ELDERLY AND PERSONS WITH DISABILITIES CAPITAL ASSISTANCE PROGRAM (Section 5310)

Federal Fiscal Year 2006

Applications Must Be Postmarked By February 1, 2006

Late Applications Will Not be Accepted.

Mailing Address:
NJ TRANSIT
Local Programs Support and Minibus Support
Service Planning and Development
One Penn Plaza East – 4th Floor
Newark, NJ 07105-2246
ATTN: Anna Magri, Manager, Local Programs
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Overview

Under the Section 5310 Program, private non-profit corporations and certain public bodies (hereinafter, applicants) may apply for Federal capital assistance to pay 80% of the purchase cost of vehicles and/or transportation related equipment used to provide needed transportation services to elderly and persons with disabilities which cannot be reasonably provided by existing transportation services. In New Jersey, the Section 5310 Program is administered on behalf of the Federal Transit Administration (FTA), U.S. Department of Transportation by the New Jersey Transit Corporation (NJ TRANSIT). NJ TRANSIT provides the required 20% match.

Applications must be completed and returned **POSTMARKED NO LATER THAN WEDNESDAY, FEBRUARY 1, 2006**. Incomplete and applications postmarked after this date will not be reviewed.

Send the ORIGINAL application to:

NJ TRANSIT
Anna Magri, Manager
Local Programs Support
Service Planning and Development
One Penn Plaza East – 4th Floor
Newark, NJ 07105-2246

NJ TRANSIT, as well as a designated local and/or state advisory committee, will review and comment on each application to determine the most critical needs and select final applicants for grant approval. NJ TRANSIT will recommend that these agencies be included in a statewide grant submission to the FTA.

Upon FTA approval and the completion of final notifications and certifications, the successful applicant agency will be eligible for a vehicle purchased by NJ TRANSIT for the purposes originally outlined in the application. The applicant will be responsible for all operational costs including, but not limited to, annual motor vehicle registration, fuel, maintenance, insurance, salary and benefits of drivers (if applicable). From the time of approval to actual vehicle delivery can range anywhere from 12 to 24 months.

**PLEASE NOTE: NO SCHOOL VEHICLES WILL BE PROVIDED THROUGH THIS PROGRAM. THE VEHICLES PROVIDED ARE NOT TO BE USED FOR THE TRANSPORTATION OF CHILDREN TO/FROM SCHOOL OR SCHOOL RELATED ACTIVITIES.**

1. **Eligible Applicants**

There are three categories of eligible applicants for Section 5310 funds:

a. **Private Non-Profit Organizations:** A non-profit organization is a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c)(3) which is exempt from taxation under 26 U.S.C. Section 501(a) or Section 101 or one which has been determined under state law to be non-profit and for which the designated state agency has received documentation certifying the status of the non-profit organization.

b. **Certain Public Bodies** that certify to the Governor through NJ TRANSIT that no non-profit corporations or associations are readily available in an area to provide the service. A county Office on Aging or county Department of Transportation which the State has identified as the lead human service agency to provide transportation service funded by multiple federal or state human service programs.
c. **Certain Public Bodies** approved by the State through NJ TRANSIT to coordinate services for elderly and persons with disabilities in their service area. A municipality that coordinates with the county to provide transportation and has been certified by the county to the State that a coordination agreement between the two parties exists or will be developed.

Certain Public Bodies eligible to apply for funds as lead coordinators of services for elderly and persons with disabilities are those designated by the State to coordinate human service activities in a particular area.

2. **Eligible Capital Requests**

Through this program you can:

a. Apply for a new vehicle,

b. Apply for vehicle-related equipment, such as a lift and/or wheelchair/passenger securement systems, etc. to modify or refurbish an existing vehicle, or

c. Apply for both.

3. **Definitions**

a. **Access Link** complimentary curb to curb paratransit service that shadows NJ TRANSIT’s local fixed bus routes – requires passenger be certified eligible.

b. **Subrecipient** for purposes of this application – those awarded a Section 5310 vehicle.

c. **Capital Equipment or Facilities** include vehicles, equipment and facilities, which have a multi-year usable life.

d. **Elderly** is defined, for the purposes of the program, any person 60 years of age or older.

e. **Eligible Services** which may be provided with the equipment purchased under this program are transportation services primarily intended to provide non-emergency passenger service for elderly and people with disabilities. Other services may be allowed; however, these services will be considered to be incidental uses of the equipment and not considered as additional justification for the funding of the project. In addition, funds may not be used to purchase special vehicles to be used solely for meal delivery or to purchase specialized equipment such as racks, heating, or refrigeration units although providers may coordinate and assist in providing meal delivery if such does not conflict with the provision of transit services or result in a reduction of service.

f. **People with Disabilities** is defined as any individual who by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability is unable or has great difficulty in utilizing regular fixed route mass transit facilities or services.

g. **Service Area** is defined as the geographic area, which is to be served by the transportation service. If the service were to be concentrated in certain zones, these would be the primary service areas.

h. **Types of Service** for the purpose of this program is defined in one of the following ways:
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1. Fixed Route: Public transportation authorities or other local governments and private carriers that provide local transit service along a prescribed route on a regularly scheduled basis.

2. Paratransit: Carriers that provide passenger transportation services other than over fixed routes including but not limited to demand response, subscription and modified fixed route service. These include authorized passenger carriers and social service agencies, which carry persons including, but not limited to area offices on aging, community action organizations and various workshops and rehabilitation organizations. Not included in this definition are emergency ambulance services and car pools.

i. Application (Part I) is the initial application submitted by a qualified non-profit organization or local public body to NJ TRANSIT, the administrator of the statewide program, requesting a specific vehicle type to meet their particular service need. The information contained in the preliminary application is the basis for which a review is conducted to determine eligibility and inclusion in the final grant to the federal government.

j. Application (Part II) is the final application containing the public notification requirements to be completed by approved subrecipients only. This includes (1) Cover Letters to Private Operators; (2) Certification of Communications with Private Operators; (3) Public Notices to Non-Profit and Local Governments; and (4) Attorney's Signature Page.

4. Procedural Requirements

The Federal Transit Act authorizes this program. The Public Law reads:

“The Secretary is authorized to make grants and loans to applicants for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly and people with disabilities for whom mass transportation services are unavailable, insufficient, or inappropriate, with such grants and loans being subject to such terms, conditions, requirements and provisions, as the Secretary may determine to be necessary or appropriate for the purposes of this paragraph."

Under the authorization of the above, the Secretary of the United States Department of Transportation designates funds exclusively for capital assistance. NJ TRANSIT has required that applicants receive and complete an application in accordance with federal guidelines. The completion of this full application will allow the applicant to enter into a no fee agreement for a vehicle purchased by NJ TRANSIT for the purposes originally outlined in the preliminary application. The vehicle shall be titled to and registered in the name of the applicant with NJ TRANSIT listed as primary lien holder.

5. Minimum Eligibility Requirement

a. The application must be filed on behalf of a private, non-profit corporation or a designated local public body chartered under the laws of New Jersey.

b. The applicant must show that the services provided or offered by existing public or private transit or paratransit operators are unavailable, insufficient or inappropriate to meet the special needs of elderly and/or persons with disabilities within the service area.
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c. Insurance Requirements: at the time of delivery of a vehicle, the agency must provide proof (certificate of insurance) of adequate insurance. The minimum requirements are as follows:

Liability: Minimum combined single limit liability of $1,000,000 as well as comprehensive and collision insurance for physical damage.

In addition, NJ TRANSIT (and any other party of interest designated by NJ TRANSIT) will be listed as loss payee and additional insured on all insurance policies covering these vehicles. Payment of all insurance coverage costs will be the responsibility of the applicants.

d. The application must demonstrate that the applicant has adequate financial, managerial and operational resources to effectively utilize capital equipment purchased under this program.

e. The application must show that the applicant is willing to enter into an agreement with NJ TRANSIT to insure that the equipment purchased under this program will be utilized for the intended program purposes.

f. The application must include a signed statement assuring that the applicant agrees to fully comply with the annual list of certifications and assurances for Federal Transit Administration grants.

6. Use of Vehicles

Agencies which have only a very few riders and/or limited service hours typically are not successful candidates. Reviewers will typically look for at least twenty-five (25) hours per week of actual passenger service (total road hours minus “deadhead,” the latter typically described as waiting periods exceeding thirty (30) minutes when actual passengers are not on board). Vehicles may be used only in the following ways:

a. By the applicant as described in the Application (Part I);

b. By private non-profit organizations in coordinated services for a variety of elderly and/or persons with disabilities. It is understood that, at a minimum, the service which was proposed by the private non-profit organization in its grant application to the State will be provided and that the originally designated passengers will be served;

c. By a private for profit operator, by lease or other contractual agreement with the private non-profit organization only for the services identified in the grant application. Vehicles acquired by non-profit agencies may be leased to private for profit companies where such applicants could not otherwise provide required services and where such arrangements result in more efficient and effective service for elderly and persons with disabilities;

d. By local public bodies designated by NJ TRANSIT as the leading paratransit provider for elderly and persons with disabilities;

e. By local public bodies certified as acting in coordination with the county and identified in a countywide coordination plan or through a written agreement that has been approved by a resolution or signed by their authorized representatives; and
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f. Section 5310 vehicles cannot be used for any school transportation or charter service.


The term coordination is defined as "a cooperative agreement between transportation providers to share or consolidate some or all transportation functions or activities of different organizations in order to improve the efficiency and effectiveness of an area's transportation system."

With the reauthorization of SAFETEA-LU come new requirements for all FTA grant programs. The most important is to improve the coordination of transportation services for senior citizens, people with disabilities and low income individuals by requiring local communities to set community-wide funding priorities in a locally coordinated plan. Starting with the 2007 grant this change will impact all applicants applying for Section 5310 vehicles. Applicants will have to be part of a locally coordinated plan to receive a Section 5310 vehicle. NJ TRANSIT has taken the lead to assist counties with developing local coordination plans, counties are the designated lead local coordinating body. We expect this process to start in early 2006 and encourage applicants to contact their counties to assist in the development and be included in the coordination plans process.

NJ TRANSIT has always strongly encouraged a coordinated application of two or more agencies with one agency acting as the lead agency and principal applicant for the vehicle. As we have done with previous applications we ask our applicants to discuss how they would do coordinate services to maximize vehicle usage. Applications of this nature will be given preference where evidence of coordination exist (such as copies of agreements with other organizations for the provision of transportation services to their clients) are included in the application package. Coordination can take on many forms, from the sharing of maintenance facilities and insurance providers, to dispatchers, drivers and even vehicles. One of the primary forms of coordination is the utilization of one agency, typically a central funding or grant—making authority, to combine several smaller agencies’ or groups with similar clientele (and over which it often has administrative oversight) into one inter-related program with multiple local facilities from which agency services are rendered. These agencies are called “umbrellas.”

Umbrella Agencies & Coordinated Grant Submittal

One of the most common methods of providing a coordinated application is through the utilization of an umbrella agency, which may function as a central grant writing, fund raising or administering entity and which may also oversee a few-to-several satellite service-provider agencies:

When possible, NJ TRANSIT encourages the use of an "umbrella agency" in making an application for a 5310 Program vehicle.

The relationship between this agency and the intended vehicle/equipment recipient should be clearly explained in the application.

An umbrella agency would be a private-non-profit (PNP) organization or public agency that would make application for two or more vehicles, which would be subcontracted or otherwise distributed to, affiliated eligible agencies on a needs basis. The advantages of this arrangement may include reduced administrative costs, greater trip coordination, and centralization of reporting and record keeping.

Examples of transportation coordination include but are not limited to the following:
An agency/municipality assumes responsibility for all or part of the (shopping and/or medical, social service, etc.) transportation services, in a local or specified area, for senior citizens and/or people with disabilities – then has another entity (public or private) provide out of the area trips, after hour trips, etc.

The agency/municipality and the county are in regular communication (telephone, computer, etc.) with one another regarding scheduling and referral of trips to each other. The municipality could be the "first choice" if available.

The agency/municipality and county will exchange and/or share vehicles as needed.

The agency/municipality contributes funding to the operation of the county program in exchange for service.

The agency/municipality and county share other resources such as the joint purchase of fuel, maintenance, parts, or personnel in an effort to take advantage of bulk buying power.

8. Subleasing

When vehicles or other equipment are operated by any agent other than the subrecipient named in the grant application, control and responsibility for the operation of the vehicles or other equipment must remain with the subrecipient that was the original recipient unless transfer of the control and responsibility is to another eligible applicant or designated coordinating local public body that has been authorized by NJ TRANSIT.

a. Subrecipient may sublease a vehicle only with prior written approval of NJ TRANSIT.

b. A copy of the sublease must be submitted to NJ TRANSIT.

c. The sublease must be for services as described in the Application (Part I).

d. Sublease may be made with the following organizations:

   1. Private non-profit
   2. Private for-profit
   3. Designated Local Public Body

e. Third Party Contracting: full and open disclosure is required with fair competition between all entities.

9. Private For-Profit Participation

Qualified organizations are required to provide the private sector with an early opportunity to participate in the development of new transportation services. Private providers should be given the opportunity to present their views concerning the development of a subrecipient’s transportation plans and program and to offer their own contractual service proposals for consideration. Examples of opportunities would be published public notices, letters of interest and public meetings or ad hoc committees.

Such public notices and letters are a requirement of the Application (Part II), which an agency will only be required to complete if selected for inclusion in the federal grant. Such notices are not required for the Application (Part I).

10. Lease
Each approved agency will be required to enter into a no fee agreement with NJ TRANSIT, which governs the use of the capital items during their useful life. The agreement will specify requirements for reporting, coordination and other items regarding the use of the equipment. Disposal of the equipment during the project period will require NJ TRANSIT’s approval. The useful life criteria for the equipment are described in Exhibit B.

11. Project Selection Criteria

The application review will be based upon:

a. Geographic distribution of past Section 5310 funding.

b. Compliance and non-compliance issues if a previous grant subrecipient will be considered.

c. General mobility limitations and urgency of the transportation needs of the organization’s passengers.

d. Current and projected number of passenger trips for elderly and/or persons with disabilities.

e. Amount of utilization of the equipment for elderly and people with disabilities transportation, proposed in the application, in terms of days and hours per week.

f. Demonstrated evidence to coordinate with other social service agencies and transportation providers.

g. Demonstrated evidence of the organization’s administrative financial ability to carry out the proposed project and evidence of their understanding of the financial commitment required for the project.

h. Demonstrated or proposed operating plan.

i. Comments of local and regional reviewers.

12. Certification and Assurances

To receive a Section 5310 vehicle, an applicant must sign the certifications and assurances required by Federal laws and regulations. Exhibits C, D and E are a compilation of State and Federal certifications and assurance requirements for the Section 5310 program and represent New Jersey’s and the FTA’s current expectations concerning the responsibilities of the grant applicants. The signature page is to be signed by the applicant’s authorized representative. If selected for inclusion in the Federal submission, Part II of the application will be sent and the subrecipient’s attorney must attest to the applicant’s statements therein at that time.

13. Truthfulness of Statements

The applicant declares under penalties of perjury that the statements contained in the application on behalf of the applicant are true and correct. Moreover, the applicant in submitting the application assures NJ TRANSIT that it is an eligible entity as defined in Number 1 on page iii.
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2006 ELDERLY AND PERSONS WITH DISABILITIES TRANSPORTATION PROGRAMS (49 U.S.C. §5310)

I. APPLICANT INFORMATION

| Date Application Submitted To NJ Transit: | Office Use Only: Date Application Received By NJ Transit: |
| Legal Name: | Organizational Unit: |

Address (City, State and Zip Code):

County: Municipality: Congressional Districts:

E-Mail Address: Web Address: Fax Number:

Name and telephone number of person to be contacted on matters involving this application (include area code):

Name and telephone number of person to be contacted on Operations/Vehicle matters (include area code):

| Organization’s State Tax Exempt No.: | Catalog of Federal Domestic Assistance: |
| Organization’s Federal Employer Identification No.: | CFDA 20.513 |
| Organization’s Corp Code (for DMV Use): | Capital Assistance Program for Elderly Persons and Persons with Disabilities (Section 5310) |

Service Area (cities, counties, state, etc.):

| Type of Applicant (enter appropriate letter in blank): | ____________ |
| A. Private Non-Profit | F. Independent School District |
| B. County | G. State Institute of Higher Learning |
| C. Township/Municipality | H. Private University |
| D. Indian Tribe | I. Other (Specify): ________________ |
| E. Interstate |

IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? If "Yes", attach an explanation

Yes ☐ No ☐

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION IS TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

Type Name of Authorized Representative: Title:

Signature of Authorized Representative: Date:
II. VEHICLE REQUEST

Type of vehicle requesting (Refer to Exhibit A for descriptions):

Type One:  □ A) Van  □ B) Extended Van  □ C) Minivan

Type Two: □ A) Minibus  □ B) Minibus/Rear Lift  □ C) Extended Minibus

Type Three: □ A) Medium Transit Bus  □ B) Small Transit Bus

Vehicle applying for: (check one)

☐ Start a New Program
☐ Program Expansion
☐ Replace Non 5310 vehicle
☐ Replacing existing 5310 vehicle #16-

Vehicle Type: __________________ Make:_________________ Mileage:________
VIN#:____________________ Model:__________ Year:_____

MODE OF SERVICE: (check all that apply)

☐ Demand Response  ☐ Modified Fixed Route
☐ Subscription  ☐ Other
☐ Fixed Route

PASSENGER INFORMATION:
Number of projected UNDUPLICATED passengers to be served annually:

_____ Elderly (Age 60+)  _____ People with Disabilities (under age 60)  _____ Others

VEHICLE RELATED EQUIPMENT REQUEST:
(Upgrade an existing vehicle, i.e., replacement lift or securement system)

Vehicle modification:

☐ Lift  ☐ Securement System  ☐ Other (describe)________________________

Equipment: (check one)

☐ Replace existing vehicle equipment
   If the equipment is a replacement, does it replace former Section 5310 equipment?
     ☐ Yes  ☐ No
☐ Expand on vehicle equipment (example: add a securement location)
☐ Make available totally new options (example: make a non-accessible vehicle accessible)

III. TITLE VI INFORMATION

Enter estimated number of UNDUPLICATED passengers of each race to be served by this vehicle (or equipment) on a YEARLY basis. (The following definitions are to be used.)

a. Blacks (Not of Hispanic Origin) – A person having origins in any of the Black racial groups of Africa.

b. Hispanics – A person having origins of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture of origin.
c. **Asian or Pacific Islanders** – A person having origins in any of the countries of the Far East, Southeastern Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example: China, Japan, Korea, the Philippine Islands, and Samoa.

d. **American Indians or Alaskan Natives** – A person having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

e. **Non-Minorities** – All persons not included in any of the above definitions. Do not use percentages, give actual numbers.

<table>
<thead>
<tr>
<th>Category</th>
<th>Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blacks (not of Hispanic Origin)</td>
<td></td>
</tr>
<tr>
<td>Hispanics</td>
<td></td>
</tr>
<tr>
<td>Asian or Pacific Islanders</td>
<td></td>
</tr>
<tr>
<td>American Indians or Alaskan Natives</td>
<td></td>
</tr>
<tr>
<td>Non-Minorities</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>

1. Are you (the applicant) a minority agency?         [ ] Yes [ ] No

2. Do you (the agency) serve a minority community?    [ ] Yes [ ] No

3. PRIOR FEDERAL ASSISTANCE: Have you (the applicant) received assistance from the Federal Transit Administration in prior years? [ ] Yes [ ] No

4. Has your agency received any complaints alleging discrimination in service delivery within the past year?
   [ ] Yes, please provide a statement of status or outcome of each such complaint (attach additional pages if necessary).
   [ ] No

IV. **DESCRIPTION OF TRANSPORTATION SERVICES**

A. Current Transportation

1. How many consumers does your organization currently provide services to (all services, not just transportation)?
   - Elderly and Persons w/Disabilities
   - On an Average Day
   - Other
   - Total

---

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2006 Section 5310 Application

2. How many consumers does your organization currently provide transportation to?
   Elderly and Persons w/Disabilities
   On an Average Day
   Other
   Total

3. Do any other organizations provide transportation services for your consumers? If so, how many consumers do those organizations currently provide transportation to?
   Elderly and Persons w/Disabilities
   On an Average Day
   Other
   Total

4. If you receive approval of this grant, how many additional consumers will be provided transportation?
   Elderly and Persons w/Disabilities
   On an Average Day
   Other
   Total

B. Description of Service:

1. Describe (in detail) the transportation service you intend to provide with the vehicle (or equipment) applied for through this grant. For example, do you plan to expand the hours and days of service, hire additional drivers, expand service area boundaries, or accommodate different type of trips? (Attach additional pages if needed.)

2. Will this vehicle be subleased to another agency?
   □ Yes, explain: ___________________________________________________________________
   □ No

PROPOSED SCHEDULE FOR REQUESTED VEHICLE (S)

<table>
<thead>
<tr>
<th>Proposed Service Area</th>
<th>Proposed Day(s) of Week</th>
<th>Time of Day</th>
<th>Proposed Total Hours of Actual Vehicle</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>7 8 9 10 11 Noon 1 2 3 4 5 6 7</td>
<td></td>
</tr>
</tbody>
</table>
V. DOCUMENTATION OF FISCAL CAPABILITY

1a. ☐ No transportation services presently provided, therefore this section is not applicable.

1b. CURRENT sources of operating funds utilized by applicant for transportation services during the 2004 calendar year (include administration):
If not currently operating service, indicate anticipated sources or operating funds.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>FEDERAL</strong></td>
<td></td>
</tr>
<tr>
<td>Title III (Nutrition)</td>
<td>$</td>
</tr>
<tr>
<td>Title III – C</td>
<td>$</td>
</tr>
<tr>
<td>TANF/WorkFirst</td>
<td>$</td>
</tr>
<tr>
<td>(Formerly AFDC/Family Development)</td>
<td>$</td>
</tr>
<tr>
<td>SSBG (Social Services Block Grant)</td>
<td>$</td>
</tr>
<tr>
<td>Title XIX (Medicaid)</td>
<td>$</td>
</tr>
<tr>
<td>Veterans</td>
<td>$</td>
</tr>
<tr>
<td>Other (List other federal funding sources)</td>
<td>$</td>
</tr>
<tr>
<td><strong>STATE</strong></td>
<td></td>
</tr>
<tr>
<td>Senior Citizen and Disabled Resident Transportation Assistance Program</td>
<td>$</td>
</tr>
<tr>
<td>Human Services/DDD</td>
<td>$</td>
</tr>
<tr>
<td>DVR</td>
<td>$</td>
</tr>
<tr>
<td>Other (List other state funding sources)</td>
<td>$</td>
</tr>
<tr>
<td><strong>LOCAL</strong></td>
<td></td>
</tr>
<tr>
<td>Municipal Funds</td>
<td>$</td>
</tr>
<tr>
<td>County funds</td>
<td>$</td>
</tr>
<tr>
<td>Other (List other public local funding sources)</td>
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<tr>
<td><strong>PRIVATE</strong></td>
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<tr>
<td>Agency Fees</td>
<td>$</td>
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<td>Passenger Fares</td>
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<tr>
<td>Donations</td>
<td>$</td>
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<tr>
<td>Corporate donations</td>
<td>$</td>
</tr>
<tr>
<td>Fund Raising</td>
<td>$</td>
</tr>
<tr>
<td>United Way</td>
<td>$</td>
</tr>
<tr>
<td>Other (list other private funding sources)</td>
<td>$</td>
</tr>
<tr>
<td><strong>Total Operating funds EXPENDED for calendar year 2004</strong></td>
<td>$</td>
</tr>
</tbody>
</table>
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2. Projected new vehicle operating expenses, assume delivery in 2006 when projecting cost.

<table>
<thead>
<tr>
<th>Expenses</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driver’s Salary/Fringe</td>
<td>$</td>
</tr>
<tr>
<td>Administrative/Clerical</td>
<td>$</td>
</tr>
<tr>
<td>Maintenance and Repairs</td>
<td>$</td>
</tr>
<tr>
<td>Fuel</td>
<td>$</td>
</tr>
<tr>
<td>Insurance</td>
<td>$</td>
</tr>
<tr>
<td>You must carry Liability of $1,000,000 minimum combined single limit</td>
<td></td>
</tr>
<tr>
<td>Other (overhead, license, etc.)</td>
<td>$</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$</td>
</tr>
</tbody>
</table>

3. Financial and Management Capabilities (check one)

Attach a copy of the following:
If a county or Section 5311 subrecipient’s audit is already on file with NJ TRANSIT, it is not necessary to submit one.

☐ The organization’s ability to assure the availability of future operating expenses for its existing vehicle fleet as well as for the new vehicles it has requested is excellent because of the stability of its income sources.

☐ The organization’s ability to assure the availability of future operating expenses for its existing vehicle fleet as well as for the new vehicles it has requested depends upon continued receipt of existing federal and/or state grants.

☐ Operating funds have yet to be allocated.

4. Marketing Materials

Submit all marketing materials, system brochures, press releases, timetable, cable TV (video), mailings, etc.
VI. REVIEW CRITERIA

1a. Vehicle Totals
Indicate total number of each type of vehicle in your fleet.

<table>
<thead>
<tr>
<th>Type</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Van (all types)</td>
<td></td>
</tr>
<tr>
<td>Sedan</td>
<td></td>
</tr>
<tr>
<td>Minibus (all types)</td>
<td></td>
</tr>
<tr>
<td>SUV</td>
<td></td>
</tr>
<tr>
<td>Transit bus (all types)</td>
<td></td>
</tr>
<tr>
<td>Other (describe)</td>
<td></td>
</tr>
<tr>
<td>Yellow School Bus</td>
<td></td>
</tr>
</tbody>
</table>

Complete the following table – list your entire fleet. To facilitate completion, chart may be enlarged on photocopier or reproduced. An existing inventory can be attached but all requested information must be included.

<table>
<thead>
<tr>
<th>VEHICLE INVENTORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 5310</td>
</tr>
<tr>
<td>Vehicle Type</td>
</tr>
<tr>
<td>Model YR</td>
</tr>
<tr>
<td>Current Mileage</td>
</tr>
<tr>
<td>Funding Source</td>
</tr>
<tr>
<td>Passenger seating</td>
</tr>
<tr>
<td># of securement locations</td>
</tr>
</tbody>
</table>

Example: 16-1100

| Minibus | 1998 | 42,200 | Section 5310 | 12 | 1 |
b. If not awarded a vehicle which of the following statements best describes your agency: (check one):

☐ Planned new programs cannot be started due to inadequate transportation.
☐ Existing programs can be maintained but no improvement made to the mobility of elderly and persons with disabilities.
☐ Existing programs must be curtailed due to inadequate transportation.

2. Vehicle Utilization and Appropriateness of Service

a. Trip Purposes (check all that apply)

☐ Adult Day Care
☐ Non-emergency Medical
☐ Vocational Rehabilitation
☐ Employment (competitive)
☐ Employment (non-competitive)
☐ Education
☐ Nutrition
☐ Social/Recreation
☐ Other (Volunteer, etc.)

b. Check the statement that describes the days of operation the vehicle(s)

☐ Monday-Friday days.
☐ Monday-Friday days and scheduled weekend service.
☐ Monday-Friday days and scheduled evenings.
☐ Monday-Friday days, scheduled evenings and weekend service.
☐ Special Trips (evenings and weekends available)

3. Coordination Activities (Transportation only)

☐ Formal (written agreement)
☐ Informal (verbal agreement): With whom (organization/agency name)________________________
☐ Attempted: Date (year)___
Outcome (describe)________________________________________________________

☐ None

If awarded a vehicle are you willing to share the vehicle with another agency during vehicle’s “down time?” ☐ Yes ☐ No

a. If you are a municipality you must provide a summary of how you will coordinate transportation services with your County if awarded a vehicle.

b. If you are an agency funded by DDD you must provide a summary of how you will coordinate transportation services with other agencies or a public body if awarded a vehicle.
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4. Transportation Services Options
Which of the following transportation services do your consumers utilize? (check all that apply):

- NJ TRANSIT local fixed route bus
- Municipal bus service
- County bus service
- Private bus service
- County paratransit
- ACCESS LINK paratransit
- PATH
- Ambulate service
- Taxi company
- NJ TRANSIT train service
- Hudson-Bergen light rail
- River Line light rail
- Newark City Subway

If your consumers are not utilizing any of the above available transportation services - how are their current transportation needs met?

If none of your consumers utilize public transit (bus or rail) explain why.

5. Operating Plan

a. Administration
1. How many years of experience (including the year 2005) in operating transportation services for elderly and persons with disabilities does the person responsible for transportation operations in your agency have? _________
   (If the person has not yet been hired, record zero in the blank. Previous transportation management experience for other employers can be included.)

2. How many years has your transportation service been operating? _________

b. Driver Training (Required)
1. Is driver training provided?
   - Yes
   - No
   If yes, list the training courses completed by the drivers:

   ________________________________
   ________________________________
   ________________________________

   c. Vehicle Maintenance Plan (Required)
   Attach pre-trip inspection form and a copy of the standard operating procedures for preventative maintenance.

   1. Does your agency have a preventative maintenance program for its vehicle(s)?
      - Yes
      - No

   2. Name and title of the individual responsible for maintenance:
      Name: ________________________________
      Title: ________________________________

d. Storage (check one)
   - a. Garage kept.
   - b. Secured lot.
   - c. Off-site location in an unsecured lot.
   - d. Staff take vehicle(s) home at end of day.
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e. Trip Scheduling (check one)
   □ a. One week in advance.
   □ b. 72 hours or greater in advance.
   □ c. 24 –48 hours in advance.
   □ d. Same day as needed.

f. Dispatching (check one)
   How is dispatching accomplished?
   □ a. Two way radio
   □ b. Cell phone
   □ c. Mobile Data Terminal
   □ d. Other (describe) ___________________________
   □ e. None

VII. REQUIRED ATTACHMENTS

The following must be attached to the Application (Part I). Failure to submit any of the following documents, will forfeit your eligibility as a grant recipient.

□ Articles of Incorporation (if a private non-profit)
□ Section 501(c)(3) of the Internal Revenue Code (if a private non-profit)
□ 2004 Audit or Financial Statement/Annual Report (If Applicant submitted this document as part of FTA Section 5311 or Senior Citizen and Disabled Resident Transportation Assistance Act program it is not required.)
□ Signature Page of Certifications and Assurances
Each applicant must select a vehicle type for which one is applying by indicating a choice in Section I Vehicle Request page of the application as well as placing a checkmark next to the appropriate vehicle description. The descriptions below are meant to assist the applicant in determining the type of vehicle best suited for their needs. When determining selection, the applicant should consider the costs of operating a vehicle including insurance (NJ TRANSIT requires a minimum $1 million liability coverage in addition to comprehensive and physical damage coverage). In addition, the applicant should be aware that some vehicles purchased under this program require drivers to have a Commercial Driver’s License and submit to drug and alcohol testing under the jurisdiction of the Federal Highway Administration.

**Type One – Vans**

**Type One (A) - Van** - Single rear wheel cutaway van w/lift and diesel engine, enclosed stepwell, automatic transmission, air-conditioning, and rear auxiliary heater. This vehicle can transport six (6) ambulatory passengers and one (1) forward facing mobility device. When space permits and if no mobility device is being transported, a flipseat will be included that will be increasing seating to eight (8) ambulatory passengers. The lift door is on the passenger side directly behind the front entrance. Useful Life is 4 years or 100,000 miles.

**Type One (B) – Extended Van** - Single rear wheel cutaway extended Van w/lift and diesel engine, enclosed stepwell etc. that can seat eight (8) ambulatory passengers and one (1) forward facing mobility device. The lift is on the passenger side towards the rear of vehicle with the mobility device position opposite the lift. Useful Life is 4 years or 100,000 miles.

**Type One (C) – Modified Minivan** - This is a long wheelbase (Chrysler/Chevy type minivan with a lowered floor). This is intended for transporting one to two mobility devices or two to four ambulatory persons. The lower floor eliminates the need for a lift but comes with an automatic ramp. The lower floor also makes bottoming out a real possibility if operating in hilly areas or going in and out of a variety of driveways. Useful Life is 4 years or 100,000 miles.

**Type Two – Minibuses less than 30 ft. (CDL License Required)**

**Type Two (A) – Minibus** - Dual rear wheel cutaway Minibus w/lift and diesel engine. Enough headroom to allow an individual to stand enclosed stepwell, automatic transmission, air-conditioning and rear heater. This vehicle can seat twelve (12) ambulatory and one (1) forward facing mobility device. If no mobility device is being transported, a flipseat will increase the ambulatory seating to fourteen (14). Vehicle has 158" wheelbase. Alternative seating plans are available. Useful Life is 5 years or 100,000 miles.

**Type Two (B) - Minibus** - Dual rear wheel cutaway Minibus w/lift in rear and diesel engine. Basic seating plan is eleven (11) and one (1). However, the rear position of the lift can accommodate alternative seating plans. Vehicle has a 158" wheelbase. Useful Life is 5 years or 100,000 miles.

**Type Two (C) – Extended Minibus** - Dual rear wheel cutaway Extended Minibus w/lift and diesel engine built on a 176" wheelbase with lift in rear. Seating for sixteen (16) ambulatory and one or two forward facing mobility devices. When using a rear flipseat it can also carry eighteen (18) ambulatory and one mobility device. Useful Life is 5 years or 100,000 miles.

**Type Three - Buses (AVAILABLE ONLY TO DESIGNATED COORDINATED SYSTEMS OR BY EXCEPTION) (CDL License Required)**

**Type Three (A) - A medium transit bus (30"or more in length).** Designed to carry up to thirty (30) ambulatory and two (2) forward facing mobility devices. Bus is equipped with air brakes and requires driver to have an air-brake certification on their Commercial Driver’s License. Useful Life is seven (7) years or 150,000 miles.
Type Three (B) - A small transit bus (less than 30' in length). Designed to carry up to twenty-four (24) ambulatory and/or two (2) forward facing mobility devices. Lift will be located on passenger side in rear. Bus is equipped with air brakes. Useful Life is seven (7) years or 150,000 miles.

Vehicle Equipment:
Lift, securement system or other vehicle equipment.

**NJ TRANSIT is always evaluating the performance of vehicles and the specifications are subject to change.**

Estimate Prices
The estimated price information below will assist agencies in determining insurance costs.

Check for Type of Vehicle requesting and if this is a “Replacement” vehicle (Replacement is defined as replacing a previously awarded Section 5310 vehicle only) or for Program “Expansion”.

<table>
<thead>
<tr>
<th>Type One</th>
<th>Replacement</th>
<th>Expansion</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Van</td>
<td></td>
<td></td>
<td>$48,000</td>
</tr>
<tr>
<td>b. Extended Van</td>
<td></td>
<td></td>
<td>$49,820</td>
</tr>
<tr>
<td>c. Minivan</td>
<td></td>
<td></td>
<td>$47,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type Two</th>
<th>Replacement</th>
<th>Expansion</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Minibus 158&quot; WB</td>
<td></td>
<td></td>
<td>$55,000</td>
</tr>
<tr>
<td>b. Minibus/Rear Lift 158&quot; WB</td>
<td></td>
<td></td>
<td>$55,000</td>
</tr>
<tr>
<td>c. Extended Minibus 176&quot; WB</td>
<td></td>
<td></td>
<td>$58,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type Three (AVAILABLE ONLY TO DESIGNATED COORDINATED SYSTEMS OR BY EXCEPTION):</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Medium size transit style 30 passenger, 2 wheelchairs 30’ or more in length</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>b. Small size transit style 24 passenger, 2 wheelchairs less than 30' in length</td>
</tr>
</tbody>
</table>

NOTE: NO SCHOOL BUSES WILL BE PURCHASED THROUGH THIS PROGRAM.

<table>
<thead>
<tr>
<th>Vehicle Equipment</th>
<th>Replacement</th>
<th>Expansion</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lift</td>
<td></td>
<td></td>
<td>$4,700</td>
</tr>
<tr>
<td>Securement System</td>
<td></td>
<td></td>
<td>$1,500</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td>_____</td>
</tr>
</tbody>
</table>

Alternate Floor Plans are available.
PROVIDE ADDITIONAL INFORMATION DESCRIBING YOUR SPECIFIC NEEDS (I.E. ADDITIONAL SECUREMENT LOCATIONS)

Modifications will not be accepted once procurement is complete.
2006 Section 5310 Application

EXHIBIT B
USEFUL LIFE CRITERIA

This procedure pertains ONLY to capital procurement of rolling stock using the FTA Section 5310 program as the funding source.

Vehicles awarded under this program are defined as:

1. Transit (type) Buses – Medium Duty Buses, which may be equipped with either gasoline or diesel engines, are classified as having a minimum useful life of seven (7) years, or 150,000 miles. These may be classified by some manufacturers as transit thirty (30') foot type buses.

2. Small/Mini Buses, Medium Duty Chassis, with add-on bodies installed by other than the original equipment chassis manufacturer, usually under twenty-eight (28') feet in length. These units shall be classified as having a minimum useful life of five (5) years, or 100,000 miles.

3. Modified passenger vans – manufactured as classified by original equipment manufacturer of body and chassis, including “modified” units incorporating raised roof and/or a lesser number of seats to accommodate passengers with disabilities using mobility devices or other mobility devices, with lift devices installed. This type of vehicle may have an add-on body different from the chassis of the manufacturer. These units shall be classified as having a minimum useful life of four (4) years, or 100,000 miles.

4. Mini-Vans – manufactured as classified by original equipment manufacturer of body and chassis, with capacities of up to six (6) passengers, with wheelbase of less than 128”. These units shall be modified to incorporate raised roof or lowered floors. Installation and use of manual ramps for accessibility is permissible, subject to design and specifications, compliance with state and federal requirements. They shall be classified as having a minimum useful life of four (4) years, or 100,000 miles.
EXHIBIT C
SECTION 5310 CAPITAL ASSISTANCE PROGRAM
NEW JERSEY STANDARD ASSURANCES

Legal Name of Organization: ________________________________

The applicant organization hereby agrees to the following Standard Assurances pursuant to the Section 5310 program.

1. It will comply with all applicable provisions with the NJ TRANSIT Standards for Section 5310. (Lease, insurance and reporting requirements)

2. It will give FTA and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.

3. It will operate and maintain any facility or equipment constructed or purchased as part of a federal grant in accordance with the minimum standards as may be required or prescribed by the applicable federal, state and local agencies for the maintenance and operation of such facilities.

4. It recognizes NJ TRANSIT’s authority to conduct audits for the purpose of verifying compliance with the requirements and stipulations stated above.

5. Based on information submitted in the applicant organization’s application, the service provided or offered to be provided by existing public or private transit operators is unavailable, insufficient or inappropriate to meet the special needs of elderly or persons with disabilities within the service area.

6. The applicant organization possesses the necessary fiscal and managerial capability to implement and manage its proposed project.

7. The applicant organization is considered under state law as a private non-profit and has the legal capacity to contract with the state to carry out the proposed project or is a local government recognized by the state as an eligible local government under this program.

8. The applicant organization has or will have the time of delivery sufficient funds to operate the vehicle(s) equipment to be purchased under this project.

9. It will submit if selected any and all certifications required by state and/or federal law.

Signature of Authorized Official: ________________________________

Print Name: ________________________________________________

Title of Authorized Official: ________________________________

Date: ________________________________
Name of Applicant: ________________________________

The Applicant agrees to comply with applicable provisions of Categories 01-23. 

OR

The Applicant agrees to comply with the applicable provisions of the following Categories it has selected:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>01.</td>
<td>For Each Applicant.</td>
<td></td>
</tr>
<tr>
<td>02.</td>
<td>Lobbying.</td>
<td></td>
</tr>
<tr>
<td>03.</td>
<td>Procurement Compliance.</td>
<td></td>
</tr>
<tr>
<td>04.</td>
<td>Private Providers of Public Transportation.</td>
<td></td>
</tr>
<tr>
<td>05.</td>
<td>Public Hearing.</td>
<td></td>
</tr>
<tr>
<td>06.</td>
<td>Acquisition of Rolling Stock.</td>
<td></td>
</tr>
<tr>
<td>07.</td>
<td>Acquisition of Capital Assets by Lease.</td>
<td></td>
</tr>
<tr>
<td>08.</td>
<td>Bus Testing.</td>
<td></td>
</tr>
<tr>
<td>09.</td>
<td>Charter Service Agreement.</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>School Transportation Agreement.</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Demand Responsive Service.</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Alcohol Misuse and Prohibited Drug Use.</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Interest and Other Financing Costs.</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Urbanized Area Formula Program.</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Clean Fuels Grant Program.</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.</td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Non-urbanized Area Formula Program.</td>
<td></td>
</tr>
</tbody>
</table>
2006 Section 5310 Application


22. Infrastructure Finance Projects. 


________
AFFIRMATION OF APPLICANT

Name of Applicant: __________________________________________________________

Name and Relationship of Authorized Representative:  __________________________________________________________

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and directives applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2006.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances in this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2006.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the 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 fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute.

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

Signature __________________________________________________________

Date: _______________________

Name __________________________________________________________

Authorized Representative of Applicant

For the purposes of this application you do not have to obtain the signature of your agency’s attorney at this time. NJ TRANSIT sends out Annual Certifications and
Assurances to all active grant subrecipients and that document, mailed separately, will require your attorney’s signature. If you are a new subrecipient under this program you will be asked to sign a complete Certifications and Assurances before delivery of your equipment. At this time only the signature of the agency representative above is required in order to acknowledge that the certifications and assurances under this program have been read and acknowledged.

AFFIRMATION OF APPLICANT’S ATTORNEY

For (Name of Applicant):
________________________________________________________________

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

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

Signature not required at this time.
________________________________________________________________

Date: _______________

Name___________________________________________________________
Attorney for Applicant

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) assistance) and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant’s Attorney pertaining to the Applicant’s legal capacity. The Applicant may enter its signature in lieu of the Attorney’s signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.
In accordance with 49 U.S.C. 5323(n), the following certifications and assurances have been compiled for Federal Transit Administration (FTA) assistance programs. FTA requests each Applicant to provide as many certifications and assurances as needed for all programs for which the Applicant intends to seek FTA assistance during Federal Fiscal Year 2006.

Twenty-three (23) Categories of certifications and assurances are listed by numbers 01 through 23 on the opposite side of the Signature Page(s) at the end of this document. Category 01 applies to all Applicants. Category 02 applies to all applications exceeding $100,000. Categories 03 through 23 will apply to and be required for some, but not all, Applicants and projects.

FTA and the Applicant understand and agree that not every provision of these certifications and assurances will apply to every Applicant or every project for which FTA provides Federal financial assistance through a grant agreement or Cooperative Agreement. The type of project and the section of the statute authorizing Federal financial assistance for the project will determine which provisions apply. The terms of these certifications and assurances reflect applicable requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109 -59, Aug. 10, 2005.

The Applicant also understands and agrees that these certifications and assurances are special pre-award requirements specifically prescribed by Federal law or regulation and do not encompass all Federal laws, regulations, and directives that may apply to the Applicant or its project. A comprehensive list of those Federal laws, regulations, and directives is contained in the current FTA Master Agreement MA(12) for Federal Fiscal Year 2006 at the FTA website http://www.fta.dot.gov/16874_16882_ENG_HTML.htm. The certifications and assurances in this document have been streamlined to remove most provisions not covered by statutory or regulatory certification or assurance requirements.

Because the number of provisions that could flow down to subrecipients are so extensive, we have removed the partial list of provisions pertaining to subrecipients formerly included within certifications and assurances for various specific programs to preclude a misunderstanding that those provisions listed fully encompass all Federal provisions that may be imposed on a subrecipient. As a result, we strongly recommend that each Applicant, including a state, that will be implementing projects through one or more subrecipients, secure sufficient documentation from each subrecipient to assure compliance, not only with these certifications and assurances, but also with the terms of the Grant Agreement or Cooperative Agreement for the project, and the Master Agreement incorporated therein by reference. Each Applicant is ultimately responsible for compliance with the provisions of these certifications and assurances irrespective of participation in the project by any subrecipient.
Each Applicant for FTA assistance must provide all assurances in this Category "01." Unless FTA expressly determines otherwise in writing, FTA may not award any Federal assistance until the Applicant provides the following assurances by selecting Category "01."

A. Assurance of Authority of the Applicant and Its Representative

The authorized representative of the Applicant and the attorney who sign these certifications, assurances, and agreements affirm that both the Applicant and its authorized representative have adequate authority under applicable state and local law and the Applicant’s by-laws or internal rules to:

1. Execute and file the application for Federal assistance on behalf of the Applicant;
2. Execute and file the required certifications, assurances, and agreements on behalf of the Applicant binding the Applicant; and
3. Execute grant agreements and cooperative agreements with FTA on behalf of the Applicant.

B. Standard Assurances

The Applicant assures that it will comply with all applicable Federal statutes and regulations in carrying out any project supported by an FTA grant or cooperative agreement. The Applicant agrees that it is under a continuing obligation to comply with the terms and conditions of the grant agreement or cooperative agreement issued for its project with FTA. The Applicant recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation. The Applicant understands that Presidential executive orders and Federal directives, including Federal policies and program guidance may be issued concerning matters affecting the Applicant or its project. The Applicant agrees that the most recent Federal laws, regulations, and directives will apply to the project, unless FTA issues a written determination otherwise.

C. Intergovernmental Review Assurance

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

D. Nondiscrimination Assurance

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

Specifically, during the period in which Federal assistance is extended to the project, or project property is used for a purpose for which the Federal assistance is extended or for another purpose involving the provision of similar services or benefits, or as long as the Applicant retains ownership or possession of the project property, whichever is longer, the Applicant assures that:

(1) Each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project.

(2) It will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FTA. Upon request by U.S. DOT or FTA, the Applicant assures that it will submit the required information pertaining to its compliance with these provisions.

(3) It will include in each subagreement, property transfer agreement, third party contract, third party subcontract, or participation agreement adequate provisions to extend the requirements imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d and 49 CFR part 21 to other parties involved therein including any subrecipient, transferee, third party contractor, third party subcontractor at any level, successor in interest, or any other participant in the project.

(4) Should it transfer real property, structures, or improvements financed with Federal assistance provided by FTA to another party, any deeds and instruments recording the transfer of that property shall contain a covenant running with the land assuring nondiscrimination for the period during which the property is used for a purpose for which the Federal assistance is extended or for another purpose involving the provision of similar services or benefits.

(5) The United States has a right to seek judicial enforcement with regard to any matter arising under the Act, regulations, and this assurance.

(6) It will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may request to achieve compliance with the requirements imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21.

E. Assurance of Nondiscrimination on the Basis of Disability

As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR 27.9, the Applicant assures that, as a condition to the approval or extension of any Federal assistance awarded by FTA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FTA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from
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Federal assistance administered by the FTA or any entity within U.S. DOT. The Applicant assures that project implementation and operations so assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, et seq., and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq., and implementing U.S. DOT regulations at 49 CFR parts 27, 37, and 38, and any other applicable Federal laws that may be enacted or Federal regulations that may be promulgated.

F. U.S. Office of Management and Budget (OMB) Assurances

Consistent with OMB assurances set forth in SF-424B and SF-424D, the Applicant assures that, with respect to itself or its project, the Applicant:

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

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

(3) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain;

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

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

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

(b) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 through 1683, and 1685 through 1687, and U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25, which prohibit discrimination on the basis of sex;

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

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


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

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

(i) Any other nondiscrimination statute(s) that may apply to the project;

(6) To the extent applicable, will comply with, or has complied with, the requirements of
Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Relocation Act) 42 U.S.C. 4601 et seq., which, among other things, provide for fair and equitable treatment of persons displaced or persons whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes and displacement caused by the project regardless of Federal participation in any purchase. As required by sections 210 and 305 of the Uniform Relocation Act, 42 U.S.C. 4630 and 4655, and by U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR 24.4, the Applicant assures that it has the requisite authority under applicable state and local law to comply with the requirements of the Uniform Relocation Act, 42 U.S.C. 4601 et seq., and U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR part 24, and will comply with that Act or has complied with that Act and those implementing regulations, including but not limited to the following:

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

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

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

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

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

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

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

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

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

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regarding labor standards for federally assisted projects;

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

(9) To the extent applicable, will comply with the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures;

(10) To the extent applicable, will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities on which a construction project supported with FTA assistance takes place without permission and instructions from FTA;

(11) To the extent required by FTA, will record the Federal interest in the title of real property, and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project;

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

(13) To the extent applicable, will provide and maintain competent and adequate engineering supervision at the construction site of any project supported with FTA assistance to ensure that the complete work conforms with the approved plans and specifications, and will furnish progress reports and such other information as may be required by FTA or the state;

(14) To the extent applicable, will comply with any applicable environmental standards that may be prescribed to implement the following Federal laws and executive orders:
   (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 through 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note;
   (b) Notification of violating facilities pursuant to Executive Order No. 11738, 42 U.S.C. 7606 note;
   (c) Protection of wetlands pursuant to Executive Order No. 11990, 42 U.S.C. 4321 note;
   (d) Evaluation of flood hazards in floodplains in accordance with Executive Order No. 11988, 42 U.S.C. 4321 note;
   (e) Assurance of project consistency with the approved state management program developed pursuant to the requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 through 1465;
   (f) Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 through 7671q;
   (g) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f through 300j-6;
   (h) Protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 through 1544; and
   (i) 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);
(j) 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 through 1287; and
(15) To the extent applicable, will comply with the requirements of the Hatch Act, 5 U.S.C. 1501 through 1508 and 7324 through 7326, which limit the political activities of state and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds including a Federal loan, grant agreement, or cooperative agreement except, in accordance with 49 U.S.C. 5307(k)(2) and 23 U.S.C. 142(g), the Hatch Act does not apply to a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA assistance to whom that Act does not otherwise apply;
(16) To the extent applicable, will comply with the National Research Act, Pub. L. 93-348, July 12, 1974, as amended, 42 U.S.C. 289 et seq., and U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11, regarding the protection of human subjects involved in research, development, and related activities supported by Federal assistance;
(17) To the extent applicable, will comply with the Laboratory Animal Welfare Act of 1966, as amended, 7 U.S.C. 2131 et seq., and U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4, regarding the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal assistance;
(18) Will have performed the financial and compliance audits as required by the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 et seq., OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” Revised, and the most recent applicable OMB A-133 Compliance Supplement provisions for the U.S. DOT; and
(19) To the extent applicable, will comply with all applicable provisions of all other Federal laws, regulations, and directives governing the project, except to the extent that FTA has expressly approved otherwise in writing.

02. LOBBYING CERTIFICATION

An Applicant that submits or intends to submit an application to FTA for Federal assistance exceeding $100,000 is required to provide the following certification. FTA may not award Federal assistance exceeding $100,000 until the Applicant provides this certification by selecting Category "02."

A. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," at 49 CFR 20.110, the Applicant's authorized representative certifies to the best of his or her knowledge and belief that for each application to FTA for Federal assistance exceeding $100,000:
(1) No Federal appropriated funds have been or will be paid by or on behalf of the Applicant to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an
employee of a Member of Congress regarding the award of Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and

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

(3) The language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, subagreements, contracts under grants, loans, and cooperative agreements).

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

03. PROCUREMENT COMPLIANCE

In accordance with 49 CFR 18.36(g)(3)(ii), each Applicant that is a state, local, or Indian tribal governments that is seeking Federal assistance to acquire property or services in support of its project is requested to provide the following certification by selecting Category "03." FTA also requests other Applicants to provide the following certification. An Applicant for FTA assistance to acquire property or services in support of its project that fails to provide this certification may be determined ineligible for award of Federal assistance for the project, if FTA determines that its procurement practices and procurement system are incapable of compliance with Federal laws, regulations and directives governing procurements financed with FTA assistance.

The Applicant certifies that its procurements and procurement system will comply with all applicable third party procurement provisions of Federal laws, regulations, and directives, except to the extent FTA has expressly approved otherwise in writing.

04. PRIVATE PROVIDERS OF PUBLIC TRANSPORTATION

Each Applicant that is a state, local, or Indian tribal government that is seeking Federal assistance authorized under 49 U.S.C. chapter 53 to acquire any property or an interest in the property of a private provider of public transportation or to operate public transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing private provider of public transportation is required to provide the following certification. FTA may not award Federal assistance for such a project until the Applicant provides this certification by selecting Category "04."

As required by 49 U.S.C. 5323(a)(1), the Applicant certifies that before it acquires the property
or an interest in the property of a private provider of public transportation or operates public transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing public transportation company, it has or will have:
A. Determined that the assistance 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 law to the company for any franchise or property acquired.

05. PUBLIC HEARING

An Applicant seeking Federal assistance authorized under 49 U.S.C. chapter 53 for a capital project that will substantially affect a community or a community's public transportation service is required to provide the following certification. FTA may not award Federal assistance for that type of project until the Applicant provides this certification by selecting Category "05."

As required by 49 U.S.C. 5323(b), the Applicant certifies that it has, or before submitting its application, it will have:
A. Provided an adequate opportunity for public review and comment on the project preceded by adequate prior public notice of the proposed project, including a concise description of the proposed project, published in a newspaper of general circulation in the geographic area to be served;
B. Held a public hearing on the project if the project affects significant economic, social, or environmental interests after providing adequate notice as described above;
C. Considered the economic, social, and environmental effects of the proposed project; and
D. Determined that the proposed project is consistent with official plans for developing the urban area.

06. ACQUISITION OF ROLLING STOCK

An Applicant seeking Federal assistance authorized under 49 U.S.C. chapter 53 to acquire any rolling stock is required to provide the following certification. FTA may not award any Federal assistance to acquire such rolling stock until the Applicant provides this certification by selecting Category "06."

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

07. ACQUISITION OF CAPITAL ASSETS BY LEASE

An Applicant that intends to request the use of Federal assistance to acquire capital assets by lease is required to provide the following certifications. FTA may not provide assistance to support those costs until the Applicant provides this certification by selecting Category "07."
As required by FTA regulations, "Capital Leases," at 49 CFR 639.15(b)(1) and 639.21, if the Applicant acquires any capital asset by lease financed with Federal assistance authorized for 49 U.S.C. chapter 53, the Applicant certifies as follows:

1) It will not use Federal assistance authorized to finance the cost of leasing any capital asset until it performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset; and It will complete these calculations before entering into the lease or before receiving a capital grant for the asset, whichever is later; and

2) It will not enter into a capital lease for which FTA can provide only incremental Federal assistance unless it has adequate financial resources to meet its future obligations under the lease if Federal assistance is not available for capital projects in the subsequent years.

08. BUS TESTING

An Applicant for Federal assistance appropriated or made available for 49 U.S.C. chapter 53 to acquire any new bus model or any bus model with a new major change in configuration or components is required to provide the following certification. FTA may not provide assistance for the acquisition of any new bus model or bus model with a major change until the Applicant provides this certification by selecting Category "08."

As required by 49 U.S.C. 5318 and FTA regulations, "Bus Testing," at 49 CFR 665.7, the Applicant certifies that, before expending any Federal assistance to acquire the first bus of any new bus model or any bus model with a major change in configuration or components, or before authorizing final acceptance of that bus (as described in 49 CFR part 665), the bus model:
A. Will have been tested at FTA's bus testing facility; and
B. Will have received a copy of the test report prepared on the bus model.

09. CHARTER SERVICE AGREEMENT

An Applicant seeking Federal assistance authorized under 49 U.S.C. chapter 53 (except 49 U.S.C. 5310 or 5317), or under 23 U.S.C. 133 or 142 to acquire or operate any public transportation equipment or facilities is required to enter into the following Charter Service Agreement. FTA may not provide assistance authorized under 49 U.S.C. chapter 53 (except 49 U.S.C. 5310 or 5317), or under 23 U.S.C. 133 or 142 for such projects until the Applicant enters into this Charter Service Agreement by selecting Category "09."

A. As required by 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," at 49 CFR 604.7, the Applicant agrees that it and each subrecipient and third party contractor at any tier will:
   1) Provide charter service that uses equipment or facilities acquired with Federal assistance authorized under 49 U.S.C. chapter 53 (except 49 U.S.C. 5310 or 5317), or under 23 U.S.C. 133 or 142 for transportation projects, only to the extent that there are no private charter service operators willing and able to provide the charter service that it or its subrecipients or third party contractors at any tier desire to provide, unless one or more of the exceptions in 49 CFR 604.9 applies; and
   2) Comply with the requirements of 49 CFR part 604 before providing any charter service using equipment or facilities acquired with Federal assistance authorized under
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49 U.S.C. chapter 53 (except 49 U.S.C. 5310 or 5317), or under 23 U.S.C. 133 or 142 for transportation projects.

B. The Applicant understands that:
   (1) The requirements of 49 CFR part 604 will apply to any charter service it or its subrecipients or third party contractors provide,
   (2) The definitions of 49 CFR part 604 will apply to this Charter Service Agreement, and
   (3) A violation of this Charter Service Agreement may require corrective measures and imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

10. SCHOOL TRANSPORTATION AGREEMENT

An Applicant that is seeking Federal assistance authorized under 49 U.S.C. chapter 53 or under 23 U.S.C. 133 or 142 to acquire or operate public transportation facilities and equipment is required to enter into the following School Transportation Agreement. FTA may not provide assistance for such projects until the Applicant enters into this agreement by selecting Category "10."

A. As required by 49 U.S.C. 5323(f) and (g) and FTA regulations at 49 CFR 605.14, the Applicant agrees that it and each subrecipient or third party contractor at any tier will:
   (1) Engage in school transportation operations in competition with private school transportation operators only to the extent permitted by 49 U.S.C. 5323(f) and (g), and Federal regulations; and
   (2) Comply with the requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance authorized under 49 U.S.C. chapter 53 or under 23 U.S.C. 133 or 142 for transportation projects.

B. The Applicant understands that:
   (1) The requirements of 49 CFR part 605 will apply to any school transportation service it or its subrecipients or third party contractors provide,
   (2) The definitions of 49 CFR part 605 will apply to this School Transportation Agreement, and
   (3) A violation of this School Transportation Agreement may require corrective measures and imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

11. DEMAND RESPONSIVE SERVICE

An Applicant that operates demand responsive service and applies for direct Federal assistance authorized for 49 U.S.C. chapter 53 to acquire non-rail public transportation vehicles is required to provide the following certification. FTA may not award direct Federal assistance authorized for 49 U.S.C. chapter 53 to an Applicant that operates demand responsive service to acquire non-rail public transportation vehicles until the Applicant provides this certification by selecting Category "11"

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," at 49 CFR 37.77(d), the Applicant certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. When the Applicant’s service is viewed in its entirety, the Applicant's service for individuals with disabilities is
provided in the most integrated setting feasible and is equivalent with respect to: (1) response
time, (2) fares, (3) geographic service area, (4) hours and days of service, (5) restrictions on
trip purpose, (6) availability of information and reservation capability, and (7) constraints on
capacity or service availability.

12. ALCOHOL MISUSE AND PROHIBITED DRUG USE

If the Applicant is required to provide the following certification concerning its activities to
prevent alcohol misuse and prohibited drug use in its public transportation operations, FTA
may not provide Federal assistance to that Applicant until it provides this certification by
selecting Category "12"

As required by FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in
Transit Operations,” at 49 CFR part 655, subpart I, the Applicant certifies that it has
established and implemented an alcohol misuse and anti-drug program, and has complied with
or will comply with all applicable requirements of FTA regulations, “Prevention of Alcohol

13. INTEREST AND OTHER FINANCING COSTS

An Applicant that intends to request the use of Federal assistance for reimbursement of
interest or other financing costs incurred for its capital projects is required to provide the
following certification. FTA may not provide assistance to support those costs until the
Applicant provides this certification by selecting Category "13."

As required by 49 U.S.C. 5307(g)(3), 5309(g)(2)(B)(iii), 5309(g)(3)(B)(iii), 5309(i)(2)(C), and
5320(h)(2)(C), the Applicant certifies that it will not seek reimbursement for interest and other
financing costs unless it is eligible to receive Federal assistance for those expenses and its
records demonstrate that it has used reasonable diligence in seeking the most favorable
financing terms underlying those costs, to the extent FTA may require.

14. INTELLIGENT TRANSPORTATION SYSTEMS

An Applicant for FTA assistance for an Intelligent Transportation Systems (ITS) project,
defined as 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” is requested to provide the
following assurance. FTA strongly encourages any Applicant for FTA financial assistance to
support an ITS project to provides this assurance by selecting Category "14." An Applicant for
FTA assistance for an ITS project that fails to provide this assurance, without providing other
documentation assuring the Applicant’s commitment to comply with applicable ITS standards
and protocols, may be determined ineligible for award of Federal assistance for the ITS
project.

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.”
A. As provided in 23 U.S.C. 5307(c), “the Secretary shall ensure that intelligent transportation
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system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a).” To facilitate compliance with 23 U.S.C. 5307(c), the Applicant assures it will comply with all applicable provisions of Section V (Regional ITS Architecture) and Section VI (Project Implementation) of FTA Notice, “FTA National ITS Architecture Policy on Transit Projects,” at 66 Fed. Reg. 1455 et seq., January 8, 2001, and other FTA policies that may be issued in connection with any ITS project it undertakes financed with funds authorized under Title 49 or Title 23, United States Code, except to the extent that FTA expressly determines otherwise in writing.

B. With respect to any ITS project financed with Federal assistance derived from a source other than Title 49 or Title 23, United States Code, the Applicant assures that it will use its best efforts to ensure that any ITS project it undertakes will not preclude interface with other intelligent transportation systems in the Region.

15. URBANIZED AREA FORMULA PROGRAM

Each Applicant for Urbanized Area Formula Program assistance authorized under 49 U.S.C. 5307 is required to provide the following certifications on behalf of itself and any subrecipients participating in its projects. Unless FTA determines otherwise in writing, the Applicant is ultimately responsible for compliance with its certifications and assurances even though a subrecipient may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the Applicant is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the Applicant has made to FTA. If, however a “Designated Recipient” as defined at 49 U.S.C. 5307(a)(2)(A) enters into a Supplemental Agreement with FTA and a Prospective Grantee, that Grantee is recognized as the Applicant for Urbanized Area Formula Program assistance and must provide the following certifications.

Each Applicant required by 49 U.S.C. 5307(d)(1)(K) to expend at least one (1) percent of its Urbanized Area Formula Program assistance for eligible transit enhancements must list the projects carried out during that Federal fiscal year with those funds in its quarterly report for the fourth quarter of the preceding Federal fiscal year. That list constitutes the report of transit enhancement projects carried out during the preceding fiscal year that is required to be submitted as part of the Applicant's annual certifications and assurances, in accordance with 49 U.S.C. 5307(d)(1)(K)(ii). Accordingly, the information in that quarterly report will be incorporated by reference and made part of the Applicant's annual certifications and assurances for this Federal fiscal year. FTA may not award Urbanized Area Formula assistance to any Applicant that has received Transit Enhancement funds authorized by former 49 U.S.C. 5307(k)(1), unless that Applicant's quarterly report for the fourth quarter of the preceding Federal fiscal year 2005 has been submitted to FTA and includes the requisite list. Beginning Federal fiscal year 2007, FTA may not award Urbanized Area Formula Program assistance to any Applicant that is required by 49 U.S.C. 5307(d)(1)(K) to expend one (1) percent of its Urbanized Area Formula Program assistance for eligible transit enhancements unless that Applicant's quarterly report for the fourth quarter of the preceding Federal fiscal year has been submitted to FTA and includes the requisite list.
As required by 49 U.S.C. 5307(d)(1), the Applicant certifies as follows:

A. In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including safety and security aspects of that program;

B. In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities;

C. In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the Project equipment and facilities;

D. In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will ensure that elderly individuals, individuals with disabilities, or any person presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized for 49 U.S.C. 5307, not more than fifty (50) percent of the peak hour fare;

E. In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5307: (1) will use competitive procurement (as defined or approved by the Secretary), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;

F. In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, the Applicant: (1) has made available, or will make available, to the public information on the amounts available for the Urbanized Area Formula Program, 49 U.S.C. 5307, and the program of projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, a proposed program of projects for activities to be financed; (3) has published or will publish a proposed program of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed program of projects; (5) has ensured or will ensure that the proposed program of projects provides for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal Government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final program of projects; and (7) has made or will make the final program of projects available to the public;

G. In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5307(e) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;

H. In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); 49 U.S.C. 5301(d)
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(special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);

I. In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation;

J. In compliance with 49 U.S.C. 5307(d)(1)(J), each fiscal year, the Applicant will spend at least one (1) percent of its funds authorized by 49 U.S.C. § 5307 for public transportation security projects, unless the Applicant has certified to FTA that such expenditures are not necessary. Public transportation security projects include increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation; and

K. In compliance with 49 U.S.C. 5307(d)(1)(K), if the Applicant serves an urbanized area with a population of at least 200,000, (1) the Applicant will expend not less than one (1) percent of the amount it receives each fiscal year under 49 U.S.C. 5307 for transit enhancements, as defined at 49 U.S.C. 5302(a), and (2) if the Applicant has received Urbanized Area Program funds expended for transit enhancements as authorized by 49 U.S.C. 5307(k)(1), the Applicant will list those projects carried out with funds authorized under 49 U.S.C. 5307. If the Applicant’s quarterly report for the fourth quarter of the preceding Federal fiscal year includes a list of transit enhancement projects it has implemented during that preceding fiscal year using those funds, the information in that quarterly report will fulfill the requirements of 49 U.S.C. 5307(d)(1)(K)(ii), and thus that quarterly report will be incorporated by reference and made part of the Applicant’s certifications and assurances.

16. CLEAN FUELS GRANT PROGRAM

Each Applicant for Clean Fuels Grant Program assistance authorized under 49 U.S.C. 5308 is required to provide the following certifications pm behalf of itself and its subrecipients. Unless FTA determines otherwise in writing, the Applicant is ultimately responsible for compliance with its certifications and assurances even though a subrecipient may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the Applicant is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the Applicant has made to FTA. FTA may not award Federal assistance for the Clean Fuels Grant Program until the Applicant provides these certifications by selecting Category "16."

As required by 49 U.S.C. 5308(d)(1), which makes the requirements of 49 U.S.C. 5307 applicable to Clean Fuels Grant Program assistance, and 49 U.S.C. 5307(d)(1), the designated recipient or the recipient serving as the Applicant on behalf of the designated recipient, or the state or state organization serving as the Applicant on behalf of the state, certifies as follows:

A. In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including safety and security aspects of that program;
B. In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;

C. In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;

D. In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will ensure that elderly individuals, individuals with disabilities, or any person presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized under 49 U.S.C. 5308, not more than fifty (50) percent of the peak hour fare;

E. In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5308: (1) will use competitive procurement (as defined or approved by the Secretary), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;

F. In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, the Applicant: (1) has made available, or will make available, to the public information on the amounts available for the Clean Fuels Grant Program, 49 U.S.C. 5308, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, the proposed projects to be financed; (3) has published or will publish a list of the proposed projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has ensured or will ensure that the proposed projects provide for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal Government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects; and (7) has made or will make the final list of projects available to the public;

G. In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5308(d)(2) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;

H. In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements); and

I. In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation;
17. ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES FORMULA PROGRAM AND PILOT PROGRAM

The state or state organization (state) that administers the Elderly Individuals and Individuals with Disabilities Formula Program and, if applicable, the Elderly Individuals and Individuals with Disabilities Pilot Program on behalf itself and its subrecipients is required to provide the following certifications on behalf of itself and each subrecipient. Unless FTA determines otherwise in writing, the state itself is ultimately responsible for compliance with its certifications and assurances even though even though a subrecipient may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the state is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the state has made to FTA. FTA may not award assistance for the Elderly Individuals and Individuals with Disabilities Formula Program or the Elderly Individuals and Individuals with Disabilities Pilot Program until the state provides these certifications by selecting Category "17."

A. As required by 49 U.S.C. 5310(d), which makes the requirements of 49 U.S.C. 5307 applicable to the Elderly Individuals and Individuals with Disabilities Formula Program to the extent that the Federal Transit Administrator or his or her designee determines appropriate, and 49 U.S.C. 5307(d)(1), the state or state organization serving as the Applicant (state) and that administers, on behalf of the state, the Elderly Individuals and Individuals with Disabilities Program authorized by 49 U.S.C. 5310, and, if applicable, the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by subsection 3012(b) of SAFETEA-LU, certifies and assures on behalf of itself and its subrecipients as follows:

(1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including safety and security aspects of that program;

(2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;

(3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;

(4) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5310 or subsection 3012(b) of SAFETEA-LU: (1) will use competitive procurement (as defined or approved by the Secretary), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;

(5) In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5310(c), and if applicable by section 3012b(3) and (4), for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and

(6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly
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individuals and individuals with disabilities); and 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);

B. The state assures that each subrecipient either is recognized under state law as a private nonprofit organization with the legal capability to contract with the state to carry out the proposed project, or is a public body that has met the statutory requirements to receive Federal assistance authorized for 49 U.S.C. 5310.

C. The private nonprofit subrecipient's application for 49 U.S.C. 5310 assistance contains information from which the state concludes that the transit service provided or offered to be provided by existing public or private transit operators is unavailable, insufficient, or inappropriate to meet the special needs of the elderly and persons with disabilities.

D. In compliance with 49 U.S.C. 5310(d)(2)(A) and section 3012(b)(2), the state certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project will has been or will have been coordinated with private nonprofit providers of services under 49 U.S.C. 5310;

E. In compliance with 49 U.S.C. 5310(d)(2)(C), the state certifies that allocations to subrecipients of financial assistance authorized under 49 U.S.C. 5310 or subsection 3012b of SAFETEA-LU will be distributed on a fair and equitable basis; and

F. In compliance with Subsection 3012(b)(2) of SAFETEA LU, to the extent that the state is administering an Elderly Individuals and Individuals with Disabilities Pilot Program authorized by Subsection 3012(b) of SAFETEA-LU, the state certifies that: (1) projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

18. NONURBANIZED AREA FORMULA PROGRAM

The provisions of 49 U.S.C. 5311 establishing the Non-urbanized Area Formula Program do not impose, as a pre-conditions of award, explicit certification or assurance requirements for an Indian tribe or for a state or state organization that serves as the Applicant (state) for Non-urbanized Area Formula assistance and that administers the Non-urbanized Area Formula Program on behalf of a state.

In accordance with 49 U.S.C. 5311(c)(1), any Federal assistance authorized under 49 U.S.C. 5311 that is awarded directly to an Indian tribe will be subject to such terms and conditions as the Federal Transit Administrator or his or her designee may establish. (As of October 1, 2005, such terms and conditions for direct awards of Federal assistance to Indian tribes have not been established.)

Nevertheless, before FTA may award Non-urbanized Area Formula Program assistance, the U.S. Secretary of Transportation or his or her designee is required to make the pre-award determination required by 49 U.S.C. 5311. Because certain information is needed before the Secretary or his or her designee can make those determinations, each state is requested to provide the following assurances on behalf of itself and its subrecipients. Unless FTA determines otherwise in writing, the state itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the state is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to
assure the validity of all certifications and assurances the state has made to FTA. A state that fails to provide these assurances on behalf of itself and its subrecipients may be determined ineligible for a grant of Federal assistance under 49 U.S.C. 5311 if FTA lacks sufficient information from which to make those determinations required by Federal laws and regulations governing the Non-urbanized Area Formula Program authorized by 49 U.S.C. 5311. The state is thus requested to select Category “(18).”

The state or state organization serving as the Applicant (state) and that administers, on behalf of the state the Non-urbanized Area Formula Program authorized by 49 U.S.C. 5311, assures on behalf of itself and its subrecipients as follows:

A. The state has or will have the necessary legal, financial, and managerial capability to apply for, receive, and disburse Federal assistance authorized for 49 U.S.C. 5311; and to carry out each project, including the safety and security aspects of that project;

B. The state has or will have satisfactory continuing control over the use of project equipment and facilities;

C. The state assures that the project equipment and facilities will be adequately maintained;

D. In compliance with 49 U.S.C. 5311(b)(2)(C)(i), the state’s program has provided for a fair distribution of Federal assistance authorized for 49 U.S.C. 5311 within the state, including Indian reservations within the state;

E. In compliance with 49 U.S.C. 5311(b)(2)(C)(ii), the state’s program provides or will provide the maximum feasible coordination of public transportation service to receive assistance under 49 U.S.C. 5311 with transportation service assisted by other Federal sources;

F. The projects in the state’s Non-urbanized Area Formula Program are included in the Statewide Transportation Improvement Program and, to the extent applicable; the projects are included in a metropolitan Transportation Improvement Program;

G. The state has or will have available and will provide the amount of funds required by 49 U.S.C. 5311(g) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and

H. In compliance with 49 U.S.C. 5311(f), the state will expend not less than fifteen (15) percent of the amounts of Federal assistance authorized under 49 U.S.C. 5311 that have been provided to the state to develop and support intercity bus transportation within the state, unless the chief executive officer of the state, or his or her designee, after consultation with affected intercity bus service providers, certifies to the Federal Transit Administrator, apart from these certifications and assurances herein, that the intercity bus service needs of the state are being adequately met.

19. JOB ACCESS AND REVERSE COMMUTE FORMULA GRANT PROGRAM

Each Applicant for Job Access and Reverse Commute (JARC) Formula Grant Program assistance authorized under 49 U.S.C. 5316 is required to provide the following certifications on behalf of itself and any subrecipient that may be implementing its project. Unless FTA determines otherwise in writing, the Applicant itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the Applicant is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the Applicant has made to FTA. FTA may not award Federal assistance for the JARC Formula Grant Program until the Applicant provides these certifications by selecting Category “19.”
A. As required by 49 U.S.C. 5316(f)(1), which makes the requirements of 49 U.S.C. 5307 applicable to Job Access and Reverse Commute (JARC) formula grants, and 49 U.S.C. 5307(d)(1), the Applicant for JARC Formula Program assistance authorized under 49 U.S.C. 5316, certifies on behalf of itself and its subrecipients, if any, as follows:

(1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including safety and security aspects of that program;

(2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;

(3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;

(4) In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will ensure that elderly individuals and individuals with disabilities, or any person presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized under 49 U.S.C. 5316 not more than fifty (50) percent of the peak hour fare;

(5) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5316:

   (1) will use competitive procurement (as defined or approved by the Secretary), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;

(6) In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, it: (1) has made available, or will make available, to the public information on the amounts available for the JARC Formula Grant Program, 49 U.S.C. 5316, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, the proposed projects to be financed; (3) has published or will publish a list of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has ensured or will ensure that the proposed projects provide for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal Government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects; and (7) has made or will make the final list of projects available to the public;

(7) In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5316(g) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;

(8) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:

49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the
safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil; 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements); and

(9) In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation;

B. In compliance with 49 U.S.C. 5316(d), the Applicant certifies that (1) with respect to financial assistance authorized under 49 U.S.C. 5316(c)(1)(A), it will conduct in cooperation with the appropriate MPO an area wide solicitation for applications, and make awards on a competitive basis and (2) with respect to financial assistance authorized under 49 U.S.C. 5316(c)(1)(B) or 49 U.S.C. 5316(c)(1)(C), it will conduct a statewide solicitation for applications, and make awards on a competitive basis;

C. In compliance with 49 U.S.C. 5316(f)(2), the Applicant certifies that any allocations to subrecipients of financial assistance authorized under 49 U.S.C. 5316 will be distributed on a fair and equitable basis;

D. In compliance with 49 U.S.C. 5316(g)(2), the Applicant certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project will has been or will have been coordinated with private nonprofit providers of services; and

E In compliance with 49 U.S.C. 5316(g)(3), the Applicant certifies that: (1) the projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

20. NEW FREEDOM PROGRAM

Each Applicant for New Freedom Program assistance authorized under 49 U.S.C. 5317 must provide the following certifications on behalf of itself and any subrecipient that may be implementing its project. Unless FTA determines otherwise in writing, the Applicant itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the Applicant is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the Applicant has made to FTA. FTA may not award Federal assistance for the New Freedom Program until the Applicant provides these certifications by selecting Category "20."

A. As required by 49 U.S.C. 5317(e)(1), which makes the requirements of 49 U.S.C. 5310 applicable to New Freedom grants to the extent the Federal Transit Administrator or his or her designee determines appropriate, by 49 U.S.C. 5310(d)(1), which makes the requirements of 49 U.S.C. 5307 applicable to Elderly Individuals and Individuals with Disabilities Formula grants to the extent the Federal Transit Administrator or his or her designee determines appropriate, and by 49 U.S.C. 5307(d)(1), the Applicant for New Freedom Program assistance authorized under 49 U.S.C. 5317 certifies and assures on behalf of itself and its subrecipients, if any, as follows:

(1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal,
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financial, and technical capacity to carry out its proposed program of projects, including safety and security aspects of that program;

(2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;

(3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;

(4) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5317:
   (1) will use competitive procurement (as defined or approved by the Secretary), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;

(5). In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5317(g), and if applicable by section 3012b(3) and (4), for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and

(6). In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
   49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);

B. In compliance with 49 U.S.C. 5317(d), the Applicant certifies that (1) with respect to financial assistance authorized under 49 U.S.C. 5317(c)(1)(A), it will conduct in cooperation with the appropriate MPO an area wide solicitation for applications, and make awards on a competitive basis and (2) with respect to financial assistance authorized under 49 U.S.C. 5317(c)(1)(B) or 49 U.S.C. 5317(c)(1)(C), it will conduct a statewide solicitation for applications, and make awards on a competitive basis;

C. In compliance with 49 U.S.C. 5317(f)(2), the Applicant certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project will has been or will have been coordinated with private nonprofit providers of services; and

D. In compliance with 49 U.S.C. 5317(e)(2), the Applicant certifies that any allocations to subrecipients of financial assistance authorized under 49 U.S.C. 5317 will be distributed on a fair and equitable basis.

21. ALTERNATIVE TRANSPORTATION IN PARKS AND PUBLIC LANDS PROGRAM

Each State, tribal area, or local government authority that is an Applicant for Alternative Transportation in Parks and Public Lands Program assistance (Applicant) authorized by 49 U.S.C. 5320, is required to provide the following certifications. FTA may not award assistance for the Alternative Transportation in Parks and Public Lands Program assistance to the Applicant until the Applicant provides these certifications by selecting Category "21."

A. As required by 49 U.S.C. 5320(i), which makes the requirements of 49 U.S.C. 5307 applicable to Elderly Individuals and Individuals with Disabilities Formula grants to the extent the Federal Transit Administrator or his or her designee determines appropriate,
and 49 U.S.C. 5307(d)(1), the Applicant certifies as follows:

(1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed project, including safety and security aspects of that project;

(2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;

(3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;

(4) In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will ensure that elderly individuals, individuals with disabilities, or any person presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized under 49 U.S.C. 5320, not more than fifty (50) percent of the peak hour fare;

(5) In compliance with 49 U.S.C. 5307(d)(1)(E) in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5320, the Applicant: (1) will use competitive procurement (as defined or approved by the Secretary), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;

(6) In compliance with 49 U.S.C. 5307(d)(1)(F) and with 49 U.S.C.5320(e)(2)(C), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, it: (1) has made available, or will make available, to the public information on the amounts available for the Alternative Transportation in Parks and Public Lands Program, 49 U.S.C. 5320, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, projects to be financed; (3) has published or will publish a list of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has ensured or will ensure that the proposed projects provide for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal Government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects; and (7) has made or will make the final list of projects available to the public;

(7) In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available the amount of funds required by 49 U.S.C. 5320(f), and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and

(8) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements).
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B. In compliance with 49 U.S.C.5320(e)(2)(A), (B), and (D), the Applicant assures that it will:
(1) Comply with the metropolitan planning provisions of 49 U.S.C. 5303;
(2) Comply with the statewide planning provisions of 49 U.S.C. 5304; and
(3) Consult with the appropriate Federal land management agency during the planning process.

22. INFRASTRUCTURE FINANCE PROJECTS

Each Applicant for Infrastructure Finance assistance authorized under 23 U.S.C. chapter 6, is required to provide the following certifications. FTA may not award Infrastructure Finance assistance to the Applicant until the Applicant provides these certifications by selecting Category "22".

A. As required by 49 U.S.C. 5323(o), which makes the requirements of 49 U.S.C. 5307 applicable to Applicants seeking Infrastructure Finance assistance authorized under 23 U.S.C. chapter 6, and by 49 U.S.C. 5307(d)(1), the Applicant certifies as follows:
(1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including safety and security aspects of that program;
(2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
(3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
(4) In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will ensure that elderly individuals and individuals with disabilities, or any person presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized under 23 U.S.C. chapter 6 not more than fifty (50) percent of the peak hour fare;
(5) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 23 U.S.C. chapter 6: (1) will use competitive procurement (as defined or approved by the Secretary), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
(6) In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, it: (1) has made available, or will make available, to the public information on the amounts available for Infrastructure Finance assistance, 23 U.S.C. chapter 6, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, the proposed projects to be financed; (3) has published or will publish a list of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has ensured or will ensure that the proposed projects provide for the coordination of transportation
services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal Government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects; and (7) has made or will make the final list of projects available to the public;

(7). In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;

(8). In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);

(9) In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation;

(10) To the extent that the Applicant will be using funds authorized under 49 U.S.C. 5307 for the project, in compliance with 49 U.S.C. 5307(d)(1)(J), each fiscal year, the Applicant will spend at least one (1) percent of those funds authorized under 49 U.S.C. § 5307 for public transportation security projects (this includes only capital projects in the case of an Applicant serving an urbanized area with a population of 200,000 or more), unless the Applicant has certified to FTA that such expenditures are not necessary. Public transportation security projects include increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation; and

(11) To the extent that the Applicant will be using funds authorized under 49 U.S.C. 5307 for the project, in compliance with 49 U.S.C. 5309(d)(1)(K): (1) an Applicant that serves an urbanized area with a population of at least 200,000 will expend not less than one (1) percent of the amount it receives each fiscal year under 49 U.S.C. 5307 for transit enhancements, as defined at 49 U.S.C. 5302(a), and (2) if it has received transit enhancement funds authorized by 49 U.S.C. 5307(k)(1), its quarterly report for the fourth quarter of the preceding Federal fiscal year includes a list of the projects it has implemented during that fiscal year using those funds, and that report is incorporated by reference and made part of its certifications and assurances.

B. As required by 49 U.S.C. 5323(o), which makes the requirements of 49 U.S.C. 5309 applicable to Applicants seeking Infrastructure Finance assistance authorized under 23 U.S.C. chapter 6, and by 49 U.S.C. 5309(g)(2)(B)(iii), 5309(g)(3)(B)(iii), and 5309(i)(2)(C), the Applicant certifies that it will not seek reimbursement for interest and other financing costs unless it is eligible to receive Federal assistance for those expenses and its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
23. DEPOSITS OF FEDERAL FINANCIAL ASSISTANCE TO STATE INFRASTRUCTURE BANKS

The state organization that administers the State Infrastructure Bank (SIB) Program on behalf of a state (state) and that is also an Applicant for Federal assistance authorized under 49 U.S.C. chapter 53 that it intends to deposit in its SIB is requested to provide the following assurances on behalf of itself, its SIB, and each subrecipient. Unless FTA determines otherwise in writing, the state itself is ultimately responsible for compliance with its certifications and assurances even though the SIB and a subrecipient may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its SIB and prospective subrecipients, the state is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from the SIB and each subrecipient, to assure the validity of all certifications and assurances the state has made to FTA. FTA may not award assistance for the SIB Program to the state until the state provides these assurances by selecting Category "23."

The state organization, serving as the Applicant (state) for Federal assistance for its State Infrastructure Bank (SIB) Program authorized by section 1602 of SAFETEA-LU, now codified at 23 U.S.C. 610, or by section 1511 of TEA-21, 23 U.S.C. 181 note, or by section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note, agrees and assures the agreement of its SIB and the agreement of each recipient of Federal assistance derived from the SIB within the state (subrecipient) that each public transportation project financed with Federal assistance derived from SIB will be administered in accordance with:


B. The provisions of the FHWA, FRA, and FTA or the FHWA and FTA cooperative agreement with the state to establish the state’s SIB Program; and

C. The provisions of the FTA grant agreement with the state that provides Federal assistance for the SIB, except that any provision of the Federal Transit Administration Master Agreement incorporated by reference into that grant agreement will not apply if it conflicts with any provision of section 1602 of SAFETEA-LU, now codified at 23 U.S.C. 610, or section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note, and Federal guidance pertaining to the SIB Program, the provisions of the cooperative agreement establishing the SIB Program within the state, or the provisions of the FTA grant agreement, except to the extent FTA determines otherwise in writing;

D. The requirements applicable to projects of 49 U.S.C. 5307 and 5309, as required by 49 U.S.C. 5323(o); and

E. The provisions of any applicable Federal guidance that may be issued as it may be amended from time-to-time, unless FTA has provided written approval of an alternative procedure or course of action.