Report to the Auburn City Council

Action Item
Agenda Item No. 5

City Manager Approval

To:	Mayor and City Council Members
From:	Bernie Schroeder, Director of Public Works Megan Siren, Administrative Analyst/Transit Manager
Date:	April 14, 2014
Subject:	Federal Transit Administration (FTA) 5311 Funding for Auburn Transit

The Issue

Shall the Council authorize submittal of the Federal Transit Administration (FTA) 5311 application for funding for Auburn Transit?

Conclusion and Recommendation

Staff recommends that the City Council, by RESOLUTION, authorize the Director of Public Works or his/her designee to:

1) Execute and file applications for FTA assistance on behalf of the City of Auburn; and
2) Execute and file the required certifications, assurances and agreements on behalf of the City of Auburn.

Background

The City of Auburn historically received Federal Transit Administration (FTA) 5311 (rural funding program) funding until Fiscal Year 2001/02 when the 2000 Census data placed the City in the Sacramento Urbanized Area. The City was then eligible for FTA 5307 (urban funding program) funding allocated through the Sacramento Council of Governments (SACOG). Placer County received FTA 5307 funding on behalf of the City of Auburn and funded the City's portion of the Placer Commuter Express bus. The 2010 Census Data changed the City of Auburn designation from within the Sacramento Urbanized Area into a separate Urban Cluster. Now that the City is classified as an Urban Cluster, the City became eligible to receive FTA 5311 funding available through the California Department of Transportation (Caltrans) starting with Federal Fiscal Year 2013 and we are not eligible to receive FTA 5307 funding through SACOG.

The FTA 5311 program is available for public transportation projects in non-urbanized counties and is made available through Caltrans. The funds are annually apportioned to each county on a population-based formula. Placer County Transportation Planning Agency (PCTPA) apportions the funds to the eligible transit providers annually. PCTPA approved the apportionment of funds at their February 2014 Board meeting. The City of Auburn is eligible to apply for $213,925 for the Federal Fiscal Year 2014. FTA 5311 funds will be utilized to offset operation costs of Auburn Transit in the amount of $120,163 and will be utilized as matching funds for the purchase of a transit bus in the amount of $93,762. The transit bus will be fully funded with a PTMISEA (Public

Transportation Modernization, Improvement, and Service Enhancement Account) grant of $221,238 and $50,000 capital reserve for a total cost of $365,000. The transit bus will be purchased in FY 2014/15. Staff will be returning to Council for approval to purchase the transit bus at a future Council meeting.

In order to receive FTA funds, the City Council must authorize an official to execute grant agreements. The resolution presented authorizes the Director of Public Works or her/his designee to submit documents necessary to receive federal funding for transit.

Alternatives Available to Council; Implications of Alternatives

1. Proceed with Staff Recommendation
2. Do not proceed with staff recommendation

Fiscal Impact

The FTA funds are received as reimbursement to actual costs incurred. The FY 2014/15 budget will incorporate the funds in the Transit Budget (#27) with $120,163 towards operations and $93,762 towards the capital purchase of a transit bus.

Attachment: Certifications & Assurances
Resolution

FEDERAL FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS CALIFORNIA DEPARTMENT OF TRANSPORTATION DIVISION OF MASS TRANSPORTATION

PREFACE

In accordance with 49 U.S.C. 5323(n), the following certifications and assurances have been compiled for the Federal Transit Administration (FTA) assistance programs. FTA requests each Subrecipient of the California Department of Transportation (Department) to provide as many certifications and assurances as needed for all programs for which the Subrecipient intends to seek FTA assistance during Federal Fiscal Year (FY) 2014. Before the FTA may award Federal transit assistance (funding or funds) to support a project, the Subrecipient must provide certain certifications and assurances required by Federal law or regulation.

The Department has consolidated the FTA certifications and assurances into 16 groups. At a minimum, the Subrecipient must provide the assurances in Group 01. If the Subrecipient requests more than $100,000, the Subrecipient must also provide the Lobbying certification in Group 02, unless the Subrecipient is an Indian tribe or organization or a tribal organization. Depending on the nature of the Subrecipient and its Project, the Subrecipient may need to provide some of the certifications and assurances in Groups 03 through 16. However, instead of selecting individual groups of certifications and assurances, the Subrecipient may make a single selection that will encompass all sixteen (16) groups of certifications and assurances applicable to all FTA programs. FTA and the Department understand and agree that not every provision of these certifications and assurances will apply to every Subrecipient or every project FTA funds. The type of project and Subrecipient will determine which certifications and assurances apply.

The Subrecipient also understands and agrees that these Certifications and Assurances are pre-award requirements, generally required by Federal law or regulation, and do not include all Federal requirements that may apply to the Subrecipient or its Project. Our FTA Master Agreement MA(20) for Federal FY 2014, http://www.fta.dot.gov/documents/20-Master.pdf, contains a list of most of those requirements.

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

The Subrecipient understands and agrees that when it applies for funding on behalf of a consortium, joint venture, partnership, or team, it must identify the activities each member will perform and the extent to which each member of that consortium, joint venture, partnership, or team will be responsible for compliance with the Certifications and Assurances it selects, except as FTA determines otherwise in writing.

These Certifications and Assurances have been prepared in light of:

☐FTA's latest authorization legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, June 6, 2012,

☐The Continuing Appropriations Act, 2014, Pub. L. 113-46, October 17, 2013,

☐The Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. 113-6, March 26, 2013,

☐The Continuing Appropriations Resolution, 2013 (CR), Pub. L. 112-175, September 28, 2012 and

☐FTA's authorizing legislation in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.

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

GROUP 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH SUBRECIPIENT.

The Subrecipient must select the Certifications and Assurances in Group 01 except as FTA determines otherwise in writing.

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

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

1.A. Assurance of Authority of the Subrecipient and Its Representative.

The Subrecipient certifies that both the Subrecipient and its attorney who sign these Certifications, Assurances, and Agreements affirm that the Subrecipient may undertake the following activities, in compliance with applicable State, local, or Indian tribal laws and regulations, and the Subrecipient's by-laws or internal rules:

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

1.B. Standard Assurances.

The Subrecipient understands and agrees to the following:

1. The Subrecipient will comply with all applicable Federal statutes and regulations to carry out any FTA funded Project,
3. The Subrecipient is under a continuing obligation to comply with the terms and conditions of the FTA Grant Agreement or Cooperative Agreement for its Project, including the FTA Master

Agreement incorporated by reference and made part of the latest amendment to the Grant Agreement or Cooperative Agreement,

4. The Subrecipient recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect Project implementation,
5. The Subrecipient understands that Presidential executive orders and Federal guidance, including Federal policies and program guidance, may be issued concerning matters affecting the Subrecipient or its Project,
6. The Subrecipient agrees that the most recent Federal laws, regulations, and guidance will apply to its Project, unless FTA determines otherwise in writing,
7. In light of recent FTA legislation applicable to FTA and except as FTA determines otherwise in writing, the Subrecipient agrees that requirements for FTA programs may vary depending on the fiscal year for which the funding for those programs was appropriated:
   a. In some instances, FTA has determined that Federal statutory or regulatory program and eligibility requirements for FY 2012 or a specific previous fiscal year will apply to:
      (1) New grants and cooperative agreements, and
      (2) New amendments to grants and cooperative agreements that:
         (a) Have been awarded Federal funds made available or appropriated for FY 2012 or the previous fiscal year, or
         (b) May be awarded Federal funds appropriated for FY 2012 or the previous fiscal year, but
   b. In other instances, FTA has determined that MAP-21 will apply to the Federal funds made available or appropriated for FY 2012 or a previous fiscal year, and
   c. For all FTA funded Projects, the following MAP-21 cross-cutting requirements supersede conflicting provisions of previous Federal law and regulations:
      (1) Metropolitan and Statewide Planning,
      (2) Environmental Review Process,
      (3) Agency Safety Plans,
      (4) Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),
      (5) Costs Incurred by Providers of Public Transportation by Vanpool,
      (6) Revenue Bonds as Local Match,
      (7) Debt Service Reserve,
      (8) Government's Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,
      (9) Private Sector Participation,
      (10) Bus Testing,
      (11) Buy America,
      (12) Corridor Preservation,
      (13) Rail Car Procurements,
      (14) Veterans Preference/Employment,
      (15) Alcohol and Controlled Substance Testing, and
      (16) Other provisions as FTA may determine.

1.C. Intergovernmental Review Assurance.

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

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

1.D. Nondiscrimination Assurance.

The Subrecipient assures that:

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

g. The Subrecipient will comply with Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA determines otherwise in writing,

h. The Subrecipient will extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Contractor, including:
   (1) Any Transferee,
   (2) Any Third Party Contractor or Subcontractor at any tier,
   (3) Any Successor in Interest,
   (4) Any Lessee, or
   (5) Any other Third Party Contractor in its Project,

i. The Subrecipient 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:
   (1) Each subagreement,
   (2) Each property transfer agreement,
   (3) Each third party contract or subcontract at any tier,
   (4) Each lease, or
   (5) Each participation agreement, and

j. The assurances the Subrecipient has made will remain in effect as long as:
   (1) Federal funding is extended to the Subrecipient's Project,
   (2) The Subrecipient's Project property is used for a purpose for which the Federal funding is extended,
   (3) The Subrecipient's Project property is used for a purpose involving the provision of similar services or benefits, or
   (4) The Subrecipient retains ownership or possession of its Project property, and
   (5) FTA may otherwise determine in writing, and

4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR Part 27, specifically 49 CFR Part 27.9, and consistent with 49 U.S.C. 5307(c)(1)(D)(ii), your assure that:
   a. The Subrecipient will comply with the following prohibitions against discrimination on the basis of disability, listed in Group 1.D.4.b below of which compliance is a condition of approval or extension of any FTA funding awarded to:
      (1) Construct any facility,
      (2) Obtain any rolling stock or other equipment,
      (3) Undertake studies,
      (4) Conduct research, or
      (5) Participate in or obtain any benefit from any FTA administered program, and
   b. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no otherwise qualified people with a disability will, because of their disability, be:
      (1) Excluded from participation,
      (2) Denied benefits, or
      (3) Otherwise subjected to discrimination.

1.E. Suspension and Debarment Certification.

The Subrecipient certifies that:

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

(1) Debarred,
(2) Suspended,
(3) Proposed for debarment,
(4) Declared ineligible,
(5) Voluntarily excluded, or
(6) Disqualified,

b. The Subrecipient's management has not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for:
   (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,
   (2) Violation of any Federal or State antitrust statute, or
   (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,

c. The Subrecipient 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 1.E.2.b of this Certification,

d. The Subrecipient has not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,

e. If, at a later time, the Subrecipient receives any information that contradicts the statements of subparagraphs 2.a – 2.d above, the Subrecipient will promptly provide that information to FTA,

f. The Subrecipient will treat each lower tier subcontractor under its Project as a covered lower tier contract for purposes of 2 CFR Part 1200 and 2 CFR Part 180 if it:
   (1) Equals or exceeds $25,000,
   (2) Is for audit services, or
   (3) Requires the consent of a Federal official, and

g. The Subrecipient will require that each covered lower tier subcontractor:
   (1) Comply and facilitate compliance with the Federal requirements of 2 CFR Parts 180 and 1200, and
   (2) Assure that each lower tier Contractor in its Project is not presently declared by any Federal department or agency to be:
      (a) Debarred from participation in the Subrecipient's federally funded Project,
      (b) Suspended from participation in the Subrecipient's federally funded Project,
      (c) Proposed for debarment from participation in your subrecipient's federally funded Project,
      (d) Declared ineligible to participate in the Subrecipient's federally funded Project,
      (e) Voluntarily excluded from participation in the Subrecipient's federally funded Project, or
      (f) Disqualified from participation in the Subrecipient's federally funded Project, and

3. The Subrecipient will provide a written explanation as indicated on its Signature Page or a page attached in FTA's TEAM-Web if it or any of its principals, including any of its first tier or lower tier Third Party Contractors is unable to certify compliance with to the preceding statements in this Certification 01.E.

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

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

1. *Administrative Activities.* The Subrecipient assures that:
   a. For every project described in any application the Subrecipient submits, the Subrecipient has adequate resources to properly plan, manage, and complete its Project, including:

(1) The legal authority to apply for Federal funding,
(2) The institutional capability,
(3) The managerial capability, and
(4) The financial capability (including funds sufficient to pay the non-Federal share of Project cost),

b. The Subrecipient will give limited access and the right to examine Project-related materials, including, but not limited to:
(1) FTA,
(2) The Comptroller General of the United States, and
(3) The State of California, through any authorized representative,

c. The Subrecipient will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance, and

d. The Subrecipient will establish safeguards to prohibit employees from using their positions for a purpose that results in:
(1) A personal or organizational conflict of interest, or personal gain, or
(2) The appearance of a personal or organizational conflict of interest or personal gain.

2. *Project Specifics*. The Subrecipient assures that:

a. Following receipt of an FTA award, the Subrecipient will begin and complete Project work within the time periods that apply,

b. For FTA funded construction Projects:
(1) The Subrecipient will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
(2) The Subrecipient will, to the extent practicable, provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
(3) The Subrecipient will include a covenant to assure nondiscrimination during the useful life of its Project in its title to federally funded real property,
(4) To the extent FTA requires, the Subrecipient will record the Federal interest in the title to FTA funded real property or interests in real property, and
(5) To the extent practicable, absent permission and instructions from FTA, the Subrecipient will not alter the site of the FTA funded construction Project or facilities by:
(a) Disposing of the underlying real property or other interest in the site and facilities,
(b) Modifying the use of the underlying real property or other interest in the site and facilities, or
(c) Changing the terms of the underlying real property title or other interest in the site and facilities, and

c. The Subrecipient will furnish progress reports and other information as FTA or the State of California may require.

3. Statutory and Regulatory requirements. The Subrecipient assures that:

a. The Subrecipient will comply with all Federal statutes relating to nondiscrimination that apply, including, but not limited to:
(1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
(2) The prohibitions against discrimination on the basis of sex, as provided in:
(a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
(b) U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR Part 25,
(3) The prohibitions against discrimination on the basis of age in federally funded programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,

(4) The prohibitions against discrimination on the basis of disability in federally funded programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,

(5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*

(6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,

(7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,

(8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,

(9) The confidentiality requirements for the records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and

(10) The nondiscrimination provisions of any other statute(s) that may apply to its Project,

b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 *et seq.*, and 49 U.S.C. 5323(b), regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes:

(1) The Subrecipient will provide for fair and equitable treatment of displaced persons or persons whose property is acquired as a result of federally funded programs, and

(2) The Subrecipient has the necessary legal authority under State and local laws and regulations to comply with:

(a) The Uniform Relocation Act. 42 U.S.C. 4601 *et seq.*, as specified by 42 U.S.C. 4630 and 4655, and

(b) U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR Part 24, specifically 49 CFR Part 24.4, and

(3) The Subrecipient has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations, because:

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

(b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR Part 24, the Subrecipient will provide fair and reasonable relocation payments and assistance for displacement, resulting from any FTA funded Project, of:

1. Families and individuals, and
2. Partnerships, corporations, or associations,

(c) As provided by 42 U.S.C. 4625 and 49 CFR Part 24, the Subrecipient will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such displaced:

1. Families and individuals, and
2. Partnerships, corporations, or associations,

(d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement, the Subrecipient will make available comparable replacement dwellings to families and individuals,

(e) The Subrecipient will:

1. Carry out the relocation process to provide displaced persons with uniform and consistent services, and
2. Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,

(f) The Subrecipient will be guided by the real property acquisition policies of 42 U.S.C. 4651 and 4652 to the greatest extent practicable under State law,

(g) The Subrecipient will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. 4631,

(h) The Subrecipient will execute the necessary implementing amendments to third party contracts and subagreements financed with FTA funding,

(i) The Subrecipient will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances,

(j) The Subrecipient will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, relating to any FTA funded Project involving relocation or land acquisition, and

(k) The Subrecipient will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,

c. To the extent practicable, the Subrecipient 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 Subrecipient will, to the extent practicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:

(1) The National Research Act, as amended, 42 U.S.C. 289 *et seq.*, and

(2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR Part 11,

e. The Subrecipient will, to the extent practicable, comply with the labor standards and protections for federally funded Projects of:

(1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 – 3144, 3146, and 3147,

(2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively, and

(3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*,

f. The Subrecipient will, to the extent practicable, comply with any applicable environmental standards that may be prescribed to implement Federal laws and executive orders, including, but not limited to:

(1) Following the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 – 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,

(2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. 7606 note,

(3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. 4321 note,

(4) Following the evaluation of flood hazards in floodplains provisions of Executive Order No. 11988, 42 U.S.C. 4321 note,

(5) Complying with the assurance of Project consistency with the approved State management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 – 1465,

(6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 – 7671q,

(7) Complying with the protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,

(8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544,

(9) Complying with the environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation Project as required by 49 U.S.C. 303(b) and 303(c),

(10) Complying with the protection of the components of the national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and

(11) Complying with and facilitating compliance with:

(a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,

(b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and

(c) Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note,

g. To the extent practicable, complying with the following Federal requirements for the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal funding:

(1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and

(2) U.S. Department of Agriculture regulations, "Animal Welfare," 9 CFR subchapter A, parts 1, 2, 3, and 4,

h. To the extent practicable, obtaining a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, "Seismic Safety," 49 CFR Part 41, specifically 49 CFR Part 41.117(d), before accepting delivery of any FTA-funded building,

i. To the extent practicable, complying with, and assuring its Third Party Contractors located in special flood hazard areas comply with, section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:

(1) Participating in the Federal flood insurance program, and

(2) Purchasing flood insurance if the total cost of insurable construction and acquisition is $10,000 or more,

j. To the extent practicable, complying with:

(1) The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds, including a Federal loan, grant agreement, or cooperative agreement, and

(2) 49 U.S.C. 5323(l)(2), and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding made available or authorized for 49 U.S.C. chapter 53 and 23 U.S.C. 142(a)(2) to whom the Hatch Act does not otherwise apply,

k. Performing the financial and compliance audits as required by the:

(1) Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*,

(2) U.S. OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised, and

(3) Most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT, and

l. To the extent practicable, complying with all the provisions of all other Federal laws or regulations that apply, and follow Federal guidance governing the Subrecipient and its Project, except to the extent that FTA has expressly approved otherwise in writing.

GROUP 02. LOBBYING.

Unless the Subrecipient is an Indian Tribe exempted from these requirements by 31 U.S.C. 1352, the Subrecipient must select the Certification in Group 02 if the Subrecipient seeks:
☐A Federal grant or cooperative agreement exceeding $100,000, or
☐A Federal loan (including a line of credit), loan guarantee, or loan insurance exceeding $150,000.

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

Except as FTA determines otherwise in writing, FTA may not provide funding for the Subrecipient's Project for which Group 02 applies unless the Subrecipient selects the Certification in Group 02. Any provision of the Certification in Group 02 that does not apply will not be enforced.

The Subrecipient u certifies that:

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

(3) Subagreements, and
(4) Third party contracts under a:
(a) Federal grant or cooperative agreement, or
(b) Federal loan, line of credit, loan guarantee, or loan insurance,

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

GROUP 03. PROCUREMENT AND PROCUREMENT SYSTEM.

We request that the Subrecipient select the Procurement and Procurement System Certification, in Group 03, especially if the Subrecipient is a local, or Indian tribal government with a certified procurement system, as provided in 49 CFR 18.36(g)(3)(ii).

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

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

The Subrecipient certifies that its procurements and procurement system will comply with all Federal laws and regulations in accordance with applicable Federal guidance, except to the extent FTA has approved otherwise in writing.

GROUP 04. PRIVATE SECTOR PROTECTIONS.

The Subrecipient must select the Private Property Protections Assurances in Group 4.A, and enter into the Agreements in Group 4.B, and Group 4.C and if the Subrecipient intends to acquire public transportation property or operate public transportation supported with FTA capital or operating funds, except as FTA determines otherwise in writing.

The Subrecipient is ultimately responsible for compliance with the Certifications and Assurances that apply to itself or its Project, even if a Third Party Contractor may be involved in the Subrecipient's Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage the

Subrecipient to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Third Party Contractor to assure the validity of applicable Certifications and Assurances selected.

Any Provision of the Assurances and Agreement in Group 04 that does not apply will not be enforced.

4.A. Private Sector Property Protections.

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

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

4.B. Charter Service Agreement.

The Subrecipient must enter into the Charter Service Agreement in Group 04.B if the Subrecipient applies for funding to acquire or operate transit facilities and equipment, unless the FTA determine in writing or the Subrecipient qualifies for an exception under Federal law and regulations.

As required by 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," 49 CFR part 604, specifically 49 CFR 604.4, the Subrecipient is entering into the following Charter Service Agreement:

1. General Requirements. FTA's "Charter Service" regulations apply as follows:
   a. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired by FTA recipients for transportation Projects with Federal funding derived from:
      (1) Federal transit laws, 49 U.S.C. chapter 53, or
      (2) 23 U.S.C. 133 or 142,
      (3) Any other Act that provides Federal Public Transportation assistance unless otherwise excepted
   b. FTA's charter service restrictions extend to:
      (1) The Subrecipient, when it becomes a recipient of Federal funding authorized for or made available for:
         (a) Federal transit laws, 49 U.S.C. chapter 53, or
         (b) 23 U.S.C. 133 or 142,
         (c) Any other Act that provides Federal Public Transportation assistance unless otherwise excepted
      (2) Any Third Party Contractor that receives Federal funding derived from:
         (a) Federal transit laws, 49 U.S.C. chapter 53, or
         (b) 23 U.S.C. 133 or 142,
         (c) Any other Act that provides Federal Public Transportation assistance unless otherwise excepted
   c. A Third Party Contractor includes any:
      (1) Lessee,
      (2) Subcontractor at any Tier, and
      (3) Other Third Party Contractor in the Subrecipient's Project,
   d. The Subrecipient agrees that neither it nor any governmental authority or publicly-owned operator that receives Federal Public Transportation funding made available or authorized for

the Subrecipient's Project will engage in charter service operations, except as permitted under:
(1) Federal transit laws, specifically 49 U.S.C. 5323(d) and (g),
(2) FTA regulations, "Charter Service," 49 CFR part 604, to the extent consistent with 49 U.S.C. 5323(d) and (g),
(3) Any other Federal Charter Service regulations, or
(4) Federal guidance, except as FTA determines otherwise in writing,

e. The Subrecipient agrees that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and

f. The Subrecipient agrees that:
(1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives FTA funding made available or authorized for its Project that has engaged in a pattern of violations of FTA's Charter Service regulations by:
(a) Conducting charter operations prohibited by Federal transit laws and FTA's Charter Service regulations, or
(b) Otherwise violating the Subrecipient's Charter Service Agreement it has elected in its latest annual Certifications and Assurances, and
(2) These corrective measures and remedies may include:
(a) Barring the Subrecipient or any Third Party Contractor operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds,
(b) Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations, or
(c) Any other appropriate remedy that may apply, and

2. Exceptions. Apart from exceptions to the charter service restrictions in FTA's Charter Service Regulations, FTA has established the following additional exceptions to those restrictions:
a. FTA's Charter Service restrictions do not apply to the Subrecipient seeking funding made available or appropriated for 49 U.S.C. 5307 and 5311 to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, provided that the Subrecipient uses that FTA funding for program purposes only,
b. FTA's Charter Service restrictions do not apply to the Subrecipient seeking funding made available or appropriated for 49 U.S.C. 5310 to be used for New Freedom activities that would have been eligible for assistance under repealed 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, provided the Subrecipient uses that FTA funding for program purposes only, and
c. A Subrecipient applying for assistance under 49 U.S.C. Chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Subrecipient provides a private intercity or charter transportation operator reasonable access to that Subrecipient's federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes as specified in 49 U.S.C. 5323(r).

4.C. School Bus Agreement.

The Subrecipient must enter into the School Bus Agreement in Group 04.C if it applies for funding to acquire or operate transit facilities and equipment, unless the Subrecipient qualifies for an exception under Federal law and regulations or the FTA determines otherwise in writing.

As required by 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 Subrecipient is entering into the following School Bus Agreement:

1. FTA's "School Bus Operations" regulations restrict school bus operations (as defined in the FTA regulations) using facilities and equipment acquired with Federal funding derived from:
   a. Federal transit laws, 49 U.S.C. Chapter 53, or
   b. 23 U.S.C. 133 or 142,
   c. Any other Act that provides Federal public transportation assistance, unless otherwise expected.
2. FTA's school bus operations restrictions extend to:
   a. The Subrecipient, when it becomes a recipient of Federal funding made available or authorized for:
      (1) Federal transit laws, 49 U.S.C. Chapter 53, or
      (2) 23 U.S.C. 133 or 142, or
      (3) Any other Act that provides Federal public transportation assistance, unless otherwise expected.
   b. Any Third Party Contractor that receives Federal funding derived from:
      (1) Federal transit laws, 49 U.S.C. Chapter 53, or
      (2) 23 U.S.C. 133 or 142, or
      (3) Any other Act that provides Federal public transportation assistance, unless otherwise expected.
3. A Third Party Contractor includes any:
   a. Lessee,
   b. Subcontractor at any tier, and
   c. Other Third Party Contractor in the Project,
4. The Subrecipient agrees, and will obtain the agreement of any Third Party Contractor involved in the Subrecipient's Project, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
   a. Federal transit laws, specifically 49 U.S.C. 5323(f) and (g),
   b. FTA regulations, "School Bus Operations," 49 CFR Part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g),
   c. Any other Federal School Bus regulations, or
   d. Federal guidance, except as FTA determines otherwise in writing,
5. The Subrecipient agrees that the latest School Bus Agreement it has selected in FTA's latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
6. The Subrecipient agrees that FTA will bar the Subrecipient or any Third Party Contractor that has violated this School Bus Agreement from FTA:
   a. Bar the Subrecipient or Third Party Particpant from receiving further Federal Transit Funds or
   b. Require the Subrecipient or Third Party Participant to take such remedial measures as FTA considers appropriate.

GROUP 05. ROLLING STOCK REVIEWS AND BUS TESTING.

The Subrecipient must select the Certifications in Group 05 if the Subrecipient, using FTA funds, intends to acquire:

☐Rolling stock for use in revenue service. or

☐A new bus model.

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

☐49 U.S.C. chapter 53, as amended by MAP-21, or

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

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

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

5.A. Rolling Stock Reviews.

(Applicable if the Subrecipient seeks FTA funding for rolling stock for use in revenue service.)

The Subrecipient certifies that in procuring revenue service rolling stock for use in revenue service:

1. The Subrecipient 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 Part 663.7:
   a. The Subrecipient will conduct or cause to be conducted the required pre-award and post-delivery reviews, and
   b. The Subrecipient will maintain on file the Certifications required by 49 CFR Part 663, subparts B, C, and D.

5.B. Bus Testing.

(If The Subrecipient seeks FTA funding to acquire a new bus model.)

The Subrecipient certifies that:

1. "Bus Testing" applies to all acquisitions of new buses and new bus models that require bus testing, the Subrecipient will comply with:
   a. 49 U.S.C. 5318, and
   b. FTA regulations, "Bus Testing," 49 CFR Part 665, to the extent these regulations are consistent with 49 U.S.C. 5318,
2. As required by 49 CFR Part 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration:
   a. The Subrecipient will not spend any Federal funds appropriated under 49 U.S.C. Chapter 53 to acquire that bus until:
      (1) The bus has been tested at FTA's bus testing facility, and
      (2) It has received a copy of the test report prepared on that new bus model, and
   b. The Subrecipient will not authorize final acceptance of the bus until:
      (1) The bus has been tested at FTA's bus testing facility,
      (2) It has received a copy of the test report prepared on that new bus model,
3. The Subrecipient will ensure that the bus that is tested has met the performance standards consistent with those regulations, including:
   a. Performance standards for:
      (1) Maintainability,
      (2) Reliability,
      (3) Performance (including braking performance),

(4) Structural integrity,
(5) Fuel economy,
(6) Emissions, and
(7) Noise, and

b. Minimum safety performance standards established under 49 U.S.C. 5329 and

4. After FTA has issued regulations authorized by 49 U.S.C. 5318(e)(2), the Subrecipient will ensure that the bus that is tested has received a passing aggregate test score under the "Pass/Fail" standard established under 49 U.S.C. 5318(e)(2).

GROUP 06. DEMAND RESPONSIVE SERVICE.

Before FTA may provide funding for a Subrecipient's Project, the Subrecipient must select the Certification in Group 06 if the Subrecipient is a public entity, operates demand responsive service and intends to use FTA funding to acquire a non-rail vehicle that is not accessible, but financed with FTA funds unless the FTA determines otherwise in writing.

☐49 U.S.C. Chapter 53, as amended by MAP-21, or

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

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

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

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR Part 37, specifically 49 CFR Part 37.77(d), the Subrecipient certifies that:

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

GROUP 07. INTELLIGENT TRANSPORTATION SYSTEMS.

The Subrecipient must select the Assurance in Group 07 if the Subrecipient applies for Federal funding to support:

☐An Intelligent Transportation Systems (ITS) Project, or

☐A Project in support of an ITS Project.

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

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

The Subrecipient assures that:

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

GROUP 08. INTEREST AND FINANCING COSTS AND LEASING COSTS.

The Subrecipient must select the Certifications in Group 08 if the Subrecipient's Project involves interest, financing or leasing costs supported with FTA funds made available or appropriated 49 U.S.C. Chapter 53.

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

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

8.A. Interest and Financing Costs.

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

The Subrecipient certifies that:

1. The Subrecipient will not seek reimbursement for interest or other financing costs unless:
   a. It is eligible to receive Federal funding for those costs, and

b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, to the extent FTA may require, and

2. The Subrecipient will comply with the same favorable financing cost provisions for:
   a. Urbanized Area Formula Grants Projects,
   b. Projects under Full Funding Grant Agreements,
   c. Projects with Early Systems Work Agreements,
   d. Fixed Guideway Capital Investment Projects funded by previous FTA enabling legislation,
   e. State of Good Repair Projects,
   f. Bus and Bus Facilities Projects and
   g. Low or No Emission Vehicle Development Projects.

8.B. Acquisition of Capital Assets by Lease.

The Subrecipient must select the Certification in Group 08.B if the Subrecipient intends to use FTA funding to acquire capital assets through a lease.

The Subrecipient certifies and assures that, as required by FTA regulations, "Capital Leases," 49 CFR Part 639, specifically 49 CFR 639.15(b)(1) and 49 CFR 639.21, if the Subrecipient acquires any capital asset through a lease financed with Federal funding authorized under 49 U.S.C. Chapter 53:

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

GROUP 09. TRANSIT ASSET MANAGEMENT AND AGENCY SAFETY PLANS.

Except as FTA determines otherwise in writing, before FTA may provide funding made available or appropriated for 49 U.S.C. Chapter 53 to support you or Third Party project, the Subrecipient must select the Certifications in Group 09. Any provision of the Certifications in Group 09 that does not apply will not be enforced.

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

9.A. Transit Asset Management Plan.

The Subrecipient must select the Certification in the Transit Asset Management in Group 09.A if the Subrecipient applies, as a direct Recipient, of funding made available or appropriated for 49 U.S.C. Chapter 53.

The Subrecipient certifies that the Subrecipient will comply, and each Third Party Contractor will:

1. Follow Federal guidance issued that implements transit asset management system provisions of 49 U.S.C. 5326, except as FTA determines otherwise in writing, and
2. Comply with the final Federal regulations that implement the transit asset management system required by 49 U.S.C. 5326.

9.B. Public Transportation Agency Safety Plan.

Except as FTA determines otherwise in writing, the Subrecipient must select the Certification in the Public Transportation Safety Plan in Group 09.B if the Subrecipient is a local government, or any other operator of a public transportation system and seeks funding made available or appropriated for 49 U.S.C. Chapter 53 .

The Subrecipient certifies that it will:

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

GROUP 10. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

Except as FTA determines otherwise in writing, the Subrecipient must select the Certification in Group 10 if the Subrecipient is required to comply with the alcohol and controlled substance testing requirements of 49 U.S.C. 5331 and its implementing regulations.

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

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

As required by 49 U.S.C. 5331, and FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR part 655, subpart I, specifically 49 CFR 655.83 the Subrecipient certifies that:

1. The Subrecipient and each Third Party Contractor has established and implemented:
   a. An alcohol misuse testing program, and
   b. A controlled substance testing program,
2. The Subrecipient and each Third Party Contractor has complied with or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. 5331, and
3. Further, should the Subrecipient and each Third Party Contractor reside in a State that permits marijuana use for medical or recreational purposes, the Subrecipient and each Third Party Contractor has complied or will comply with the Federal controlled substance testing requirements of 49 CFR Part 655.

GROUP 11. BUS AND BUS FACILITIES FORMULA GRANTS PROGRAM AND BUS AND BUS RELATED EQUIPMENT AND FACILITIES GRANT PROGRAM (DISCRETIONARY).

The Certifications in Group 11.A are in addition to other Certifications and Assurances listed previously that are required for Bus and Bus Facilities Program funding.

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

Except as FTA determines otherwise in writing, the Subrecipient must select the Certifications in Group 11, if the Subrecipient seeks financing for its:

☐ Bus and Bus Facilities Formula Grant Program financed with funds made available or appropriated for 49 U.S.C. 5339, as amended by MAP-21, and Grant Program (Discretionary)

☐ Bus and Bus Related Equipment and Facilities Project financed with funds appropriated under former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a previous fiscal year.

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

Before FTA may provide funding made available or appropriated for the Subrecipient's Project, the Subrecipient must have selected the Certifications in Group 11 and other Certifications and Assurances listed previously that are required for the funding the Subrecipient seeks. Any provision of the Certifications in Group 11 that does not apply will not be enforced.

11.A. Bus and Bus Facilities Formula Grants Program

The Subrecipient must select the Certification in Group 11.A if the Subrecipient seeks funding for its Bus or Bus Facilities Formula Project financed with funds made available or appropriated for 49 U.S.C. 5339.

The following Certification for Bus and Bus Facilities Formula Grants Program funding is required by 49 U.S.C. 5339(b), which states that "The requirements of Section 5307 apply to recipients of grants made under this section." Therefore, except as FTA determines otherwise in writing, the Subrecipient certifies that:

1. The Subrecipient has or will have the:
   a. Legal capacity to carry out its proposed Projects,
   b. Financial capacity to carry out its proposed Projects,
   c. Technical capacity as well as capacity to carry out safety and security aspects of its proposed Projects,
2. The Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. The Subrecipient will maintain its Project equipment and facilities adequately,
4. The Subrecipient will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C.5339, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
   a. Any senior,

b. Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
c. Any individual presenting a Medicare card issued to himself or herself pursuant to title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
d. Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),

5. When carrying out a procurement under 49 U.S.C. 5339, the Subrecipient will comply with the:
   a. General provisions for FTA programs of 49 U.S.C. 5323, and
   b. Third party procurement requirements of 49 U.S.C. 5325,
6. The Subrecipient has complied with or will comply with 49 U.S.C. 5307(b), because it:
   a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5339,
   b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
   c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
   d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
   e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by U.S. DOT under 49 U.S.C. 5336 with federally funded transportation services supported by United States Government sources other than U.S. DOT,
   f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
   g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), the Subrecipient:
   a. Has or will have the amount of funds required for the local share,
   b. Will provide the local share funds from approved non-Federal sources except if otherwise authorized by law, and
   c. Will provide the local share funds when needed,
8. The Subrecipient will comply with:
   a. The Metropolitan Planning requirements of 49 U.S.C. 5303, and
   b. The State Planning requirements of 49 U.S.C. 5304,
9. The Subrecipient has a locally developed process to solicit and consider public comment before:
   a. Raising a fare, or
   b. Implementing a major reduction of public transportation, and
10. The Subrecipient will comply with requirements for Public Transportation Agency Safety Plan requirements of 49 U.S.C. 5329.d.

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

Except as FTA determines otherwise in writing, the Subrecipient must select the Certification in Group 11.B if the Subrecipient seeks funding for its discretionary Bus or Bus Related Equipment and Facilities Grant Program (Discretionary) financed with funds made available or appropriated for former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a previous fiscal year. In administering these programs, MAP-21 cross-cutting requirements supersede inconsistent former requirements.

Any provision of the Certification in Group 11.B that does not apply will not be enforced.

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

1. The Subrecipient has or will have the:
   a. Legal capacity to carry out its proposed Projects,
   b. Financial capacity to carry out its proposed Projects,
   c. Technical capacity to carry out its proposed Projects,
2. The Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. The Subrecipient will maintain its Project equipment and facilities adequately, and
4. The Subrecipient has complied or will comply with, and will require each Third Party Contractor to comply with, 49 U.S.C. 5303, and 5304.

GROUP 12. URBANIZED AREA FORMULA GRANT PROGRAMS AND JOB ACCESS AND REVERSE COMMUTE (JARC) FORMULA GRANT PROGRAM.

The Certifications in Group 12 are in addition to other Certifications and Assurances listed previously that are required for the Urbanized Area Formula Grants Programs or Job Access and Reverse Commute (JARC) Formula Grant Program funding.

Except as FTA determines otherwise in writing, the Subrecipient must select the Certifications in Group 12, if the Subrecipient seeks financing for its:

☐ Urbanized Area Formula Project financed with funds made available or appropriated for 49 U.S.C. 5307, as amended by MAP-21, which among other things, authorizes funding for JARC Projects and Project Activities,

☐ Urbanized Area Formula Project financed with funds made available or appropriated for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, or

☐ Job Access and Reverse Commute Project financed with funds made available or appropriated for former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year.

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

Before FTA may provide funding made available or appropriated for any of above programs, the Subrecipient must have selected the Certifications in Group 12 and other Certifications and Assurances listed previously that are required for the funding the Subrecipient seeks.

If the Subrecipient seeks funding made available or authorized by 49 U.S.C. 5307 or former 49 U.S.C. 5316, the Subrecipient should provide the three subgroups of Certifications in Group 12.

Before FTA may provide funding made available or appropriated for any of above programs, the Subrecipient must have selected the Certifications in Group 12 and other Certifications and Assurances listed previously that are required for the funding the Subrecipient seeks.

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

12.A. Urbanized Area Formula Program under MAP-21.

The Subrecipient must select the Certification in Group 12.A if the Subrecipient seeks funding for its Urbanized Area Formula Project financed with funds made available or appropriated for 49 U.S.C. 5307, as amended by MAP-21.

The following Certification for the Urbanized Area Formula Program funding appropriated or made available in FYs 2013 and 2014 are required by 49 U.S.C. 5307(c)(1), . Therefore, except as FTA determines otherwise in writing, the Subrecipient certifies that:

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

b. Will provide the local share funds from approved non-Federal sources except if otherwise authorized by law, and
c. Will provide the local share funds when needed,

8. As required by 49 U.S.C. 5307(c)(1)(H) and 49 U.S.C. 5309(c)(2), the Subrecipient will comply with:
   a. The Metropolitan Planning requirements of 49 U.S.C. 5303, and
   b. The State Planning requirements of 49 U.S.C. 5304,
9. As required by 49 U.S.C. 5307(c)(1)(I), the Subrecipient has a locally-developed process to solicit and consider public comment before:
   a. Raising a fare, or
   b. Implementing a major reduction of public transportation,
10. Each fiscal year:
   a. The Subrecipient will ensure that at least one (1) percent of the amount of the 49 U.S.C. 5307 funding apportioned to the urbanized area is spent for public transportation security Projects as described in 49 U.S.C. 5307(c)(1)(J)(i) including:
      (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
      (2) Increased camera surveillance of an area in or adjacent to that system,
      (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
      (4) Any other Project intended to increase the security and safety of an existing or planned public transportation, or
   b. The Designated Recipients in the Subrecipient's urbanized area will certify that such expenditures for transportation security Projects are not necessary,
11. If the Subrecipient serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:
   a. Each fiscal year, the Subrecipient will ensure that at least one (1) percent of the amount apportioned to the urbanized area is spent for Associated Transit Improvements, as defined in 49 U.S.C. 5302(1),
   b. The Subrecipient will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:
      (1) A list of its Associated Transit Improvement Projects or Project activities during that Federal fiscal year using those 49 U.S.C. 5307 funds, or
      (2) Sufficient information to demonstrate that the Designated Recipients in its area have spent one (1) percent of the amount of funding that must be made available to them for Associated Transit Improvement Projects or Project activities, or have included the same information in a separate report attached in TEAM-Web, and
   c. The report of the Subrecipient's Associated Transit Improvement Projects or Project activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
12. The Subrecipient will comply with its Public Transportation Agency Safety Plan as required by 49 U.S.C. 5329.d.

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

The Subrecipient must select the Certification in Group 12.B if the Subrecipient seeks funding for its Urbanized Area Formula Project financed with funds made available or appropriated for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.

The following Certification for the Urbanized Area Formula Grants Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21

cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, the Subrecipient certifies that:

1. The Subrecipient has or will have the:
   a. Legal capacity to carry out its proposed Projects,
   b. Financial capacity to carry out its proposed Projects,
   c. Technical capacity as well as capacity to carry out Safety and Security aspects of its proposed Projects,
2. The Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. The Subrecipient will maintain its Project equipment and facilities adequately,
4. The Subrecipient will ensure that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
   a. Any elderly individual,
   b. Any handicapped individual, as described in 49 CFR part 27,
   c. Any individual presenting a Medicare card issued to himself or herself pursuant to Title II of the Social Security Act (42 U.S.C. 401 *et seq.*), or
   d. Any individual presenting a Medicare card issued to himself or herself pursuant to Title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead:
   a. The Subrecipient will use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
   b. The Subrecipient will not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
   c. "Buy America," the Subrecipient will comply with 49 U.S.C. 5323(j),
   d. The Subrecipient will comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
   e. The Subrecipient will comply with applicable railcar option restrictions of 49 U.S.C. 5325(e), and
   f. The Subrecipient will comply with "Veterans Preference/Employment," of 49 U.S.C. 5325(k),
6. The Subrecipient has complied or will comply with other applicable requirements under 49 U.S.C. 5323 and 5325.
7. The Subrecipient:
   a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5307,
   b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
   c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as a Subrecipient,
   d. Will provide or has provided an opportunity for a public hearing in which to obtain the views of citizens on the proposed Program of Projects,
   e. Will ensure or has ensured that the proposed Program of Projects provides for the coordination of public transportation services assisted under 49 U.S.C. 5336 with transportation services assisted from other U.S. Government sources,
   f. Will consider or has considered comments and views received, especially those of private transportation providers, in preparing the final Program of Projects, and
   g. Will make or has made the final Program of Projects available to the public.
8. The subrecipient:
   a. Has or will have the amount of funds required for the local share,

b. Will provide the local share funds from sources approved by FTA, and
c. Will provide the local share funds when needed.

9. The Subrecipient has complied or will comply with, and will require each Third Party Contractor to comply with, 49 U.S.C. 5303, and 5304,
10. The Subrecipient has a locally developed process to solicit and consider public comment before:
    a. Raising a fare, or
    b. Implementing a major reduction of public transportation,
11. Each fiscal year:
    a. The Subrecipient will spend at least one (1) percent of its 49 U.S.C. 5307 funding for public transportation security Projects (limited to capital Projects if the Subrecipient serves an urbanized area with a population of 200,000 or more), including:
        (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
        (2) Increased camera surveillance of an area in or adjacent to that system,
        (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
        (4) Any other Project intended to increase the security and safety of an existing or planned public transportation, or
    b. The Subrecipient will certify that such expenditures for transportation security Projects are not necessary, (Information about the Subrecipient's intentions must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Program application in TEAM-Web),
12. If the Subrecipient serves an urbanized area with a population of at least 200,000 individuals:
    a. Each fiscal year, the Subrecipient will ensure that at least one (1) percent of the amount apportioned to the urbanized area is spent for Transit Enhancements, as defined in former 49 U.S.C. 5302(a)(15),
    b. The Subrecipient will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year
        (1) A list of its Transit Enhancement Project activities during that Federal fiscal year using those former 49 U.S.C. 5307 funds, or
        (2) Sufficient information to demonstrate that Designated Recipients in the Subrecipient's urbanized area together have spent one (1) percent of the amount of funding that must be made available to them for Transit Enhancements or have included the same information in a separate report attached in TEAM-Web, and
    c. The report of the Subrecipient or the Designated Subrecipients' Transit Enhancement Projects or Project activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
13. The Subrecipient will comply with its Public Transportation Agency Safety Plan, as required by 49 U.S.C. 5329(d).

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

The Subrecipient must select the Certification in Group 12.C if the Subrecipient seeks funding for its JARC Project financed with funds made available or appropriated for former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year. In administering program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.

1. The following Certification for the Urbanized Area Formula Grants Program is required by former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, the Subrecipient certifies that:

a. The Subrecipient will make awards of JARC funding on a competitive basis following:
   (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5316, and
   (2) A statewide solicitation for applications for JARC funding in compliance with former 49 U.S.C. 5316,
b. Any allocations to Third Party Contractors of JARC funding authorized by former 49 U.S.C. 5316 will be distributed on a fair and equitable basis,
c. As required by former 49 U.S.C. 5316:
   (1) The projects the Subrecipient has selected or will select for funding made available or appropriated for that program were derived from a public transit-human services transportation plan that has been:
      (a) Locally developed, and
      (b) Coordinated,
   (2) That locally developed, coordinated plan was produced through a process that included:
      (a) Representatives of public, private, and nonprofit transportation providers,
      (b) Representatives of public, private, and nonprofit human services providers, and
      (c) Participation by the public,
d. Before the Subrecipient transfers funds to a project funded by former 49 U.S.C. 5336, that project has been or will have been coordinated with private nonprofit providers of services,
e. Before using funds apportioned for projects serving an area other than that for which funding was apportioned under former 49 U.S.C. 5316:
   (1) The State's chief executive officer, or his or her designee, will have certified that all the JARC program objectives of former 49 U.S.C. 5316 are being met in the area from which the funding would be derived, and
   (2) If the State has a statewide program for meeting the JARC program objectives of former 49 U.S.C. 5316, the funds can be used for projects anywhere in the State, and
f. The requirements of former 49 U.S.C. 5307 will apply to the JARC Program, authorized by former 49 U.S.C. 5316, and

2. The following Certifications for the JARC Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, the Subrecipient certifies that:
   a. The Subrecipient has or will have, and will require each Third Party Contractor to have:
      (1) The legal capacity to carry out its proposed Projects,
      (2) The financial capacity to carry out its proposed Projects,
      (3) The technical capacity as well as capacity to carry out Safety and Security aspects of its proposed Projects,
   b. The Subrecipient has or will have, and will require each Third Party Contractor to have satisfactory continuing control over the use of Project equipment and facilities,
   c. The Subrecipient will maintain, and will require each Third Party Contractor to maintain, its Project equipment and facilities adequately,
   d. The Subrecipient will ensure, and will require each Third Party Contractor to ensure, that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5316, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
      (1) Any elderly individual,
      (2) Any handicapped individual, as described in 49 CFR Part 27,
      (3) Any individual presenting a Medicare card issued to himself or herself pursuant to Title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
      (4) Any individual presenting a Medicare card issued to himself or herself pursuant to Title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),

e. When carrying out a procurement under former 49 U.S.C. 5316 except as superseded by MAP-21 cross cutting requirements that apply instead, the Subrecipient will, and will require each Third Party Contractor to:
   (1) Use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a), and
   (2) Not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
   (3) "Buy America" under 49 U.S.C. 5323(j),
   (4) Applicable Pre-award and Post-delivery requirements of 49 U.S.C. 5323 and 5325 and
   (5) "Veterans Preference Employment" under 49 U.S.C. 5325(k).
f. The Subrecipient has complied or will comply with other applicable requirements under 49 U.S.C. 5323 and 5325.
g. The Subrecipient:
   (1) Has or will have and, as necessary, will require each Third Party Contractor to have the amount of funds required for the local share by former 49 U.S.C. 5316,
   (2) Will provide and, as necessary, will require each Third Party Contractor to provide, the local share funds from approved non-Federal sources approved by the FTA and
   (3) Will provide and as necessary, will require each Third Party Contractor provide the local share funds when needed,
h. The Subrecipient has complied or will comply with, and will require each Third Party Contractor to comply with, 49 U.S.C. 5303, and 5304,
i. The Subrecipient has or will have, and will require each Third Party Contractor to have a locally developed process to solicit and consider public comment before:
   (1) Raising a fare, or
   (2) Implementing a major reduction of public transportation, and
j. To the extent applicable, as required by the MAP-21 cross-cutting requirement, the Subrecipient will comply with and, as necessary, will require each Third Party Contractor to comply with the Federal regulations, when issued that implement the Safety Plan requirements of 49 U.S.C. 5329(d).

GROUP 13. SENIORS/ELDERLY/INDIVIDUALS WITH DISABILITIES AND NEW FREEDOM PROGRAMS.

The Certifications in Group 13 are in addition to other Certifications and Assurances listed previously that are required for Seniors/Elderly/Individuals with Disabilities or New Freedom Program funding.

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

Except as FTA determines otherwise in writing, the Subrecipient must select the Certifications in Group 13 if the Subrecipient seeks financing for its:

☐ Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Project, financed or to be financed with funds made available or appropriated for 49 U.S.C. 5310, as amended by MAP-21, which among other things authorizes funding for New Freedom Projects and Project Activities,

☐ Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Project financed or to be financed with funds made available or appropriated for former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, or

☐New Freedom Project financed or to be financed with funds made available or appropriated for former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year.

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

These three programs have or will have funding available during FY 2014. Accordingly, if the Subrecipient seeks funding made available or authorized by 49 U.S.C. 5310 or former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, the Subrecipient should provide the three subgroups of Certifications in Group 13 to assure that FTA can select the type of funding it considers most suitable. Before FTA may provide funding made available or appropriated for any of these Projects, the Subrecipient must have selected the Certifications in Group 13 and other Certifications and Assurances listed previously that are required for the funding the Subrecipient seeks. Any provision of the Certifications in Group 13 that does not apply will not be enforced.

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

The Subrecipient must select the Certification in Group 13.A if the Subrecipient seeks funding for its Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Project financed with funds made available or appropriated for 49 U.S.C. 5310, as amended by MAP-21.

1. The following Certification for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program is required by 49 U.S.C. 5310, as amended by MAP-21. Therefore, except as FTA determines otherwise in writing, the Subrecipient certifies that:
   a. Each of the Subrecipient's is:
      (1) A private nonprofit organization, or
      (2) A local governmental authority that:
         (a) Is approved by the State of California to coordinate services for seniors and individuals with disabilities; or
         (b) Certifies that there are no private nonprofit organizations readily available in the area to provide services authorized under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program,
   b. The Subrecipient will comply with the following Project selection and planning requirements:
      (1) The Projects the Subrecipient has selected or will select for funding made available or appropriated for 49 U.S.C. 5310, are included in a public transit-human services transportation plan that has been:
         (a) Locally developed, and
         (b) Coordinated,
      (2) That public transit-human services transportation plan was developed and approved through a process that included participation by:
         (a) Seniors,
         (b) Individuals with disabilities,
         (c) Representatives of public, private, and nonprofit transportation providers,
         (d) Representatives of public, private, and nonprofit human services providers, and
         (e) Other members of the public; and
      (3) The Transportation projects to assist in providing transportation services for seniors and individuals with disabilities are included in the program of projects,
      (4) A Program of Projects under Group 13.A.1.b.(3) is or will be submitted annually to FTA, and
      (5) To the maximum extent feasible, the services funded by 49 U.S.C. 5310, will be coordinated with transportation services funded by other Federal departments and agencies, including

any transportation activities carried out by a recipient of a grant from the Department of Healthand Human Services,

c. As required by 49 U.S.C. 5310(e)(2)(B), as amended by MAP-21, if the State awards funds received under 49 U.S.C. 5310, to Subrecipients , it will have allocated those funds on a fair and equitable basis,

d. The Subrecipient will transfer a facility or equipment financed with funding made available or appropriated for a grant under 49 U.S.C. 5310, to any other subrecipient eligible to receive assistance under 49 U.S.C. chapter 53, only if:
   (1) The subrecipient in possession of the facility or equipment consents to the transfer, and
   (2) The facility or equipment will continue to be used as required under 49 U.S.C. 5310, and

e. As required by 49 U.S.C. 5310(b)(2), the Subrecipient will use at least fifty-five (55) percent of the funds on Capital Projects to meet the special needs of the seniors and disabled and

f. The requirements of 49 U.S.C. 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities, authorized by 49 U.S.C. 5310, and

2. FTA has determined certain requirements of 49 U.S.C. 5307, as amended by MAP-21, to be appropriate for which some require Certifications. Therefore, as specified under 49 U.S.C. 5307(c)(1), the Subrecipient certifies that:

   a. The Subrecipient has or will have, and will require each Third Party Contractor to have, the:
      (1) Legal capacity to carry out its proposed Projects,
      (2) Financial capacity to carry out its proposed Projects,
      (3) Technical capacity as well as capacity to carry out Safety and Security aspects of its proposed Projects,

   b. The Subrecipient has or will have, and will require each Third Party Contractor to have, satisfactory continuing control over the use of Project equipment and facilities,

   c. The Subrecipient will maintain, and will require each Third Party Contractor to maintain its Project equipment and facilities adequately,

   d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, the Subrecipient will, and will require each Third Party Contractor to:
      (1) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
      (2) Comply with the third party procurement requirements of 49 U.S.C. 5325,

   e. The Subrecipient has complied or will comply with, and will require each Third Party Contractor to comply with:
      (1) The Metropolitan Planning requirements of 49 U.S.C. 5303, and
      (2) The State Planning requirements of 49 U.S.C. 5304, and

   g. To the extent applicable, your Subrecipient will comply with, and require its Third Party Contractors to comply with the requirements for a Public Transportation Agency Safety Plan provided by 49 U.S.C. 5329(d), to the extent FTA so requires.

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

The Subrecipient must select the Certification in Group 13.B if the Subrecipient seeks funding for its Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program financed with funds made available or appropriated for former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.

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

a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, the Subrecipient certifies that:

a. Each of the Subrecipient's is:

(1) A private nonprofit organization, if the public transportation service that would undertake public transportation capital projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities is:

(a) Unavailable,

(b) Insufficient, or

(c) Inappropriate,

(2) A local governmental authority that:

(a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or

(b) Certifies that:

1 There are no nonprofit organizations readily available in the area to provide public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities, and

2 When public transportation is:

a Insufficient,

b Inappropriate, or

c Unavailable,

b.The Projects the Subrecipient has selected or will select for funding made available or appropriated for former 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:

(1) Locally developed, and

(2) Coordinated,

c. That public transit-human services transportation plan was developed and approved through a process that included participation by:

(1) Elderly Individuals,

(2) Individuals with disabilities,

(3) Representatives of public, private, and nonprofit transportation providers,

(4) Representatives of human services providers, and

(5) Other members of the public,

d. To the maximum extent feasible, the services funded will be coordinated with transportation services funded by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services,

e. If the State allocates funds received under former 49 U.S.C. 5310 to Subrecipients , it will have allocated those funds on a fair and equitable basis,

f. The Program of Projects the Subrecipient has submitted or will submit contains or will contain an assurance that the Program provides for the maximum feasible coordination of transportation services funded by former 49 U.S.C. 5310 with transportation services funded by other Government sources, and

g. The Subrecipient will comply with the requirements of former 49 U.S.C. 5307 that FTA determined will apply to the former Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program,

2. The following Certification for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. Therefore, except as FTA determines otherwise in writing, the Subrecipient certifies that:

a. The Subrecipient and each of its Third Party Contractors has or will have the:

(1) Legal capacity to carry out its proposed Projects,

(2) Financial capacity to carry out its proposed Projects,

(3) Technical capacity as well as capacity to carry out Safety and Security aspects of its proposed Projects,

b. The Subrecipient and each Third Party Contractor has or will have satisfactory continuing control over the use of Project equipment and facilities,

c. The Subrecipient and each of its Third Party Contractors will maintain its Project equipment and facilities adequately,

d. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply instead, the Subrecipient will, and will require each Third Party Contractor, to do the following:
   (1) Use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
   (2) Not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
   (3) "Buy America," comply with 49 U.S.C. 5323(j), as amended by MAP-21,
   (4) Comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
   (5) "Rail Car Procurement," comply with the railcar option restrictions of 49 U.S.C. 5325(e), and
   (6) "Veterans Preference/Employment," comply with 49 U.S.C. 5325(k),

e. The Subrecipient will comply with other applicable requirements under 49 U.S.C 5323 and 5325

f. The Subrecipient:
   (1) Has or will have and, as necessary, have the amount of funds required for the local share by former 49 U.S.C. 5310(c)(2),
   (2) Will provide and, as necessary, will provide the local share funds from approved non-Federal sources approved by the FTA, and
   (3) Will provide and, as necessary, will provide the local share funds when needed,

g. The Subrecipient has complied or will comply with, and will require each Third Party Contractor to comply with, 49 U.S.C. 5303, and 5304, and

h. To the extent applicable, the Subrecipient will comply with and, as necessary, will require each Third Party Contractor to comply with the final Federal regulations, when issued, that implement the Safety Plan requirements as required by 49 U.S.C 5329(d).

13.C. New Freedom Program.

The Subrecipient must select the Certification in Group 13.C if the Subrecipient seeks funding for its New Freedom Project financed with funds made available or appropriated for former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.

1. The following Certification for the New Freedom Program is required by former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year. Therefore, except as FTA determines otherwise in writing, the Subrecipient certifies that:
   a. The Subrecipient will make awards of New Freedom funding on a competitive basis after conducting:
      (1) An area wide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5317(d)(1), or
      (2) A statewide solicitation for applications for New Freedom funding in compliance with former 49 U.S.C. 5317(d)(2),
   b. Any awards to Third Party Contractors of New Freedom funding authorized by former 49 U.S.C. 5317 will be distributed on a fair and equitable basis,
   c. The Subrecipient will comply with the following Project selection and planning requirements:
      (1) The projects the Subrecipient has selected or will select for funding made available or appropriated for that program were derived from a public transit-human services transportation plan that has been:

(a) Locally developed, and
(b) Coordinated,

(2) That locally developed and coordinated plan was produced through a process that included:
(a) Representatives of public, private, and nonprofit transportation providers,
(b) Representatives of public, private, and nonprofit human services providers, and
(c) Participation by the public,

d. Before the Subrecipient transfers funds to a project funded by former 49 U.S.C. 5311(c), former 49 U.S.C. 5336, or both:
(1) The funding to be transferred may be made available only to projects eligible for funding made available or appropriated for former 49 U.S.C. 5317, and
(2) The Subrecipient will have consulted with responsible local officials and publicly owned operators of public transportation in each area for which the amount to be transferred was originally awarded,

e. The requirements of former 49 U.S.C. 5307 and 5310, as determined by FTA, will apply to the New Freedom Program, authorized by former 49 U.S.C. 5317, and

2. The following Certification for the New Freedom Program is required by former 49 U.S.C. 5307(d)(1) and 5310. Therefore, except as FTA determines otherwise in writing, the Subrecipient certifies that:

a. The Subrecipient has or will have, and will require each Third Party Contractor to have, the:
(1) Legal capacity to carry out its proposed Projects,
(2) Financial capacity to carry out its proposed Projects,
(3) Technical capacity as well as capacity to carry out Safety and Security aspects of its proposed Projects,

b. The Subrecipient has or will have, and will require each Third Party Contractor to have, satisfactory continuing control over the use of Project equipment and facilities,

c. The Subrecipient will maintain, and will require each Third Party Contractor to maintain, its Project equipment and facilities adequately,

d. When carrying out a procurement under former 49 U.S.C. 5317, the Subrecipient will, and will require each Third Party Contractor to do the following Provisions as amended by MAP-21:
(1) Use competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
(2) Not use exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
(3) The Subrecipient will comply with "Buy America," as required by 49 U.S.C. 5323(j),
(4) Comply with applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
(5) Comply with the railcar option restrictions of 49 U.S.C. 5325(e), and
(6) Comply with "Veterans Preference/Employment," as required by 49 U.S.C. 5325(k),

e. The Subrecipient:
(1) Has or will have and, as necessary, will require each Third Party Contractor to have the amount of funds required for the local share required by former 49 U.S.C. 5317(g),
(2) Will provide and, as necessary, will require each Third Party Contractor to provide, the local share funds from approved non-Federal sources approved by the FTA and
(3) Will provide and, as necessary, will require each Third Party Contractor to provide, the local share funds when needed,

f. The Subrecipient has complied or will comply with, and will require each Third Party Contractor to comply with, 49 U.S.C. 5303, and 5304, and

g. To the extent applicable, will comply with and, as necessary, will require each Third Party Contractor to comply with the final Federal regulations when issued that implemented the Safety Plan requirements as required by 49 U.S.C. 53299(d).

GROUP 14. RURAL/OTHER THAN URBANIZED AREAS PROGRAMS.

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

Except as FTA determines otherwise in writing, you must select the Certifications and Assurances in Group 14 if you seek financing for:

☐ *Formula Grants for Rural Areas Project financed with funding made available or appropriated for 49 U.S.C. 5311(b), as amended by MAP-21,*

☐ *Formula Grants for Other Than Urbanized Areas Project financed with funding made available or appropriated for former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year.*

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

14.A. Formula Grants for Rural Areas Program.

You must select the Certification in Group 14.A if the Subrecipient seeks funding for its Formula Grants for Rural Areas Project financed with funds made available or appropriated for 49 U.S.C. 5311(b), as amended by MAP-21.

The following Certification applies to each Subrecipient for funding made available or appropriated for the Rural Areas Formula Project authorized by 49 U.S.C. 5311(b), as amended by MAP-21. The Subrecipient certify and assures that:

1. It has or will have the:
   a. Legal capacity to carry out its proposed Projects,
   b. Financial capacity to carry out its proposed Projects,
   c. Technical capacity as well as capacity to carry out Safety and Security aspects of its proposed Projects,
2. The Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. The Subrecipient's Project equipment and facilities will be adequately maintained,
4. The Subrecipient's program has provided for a fair distribution of Federal funding made available or appropriated for 49 U.S.C. 5311(b), within the State, including Indian reservations,
5. The Subrecipient's program provides or will provide the maximum feasible coordination of public transportation service funded by 49 U.S.C. 5311(b),with transportation service funded by other Federal sources,
6. The Subrecipient's Projects in its Formula Grants for Rural Areas Program are included in:
   a. The Statewide Transportation Improvement Program, and
   b. To the extent applicable, a Metropolitan Transportation Improvement Program,
7. The Subrecipient has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g), as amended by MAP-21, and
   a. Will provide the local share funds from approved non-Federal sources approved by the FTA except as permitted by Federal law, and
   b. Will provide the local share funds when needed,
8. The Subrecipient may transfer a facility or equipment acquired using a grant under 49 U.S.C. 5311(b) to any other Subrecipient eligible to receive assistance under 49 U.S.C. chapter 53, if:

a. Subject to the Department's approval the Subrecipient in possession of the facility or equipment consents to the transfer, and
b. The facility or equipment will continue to be used as required under 49 U.S.C. 5311, and

9. Each fiscal year:
   a. The Department will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities, including:
      (1) Planning and marketing for intercity bus transportation,
      (2) Capital grants for intercity bus facilities,
      (3) Joint-use facilities,
      (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
      (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
   b. The Department will provide to the Federal Transit Administrator a Certification of the Governor of the State that:
      (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
      (2) The State's intercity bus service needs are being met adequately.

14.B. Formula Grants for Other Than Urbanized Areas Program.

You must select the Certification in Group 14.B if the Subrecipient seeks funding for its Formula Grant for Other Than Urbanized Areas Project financed with funds made available or appropriated for former 49 U.S.C. 5311, in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.

The following Certification applies to each Subrecipient for funding made available or appropriated for the Formula Grants for Other Than Urbanized Areas Project authorized by former 49 U.S.C. 5311(b)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. The Subrecipient certify and assures that:

1. It has or will have the:
   a. Legal capacity to carry out its proposed Projects,
   b. Financial capacity to carry out its proposed Projects,
   c. Technical capacity as well as capacity to carry out Safety and Security aspects of its proposed Projects,
2. The Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. The Subrecipient's Project equipment and facilities will be adequately maintained,
4. The Subrecipient's program has provided for a fair distribution of Federal funding made available or appropriated for 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year, within the State, including Indian reservations,
5. The Subrecipient's program provides or will provide the maximum feasible coordination of public transportation service funded by former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year, with transportation service funded by other Federal sources,
6. The Subrecipient's Projects in its Formula Grants for Rural Areas Program are included in:
   a. The Statewide Transportation Improvement Program, and
   b. To the extent applicable, a Metropolitan Transportation Improvement Program,
7. The Subrecipient has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g) in effect in FY 2012 or a previous fiscal year, and:
   a. Will provide the local share funds from approved non-Federal sources except as permitted by Federal law,

b. Will provide the local share funds when needed,

8. The Subrecipient may transfer a facility or equipment acquired using a grant under 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
   a. Subject to the Department's approval the Subrecipient in possession of the facility or equipment consents to the transfer, and
   b. The facility or equipment will continue to be used as required under 49 U.S.C. 5311 in effect in FY 2012, and
9. Each fiscal year:
   a. The Department will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State with eligible activities, including:
      (1) Planning and marketing for intercity bus transportation,
      (2) Capital grants for intercity bus shelters,
      (3) Stops and depots,
      (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
      (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
   b. The Department will provide to the Federal Transit Administrator a Certification of the Chief Executive Officer of the State that:
      (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
      (2) The State's intercity bus service needs are being met adequately.

GROUP 15. STATE SAFETY OVERSIGHT GRANT PROGRAM.

The Assurance in Group 15 is in addition to other Certifications and Assurances required for State Safety Oversight Grant Program funding.

The following Certification applies to each Subrecipient for funding made available or appropriated for the State Safety Oversight Grant Program in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead. The Subrecipient certify and assures that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
   a. Legal capacity,
   b. Financial capacity, and
   c. Technical capacity as well as capacity to carry out Safety and Security aspects of its proposed Projects,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. When carrying out a procurement for its Project, it will comply with the:
   a. The Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments, 49 C.F.R. part 18,
   b. General Provisions of 49 U.S.C. 5323, and
   c. Third Party Contract Requirements of 49 U.S.C. 5325,
5. As required by 49 U.S.C. 5329(e)(6)(C), subrecipient
   a. Has or will have the amount of funds required for the local share,
   b. Will provide the local share funds only from sources approved by FTA, and will not be met by:
      (1) Any Federal funds,

(2) Any funds received from a public transportation agency, or
(3) Any revenues earned by a public transportation agency, and

c. Will provide the local share funds when needed,

6. It meets the applicable requirements of 49 C.F.R. part 659, Rail Fixed Guideway Systems: State Safety Oversight, and
7. It has received or will receive an FTA certification upon a determination that its State Safety Oversight Program meets the requirements of 49 U.S.C. 5329(e) and is adequate to promote the purposes of 49 U.S.C. 5329.

GROUP 16. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

The Assurance in Group 16 is in addition to other Certifications and Assurances listed previously required for Public Transportation Emergency Relief Program funding.

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

Except as FTA determines otherwise in writing, before FTA provides funding made available or appropriated for a Public Transportation Emergency Relief Project, the Subrecipient should select the Assurance in Group 16 and other Certifications and Assurances listed previously that are required for the funding the Subrecipient seeks. Any provision of the Assurance in Group 16 that does not apply will not be enforced.

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

Selection and Signature Page(s) follow.

FEDERAL FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS CALIFORNIA DEPARTMENT OF TRANSPORTATION

The California Department of Transportation is the Applicant (Designated Recipient) for Federal Transit Administration funds, and has agreed to the Certifications and Assurances thereby. All Subrecipients must also agree and comply with applicable provisions of the Categories below.

Name of Subrecipient:

City of Auburn

The Subrecipient agrees to comply with applicable provisions of Groups 01 – 16 ☐

Group	Description	
1	Required Certifications and Assurances for Each Subrecipient.	X
2	Lobbying.	X
3	Procurement and Procurement System.	X
4	Private Sector Protections.	X
5	Rolling Stock Reviews and Bus Testing.	X
6	Demand Responsive Service.	X
7	Intelligent Transportation Systems.	
8	Interest and Finance Costs and Leasing Costs.	
9	Transit Asset Management and Agency Safety Plans.	X
10	Alcohol and Controlled Substances Testing.	X
11	Bus/Bus Facilities Programs.	X
12	Urbanized Area Formula Programs and Job Access and Reverse Commute (JARC) Program.	
13	Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program.	X
14	Rural/Other Than Urbanized Areas Programs.	X
15	State Safety Oversight Program.	X
16	Public Transportation Emergency Relief Program.	X

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

AFFIRMATION OF SUBRECIPIENT

Name of Subrecipient: City of Auburn

Name and Relationship of Authorized Representative: Bernie Schroeder, Director of Public Works

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

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

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

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

Signature_____ Date: _____

Name Bernie Schroeder
Authorized Representative of Subrecipient

AFFIRMATION OF SUBRECIPIENT'S ATTORNEY

For (Name of Subrecipient):

City of Auburn

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

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

Signature_____ Date: _____

Name_____

Attorney for Subrecipient

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

RESOLUTION NO. 14-

RESOLUTION AUTHORIZING THE FEDERAL FUNDING UNDER FTA SECTION 5311 (49 U.S.C. SECTION 5311) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

WHEREAS, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act (FTA C 9040.1F); and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 grants for transportation projects for the general public for the rural transit and intercity bus; and

WHEREAS, City of Auburn desires to apply for said financial assistance to permit operation of service in the City of Auburn and portions of unincorporated Placer County; and

WHEREAS, the City of Auburn has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City of Auburn does hereby authorize the Director of Public Works or her/his designee, to file and execute applications on behalf of the City of Auburn with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5311 of the Federal Transit Act (FTA C 9040.1F), as amended.

That Director of Public Works or her/his designee is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

That Director of Public Works or her/his designee is authorized to provide additional information as the Department may require in connection with the application for the Section 5311 projects.

That the Director of Public Works or her/his designee is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 project(s).

DATED: April 14, 2014

Bridget Powers, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular session meeting of the City Council of the City of Auburn held on the 14th day of April 2014 by the following vote on roll call:

Ayes:
Noes:
Absent:

Stephanie L. Snyder, City Clerk