

**FEDERAL FISCAL YEAR 2012 CERTIFICATIONS AND ASSURANCES FOR  
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF MASS TRANSPORTATION**

**PREFACE**

*In accordance with 49 U.S.C. 5323(n), the following certifications and assurances have been compiled for the Federal Transit Administration (FTA) assistance programs. FTA requests each Subrecipient of the California Department of Transportation (Department) to provide as many certifications and assurances as needed for all programs for which the Subrecipient intends to seek FTA assistance during Federal Fiscal Year (FY) 2012. Before the FTA may award Federal transit assistance (funding or funds) to support a project, the Subrecipient must provide certain certifications and assurances required by Federal law or regulation.*

*The Department has consolidated the FTA certifications and assurances into 18 groups. At a minimum, the Subrecipient must provide the assurances in Group 01. If the Subrecipient requests more than \$100,000, the Subrecipient must also provide the Lobbying certification in Group 02, unless the Subrecipient is an Indian tribe or organization or a tribal organization. Depending on the nature of the Subrecipient and its project, the Subrecipient may need to provide some of the certifications and assurances in Groups 03 through 18. However, instead of selecting individual groups of certifications and assurances, the Subrecipient may make a single selection that will encompass all groups of certifications and assurances applicable to all FTA programs. FTA and the Department understand and agree that not every provision of these certifications and assurances will apply to every Subrecipient or every project FTA funds. The type of project and Subrecipient will determine which certifications and assurances apply.*

*The Subrecipient also understands and agrees that these certifications and assurances are special pre-award requirements and do not include all Federal requirements that may apply to the Subrecipient or its project. The FTA Master Agreement MA(18) for Federal Fiscal Year 2012, <http://www.fta.dot.gov/documents/18-Master.pdf>, contains a list of most of those requirements.*

*The Subrecipient is ultimately responsible for compliance with the certifications and assurances that apply to itself or its project irrespective of third party contractor participation in the project. Because many FY 2012 certifications and assurances will require subrecipient compliance, the Department strongly recommends that the Subrecipient takes appropriate measures to assure the validity of the third part contractor's certifications and assurances. The Subrecipient understands and agrees that when the Subrecipient applies for funding on behalf of a consortium, joint venture, partnership, or team, each member of that consortium, joint venture, partnership, or team is responsible for compliance with the certifications and assurances the Subrecipient selects.*

## **GROUP 01. ASSURANCES REQUIRED FOR EACH SUBRECIPIENT**

*The Subrecipient must select the following assurances in Group 01 unless the Department expressly determine otherwise in writing.*

### *A. Assurance of Authority of the Subrecipient.*

The Authorized Representative of the Subrecipient and the attorney who signs these certifications, assurances, and agreements, affirm that the Subrecipient may, under their State, local, or Indian tribal law and regulations, and the Subrecipient's by-laws or internal rules, undertake the following activities on behalf of the Subrecipient:

1. Executes and files its application for Federal funds,
2. Executes and files its certifications, assurances, and agreements binding its compliance, and
3. Executes Grant Agreements or Cooperative Agreements, or both, with the Department.

### *B. Standard Assurances.*

The Subrecipient assures that:

1. It has sufficient authority under its State, local, or Indian tribal law, regulations by-laws and internal rules to carry out each FTA funded project as required by Federal laws and regulations,
2. It will comply with all applicable Federal statutes and regulations to carry out any FTA funded project,
3. It is under a continuing obligation to comply with the terms and conditions of the Grant Agreement or Cooperative Agreement for the project, including the FTA Master Agreement incorporated by reference and made part of the latest amendment to Grant Agreement or Cooperative Agreement,
4. It recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation,
5. It understands that Presidential executive orders and Federal directives, including Federal policies and program guidance, may be issued concerning matters affecting the Subrecipient or its project, and
6. It agrees that the most recent Federal laws, regulations, and directives will apply to the project, unless FTA determines otherwise in writing.

### *C. Intergovernmental Review Assurance.*

*This assurance does not apply to Indian tribe or organization or a tribal organization that applies for funding under FTA's Tribal Transit Program, 49 U.S.C. 5311(c)(1).*

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

### *D. Nondiscrimination Assurance.*

1. The Subrecipient assures that it will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in any U.S. DOT or FTA funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits on the basis of race, color, national origin, creed, sex, or age:
  - a. Federal transit law, specifically 49 U.S.C. 5332 (prohibiting discrimination on the basis

- of race, color, creed, national origin, sex, or age, and in employment or business opportunity),
- b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and
  - c. 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.
2. As required by 49 CFR 21.7, the Subrecipient assures that:
- a. It will comply with 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 in the manner:
    - (1) It conducts each project,
    - (2) It undertakes property acquisitions, and
    - (3) It operates the project facilities, including:
      - (a) Its entire facilities, and
      - (b) Its facilities operated in connection with its project,
  - b. This assurance applies to its entire project and entire facilities, including facilities operated in connection with its project,
  - c. It will promptly take the necessary actions to carry out this assurance, including:
    - (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
    - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,
  - d. If it transfers FTA funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
    - (1) While the property is used for the purpose that the Federal funding is extended,
    - (2) While the property is used for another purpose involving the provision of similar services or benefits,
  - e. The United States has a right to seek judicial enforcement of any matter arising under:
    - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
    - (2) U.S. DOT regulations, 49 CFR part 21, and
    - (3) This assurance,
  - f. It will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may request to comply with:
    - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
    - (2) U.S. DOT regulations, 49 CFR part 21, and
    - (3) Federal transit law, 49 U.S.C. 5332,
  - g. It will extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party participant, including:
    - (1) Any transferee,
    - (2) Any third party contractor or subcontractor at any tier,
    - (3) Any successor in interest,
    - (4) Any lessee, or
    - (5) Any other participant in the project,
  - h. It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including:
    - (1) Each subagreement,
    - (2) Each property transfer agreement,
    - (3) Each third party contract or subcontract at any tier,
    - (4) Each lease, or
    - (5) Each participation agreement,

- i. The assurances it has made will remain in effect for the longest of the following:
  - (1) As long as Federal funding is extended to the project,
  - (2) As long as the Project property is used for a purpose for which the Federal funding is extended,
  - (3) As long as the Project property is used for a purpose involving the provision of similar services or benefits, or
  - (4) As long as the Subrecipient retains ownership or possession of the project property.

E. *Assurance of Nondiscrimination on the Basis of Disability.*

1. The Subrecipient assures that it and its project implementation and operations will comply with all applicable requirements of:
  - a. The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*,
  - b. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
  - c. U.S. DOT regulations, specifically 49 CFR parts 27, 37, and 38, and
  - d. Any other applicable Federal laws that may be enacted or Federal regulations that may be promulgated,
2. As required by U.S. DOT regulations, “Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance,” 49 CFR part 27, specifically 49 CFR 27.9, the Subrecipient assures that:
  - a. The following prohibition against discrimination on the basis of disability is a condition to the approval or extension of any FTA funding awarded to:
    - (1) Construct any facility,
    - (2) Obtain any rolling stock or other equipment,
    - (3) Undertake studies,
    - (4) Conduct research, or
    - (5) Participate in or obtain any benefit from any FTA administered program,
  - b. In any program or activity receiving or benefiting from Federal funding FTA or any entity within U.S. DOT administers, no otherwise qualified people with a disability will, because of their disability, be:
    - (1) Excluded from participation,
    - (2) Denied benefits, or
    - (3) Otherwise subjected to discrimination.

F. *Suspension and Debarment.*

1. U.S. DOT regulations, “Nonprocurement Suspension and Debarment,” 2 CFR part 1200, which adopts and supplements the provisions of U.S. Office of Management and Budget (U.S. OMB) “Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” 2 CFR part 180, permit certifications to assure the Subrecipient acknowledges that:
2. The Subrecipient certifies to the best of its knowledge and belief that, it, its principals, and first tier contractors:
  - a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:
    - (1) Debarred,
    - (2) Suspended,
    - (3) Proposed for debarment,
    - (4) Declared ineligible, or
    - (5) Voluntarily excluded, or
    - (6) Disqualified,

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

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

*(These assurances are consistent with U.S. OMB assurances required in SF-424B and SF-424D.)*

- 1. *Administrative Activities.* The Subrecipient assures that:
  - a. For every project described in any application it submits, it has adequate resources to properly plan, manage, and complete the project, including:
    - (1) The legal authority to apply for Federal funding, and
    - (2) The institutional capability,
    - (3) The managerial capability, and
    - (4) The financial capability (including funds sufficient to pay the non-Federal share of project cost).
  - b. It will give access and the right to examine project-related materials, including but not limited to:
    - (1) FTA,
    - (2) The Comptroller General of the United States, and,

- (3) If appropriate, the State, through any authorized representative,
- c. It will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- d. It will establish safeguards to prohibit employees from using their positions for a purpose that:
  - (1) Results in a personal or organizational conflict of interest, or personal gain, or
  - (2) Presents the appearance of a personal or organizational conflict of interest or personal gain.

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

- a. Following receipt of FTA award, it will begin and complete Project work within the applicable time periods,
- b. For FTA funded construction projects:
  - (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications
  - (2) It will to the extent practicable provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
  - (3) It will include a covenant in the title of federally funded real property acquired to assure nondiscrimination during the useful life of the project,
  - (4) To the extent the Department requires, it will record the Federal interest in the title to FTA assisted real property or interests in real property, and
  - (5) To the extent practicable, without permission and instructions from the Department, it will not alter the site of the FTA funded construction project or facilities by:
    - (a) Disposing of the underlying real property or other interest in the site and facilities,
    - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
    - (c) Changing the terms of the underlying real property title or other interest in the site and facilities.
- c. It will furnish progress reports and other information as FTA or the Department may require.

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

- a. It will comply with all applicable Federal statutes relating to nondiscrimination including, but not limited to the:
  - (1) Prohibitions against discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
  - (2) Prohibitions against discrimination on the basis of sex of:
    - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
    - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25,
  - (3) Prohibitions against discrimination on the basis of age in federally assisted programs of the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,
  - (4) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability,
  - (5) Prohibitions against discrimination on the basis of disability of Section 504 of the

- Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
- (6) Nondiscrimination requirements relating to the sale, rental, or financing of housing of Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,
  - (7) Prohibitions against discrimination on the basis of drug abuse of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,
  - (8) Prohibitions against discrimination on the basis of alcohol abuse of the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,
  - (9) Confidentiality requirements for the records of alcohol and drug abuse patients of the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and
  - (10) Nondiscrimination provisions of any other statute(s) that may apply to the project,
- b. Regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes, it will provide for fair and equitable treatment of displaced persons or persons whose property is acquired as a result of federally assisted programs, and:
- (1) It has the necessary legal authority under State and local law to comply with:
    - (a) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Relocation Act) 42 U.S.C. 4601 *et seq.*, as specified by sections 210 and 305 of that Act, 42 U.S.C. 4630 and 4655, respectively, and
    - (b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR 24.4.
  - (2) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations including but not limited to doing the following:
    - (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,
    - (b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, it will provide fair and reasonable relocation payments and assistance for displacement, resulting from any FTA funded project, of:
      - 1 Families and individuals,
      - 2 Partnerships, corporations, or associations,
    - (c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in to the U.S. DOT regulations to such displaced:
      - 1 Families and individuals,
      - 2 Partnerships, corporations, or associations,
    - (d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement it will make available comparable replacement dwellings to families and individuals,
    - (e) It will:
      - 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
      - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,
    - (f) It 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) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. 4631,
  - (h) It will execute the necessary implementing amendments to third party contracts and subagreements financed with FTA funding, and
  - (i) It will execute, furnish, and be bound by such additional documents as the Department may determine necessary to effectuate or implement these assurances, and
  - (j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, relating to any FTA funded project involving relocation or land acquisition, and
  - (k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,
- c. To the extent practicable, it 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,
- d. It will, to the extent practicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:
- (1) The National Research Act, Pub. L. 93-348, July 12, 1974, as amended, 42 U.S.C. 289 *et seq.*, and
  - (2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11,
- e. It will, to the extent practicable, comply with the labor standards and protections for federally funded projects of:
- (1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 *et seq.*,
  - (2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively,
  - (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*,
- f. It will, to the extent practicable, comply with any applicable environmental standards that may be prescribed to implement the following Federal laws and executive orders, including but not limited to the following:
- (1) It will comply with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 – 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,
  - (2) It will comply with notification of violating facilities pursuant to Executive Order No. 11738, 42 U.S.C. 7606 note,
  - (3) It will comply with protection of wetlands pursuant to Executive Order No. 11990, 42 U.S.C. 4321 note,
  - (4) It will comply with evaluation of flood hazards in floodplains in accordance with Executive Order No. 11988, 42 U.S.C. 4321 note,
  - (5) It will comply with an 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 – 1465,
  - (6) It will comply with 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 – 7671q,
  - (7) It will comply with protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,

- (8) It will comply with protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544, and
- (9) It will comply with environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation project as required by 49 U.S.C. 303(b) and 303(c),
- (10) It will comply with protection of the components of the national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and
- (11) It will comply with and facilitate compliance with
  - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,
  - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and
  - (c) Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note,
- g. To the extent practicable, it will comply with Federal requirements for the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal funding of:
  - (1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and
  - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4,
- h. To the extent practicable, before accepting delivery of any FTA funded building it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR 41.117(d),
- i. To the extent practicable, it and its contractors located in special flood hazard areas will comply with section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:
  - (1) Participating in the Federal flood insurance program,
  - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more,
- j. To the extent practicable, it will comply with:
  - (1) The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds including a Federal loan, grant agreement, or cooperative agreement, and
  - (2) 49 U.S.C. 5307(k)(2) and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding to whom the Hatch Act does not otherwise apply,
- k. It will have performed the financial and compliance audits as required by:
  - (1) The Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*,
  - (2) U.S. OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” Revised, and
  - (3) The most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT, and
- l. It will, to the extent practicable, comply with all applicable provisions of all other Federal

laws or regulations, and follow Federal directives governing the project, except to the extent that the Department has expressly approved otherwise in writing.

## **GROUP 02. LOBBYING CERTIFICATION**

*The Subrecipient must select the following certifications in Group 02 if it is applying for a Federal grant or cooperative agreement exceeding \$100,000, or a loan (including a line of credit), loan guarantee, or loan insurance exceeding \$150,000, except if the Subrecipient is an Indian tribe, tribal organization, or other Indian organization or if the Department determines otherwise in writing.*

As required by 31 U.S.C. 1352 and U.S. DOT regulations, “New Restrictions on Lobbying,” specifically 49 CFR 20.110, the Subrecipient understands that:

- a. The lobbying restrictions of the certification apply to the Subrecipient’s requests for:
  - (1) \$100,000 or more in Federal funding for a grant or cooperative agreement, and
  - (2) \$150,000 or more in Federal funding for a loan, line of credit, or loan guarantee,
- b. Its certification covers the lobbying activities of:
  - (1) It,
  - (2) Its principals, and
  - (3) Its first tiers contractors:

Therefore, the Subrecipient certifies to the best of the Subrecipient’s knowledge and belief, that:

1. No Federal appropriated funds have been or will be paid by or on its behalf to any person:
  - a. To influence or attempt to influence:
    - (1) An officer or employee of any Federal agency,
    - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress,
  - b. Regarding the award of a:
    - (1) Federal grant or cooperative agreement, or
    - (2) Federal loan, line of credit, loan guarantee, or loan insurance
2. It will submit a complete OMB Standard Form-LLL, “Disclosure of Lobbying Activities (Rev. 7-97),” in accordance with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person:
  - a. To influence or attempt to influence:
    - (1) An officer or employee of any Federal agency,
    - (2) A Member of Congress, an employee of a Member of Congress, or an officer or employee of Congress, or
  - b. Regarding any application for a:
    - (1) Federal grant or cooperative agreement,
    - (2) Federal loan, line of credit, loan guarantee, or loan insurance, and
3. It will include the language of this certification in the award documents for all subawards at all tiers including, but not limited to:
  - a. Subcontracts,
  - b. Subgrants,
  - c. Subagreements, and
  - d. Third party contracts under a:
    - (1) Federal grant or cooperative agreement, or
    - (2) Federal loan, line of credit, loan guarantee, or loan insurance, and
4. It understands that:

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

### **GROUP 03. PROCUREMENT COMPLIANCE**

*The Department requests that the Subrecipient provide the following procurement certification by selecting Group 03, especially if the Subrecipient is a State, local, or Indian tribal government with a certified procurement system, as provided in 49 CFR 18.36(g)(3)(ii).*

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

### **GROUP 04. PROTECTIONS FOR PRIVATE TRANSPORTATION PROVIDERS**

*The Subrecipient must select the following certifications in Group 04 if it is a State, local, or Indian tribal government and is applying for or will apply for 49 U.S.C. chapter 53 funding to:*

- *Acquire property of a private transit operator, or*
- *Operate public transit in competition with or in addition to a private transit provider.*

As required by 49 U.S.C. 5323(a)(1), the Subrecipient certifies that:

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

### **GROUP 05. PUBLIC HEARING**

*The Subrecipient must select the following certifications in Group 05 if the Subrecipient is*

*applying for 49 U.S.C. chapter 53 funding for a capital project that will substantially affect a community or its transit service.*

As required by 49 U.S.C. 5323(b), the Subrecipient certifies that:

1. Before submitting an application for a capital project that:
  - a. Will substantially affect:
    - (1) A community, or
    - (2) The public transportation service of a community, and
  - b. Also will affect:
    - (1) Significant economic interests,
    - (2) Significant social interests, or
    - (3) Significant environmental interests,
- It will:
  - (1) Provide an adequate opportunity for public review and comment on the project, after giving notice that:
    - (a) Includes a concise description of the proposed project; and
    - (b) Has been published in a newspaper of general circulation in the geographic area the project.
  - (2) Hold a public hearing on the project if the project affects:
    - (a) Significant economic, interests,
    - (b) Significant social, interests, or
    - (c) Significant environmental interests,
2. It will have considered the economic, social, and environmental effects of the project, and
3. It will have determined that the project is consistent with official plans for developing the community.

## **GROUP 06. ACQUISITION OF ROLLING STOCK FOR USE IN REVENUE SERVICE**

*The Subrecipient must select the following certification if Subrecipient is applying for 49 U.S.C. chapter 53 funding to acquire any rolling stock for use in revenue service.*

The Subrecipient certifies that in procuring revenue service rolling stock, it will comply with:

1. Federal transit law, specifically 49 U.S.C. 5323(m),
2. FTA regulations, “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases,” 49 CFR part 663, specifically 49 CFR 663.7, as modified by amendments authorized by section 3023(k) of SAFETEA-LU, including the requirements to:
  - a. Conduct or cause to be conducted the required pre-award and post delivery reviews, and
  - b. Maintain on file the certifications required by 49 CFR part 663, subparts B, C, and D.

## **GROUP 07. ACQUISITION OF CAPITAL ASSETS BY LEASE**

*The Subrecipient must select the following certifications in Group 07 if the Subrecipient is applying for 49 U.S.C. chapter 53 funding to acquire capital assets by lease.*

As required by FTA regulations, “Capital Leases,” 49 CFR part 639, specifically 639.15(b)(1) and 639.21, if the Subrecipient acquires any capital asset by lease financed with Federal funding authorized under 49 U.S.C. chapter 53, the Subrecipient certifies as follows:

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

## **GROUP 08. BUS TESTING**

*The Subrecipient must select the following certification in Group 08 if the Subrecipient is applying for 49 U.S.C. chapter 53 funding to acquire any new or newly configured bus or a bus with new major components.*

The Subrecipient certifies that:

1. It will comply with Federal transit law, specifically 49 U.S.C. 5318,
2. FTA regulations, “Bus Testing,” 49 CFR part 665, specifically 49 CFR 665.7, requires that
  - a. Before:
    - (1) Spending any Federal funds to acquire:
      - (a) The first bus of any new bus model,
      - (b) The first bus with a new major change in configuration or components, or
    - (2) Authorizing final acceptance of a new bus model or a bus model with a major change in components or configuration:
  - b. It will:
    - (1) Ensure that the bus model has been tested at FTA’s bus testing facility, and
    - (2) Have received a copy of the test report prepared on the bus model.

## **GROUP 09. CHARTER SERVICE AGREEMENT**

*The Subrecipient must enter in the Charter Service Agreement in Group 09 if the Subrecipient is applying for funding to acquire or operate transit facilities and equipment, unless the Subrecipient qualifies for an exception under Federal law and regulations.*

As required by 49 U.S.C. 5323(d) and (g) and FTA regulations, “Charter Service,” 49 CFR part 604, specifically 49 CFR 604.4, the Subrecipient understands and agrees that:

1. Except in certain circumstances described in its regulations, FTA’s “Charter Service” regulations restrict transportation by charter service using facilities and equipment acquired by FTA for transportation projects with Federal funding derived from:
  - (1) Federal transit laws, 49 U.S.C. chapter 53, or
  - (2) 23 U.S.C. §§ 133 or 142,
2. FTA’s charter service restrictions extend to:
  - a. The Subrecipient when it becomes a recipient of Federal funding under:
    - (1) Federal transit laws, 49 U.S.C. chapter 53, or
    - (2) 23 U.S.C. §§ 133 or 142,
  - b. Any third party participant that receives Federal funding derived from:

- (1) Federal transit laws, 49 U.S.C. chapter 53, or
  - (2) 23 U.S.C. §§ 133 or 142,
- c. A third party participant includes a:
  - (1) Subrecipient at any tier,
  - (2) Lessee,
  - (3) Third party contractor or subcontractor at any tier, and
  - (4) Other participant in the project,
3. Neither the Subrecipient nor any third party participant involved in its Project will engage in charter service operations, except as permitted under:
  - a. Federal transit laws, specifically 49 U.S.C. § 5323(d) and (g),
  - b. FTA regulations, “Charter Service,” 49 C.F.R. Part 604,
  - c. Any other Federal Charter Service regulations, or
  - d. Federal directives, except as FTA determines otherwise in writing.
4. The Subrecipient agrees that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding.
5. The Subrecipient agrees that:
  - a. FTA may require corrective measures or impose remedies on it or any subrecipient that has engaged in a pattern of violations of FTA’s Charter Service regulations by:
    - (1) Conducting charter operations prohibited by Federal transit laws and FTA’s Charter Service regulations, or
    - (2) Otherwise violating the Subrecipient’s Charter Service Agreement it has elected in its latest annual Certifications and Assurances.
  - b. These corrective measures and remedies may include:
    - (1) Barring it or any third party participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds, or
    - (2) Withholding an amount of Federal funds as provided by Appendix D to FTA’s Charter Service regulations.

## **GROUP 10. SCHOOL TRANSPORTATION AGREEMENT**

*The Subrecipient must enter in the School Transportation Agreement in Group 10 if the Subrecipient is applying for funding to acquire or operate transit facilities and equipment, unless the Subrecipient qualifies for an exception under Federal law and regulations.*

As required by 49 U.S.C. 5323(f) and (g) and FTA regulations, “School Bus Operations,” 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), the Subrecipient understands and agrees that:

1. FTA’s “School Bus Operations” regulations restrict school bus service as defined in the FTA regulations using facilities and equipment acquired with Federal funding derived from:
  - (1) Federal transit laws, 49 U.S.C. chapter 53, or
  - (2) 23 U.S.C. §§ 133 or 142,
2. FTA’s school bus operations restrictions extend to:
  - a. The Subrecipient when it becomes a recipient of Federal funding under:
    - (1) Federal transit laws, 49 U.S.C. chapter 53, or
    - (2) 23 U.S.C. §§ 133 or 142,
  - b. Any third party participant that receives Federal funding derived from:
    - (1) Federal transit laws, 49 U.S.C. chapter 53, or

- (2) 23 U.S.C. §§ 133 or 142,
- c. A third party participant includes a:
  - (1) Subrecipient at any tier,
  - (2) Lessee,
  - (3) Third party contractor or subcontractor at any tier, and
  - (4) Other participant in the project,
- 3. Neither the Subrecipient nor any third party participant involved in its Project will engage in school transportation operations in competition with private operators of school transportation, except as permitted under:
  - a. Federal transit laws, specifically 49 U.S.C. § 5323(f) and (g),
  - b. FTA regulations, “School Bus Operations,” 49 C.F.R. Part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g),
  - c. Any other Federal School Transportation regulations, or
  - d. Federal directives, except as FTA determines otherwise in writing.
- 4. The Subrecipient agrees that the latest School Transportation Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding.
- 5. The Subrecipient agrees that the Department will bar the Subrecipient or any third party participant that has violated this School Transportation Agreement from receiving Federal transit funding in an amount FTA considers appropriate.

#### **GROUP 11. DEMAND RESPONSIVE SERVICE**

*The Subrecipient must select the following certification in Group 11 if the Subrecipient operates demand responsive service and you apply for 49 U.S.C. chapter 53 funding to acquire non rail transit vehicles.*

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

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

#### **GROUP 12. ALCOHOL MISUSE AND PROHIBITED DRUG USE**

*The Subrecipient must select the following certification in Group 12 if FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR part 655, require the Subrecipient to provide a certification concerning its activities to prevent alcohol misuse and prohibited drug use in its public transportation operations.*

As required by FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” specifically 49 CFR part 655, subpart I, the Subrecipient certifies that it:

1. Has established and implemented:
  - a. An alcohol misuse program and
  - b. An anti-drug program, and
2. Has complied with or will comply with all applicable requirements of this part.

### **GROUP 13. INTEREST AND OTHER FINANCING COSTS**

*The Subrecipient must select the following certification in Group 13 if the Subrecipient intends to reimburse interest or other financing costs with Urbanized Area Formula Program, Capital Investment Program, or Paul S. Sarbanes Transit in Parks Program funding.*

The Subrecipient certifies that:

1. It will not seek reimbursement for interest or other financing costs:
  - a. Unless it is eligible to receive Federal funding for those costs,
  - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require, and
2. It will comply with:
  - a. Urbanized Area Formula Program interest provisions of 49 U.S.C. 5307(g)(3),
  - b. Capital Investment Program provisions of 49 U.S.C. 5309(g)(2)(B)(iii),
  - c. Capital Investment Program provisions of 49 U.S.C. 5309(g)(3)(B)(iii),
  - d. Capital Investment Program provisions of 49 U.S.C. 5309(i)(2)(C), and
  - e. Paul S. Sarbanes Transit in Parks Program provisions of 49 U.S.C. 5320(h)(2)(C).

### **GROUP 14. INTELLIGENT TRANSPORTATION SYSTEMS**

*Select the following assurance in Group 14 if the Subrecipient is applying for an Intelligent Transportation Systems (ITS) project or a project in support of an ITS project. The Subrecipient for ITS project funding that fails to provide this assurance, without providing other documentation assuring its commitment to comply with applicable Federal ITS standards and protocols, may be ineligible for award of Federal funding for that 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.” The Subrecipient assures that:

1. As provided in subsection 5307(c) of SAFETEA-LU, 23 U.S.C. 512 note:
  - a. “Intelligent transportation 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, [will] conform to the national architecture,

- applicable standards or provisional standards, and protocols developed under subsection (a) [of section 5307 of SAFETEA-LU].”
- b. ITS standards will not apply if it obtains an exception to subsection 5307(c) of SAFETEA-LU, 23 U.S.C. 512 note.
2. It will use its best efforts to assure that any ITS project it undertakes will not preclude interface with other intelligent transportation systems in the Region, if supported with Federal funding not derived from:
    - a. Title 49, United States Code, or
    - b. Title 23, United States Code.
  3. To facilitate compliance with subsection 5307(c) of 23 U.S.C. 512 note, except as the Federal Government determines otherwise in writing, the Subrecipient assures that it will comply with:
    - a. FTA Notice, “FTA National ITS Architecture Policy on Transit Projects,” 66 FR 1455, January 8, 2001, specifically:
      - (1) Applicable provisions of Section V (Regional ITS Architecture, and
      - (2) Section VI (Project Implementation), and
    - b. 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,

**GROUP 15. ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES  
FORMULA GRANT PROGRAM AND PILOT PROGRAM**

*The Subrecipient must select the following certifications and assurances in Group 15 if you apply for Elderly Individuals and Individuals with Disabilities Formula Grant Program funding 49 U.S.C. 5310, and, if qualified, for Elderly Individuals and Individuals with Disabilities Pilot Program funding, subsection 3012(b) of SAFETEA-LU. The Subrecipient is ultimately responsible for compliance with its certifications and assurances even though a lessee, third party contractor, or other participant may participate in that project. Consequently, we strongly encourage you to take the appropriate measures including, but not limited to, obtaining sufficient documentation from each third party contractor or other participants, to assure the validity of all certifications and assurances it has made.*

The following certifications and assurances apply to the Subrecipient for funding under the Elderly Individuals and Individuals with Disabilities Formula Grant Program authorized under 49 U.S.C. 5310, and the Elderly Individuals and Individuals with Disabilities Pilot Program authorized under subsection 3012(b) of SAFETEA-LU.

1. The Subrecipient assures that:
  - a. It is:
    - (1) 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
    - (2) A public body that has met the statutory requirements to receive Federal funding authorized for 49 U.S.C. 5310,
  - b. The Subrecipient’s application for 49 U.S.C. 5310 funding demonstrate that:
    - (1) The transit service provided or offered to be provided by existing public or private transit operators cannot meet the special needs of elderly individuals and individuals with disabilities, because it is:
      - (a) Unavailable,
      - (b) Insufficient, or

- (c) Inappropriate,
- c. As required by 49 U.S.C. 5310(d)(2)(A) and subsection 3012(b)(2) of SAFETEA-LU, the Subrecipient certifies that the project has been or will have been coordinated with private nonprofit providers of services under 49 U.S.C. 5310,
- d. As required by 49 U.S.C. 5310(d)(2)(C), the Subrecipient certifies that allocations to third party contractors will be distributed on a fair and equitable basis, and
- e. As required by 49 U.S.C. 5310(d)(2)(B) and subsection 3012(b)(2) of SAFETEA-LU, the Subrecipient certifies that:
  - (1) The projects it has selected or will select for funding under that program were derived from a public transit-human services transportation plan that has been:
    - (a) Locally developed, and
    - (b) Coordinated, and
  - (2) That locally developed, coordinated plan was produced through a process that included:
    - (a) Representatives of public, private, and nonprofit transportation providers,
    - (b) Representatives of public, private, and nonprofit human services providers, and
    - (c) Participation by the public.
- 2. As permitted by 49 U.S.C. 5310(d), the Federal Transit Administrator has selected certain requirements of 49 U.S.C. 5307 to be appropriate for the Elderly Individuals and Individuals with Disabilities Formula Grant Program authorized by 49 U.S.C. 5310, and the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by subsection 3012(b) of SAFETEA-LU, 49 U.S.C. 5310 note, of which some require certifications. Therefore, as specified under 49 U.S.C. 5307(d)(1), the Subrecipient certifies that:
  - a. As required by 49 U.S.C. 5307(d)(1)(A), it and each third party contractor or other participants has or will have the:
    - (1) Legal capacity to carry out its proposed projects,
    - (2) Financial capacity to carry out its proposed projects,
    - (3) Technical capacity to carry out its proposed projects,
    - (4) Safety aspects of its proposed projects, and
    - (5) Security aspects of its proposed projects,
  - b. As required by 49 U.S.C. 5307(d)(1)(B), it and each third party contractor or other participants has or will have satisfactory continuing control over the use of project equipment and facilities,
  - c. As required by 49 U.S.C. 5307(d)(1)(C), it and each third party contractor or other participants will maintain the project equipment and facilities adequately,
  - d. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under the Elderly Individuals and Individuals with Disabilities Formula Grant Program authorized by 49 U.S.C. 5310, or the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by subsection 3012(b) of SAFETEA-LU, 49 U.S.C. 5310 note, it and each third party contractor or other participants will:
    - (1) Use competitive procurement (as defined or approved by FTA),
    - (2) Not use exclusionary or discriminatory specifications in its procurements,
    - (3) Comply with applicable Buy America laws, and
    - (4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
    - (5) Comply with the third party procurement requirements of 49 U.S.C. 5325,
  - e. As required by 49 U.S.C. 5307(d)(1)(G), it and each third party contractor or other participants:
    - (1) Has or will have the amount of funds required for the local share,
      - (a) As required by 49 U.S.C. 5310(c), and

- (b) Subsections 3012(b)(3) and (4) of SAFETEA-LU, if applicable,
- (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
- (3) Will provide the local share funds when needed, and
- f. As required by 49 U.S.C. 5307(d)(1)(H), it and each third party contractor or other participants will comply with:
  - (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
    - (a) Maximize the safe, secure, and efficient mobility of people,
    - (b) Minimize environmental impacts, and
    - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
  - (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
    - (a) Design public transportation for elderly individuals and individuals with disabilities, and
    - (b) Provide public transportation for elderly individuals and individuals with disabilities, and
  - (3) The requirements of 49 U.S.C. 5303 – 5306 for:
    - (a) Metropolitan and State Planning, and
    - (b) Private enterprise participation.

## **GROUP 16. NONURBANIZED AREA FORMULA PROGRAM FOR STATES**

*The Subrecipient must select the following certifications and assurances in Group 16 if the Subrecipient is applying for Nonurbanized Area Formula Program funding, 49 U.S.C. 5311(b). The Subrecipient is ultimately responsible for compliance with its certifications and assurances even though a lessee, third party contractor, or other participant may participate in that project, unless the Department determines otherwise in writing. Consequently, the the Department strongly encourages the Subrecipient to take the appropriate measures including, but not limited to, obtaining sufficient documentation from each lessee, third party contractor, or other participant to assure the validity of all certifications and assurances it has made.*

The following certifications and assurances apply to each Subrecipient for funding under the Nonurbanized Area Formula Program authorized under 49 U.S.C. 5311. The Subrecipient assures that:

1. It has or will have the necessary legal, financial, and managerial capability to:
  - a. Apply, receive and disburse 49 U.S.C. 5311(c)(1) funding, and
  - b. Carry out each project, including the:
    - (1) Safety aspects of its proposed projects, and
    - (2) Security aspects of its proposed projects,
2. It has or will have satisfactory continuing control over the use of project equipment and facilities,
3. The project equipment and facilities will be adequately maintained,
4. As required by 49 U.S.C. 5311(b)(2)(C)(i), its program has provided for a fair distribution of Federal funding authorized for 49 U.S.C. 5311 within their region or county including Indian reservations,
5. As required by 49 U.S.C. 5311(b)(2)(C)(ii), its program provides or will provide the maximum feasible coordination of public transportation service to receive funding under 49 U.S.C. 5311 with transportation service assisted by other Federal sources,
6. The projects in the Grant Agreement under the Nonurbanized Area Formula Program are included in:

- a. The Statewide Transportation Improvement Program, and
  - b. To the extent applicable, a metropolitan Transportation Improvement Program,
7. It has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g), and
- (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
  - (3) Will provide the local share funds when needed, and
8. As required by 49 U.S.C. 5311(f), each fiscal year:
- a. To the best of my knowledge, the State will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities including:
    - (1) Planning and marketing for intercity bus transportation,
    - (2) Capital grants for intercity bus shelters,
    - (3) Joint-use stops and depots,
    - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects, and
    - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
  - b. To the best of my knowledge, the State will provide to the Federal Transit Administrator a certification of the State's chief executive officer that:
    - (1) After consulting with the affected intercity bus service providers about the intercity bus needs of the State,
    - (2) The State's intercity bus service needs are being met adequately.

**GROUP 17. JOB ACCESS AND REVERSE COMMUTE (JARC)  
FORMULA GRANT PROGRAM**

*The Subrecipient must select the following certifications and assurances in Group 17 if the Subrecipient is applying for Job Access and Reverse Commute (JARC) Formula Grant funding, 49 U.S.C. 5316. The Subrecipient is ultimately responsible for compliance with its certifications and assurances even though a lessee, third party contractor, or other participant may participate in that project. Consequently, the Department strongly encourages the Subrecipient to take the appropriate measures including, but not limited to, obtaining sufficient documentation from each lessee, third party contractor, or other participant, to assure the validity of all certifications and assurances it has made.*

The following certifications and assurances apply to each Subrecipient of funding under the Job Access and Reverse Commute (JARC) Formula Grant funding authorized under 49 U.S.C. 5316.

- 1. The Subrecipient certifies that:
  - a. As required by 49 U.S.C. 5316(d)(4), understands the grant award(s) is made on a competitive basis following:
    - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding under 5316(c)(1)(A) (see 49 U.S.C. 5316(d)(1)), and

- (2) A statewide solicitation for applications for JARC funding under 49 U.S.C. 5316(c)(1)(B) or 49 U.S.C. 5316(c)(1)(C), (*see* 49 U.S.C. 5316(d)(2)) and
  - b. As required by 49 U.S.C. 5316(f)(2), any allocations to subrecipients of funding authorized under 49 U.S.C. 5316 will be distributed on a fair and equitable basis,
  - c. As required by 49 U.S.C. 5316(g)(3):
    - (1) The projects selected or will select for funding under that program were derived from a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated,
    - (2) That locally developed, coordinated plan was produced through a process that included:
      - (a) Representatives of public, private, and nonprofit transportation providers,
      - (b) Representatives of public, private, and nonprofit human services providers, and
      - (c) Participation by the public, and
  - d. As required by 49 U.S.C. 5316(g)(2), before Subrecipient transfers funds to a project funded under 49 U.S.C. 5336, that project has been or will have been coordinated with private nonprofit providers of services, and
  - e. As required by 49 U.S.C. 5316(c)(3), before using funds apportioned for projects serving an area other than that for which funding was apportioned under 49 U.S.C. 5316(c)(1)(B) or (C):
    - (1) The State's chief executive officer, or his or her designee, will have certified that all the JARC program objectives of 49 U.S.C. 5316 are being met in the area from which the funding would be derived,
    - (2) If the State has a statewide program for meeting the JARC program objectives of 49 U.S.C. 5316, the funds can be used for projects anywhere in the State.
2. Under 49 U.S.C. 5316(f)(1), the requirements of 49 U.S.C. 5307 apply to the JARC Program, authorized under 49 U.S.C. 5316. Therefore, as specified under 49 U.S.C. 5307(d)(1), the Subrecipient certifies that
- a. As required by 49 U.S.C. 5307(d)(1)(A), Subrecipient and each lessee, third party contractor, or other participant has or will have the:
    - (1) Legal capacity to carry out its proposed projects,
    - (2) Financial capacity to carry out its proposed projects,
    - (3) Technical capacity to carry out its proposed projects,
    - (4) Safety aspects of its proposed projects, and
    - (5) Security aspects of its proposed projects,
  - b. As required by 49 U.S.C. 5307(d)(1)(B), Subrecipient has or will have satisfactory continuing control over the use of project equipment and facilities,
  - c. As required by 49 U.S.C. 5307(d)(1)(C), Subrecipient will maintain the project equipment and facilities adequately,
  - d. As required by 49 U.S.C. 5307(d)(1)(D), Subrecipient will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving project facilities or equipment supported under 49 U.S.C. 5316:
    - (1) Elderly individuals,
    - (2) Individuals with disabilities, or
    - (3) Individuals presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 *et seq.* or 42 U.S.C. 1395 *et seq.*),
  - e. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under the

JARC Program, 49 U.S.C. 5316, it will:

- (1) Use competitive procurement (as defined or approved by FTA),
  - (2) Not use exclusionary or discriminatory specifications in its procurements,
  - (3) Comply with applicable Buy America laws,
  - (4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
  - (5) Comply with the third party procurement requirements of 49 U.S.C. 5325,
- f. As required by 49 U.S.C. 5307(d)(1)(F), Subrecipient has complied with or will comply with 49 U.S.C. 5307(c) because it:
- (1) Has informed or will inform the public of the amount of its JARC Program funds available under 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 projects proposed to be funded,
  - (3) Has published or will publish a list of its projects in a way that affected citizens, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed projects and its performance,
  - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
  - (5) Has assured or will assure that the proposed projects provide for coordination of transportation services assisted under 49 U.S.C. 5336 with federally assisted transportation services supported by a Federal government source other than U.S. DOT,
  - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
  - (7) Has made or will make the final list of projects available to the public,
- g. As required by 49 U.S.C. 5307(d)(1)(G), Subrecipient:
- (1) Has or will have the amount of funds required for the local share,
  - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
  - (3) Will provide the local share funds when needed,
- h. As required by 49 U.S.C. 5307(d)(1)(H), Subrecipient will comply with:
- (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
    - (a) Maximize the safe, secure, and efficient mobility of people,
    - (b) Minimize environmental impacts, and
    - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
  - (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
    - (a) Design public transportation for elderly individuals and individuals with disabilities, and
    - (b) Provide public transportation for elderly individuals and individuals with disabilities, and
  - (3) The requirements of 49 U.S.C. 5303 – 5306 for:
    - (a) Metropolitan and State Planning, and
    - (b) Private enterprise participation, and
- i. As required by 49 U.S.C. 5307(d)(1)(I), Subrecipient has a locally developed process to solicit and consider public comment before:
- (1) Raising a fare, or
  - (2) Implementing a major reduction of public transportation.

## **GROUP 18. NEW FREEDOM PROGRAM**

*The Subrecipient must select the following certifications and assurances in Group 18 if you are applying for New Freedom Program funding, 49 U.S.C. 5317. The Subrecipient is ultimately responsible for compliance with its certifications and assurances even though a lessee, third party contractor, or other participant may participate in that project. Consequently, we strongly encourage the Subrecipient to take the appropriate measures including, but not limited to, obtaining sufficient documentation from each lessee, third party contractor, or other participants, to assure the validity of all certifications and assurances it has made.*

1. The Subrecipient certifies that:
  - a. As required by 49 U.S.C. 5317(d)(4), it will make awards of New Freedom funding on a competitive basis following:
    - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding under 5317(c)(1)(A) (*see* 49 U.S.C. 5317(d)(1)), and
    - (2) A statewide solicitation for applications for JARC funding under 49 U.S.C. 5317(c)(1)(B) or 49 U.S.C. 5317(c)(1)(C), (*see* 49 U.S.C. 5317(d)(2)),
  - b. As required by 49 U.S.C. 5317(e)(2), any allocations to subrecipients of funding authorized under 49 U.S.C. 5317 will be distributed on a fair and equitable basis,
  - c. As required by 49 U.S.C. 5317(f)(3):
    - (1) The projects selected or will select for funding under that program were derived from a public transit-human services transportation plan that has been:
      - (a) Locally developed, and
      - (b) Coordinated,
    - (2) That locally developed, coordinated plan was produced through a process that included:
      - (a) Representatives of public, private, and nonprofit transportation providers,
      - (b) Representatives of human services public, private, and nonprofit providers, and
      - (c) Participation by the public, and
  - d. As required by 49 U.S.C. 5316(f)(2), before Subrecipient transfers funds to a project funded under 49 U.S.C. 5336, that project has been or will have been coordinated with private nonprofit providers of services.
2. As permitted by 49 U.S.C. 5317(e)(1), the Federal Transit Administrator has selected certain requirements of 49 U.S.C. 5310 and 49 U.S.C. 5307 to be appropriate for the New Freedom Program, of which some require certifications. Therefore, as specified under 49 U.S.C. 5307(d)(1), the Applicant certifies that:
  - a. As required by 49 U.S.C. 5307(d)(1)(A), Subrecipient and each lessee, third party contractor, or other participant has or will have the:
    - (1) Legal capacity to carry out its proposed projects,
    - (2) Financial capacity to carry out its proposed projects,
    - (3) Technical capacity to carry out its proposed projects,
    - (4) Safety aspects of its proposed projects, and
    - (5) Security aspects of its proposed projects,
  - b. As required by 49 U.S.C. 5307(d)(1)(B), Subrecipient has or will have satisfactory continuing control over the use of project equipment and facilities,
  - c. As required by 49 U.S.C. 5307(d)(1)(C), Subrecipient will maintain the project equipment and facilities adequately,
  - d. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under the New Freedom Program authorized by 49 U.S.C. 5317, Subrecipient will:

- (1) Use competitive procurement (as defined or approved by FTA),
  - (2) Not use exclusionary or discriminatory specifications in its procurements,
  - (3) Comply with applicable Buy America laws, and
  - (4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
  - (5) Comply with the third party procurement requirements of 49 U.S.C. 5325,
- e. As required by 49 U.S.C. 5307(d)(1)(G), Subrecipient:
- (1) Has or will have the amount of funds required for the local share,
  - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
  - (3) Will provide the local share funds when needed, and
- f. As required by 49 U.S.C. 5307(d)(1)(H), it will comply with:
- (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
    - (a) Maximize the safe, secure, and efficient mobility of people,
    - (b) Minimize environmental impacts, and
    - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
  - (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
    - (a) Design public transportation for elderly individuals and individuals with disabilities, and
    - (b) Provide public transportation for elderly individuals and individuals with disabilities, and
  - (3) The requirements of 49 U.S.C. 5303 – 5306 for:
    - (a) Metropolitan and State Planning, and
    - (b) Private enterprise participation.

*Selection and Signature Page(s) follow.*

**FEDERAL FISCAL YEAR 2012 CERTIFICATIONS AND ASSURANCES FOR  
 FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS  
 CALIFORNIA DEPARTMENT OF TRANSPORTATION  
 DIVISION OF MASS TRANSPORTATION**

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

**Name of Subrecipient:**

\_\_\_\_\_

**The Subrecipient agrees to comply with applicable provisions of Groups 01 – 18**

**OR**

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

<b>Group</b>	<b>Description</b>	
01.	Assurances Required For Each Applicant.	_____
02.	Lobbying.	_____
03.	Procurement Compliance.	_____
04.	Protections for Private Providers of Public Transportation.	_____

- 05. Public Hearing. \_\_\_\_\_
- 06. Acquisition of Rolling Stock for Use in Revenue Service. \_\_\_\_\_
- 07. Acquisition of Capital Assets by Lease. \_\_\_\_\_
- 08. Bus Testing. \_\_\_\_\_
- 09. Charter Service Agreement. \_\_\_\_\_
- 10. School Transportation Agreement. \_\_\_\_\_
- 11. Demand Responsive Service. \_\_\_\_\_
- 12. Alcohol Misuse and Prohibited Drug Use. \_\_\_\_\_
- 13. Interest and Other Financing Costs. \_\_\_\_\_
- 14. Intelligent Transportation Systems. \_\_\_\_\_
- 15. Elderly Individuals and Individuals with Disabilities Formula  
Program and Pilot Program. \_\_\_\_\_
- 16. Nonurbanized Area Formula Program for States. \_\_\_\_\_
- 17. Job Access and Reverse Commute (JARC) Program. \_\_\_\_\_
- 18. New Freedom Program. \_\_\_\_\_

**FEDERAL FISCAL YEAR 2012 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**  
(Required of all Subrecipients for FTA funding and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF SUBRECIPIENT

Name of Subrecipient: \_\_\_\_\_

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

BY SIGNING BELOW, on behalf of the Subrecipient, I declare that the Subrecipient has duly authorized me to make these certifications and assurances and bind the Subrecipient's compliance. Thus, the Subrecipient agrees to comply with all Federal statutes and regulations, and follow applicable Federal directives, and comply with the certifications and assurances as indicated on the foregoing page applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2012.

FTA intends that the certifications and assurances the Subrecipient selects on the other side of this document, as representative of the certifications and assurances, should apply, as provided, to each project for which the Subrecipient seeks now, or may later seek FTA funding during Federal Fiscal Year 2012.

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

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

Name \_\_\_\_\_  
Authorized Representative of Subrecipient

AFFIRMATION OF SUBRECIPIENT'S ATTORNEY

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

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

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

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

Name \_\_\_\_\_  
Attorney for Subrecipient

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