible vehicles. When purchasing new wheelchair accessible buses, these Federal requirements apply to the purchase of the vehicle itself, not just the wheelchair lift or securement devices. As lifts are normally purchased as part of a bus procurement, Federal requirements that apply to the lift also apply to the purchase of the bus. In particular, Buy America, labor protections, pre-award and post-delivery reviews and bus testing will apply to the total vehicle purchase, not just the lift.

Training costs are not subject to all requirements. For example, labor protections, Buy America, pre-award and post-delivery reviews, bus testing, and school transportation are not applicable to training assistance.

1. *Buy America*. Federal funds may not be obligated for projects unless steel, iron, and manufactured products used in such projects are produced in the United States. Recipients of the OTRB Accessibility program funds must conform with the FTA regulations, 49 CFR Part 661, and any amendments thereto. There are four exceptions to the basic requirement that may be the basis for a waiver. First, the requirement will not apply if its application is not in the public interest. Second, the requirement will not apply if materials and products being procured are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality. Third, the requirement will not apply in a case involving the procurement of buses and other rolling stock if the cost of components and subcomponents which are produced in the United States is more than 60 percent of the cost of all components and subcomponents of the vehicles or equipment, and if final assembly takes place in the United States. The meaning of final assembly is

further described in the FTA Guidance on Buy America Requirements, dated March 18, 1997, which applies to all buses purchased with FTA funds. Fourth, the requirement will not apply if the inclusion of domestic material will increase the overall project contract by more than 25 percent. Buy America waivers under the non-availability, price differential, and public interest exceptions require FTA approval, but the waiver for rolling stock meeting the domestic content and final assembly requirements does not. FTA has issued a general waiver for selected items, including all purchases under the Federal small purchase threshold, which is \$100,000.

2. *Labor Protection.* Before FTA may award a grant for capital assistance, 49 U.S.C. 5333(b) requires that fair and equitable arrangements must be made to protect the interests of transit employees affected by FTA assistance. Those arrangements must be certified by the Secretary of Labor as meeting the requirements of the statute. When a labor organization represents a group of affected employees in the service area of an FTA project, the employee protective arrangement is usually the product of negotiations or discussions with the union. The grant applicant can facilitate Department of Labor (DOL) certification by identifying in the application any previously certified protective arrangements that have been applied to similar projects undertaken by the grant applicant. Upon receipt of a grant application requiring employee protective arrangements, FTA will transmit the application to DOL and request certification of the employee protective arrangements. In accordance with DOL guidelines, DOL notifies the relevant unions in the area of the project that a grant for assistance is pending and affords the grant applicant and union the opportunity to agree to an arrangement establishing the terms and conditions of the employee protections. If necessary, DOL furnishes technical and mediation assistance to the parties during their negotiations. The Secretary of Labor may determine the protections to be certified if the parties do not reach an agreement after good faith bargaining and mediation efforts have been exhausted. DOL will also set the protective conditions when affected employees in the service area are not represented by a union. When DOL determines that employee protective arrangements comply with labor protection requirements, DOL will provide a certification to FTA. The grant agreement between FTA and the grant applicant incorporates by reference the

employee protective arrangements certified by DOL.

Questions concerning employee protective arrangements and related matters pertaining to transit employees should be addressed to the Division of Statutory Programs, Department of Labor, 200 Constitution Avenue, NW, Room N-5411, Washington, DC 20210; telephone (202) 693-0126, fax (202) 219-5338.

3. *Competitive Procurement.* Federal procurement requirements apply to FTA funds awarded to state and local governments and private nonprofit agencies under 49 CFR Parts 18 and 19. To the extent a direct recipient of FTA funds under this program is a private for-profit entity, the Federal procurement requirements do not apply.

4. *Debarment, Suspension and Other Responsibility matters.* Pursuant to Executive Order 12549; 41 U.S.C. 701; and 49 CFR Part 29, grantees must ensure that FTA funds are not given to anyone who has been debarred, suspended, or declared ineligible or voluntarily excluded from participation in federally assisted transactions. The burden of disclosure is on those debarred or suspended. The U.S. General Services Administration (GSA) issues a document titled "Lists of Parties Excluded from Federal Procurement or Nonprocurement Programs" monthly. The list is available on the GSA website (<http://www.gsa.gov/index>). If at any time the grantee or other covered entity learns that a certification it made or received was erroneous when submitted or if circumstances have changed, disclosure to FTA is required.

5. *Drug-Free Workplace.* Grantees must maintain a drug-free workplace for all employees and have an anti-drug policy and awareness program. The grant applicant must certify to FTA that it will provide a drug-free workplace and comply with all requirements of the Drug-Free Workplace Act of 1988 (Public Law 100-690) and U.S. DOT's implementing regulations, 49 CFR Part 29, Subpart F. The grantee is required to provide a written Drug-Free Workplace policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and stating specific actions that will be taken for violations. The ongoing drug-free awareness program must inform employees about the dangers of drug abuse; about any available drug counseling, rehabilitation, and employee assistance programs; about penalties that may be imposed; and that employees are to be aware that the

recipient operates a drug-free workplace. An employee of an FTA grantee is required to report in any conviction for a violation of criminal drug statute occurring in the workplace, and the grantee/employer is required to provide written notice to FTA within 10 days of having received the notice. Within 30 days of receiving the notice of a conviction, the grantee/employer must have taken appropriate action against the employee or have required participation in a drug abuse assistance or rehabilitation program.

6. *Nondiscrimination requirements.* 49 U.S.C. section 5332 states that "a person (defined broadly) may not be excluded from participating in, denied a benefit of, or discriminated against, under a project, program, or actively receiving financial assistance (from FTA) because of race, color, creed, national origin, sex, or age."

7. *Title VI.* Grantees must assure FTA that transit services and benefits obtained with FTA assistance will be provided in a nondiscriminatory manner, without regard to race, color, or national origin.

8. *Disadvantaged Business Enterprise.* Grantees must assure FTA that disadvantaged business enterprises (DBEs) are provided the maximum opportunity to compete for FTA-assistance contracts and procurements.

9. *Equal Employment Opportunity (EEO).* The grantee must assure that it will not discriminate against any employee or applicant for employment because of race, color, creed, sex, disability, age or national origin. The grantee agrees to take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, color, creed, sex, disability, age, or national origin.

10. *Americans with Disabilities Act and Section 504.* Compliance with the Americans with Disabilities Act of 1990 (ADA) (Public Law 101-336) and Section 504 of the Rehabilitation Act of 1973, as amended, are eligibility requirements for Federal financial assistance. Section 504 prohibits discrimination on the basis of handicap by recipients of Federal financial assistance. The ADA prohibits discrimination against persons with disabilities in the provision of transportation services.

11. *Restrictions on Lobbying.* Federal financial assistance may not be used to influence any member of Congress or an officer or employee of any agency in connection with the making of any Federal contract, grant, or cooperative agreement. The state, subrecipients, and third party contractors at any tier

awarded FTA assistance exceeding \$100,000 must sign a certification so stating and also must disclose the expenditure of non-Federal funds for such purposes (49 CFR Part 20). Other Federal laws also govern lobbying activities. For example, Federal funds may not be used for lobbying congressional representatives or senators indirectly, such as by contributing to a lobbying organization or funding a grass-roots campaign to influence legislation (31 U.S.C. Section 1352). General advocacy for over-the-road bus transportation and providing information to legislators about the services a recipient provides are not prohibited, nor is using non-Federal funds for lobbying, so long as the required disclosures are made.

12. *Pre-award and Post-delivery reviews.* Pursuant to 49 USC 5323(l), procurements for vehicles, other than sedans or unmodified vans, must be audited in accordance with FTA regulation, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR Part 663. Additional guidance is available in a manual, "Conducting Pre-Award and Post-Delivery Reviews for Bus Procurement," published May 1, 1995. The regulation requires that any recipient who purchases rolling stock for use in revenue service with funds obligated after October 24, 1991, conduct a pre-award and post-delivery review to assure compliance with its bid specifications, Buy America requirements, and Federal Motor Vehicle Safety requirements, and to complete certifications. Purchase of more than ten vehicles, other than unmodified vans or sedans, requires in-plant inspection.

13. *Bus Testing.* Pursuant to 49 USC 5323(c), all new bus models purchased with FTA funds must be tested in accordance with 49 USC 5318 and 49 CFR part 665, before FTA funds can be expended to acquire them. Purchasers of new model buses should ensure that the manufacturer has complied with the testing requirements by requesting a copy of the bus testing report from the Altoona Bus Testing Center, 6th Avenue and 45th Street, Altoona, Pennsylvania 16602. The telephone number is (814) 949-7944.

14. *School Transportation.* 49 USC 5323(f) prohibits the use of FTA funds for exclusive school bus transportation for school students and school personnel. The implementing regulation (49 CFR part 603) does permit regular service to be modified to accommodate school students along with the general public.

15. *Environmental Protection.* Neither capital costs associated with making vehicles wheelchair accessible nor training costs involve significant environmental impacts. Projects that do not involve significant environmental impacts are considered "categorical exclusions" in FTA's procedures because they have been categorically excluded from FTA's requirements to prepare environmental documentation. (49 USC part 622, incorporating 23 CFR part 771).

16. *Planning.* Applicants are encouraged to notify the appropriate state departments of transportation and metropolitan planning organizations (MPO) in areas likely to be served by equipment made accessible through funds made available in this program. Those organizations, in turn, should take appropriate steps to inform the public and individuals requiring fully accessible services in particular, of operators' intentions to expand the accessibility of their services. Incorporation of funded projects in the plans and transportation improvement programs of states and metropolitan areas by States and MPOs also is encouraged, but is not required.

II. Guidelines for Preparing Grant Application

FTA is conducting a national solicitation for applications under the OTRB Accessibility program. Grant awards will be made on a competitive basis. Although most FTA grant applications are now submitted electronically, paper applications for the OTRB Accessibility program will be accepted. An original and two copies of the application must be submitted to the appropriate FTA Regional Office. The OTRB operators should submit the application to the office in the region in which its headquarters office is located. The application should provide information on all items for which you are requesting funding in FY 1999. The application must include the following elements:

1. Transmittal Letter

This addresses basic identifying information including:

- Grant applicant
- Contact name and phone number
- Amount of grant request

2. Project Eligibility

Every application must:

- Describe the applicant's technical, legal, and financial capacity to implement the proposed projects.
- Document matching funds, including amount and source.

c. Include OMB Standard Form 424, "Federal Assistance," which is a multi-purpose form that must be completed in its entirety. The forms are available from the FTA regional offices.

3. Project Information

Provide a summary of project activities for which you are requesting funds. The summary should include:

- Each project's time line, including significant milestones such as date of contract for purchase of vehicle(s), and expected delivery of vehicle(s).
- Project budget (see Appendix B).

4. Project Narrative

Provide the information identified below to support your application. Grants will be awarded competitively based upon the following criteria:

- The identified need for over-the-road bus accessibility for persons with disabilities in the areas served by the applicant;
- The extent to which the applicant demonstrates innovative strategies and financial commitment to providing access to over-the-road buses to persons with disabilities;
- The extent to which the over-the-road bus operators acquires equipment required by DOT's over-the-road bus accessibility rule prior to the required timeframe in the rule;
- The extent to which financing the costs of complying with DOT's rule presents a financial hardship for the applicant; and
- The impact of accessibility requirements on the continuation of over-the-road bus service, with particular consideration of the impact of the requirements on service to rural areas and for low-income individuals.

III. Grant Review Process

Applications are to be submitted to the appropriate FTA Regional Office by the close of business on April 16, 1999. FTA will screen all applications to determine whether all required eligibility elements, as described in Section 2 of the application, are present. An FTA task force will evaluate each application according to the criteria described in this announcement.

A. Notification

FTA will notify all applicants for funding in June 1999. Grants are expected to be made by September 30, 1999, the end of Federal fiscal year 1999. FTA is committed to obligating FY 1999 OTRB Accessibility program funds expeditiously. Therefore, FTA urges applicants to develop and submit with their applications complete documentation necessary to meet the

applicable FTA Section 5311 requirements.

Issued on February 2, 1999.

Gordon J. Linton,
Administrator.

Appendix A—FTA Regional Offices

Region I—Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont and Maine

Richard H. Doyle, FTA Regional Administrator, Volpe National Transportation Systems Center, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, (617) 494-2055

Region II—New York, New Jersey, Virgin Islands

Letitia Thompson, FTA Regional Administrator, 26 Federal Plaza, Suite 2940, New York, NY 10278-0194, (212) 264-8162

Region III—Pennsylvania, Maryland, Virginia, West Virginia, Delaware, Washington, DC

Sheldon Kinbar, FTA Regional Administrator, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, (215) 656-7100

Region IV—Georgia, North Carolina, South Carolina, Florida, Mississippi, Tennessee, Kentucky, Alabama, Puerto Rico

Susan Schruth, FTA Regional Administrator, 61 Forsyth Street, S.W., Suite 17T50, Atlanta, GA 30303, (404) 562-3500

Region V—Illinois, Indiana, Ohio, Wisconsin, Minnesota, Michigan

Joel Ettinger, FTA Regional Administrator, 200 West Adams Street, Suite 2410, Chicago, IL 60606-5232, (312) 353-2789

Region VI—Texas, New Mexico, Louisiana, Arkansas, Oklahoma

Lee Waddleton, FTA Regional Administrator, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, (817) 978-0550

Region VII—Iowa, Nebraska, Kansas, Missouri

Mokhtee Ahmad, FTA Regional Administrator, 6301 Rockhill Road, Suite 303, Kansas City, MO 64131-1117, (816) 523-0204

Region VIII—Colorado, North Dakota, South Dakota, Montana, Wyoming, Utah

Louis Mraz, FTA Regional Administrator, Columbine Place, 216 16th Street, Suite 650, Denver, CO 80202-5120, (303) 844-3242

Region IX—California, Arizona, Nevada, Hawaii, American Samoa, Guam

Leslie Rogers, FTA Regional Administrator, 201 Mission Street, Suite 2210, San Francisco, CA 94105-1831, (415) 744-3133

Region X—Washington, Oregon, Idaho, Alaska

Helen Knoll, FTA Regional Administrator, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, (206) 220-7954
GRANTEE: Hillsdale Bus Company
PROJECT: OR-38-0001

Scope	Activity	Federal share	Eligible project cost
111-01	BUS ROLLING STOCK.		
	11.42.43 INCREMENTAL COST OF LIFT QUANTITY: 1	\$15,000	\$30,000
	11.44.43 RETROFIT VEHICLE WITH LIFT QUANTITY 1	22,000	44,000
117-00	BUS—OTHER.		
	11.7E.01 TRAINING	10,000	20,000
	ELIGIBLE PROJECT COST	94,000
	FEDERAL SHARE	47,000
	APPLICANT SHARE	47,000

Appendix C—Certifications and Assurances for Over-the-Road Bus Accessibility Program Grants

Before FTA may award a Federal grant agreement, the applicant must provide to FTA all certifications and assurances required by Federal laws and regulations for the applicant or its project. This Appendix provides the text of certifications and assurances required by Federal law, regulations, or directives for the Over-the-Road Bus Accessibility Program.

Included at the end of this document is a single signature page on which the applicant and its attorney certify compliance with all certifications and assurances applicable to each project for which the applicant is applying.

An applicant's Annual Certifications and Assurances applicable to a specific grant generally remain in effect for the life of the grant to closeout, or the life of the project or project property when a useful life or standard industry life is in effect. If in a later year, however, the Applicant provides certifications and assurances that differ from the certifications and assurances previously made, the later certifications and assurances will apply to the grant, project, or project property, except as FTA otherwise permits.

Procedures

Following is a detailed compilation of Certifications and Assurances and the Signature Page. The Signature Page is to be signed by the applicant's authorized representative and its attorney. It is to be submitted to the appropriate regional office along with the applicant's grant application.

All applicants are advised to read the entire list of Certifications and Assurances to be confident of their responsibilities and commitments. The applicant may signify compliance with all Categories by placing a single "X" in the appropriate space at the top of the Signature Selection Page.

The Signature Page, once properly signed and submitted to FTA, assures FTA that the applicant intends to comply with the requirements for the Over-the-road Bus Accessibility Program. All applicants must read the selection portion and the signature portion of this document and signify compliance by marking, where appropriate, with an "X" on the category selection side, and then signifying compliance as indicated. The applicant should not hesitate to consult with the appropriate FTA Regional Office before submitting its certifications and assurances.

References

The Transportation Equity Act for the 21st Century, Pub. L. 105-178, June 9, 1998, as

amended by the TEA-21 Restoration Act 105-206, 112 Stat. 685, July 22, 1998, 49 U.S.C. chapter 53, Title 23 U.S.C., U.S. DOT and FTA regulations under 49 CFR, and FTA Circulars.

Over-the-road Bus Accessibility Program Certifications and Assurances

In accordance with 49 U.S.C.5323(n), the following certifications and assurances have been compiled for the Over-the-road Bus Accessibility program. FTA requests each Applicant provide as many of the following certifications and assurances as needed to cover the types of projects for which the Applicant is seeking FTA assistance. The categories of certifications and assurances are listed by Roman numerals I through V on one side of the Signature Page of this document. Categories II through V will apply to some, but not necessarily all, applicants. The designation of the categories corresponds to the circumstances mandating submission of specific certifications, assurances, or agreements.

I. Certifications and Assurances Required of Each Applicant

Each Applicant for Over-the-road Bus Accessibility funding assistance awarded by FTA must provide all certifications and assurances in this Category I. Accordingly, FTA may not award any Federal assistance until the Applicant provides assurance of

compliance by selecting Category I on the Signature Page at the end of this document.

A. Authority of Applicant and Its Representative

The authorized representative of the Applicant and legal counsel who sign these certifications, assurances, and agreements attest that both the Applicant and its authorized representative have adequate authority under state and local law and the by-laws or internal rules of the Applicant organization to:

- (1) Execute and file the application for Federal assistance on behalf of the Applicant,
- (2) Execute and file the required certifications, assurances, and agreements on behalf of the Applicant binding the Applicant, and
- (3) Execute grants with FTA on behalf of the Applicant.

B. Standard Assurances

The Applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any project supported by an FTA grant. The Applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant 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 agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise.

C. Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

As required by U.S. DOT regulations on Governmentwide Debarment and Suspension (Nonprocurement) at 49 CFR 29.510:

- (1) The Applicant (Primary Participant) certifies, to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not, within a three-year period preceding this certification, been convicted of or had a civil judgment rendered against them for 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, violation of Federal or state antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are 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 subparagraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this certification had one or more

public transactions (Federal, state, or local) terminated for cause or default.

(2) The Applicant also certifies that, if it later becomes aware of any information contradicting the statements of paragraph (1) above, it will promptly provide that information to FTA.

(3) If the Applicant (Primary Participant) is unable to certify to the statements in paragraphs (1) and (2) above, it shall indicate so on its Signature Page and provide a written explanation to FTA.

D. Drug-Free Workplace Agreement

As required by U.S. DOT regulations, "Drug-Free Workplace Requirements (Grants)," 49 CFR Part 29, Subpart F, as modified by 41 U.S.C. 702, the Applicant agrees that it will provide a drug-free workplace by:

- (1) Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace and specifying the actions that will be taken against its employees for violation of that prohibition;
- (2) Establishing an ongoing drug-free awareness program to inform its employees about:
 - (a) The dangers of drug abuse in the workplace,
 - (b) Its policy of maintaining a drug-free workplace,
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs, and
 - (d) The penalties that may be imposed upon its employees for drug abuse violations occurring in the workplace;
- (3) Making it a requirement that each of its employees to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (1);
- (4) Notifying each of its employees in the statement required by paragraph (1) that, as a condition of employment financed with Federal assistance provided by the grant or cooperative agreement, the employee will be required to:
 - (a) Abide by the terms of the statement, and
 - (b) Notify the employer (Applicant) in writing of any conviction for a violation of a criminal drug statute occurring in the workplace no later than 5 calendar days after that conviction;
- (5) Notifying FTA in writing, within 10 calendar days after receiving notice required by paragraph (4)(b) above from an employee or otherwise receiving actual notice of that conviction. The Applicant, as employer of any convicted employee, must provide notice, including position title, to every project officer or other designee on whose project activity the convicted employee was working. Notice shall include the identification number(s) of each affected grant or cooperative agreement.
- (6) Taking one of the following actions within 30 calendar days of receiving notice under paragraph (4)(b) above with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against that employee, up to and including termination, consistent with the

requirements of the Rehabilitation Act of 1973, as amended, or

(b) Requiring that employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency.

(7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6) above.

The Applicant agrees to maintain a list identifying its headquarters location and each workplace it maintains in which project activities supported by FTA are conducted, and make that list readily accessible to FTA.

E. Intergovernmental Review Assurance

The Applicant assures that each application for Federal assistance submitted to FTA has been or will be submitted, as required by each State, for intergovernmental review to the appropriate State and local agencies. Specifically, the Applicant assures that it has fulfilled or will fulfill the obligations imposed on FTA by U.S. DOT regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17.

F. Nondiscrimination Assurance

As required by 49 U.S.C. 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act," 40 CFR part 21 at 21.7, the Applicant assures that it will comply with all requirements of 49 CFR part 21; FTA Circular 4702.1, "Title VI Program Guidelines for Federal Transit Administration Recipients", and other applicable directives, so that no person in the United States, on the basis of race, color, national origin, creed, sex, or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation-related benefits) for which the Applicant receives Federal assistance awarded by the U.S. DOT or FTA as follows:

(1) The Applicant assures that each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project.

(2) The Applicant assures that it will take appropriate action to ensure that any transferee receiving property financed with Federal assistance derived from FTA will comply with the applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21.

(3) The Applicant assures that it will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination

in the provision of transportation-related services or benefits may be filed with U.S. DOT or FTA. Upon request by U.S. DOT or FTA, the Applicant assures that it will submit the required information pertaining to its compliance with these requirements.

(4) The Applicant assures that it will make any changes in its 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FTA may request.

(5) As required by 49 CFR 21.7(a)(2), the Applicant will include in each third party contract or subagreement appropriate provisions to impose the requirements of 49 U.S.C. 5332 and 49 CFR part 21, and include appropriate provisions imposing those requirements in deeds and instruments recording the transfer of real property, structures, improvements.

G. Assurance of Nondiscrimination on the Basis of Disability

As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR part 27, implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, the Applicant assures that, as a condition to the approval or extension of any Federal assistance awarded by FTA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FTA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal assistance administered by the FTA or any entity within U.S. DOT. The applicant assure that project implementation and operations so assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq. at 49 CFR parts 27, 37, and 38, and any applicable regulations and directives issued by other Federal departments or agencies.

I. Certifications Prescribed by the Office of Management and Budget (SF-424B and SF-424D)

The Applicant certifies that it:

(1) Has the legal authority to apply for Federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in its application.

(2) Will give FTA, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

(3) Will establish safeguards to prohibit employees from using their positions for a

purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

(4) Will initiate and complete the work within the applicable project time periods following receipt of FTA approval.

(5) Will comply with all statutes relating to nondiscrimination including, but not limited to:

(a) Title VI of the Civil Rights Act, 42 U.S.C. 2000d, which prohibits discrimination on the basis of race, color, or national origin;

(b) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681, 1683, and 1685 through 1687, which prohibits discrimination on the basis of sex;

(c) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicaps;

(d) The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 through 6107, which prohibits discrimination on the basis of age;

(e) The Drug Abuse Office and Treatment Act of 1972, Pub. L. 92-255, March 21, 1972, and amendments thereto, relating to nondiscrimination on the basis of drug abuse;

(f) The Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, Pub. L. 91-616, Dec. 31, 1970, and amendments thereto, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;

(g) The Public Health Service Act of 1912, as amended, 42 U.S.C. 290dd-3 and 290ee-3, related to confidentiality of alcohol and drug abuse patient records;

(h) Title VIII of the Civil Rights Act, 42 U.S.C. 3601 et seq., relating to nondiscrimination in the sale, rental, or financing of housing;

(i) Any other nondiscrimination provisions in the specific statutes under which Federal assistance for the project may be provided including, but not limited to section 1101(b) of the Transportation Equity Act for the 21st Century, 23 U.S.C. 101 note, which provides for participation of disadvantaged business enterprises in FTA programs; and

(j) The requirements of any other nondiscrimination statute(s) that may apply to the project.

(6) Will comply, or has complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Relocation Act) 42 U.S.C. 4601 et seq., which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. As required by U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally assisted Programs," at 49 CFR 24.4, and sections 210 and 305 of the Uniform Relocation Act, 42 U.S.C. 4630 and 4655, the Applicant assures that it has the requisite authority under applicable state and local law and will comply or has complied

with the requirements of the Uniform Relocation Act, 42 U.S.C. 4601 et seq., and U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR 24 including, but not limited to the following:

(a) The Applicant will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24;

(b) The Applicant will provide fair and reasonable relocation payments and assistance required by 42 U.S.C. 4622, 4623, and 4624; 49 CFR part 24; and any applicable FTA procedures, to or for families, individuals, partnerships, corporations or associations displaced as a result of any project financed with FTA assistance;

(c) The Applicant will provide relocation assistance programs offering the services described in 42 U.S.C. 4625 to such displaced families, individuals, partnerships, corporations or associations in the manner provided in 49 CFR part 24 and FTA procedures;

(d) Within a reasonable time before displacement, the Applicant will make available comparable replacement dwellings to displaced families and individuals as required by 42 U.S.C. 4625(c)(3);

(e) The Applicant will carry out the relocation process in such a manner as to provide displaced persons with uniform and consistent services, and will make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin;

(f) In acquiring real property, the Applicant will be guided to the greatest extent practicable under state law, but the real property acquisition policies of 42 U.S.C. 4651 and 4652;

(g) The Applicant will pay or reimburse property owners for necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will participate in the Applicant's costs of providing those payments and that assistance for the project as required by 42 U.S.C. 4631;

(h) The Applicant will execute such amendments to third party contracts and subagreements financed with FTA assistance and execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement the assurances provided herein, and

(i) The Applicant agrees to make these assurances part of or incorporate them by reference into any third party contract or subagreement, or any amendments thereto, relating to any project financed by FTA involving relocation or land acquisition and provide in any affected document that these relocation and land acquisition provisions shall supersede any conflicting provisions,

(7) Will comply, as applicable, with provisions of the Hatch Act, 5 U.S.C. 1501 through 1508, and 7324 through 7326, which limit the political activities of state and local agencies and their officers and employees whose principal employment activities are financed in whole or part with Federal funds including a Federal loan, grant, or cooperative agreement, but does not apply to

a nonsupervisory employee of a transit system (or of any other agency or entity performing related functions) receiving FTA assistance to whom the Hatch Act does not otherwise apply.

(8) To the extent applicable will comply with the Davis-Bacon Act, as amended, 40 U.S.C. 276a through 276a(7), the Copeland Act, as amended, 18 U.S.C. 874 and 40 U.S.C. 276c, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 327 through 333, regarding labor standards for federally-assisted subagreements.

(9) To the extent applicable, will comply with flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

(10) Will comply with environmental standards that may be prescribed to implement the following Federal laws and executive orders.

(a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq. and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note;

(b) Notification of violating facilities pursuant to Executive Order No. 11738, 42 U.S.C. 7606 note;

(c) Protection of wetlands pursuant to Executive Order No. 11990, 42 U.S.C. 4321 note;

(d) Evaluation of flood hazards of floodplains in accordance with Executive Order 11988, 42 U.S.C. 4321 note;

(e) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq.;

(f) Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 et seq.;

(g) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300h et seq.;

(h) Protection of endangered species under the Endangered Species Act of 1973, as amended, Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.; and

(i) Environmental protections for Federal transit programs, including, but not limited to protections for a park, recreation area, or wildlife or waterfowl refuge of national, state, or local significance or any land from a historic site of a national, state, or local significance used in a transit project as required by 49 U.S.C. 303.

(11) Will comply with the Wild and Scenic Rivers Act of 1968, as amended, 15 U.S.C. 1271 et seq. relating to protecting components of the national wild and scenic rivers systems.

(12) Will assist FTA in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f, Executive Order No. 11593 (identification and protection of

historic properties), 16 U.S.C. 470 note, and the Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469a-I et seq.

(13) Will comply with the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4801, which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

(14) Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities on which a construction project supported with FTA assistance takes place without permission and instruction from the awarding agency. Will record the Federal interest in the title of real property in accordance with FTA directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.

(15) Will comply with FTA requirements concerning the drafting, review, and approval of construction plans and specifications of any construction project supported with FTA assistance. As required by U.S. DOT regulations, "Seismic Safety," 49 CFR 41.117(d), before accepting delivery of any building financed with FTA assistance, it will obtain a certificate of compliance with the seismic design and construction requirements of 49 CFR part 41.

(16) Will provide and maintain competent and adequate engineering supervision at the construction site of any project supported with FTA assistance to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by FTA or the State.

(17) Will comply with the National Research Act, Pub. L. 93-348, July 12, 1974, as amended, regarding the protection of human subjects involved in research, development, and related activities supported by the FTA assistance.

(18) Will comply with the Laboratory Animal Welfare Act of 1966, as amended, 7 U.S.C. 2131 et seq. pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by FTA assistance.

(19) Will have performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 et seq. and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

(20) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the project.

II. Lobbying Certification for an Application Exceeding \$100,000

An Applicant that submits an application for Federal assistance exceeding \$100,000 must provide the following certification. FTA may not provide Federal assistance for an application exceeding \$100,000 until the Applicant provides this certification by selecting Category II on the Signature Page.

A. As required by U.S. DOT regulations, "New Restrictions on Lobbying," at CFR

20.110, the Applicant's authorized representative certifies to the best of his or her knowledge and belief that for each application for a Federal assistance exceeding \$100,000:

(1) No Federal appropriated funds have been or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress pertaining to the award of any Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and

(2) If any funds other than Federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application to FTA for Federal assistance, the Applicant assures that it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," including the information required by the form's instructions, which may be amended to omit such information as permitted by 31 U.S.C. 1352.

B. The Applicant understands that this certification is a material representation of fact upon which reliance is placed and that submission of this certification is a prerequisite for providing Federal assistance for a transaction covered by 31 U.S.C. 1352. The Applicant also understands that any person who fails to file a required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

III. Certification of Pre-Award and Post-Delivery Reviews Required for Acquisition of Rolling Stock

An Applicant seeking FTA assistance to purchase rolling stock must provide the following certification. FTA may not provide assistance for any rolling stock acquisition until the Applicant provides this certification by selecting Category III on the Signature Page.

As required by 49 U.S.C. 5323(m), and implementing FTA regulations at 49 CFR 663.7, the Applicant certifies that it will comply with the requirements of 49 CFR part 663, in the course of purchasing revenue service rolling stock. Among other things, the Applicant will conduct or cause to be conducted the prescribed pre-award and post-delivery reviews, and will maintain on file the certifications required by 49 CFR part 663, subparts B, C, and D.

IV. Bus Testing Certification Required for New Bus Acquisitions

An Applicant seeking FTA assistance to acquire new buses must provide the following certification. FTA may not provide assistance for the acquisition of new buses until the Applicant provides this certification by selecting Category IV on the Signature Page.

As required by FTA regulations, "Bus Testing," at 49 CFR 665.7, the Applicant

certifies that before expending any Federal assistance to acquire the first bus of any new bus model or any bus model with a new major change in configuration or components or authorizing final acceptance of that bus (as described in 49 CFR part 665):

A. The model of the bus will have been tested at a bus testing facility approved by FTA; and

B. It will have received a copy of the test report prepared on the bus model.

V. School Transportation Agreement

An Applicant seeking FTA assistance to acquire or operate transportation facilities and equipment acquired with Federal assistance authorized by 49 U.S.C. chapter 53 must agree as follows. FTA may not provide assistance for transportation facilities until the Applicant enters into this Agreement by selecting Category V on the Signature Page.

A. As required by 49 U.S.C. 5323(f) and FTA regulations, "School Bus Operations," at 49 CFR 605.14, the Applicant agrees that it and all its recipients will:

(1) Engage in school transportation operations in competition with private school transportation operators only to the extent permitted by an exception provided by 49 U.S.C. 5323(f), and implementing regulations, and

(2) Comply with the requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance awarded by FTA and authorized by 49 U.S.C. chapter 53 or Title 23 U.S.C. for transportation projects.

B. The Applicant understands that the requirements of 49 CFR part 605 will apply to any school transportation it provides, the definitions of 49 CFR part 605 apply to this

school transportation agreement may require corrective measures and the imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

Over-the-Road Bus Accessibility Program Certifications and Assurances for FTA Assistance

NAME OF APPLICANT: _____

The Applicant agrees to comply with applicable requirements of Categories I-V

(The Applicant may make this selection in lieu of individual selections below.)

OR

The applicant agrees to comply with the applicable requirements of the following categories it has selected:

- I. Certifications and Assurances Required of Each Applicant
- II. Lobbying Certification
- III. Certification for the Purchase of Rolling Stock
- IV. Bus Testing Certification
- V. School Transportation Agreement

Over-the-Road Bus Accessibility Certifications and Assurances

Name of Applicant: _____
Name and relationship of Authorized Representative: _____

BY SIGNING BELOW I, _____ (name), on behalf of the Applicant, 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, regulations, executive orders, and administrative guidance required for each application it makes to the Federal Transit Administration (FTA).

FTA intends that the certifications and assurances the Applicant selects on the other side of this document should apply, as required, to each project for which the applicant seeks FTA assistance.

The applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq., as implemented by U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any

certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with any other program administered by FTA.

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 Application are true and correct.

Signature _____
Date _____
Name _____
Authorized Representative of Applicant

Affirmation of Applicant's Attorney

For _____ (Name of Applicant)

As the undersigned legal counsel for the above name applicant, I hereby affirm to the Applicant that it has authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might

adversely affect the validity of these certifications and assurances, or of the performance of the project. Furthermore, if I become aware of circumstances that change the accuracy of the foregoing statements, I will notify the applicant promptly, which may so inform FTA.

Signature _____
Date _____
Name _____
Applicant's Attorney

Each Applicant for FTA financial assistance and each FTA grantee with an active capital project must provide an attorney's affirmation of the Applicant's legal capacity.

Appendix D—Grant Application Checklist

- 1. Transmittal letter
- 2. SF-424
- 3. Project Eligibility
 - a. Organizational Capacity
- b. 50 percent non-Federal match
- 4. Project Budget
- 5. Project Description
 - Project Milestones
- 6. Project Narrative

BILLING CODE 4910-57-M

APPENDIX E

OMB Approval No. 0348-0043

**APPLICATION FOR
FEDERAL ASSISTANCE**

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name:		Organizational Unit:	
Address (give city, county, State, and zip code):		Name and telephone number of person to be contacted on matters involving this application (give area code)	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): [] [] - [] [] [] [] [] [] [] []		7. TYPE OF APPLICANT: (enter appropriate letter in box) A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____	
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) [] [] A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other(specify): _____		9. NAME OF FEDERAL AGENCY:	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: [] [] - [] [] [] [] TITLE: _____		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):			
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$.00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____	
b. Applicant	\$.00	b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
c. State	\$.00		
d. Local	\$.00		
e. Other	\$.00		
f. Program Income	\$.00		
g. TOTAL	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Type Name of Authorized Representative		b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed	

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|---|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <i>only</i> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:

-- "New" means a new assistance award.

-- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.

-- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

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