FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

GROUP 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.

A. Assurance of Authority of the Applicant and Its Representative.

The Applicant who signs these Certifications, Assurances, and Agreements affirms that the Applicant has adequate authority under applicable State, local, or Indian Tribal law and regulations, and the Applicant’s by-laws or internal rules to:

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

B. Standard Assurances.

The Applicant understands and agrees to the following:
1. The Applicant will comply with all applicable Federal statutes and regulations to carry out any FTA-funded Project,
2. The Applicant is under a continuing obligation to comply with the terms and conditions of the FTA Master Agreement for its Project.
3. The Applicant recognizes that Federal laws and regulations may be amended from time to time and those amendments may affect Project implementation,
4. The Applicant understands that Presidential executive orders and Federal guidance, including Federal policies and program guidance, may be issued concerning matters affecting the Applicant or its Project,
5. The Applicant agrees that the most recent Federal laws, regulations, and guidance will apply to its Project, unless FTA determines otherwise in writing,
6. Except as FTA determines otherwise in writing, the Applicant agrees that requirements for FTA programs may vary depending on the fiscal year for which the funding for those programs was appropriated:

a. In some instances, FTA has determined that Federal statutory or regulatory program and eligibility requirements for FY 2012 or a specific previous fiscal year, except as superseded by applicable MAP-21 cross-cutting requirements, apply to:
   (1) New Grants and Cooperative Agreements, and
   (2) New amendments to grants and cooperative agreements that:
(a) Have been awarded Federal funds made available or appropriated for FY 2012 or the previous fiscal year, or  
(b) May be awarded Federal funds appropriated for FY 2012 or the previous fiscal year, but  

b. In other instances, FTA has determined that MAP-21 requirements will apply to the Federal funds made available or appropriated for FY 2012 or a previous fiscal year, and  
c. For all FTA-funded Projects, the following MAP-21 cross-cutting requirements supersede and apply in lieu of conflicting provisions of previous Federal law and regulations:  
   (1) Metropolitan and Statewide and Nonmetropolitan Transportation Planning,  
   (2) Environmental Review Process,  
   (3) Public Transportation Agency Safety Plans,  
   (4) Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),  
   (5) Costs Incurred by Providers of Public Transportation by Vanpool,  
   (6) Revenue Bonds as Local Match,  
   (7) Debt Service Reserve,  
   (8) Government’s Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,  
   (9) Private Sector Participation,  
   (10) Bus Testing,  
   (11) Buy America,  
   (12) Corridor Preservation,  
   (13) Rail Car Procurements,  
   (14) Veterans Preference/Employment,  
   (15) Alcohol and Controlled Substance Testing, and  
   (16) Other provisions as FTA may determine.

C. Nondiscrimination Assurance.

The Applicant assures that:  
1. The Applicant will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to, discrimination in any U.S. DOT or FTA-funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits) on the basis of race, color, national origin, religion, sex, disability, or age:  
   a. Federal transit laws, specifically 49 U.S.C. 5332(prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, age, employment, or business opportunity),  
e. U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR part 21,
f. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
g. Any other applicable Federal statutes that may be signed into law or Federal regulations that may be promulgated,

2. The Applicant will comply with Federal guidance implementing Federal nondiscrimination laws and regulations, except to the extent FTA determines otherwise in writing,

3. As required by 49 CFR 21.7:
      (1) It conducts each Project,
      (2) It undertakes property acquisitions, and
      (3) It operates all parts of its facilities, as well as its facilities operated in connection with its Project,
   b. This assurance applies to the Applicant’s entire Project and to all parts of its facilities, as well as its facilities it operated to implement its Project,
   c. The Applicant will promptly take the necessary actions to carry out this assurance, including the following:
      (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
      (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,
   d. If the Applicant 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, or
      (2) While the property is used for another purpose involving the provision of similar services or benefits,
   e. The United States has a right to seek judicial enforcement of any matter arising under:
      (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
      (2) U.S. DOT regulations, 49 CFR part 21, or
      (3) This assurance,
   f. The Applicant will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may request to comply with:
      (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
      (2) U.S. DOT regulations, 49 CFR part 21, and
      (3) Federal transit laws, 49 U.S.C. 5332,
   g. The Applicant will comply with applicable Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA
determines otherwise in writing,

h. The Applicant will extend the requirements of 49 U.S.C. 5332, as amended by MAP-21, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
   (1) Subrecipient,
   (2) Transferee,
   (3) Third Party Contractor or Subcontractor at any tier,
   (4) Successor in Interest,
   (5) Lessee, or
   (6) Other participant in its Project, except FTA and the Applicant (that later becomes the Recipient),

i. The Applicant will include adequate provisions to extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including each:
   (1) Subagreement at any tier,
   (2) Property transfer agreement,
   (3) Third party contract or subcontract at any tier,
   (4) Lease, or
   (5) Participation agreement, and

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

4. As required by U.S. DOT regulations, “Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance,” 49 CFR part 27, specifically 49 CFR 27.9, and consistent with 49 U.S.C. 5307(c)(1)(D)(ii), the Applicant assures that:
   a. The Applicant will comply with the following prohibitions against discrimination on the basis of disability listed below in subsection 4b of this Group 01.D. Assurance of which compliance is a condition of approval or extension of any FTA funding awarded to:
      (1) Construct any facility,
      (2) Obtain any rolling stock or other equipment,
      (3) Undertake studies,
      (4) Conduct research, or
      (5) Participate in any benefit or obtain any benefit from any FTA administered program, and
   b. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no otherwise qualified people with a disability will, because of their disability, be:
(1) Excluded from participation,
(2) Denied benefits, or
(3) Otherwise subjected to discrimination.

D. Suspension and Debarment Certification.

The Applicant certifies that:


2. To the best of the Applicant’s knowledge and belief, that the Applicant’s Principals and Subrecipients at the first tier:
   a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:
      (1) Debarred,
      (2) Suspended,
      (3) Proposed for debarment,
      (4) Declared ineligible,
      (5) Voluntarily excluded, or
      (6) Disqualified,
   b. The Applicant’s management has not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for:
      (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,
      (2) Violation of any Federal or State antitrust statute, or
      (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,
   c. The Applicant is not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding subsection 1.E.2.b of this Certification,
   d. The Applicant has not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,
   e. If, at a later time, the Applicant receives any information that contradicts the preceding statements of subparagraphs 2.a – 2.d of this Group 01 D Certification, the Applicant will promptly provide that information to FTA,
   f. The Applicant will treat each lower tier contract or lower tier subcontract under its Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
(1) Equals or exceeds $25,000,
(2) Is for audit services, or
(3) Requires the consent of a Federal official, and

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

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

1. Administrative Activities. The Applicant assures that:
   a. For every project described in any application the Applicant submits for Federal funding, the Applicant has adequate resources to properly plan, manage, and complete its Project, including the:
      (1) Legal authority to apply for Federal funding,
      (2) Institutional capability,
      (3) Managerial capability, and
      (4) Financial capability (including funds sufficient to pay the non-Federal share of Project cost),
   b. As required, the Applicant will give access and the right to examine Project-related materials to entities or individuals, as required, including, but not limited to the:
      (1) FTA,
      (2) The Comptroller General of the United States, and
      (3) State, through an appropriate authorized representative, if appropriate,
   c. The Applicant will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance, and
   d. The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that results in:
      (1) A personal or organizational conflict of interest, or personal gain, or
      (2) The appearance of a personal or organizational conflict of interest
or personal gain,

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

3. Statutory and Regulatory requirements. The Applicant assures that:
   a. The Applicant will comply with all Federal statutes relating to
      nondiscrimination that apply, including, but not limited to:
      (1) The prohibitions against discrimination on the basis of race, color, or
          national origin, as provided in Title VI of the Civil Rights Act,
          42 U.S.C. 2000d,
      (2) The prohibitions against discrimination on the basis of sex, as provided
          in:
          (a) Title IX of the Education Amendments of 1972, as amended,
              20 U.S.C. 1681 – 1683, and 1685 – 1687, and
          (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in
              Education Programs or Activities Receiving Federal Financial
              Assistance,” 49 CFR part 25,
      (3) The prohibitions against discrimination on the basis of age in federally-
          funded programs, as provided in the Age Discrimination Act of 1975, as
          amended, 42 U.S.C. 6101 – 6107,
      (4) The prohibitions against discrimination on the basis of disability in
          federally-funded programs, as provided in section 504 of the
Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
(5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq.,
(6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. 3601 et seq.,
(7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 et seq.,
(8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 et seq.,
(9) The confidentiality requirements for the records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and
(10) The nondiscrimination provisions of any other statute(s) that may apply to its Project,
b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 et seq., and 49 U.S.C. 5323(b), regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes:
(1) The Applicant will provide for fair and equitable treatment of any displaced persons or any persons whose property is acquired as a result of federally-funded programs, and
(2) The Applicant has the necessary legal authority under State and local laws and regulations to comply with:
(a) The Uniform Relocation Act, 42 U.S.C. 4601 et seq., as specified by 42 U.S.C. 4630 and 4655, and
(b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR 24.4, and
(3) The Applicant has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
(a) The Applicant will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,
(b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, if an FTA-funded Project results in displacement, the Applicant will provide fair and reasonable relocation payments and assistance to:
   1 Displaced families and individuals, and
   2 Displaced corporations, associations, or partnerships,
(c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, the Applicant will provide relocation assistance programs offering the services
described in the U.S. DOT regulations to such:
1. Displaced families and individuals, and
2. Displaced, corporations, associations, or partnerships,
(d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time
   before displacement, the Applicant will make available comparable
   replacement dwellings to families and individuals,
(e) The Applicant will:
1. Carry out the relocation process to provide displaced
   persons with uniform and consistent services, and
2. Make available replacement housing in the same range of
   choices with respect to such housing to all displaced
   persons regardless of race, color, religion, or national
   origin,
(f) The Applicant will be guided by the real property acquisition
   policies of 42 U.S.C. 4651 and 4652,
(g) The Applicant will pay or reimburse property owners for their
   necessary expenses as specified in 42 U.S.C. 4653 and 4654,
   understanding that FTA will provide Federal funding for its
   eligible costs of providing payments for those expenses, as
   required by 42 U.S.C. 4631,
(h) The Applicant will execute the necessary implementing
   amendments to FTA-funded third party contracts and
   subagreements,
(i) The Applicant will execute, furnish, and be bound by such
   additional documents as FTA may determine necessary to
   effectuate or implement these assurances,
(j) The Applicant will incorporate these assurances by reference into
   and make them a part of any third party contract or subagreement,
   or any amendments thereto, relating to any FTA-funded Project
   involving relocation or land acquisition, and
(k) The Applicant will provide in any affected document that these
   relocation and land acquisition provisions must supersede any
   conflicting provisions,

  c. The Applicant will comply with the Lead-Based Paint Poisoning
     Prevention Act, specifically 42 U.S.C. 4831(b), which prohibits the use of
     lead-based paint in the construction or rehabilitation of residence
     structures,

d. The Applicant will, to the extent applicable, comply with the protections for
   human subjects involved in research, development, and related activities
   supported by Federal funding of:
   (1) The National Research Act, as amended, 42 U.S.C. 289 et seq., and
   (2) U.S. DOT regulations, “Protection of Human Subjects,” 49 CFR part 11,

e. The Applicant will, to the extent applicable, comply with the labor standards
   and protections for federally-funded Projects of:
   (1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 – 3144, 3146, and
3147,
(2) Sections 1 and 2 of the Copeland “Anti-Kickback” Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively, and
(3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 et seq.,
f. The Applicant will comply with any applicable environmental standards that may be prescribed to implement Federal laws and executive orders, including, but not limited to:
(1) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C.4321 – 4335 and following Executive Order No. 11514, as amended, 42 U.S.C.4321 note,
(2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. 7606 note,
(3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. 4321 note,
(4) Following the evaluation of flood hazards in floodplains provisions of Executive Order No. 11988, 42 U.S.C. 4321 note,
(5) Complying with the assurance of Project consistency with the approved State management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 – 1465,
(6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 – 7671q,
(7) Complying with the protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,
(8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544,
(9) Complying with the environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation Project, as required by 49 U.S.C. 303 (also known as Section 4f),
(10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and
(11) Complying with and facilitating compliance with:
(a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,
(b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and
(c) Executive Order No. 11593 (identification and protection of
historic properties), 16 U.S.C. 470 note,

To the extent applicable, it will comply with the following Federal requirements for the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported by Federal funding:

(1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 et seq., and
(2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4,

To the extent applicable, obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR 41.117(d), before accepting delivery of any FTA-funded building,

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

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

It will perform the financial and compliance audits as required by the:

(2) U.S. OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” Revised, and
(3) Most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT, and

It will comply with all other Federal laws or regulations that apply, and

It will follow Federal guidance governing it and its Project, except to the extent that FTA has expressly approved otherwise in writing.

GROUP 02. LOBBYING.

The Applicant certifies that:

   a. The lobbying restrictions of this Certification apply to the Applicant’s requests:
4.

(1) For $100,000 or more in Federal funding for a Grant or Cooperative Agreement, and
(2) For $150,000 or more in Federal funding for a Loan, Line of Credit, or Loan Guarantee, and
b. The Applicant’s Certification applies to the lobbying activities of:
   (1) The Applicant,
   (2) The Applicant’s Principals, and
   (3) The Applicant’s Subrecipients at the first tier,

2. To the best of the Applicant’s knowledge and belief:
   a. No Federal appropriated funds have been or will be paid by or on its behalf to any person to influence or attempt to influence:
      (1) An officer or employee of any Federal agency regarding the award of a:
         (a) Federal Grant or Cooperative Agreement, or
         (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and
      (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
         (a) Federal Grant or Cooperative Agreement, or
         (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance,
   b. The Applicant will submit a complete OMB Standard Form-LLL (Rev. 7-97), “Disclosure of Lobbying Activities,” consistent with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
      (1) An officer or employee of any Federal agency regarding the award of a:
         (a) Federal Grant or Cooperative Agreement, or
         (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, or
      (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
         (a) Federal Grant or Cooperative Agreement, or
         (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and
   c. The Applicant will include the language of this Certification in the award documents for all subawards at all tiers, including, but not limited to:
      (1) Third party contracts,
      (2) Subcontracts,
      (3) Subagreements, and
      (4) Other third party agreements under a:
         (a) Federal Grant or Cooperative Agreement, or
         (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance,

3. The Applicant understands that:
   a. This Certification is a material representation of fact that the Federal government relies on, and
   b. The Applicant must submit this Certification before the Federal government may award funding for a transaction covered by 31 U.S.C. 1352, including a:
      (1) Federal grant or cooperative agreement, or
      (2) Federal loan, line of credit, loan guarantee, or loan insurance, and

4. The Applicant also understands that any person who does not file a required
Certification will incur a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

GROUP 03. PROCUREMENT AND PROCUREMENT SYSTEM.

The Applicant is ultimately responsible for compliance with the Certifications and Assurances selected that apply to its Project, itself, any Subrecipient, or other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage the Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and other Third Party Participants to assure the validity of the applicable Certifications and Assurances selected on its behalf.

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

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

GROUP 04. PRIVATE SECTOR PROTECTIONS.

A. Private Property Protections.

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

1. The Applicant has or will have:
   a. Determined that the funding is essential to carrying out a Program of Projects as required by 49 U.S.C. 5303, 5304, and 5306,
   b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
   c. Paid just compensation under State or local laws to the company for any franchise or property acquired, and

2. The Applicant has completed the actions described in the proceeding section 1 of this Group 04 A Certification before it:
   a. Acquires the property or an interest in the property of a private provider of public transportation, or
   b. Operates public transportation equipment or facilities:
      (1) In competition with transportation service provided by an existing public transportation operator, or
      (2) In addition to transportation service provided by an existing public transportation operator.

B. Charter Service Agreement.

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

1. FTA’s “Charter Service” regulations apply as follows:
   a. FTA’s Charter Service regulations restrict transportation by charter service using facilities and equipment acquired by Recipients of FTA funding 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, or
      (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted.
   b. FTA’s charter service restrictions extend to:
      (1) The Applicant, when it becomes a recipient of Federal funding authorized for or made available for:
          (a) Federal transit laws, 49 U.S.C. chapter 53, or
          (b) 23 U.S.C. 133 or 142, or
          (c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and
      (2) Any Third Party Participant that receives Federal funding derived from:
          (a) Federal transit laws, 49 U.S.C. chapter 53, or
          (b) 23 U.S.C. 133 or 142,
          (c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
   c. A Third Party Participant includes any:
      (1) Subrecipient at any tier,
      (2) Lessee,
      (3) Third Party Contractor or Subcontractor at any Tier, and
      (4) Other Third Party Participant in its Project,
   d. The Applicant agrees that neither it nor any governmental authority or publicly owned operator that receives Federal public transportation assistance appropriated or made available for its Project will engage in charter service operations, except as permitted under:
      (1) Federal transit laws, specifically 49 U.S.C. 5323(d) and (g),
      (2) FTA regulations, “Charter Service,” 49 CFR part 604, to the extent consistent with 49 U.S.C. 5323(d) and (g),
      (3) Any other Federal Charter Service regulations, or
      (4) Federal guidance, except as FTA determines otherwise in writing,
   e. The Applicant agrees that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
   f. The Applicant agrees that:
      (1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives FTA funding made available or authorized for its Project that has engaged in a pattern of violations of FTA’s Charter Service regulations by:
          (a) Conducting charter operations prohibited by Federal transit laws and
FTA’s Charter Service regulations, or
(b) Otherwise violating the Applicant’s Charter Service Agreement it has elected in its latest annual Certifications and Assurances, and
(2) These corrective measures and remedies may include:
(a) Barring the Applicant or any Third Party Participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds,
(b) Withholding an amount of Federal funds as provided by Appendix D to FTA’s Charter Service regulations, or
(c) Any other appropriate remedy that may apply, and
2. In addition to the exceptions to the restrictions in FTA’s Charter Service Regulations, FTA has established the following exceptions to those restrictions:
   a. FTA’s Charter Service restrictions do not apply to the Applicant seeking funding made available or appropriated for 49 U.S.C. 5307 and 5311, to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, provided that the Applicant uses that FTA funding for program purposes only,
   b. FTA’s Charter Service restrictions do not apply to the Applicant seeking funding made available or appropriated for 49 U.S.C. 5310 to be used for New Freedom activities that would have been eligible for assistance under repealed 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, provided your Applicant uses that FTA funding for program purposes only, and
   c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that recipient provides a private intercity or charter transportation operator reasonable access to that recipient’s federally-funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes as specified in 49 U.S.C. 5323(r).

C. School Bus Agreement.

To comply with 49 U.S.C. 5323(f) and (g) and FTA regulations, “School Bus Operations,” 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), the Applicant is entering into the following School Bus Agreement:
1. FTA’s “School Bus Operations” regulations restrict school bus operations using facilities and equipment acquired with Federal funding derived from:
   a. Federal transit laws, 49 U.S.C. chapter 53,
   b. 23 U.S.C. 133 or 142, or
   c. Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
2. FTA’s school bus operations restrictions extend to:
   a. The Applicant, when it becomes a Recipient of Federal funding
made available or authorized for:
(1) Federal transit laws, 49 U.S.C. chapter 53,
(2) 23 U.S.C. 133 or 142, or
(3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted.

b. Any Third Party Participant that receives Federal funding derived from:
   (1) Federal transit laws, 49 U.S.C. chapter 53,
   (2) 23 U.S.C. 133 or 142, or
   (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and

3. A Third Party Participant includes any:
   a. Subrecipient at any tier,
   b. Lessee,
   c. Third Party Contractor or Subcontractor at any tier, and
   d. Other Third Party Participant in the Project,

4. The Applicant agrees, and will obtain the agreement of any Third Party Participant involved in the Applicant’s Project, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
   a. Federal transit laws, specifically 49 U.S.C. 5323(f) and (g), as amended by MAP-21,
   b. FTA regulations, “School Bus Operations,” 49 CFR Part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), as amended by MAP-21,
   c. Any other Federal School Bus regulations, or
   d. Federal guidance, except as FTA determines otherwise in writing,

5. The Applicant agrees that the latest School Bus Agreement you have selected on its behalf in FTA’s latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and

6. The Applicant agrees that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, FTA may:
   a. Bar the Applicant or Third Party Participant from receiving further Federal transit funds, or
   b. Require the Applicant or Third Party Participant to take such remedial measures as FTA considers appropriate.

GROUP 05. ROLLING STOCK REVIEWS AND BUS TESTING.

If the Applicant seeks FTA funding to acquire rolling stock for use in revenue service, the Certifications in Group 05.A apply to the Applicant, except as FTA determines otherwise in writing.

A. Rolling Stock Reviews.

The Applicant certifies that in procuring revenue service rolling stock for use in
If the Applicant seeks FTA funding to acquire a new bus model, the Bus Testing Certifications in Group 05.B apply to the Applicant, except as FTA determines otherwise in writing.

B. Bus Testing.

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

The applicant certifies that:

1. Bus Testing requirements apply to all acquisitions of new buses and new bus models that require bus testing as defined in FTA’s Bus Testing regulations, and it will comply with:
   a. 49 U.S.C. 5318, and
   b. FTA regulations, “Bus Testing,” 49 CFR part 665, to the extent these regulations are consistent with 49 U.S.C. 5318,

2. As required by 49 CFR 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration:
   a. The Applicant will not spend any Federal funds appropriated under 49 U.S.C. chapter 53 to acquire that new bus or new bus model until:
      (1) The new bus or new bus model has been tested at FTA’s bus testing facility, and
      (2) It has received a copy of the test report prepared on that new bus or new bus model, and
   b. The Applicant will not authorize final acceptance of the bus until:
      (1) The new bus or new bus model has been tested at FTA’s bus testing facility, and
      (2) It has received a copy of the test report prepared on that new bus or newus model,

3. The Applicant will ensure that the new bus or new bus model that is tested has met the performance standards consistent with those regulations, including:
   a. Performance standards for:
      (1) Maintainability,
      (2) Reliability,
      (3) Performance (including braking performance),
      (4) Structural integrity,
      (5) Fuel economy,
(6) Emissions, and  
(7) Noise, and  
b. Minimum safety performance standards established under 49 U.S.C. 5329, as amended by MAP-21, and  
4. After FTA regulations authorized by 49 U.S.C. 5318(e)(2) are in effect, the Applicant will ensure that the new bus or new bus model that is tested has received a passing aggregate test score under the “Pass/Fail” standard established by regulation.

GROUP 06. DEMAND RESPONSIVE SERVICE.

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

GROUP 07. INTELLIGENT TRANSPORTATION SYSTEMS.

The Applicant:  
1. Understands that, as used in this Assurance, the term Intelligent Transportation Systems (ITS) Project is defined to include any Project that, in whole or in part, finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the “National ITS Architecture,” and  
2. As provided in 23 U.S.C. 517(d), any ITS Project the Applicant undertakes that is funded with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities and equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. 517(a) or (c), unless the Applicant obtains a waiver as provided in 23 U.S.C. 517(d)(2).
GROUP 08. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE.

A. Interest and Financing Costs.

The Applicant certifies that:
1. The Applicant will not seek reimbursement for interest or any other financing costs unless:
   a. It is eligible to receive Federal funding for those costs, and
   b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, to the extent FTA may require, and
2. The Applicant will comply with the same favorable financing cost provisions for:
   a. Urbanized Area Formula Grants Projects,
   b. Projects under Full Funding Grant Agreements,
   c. Projects with Early Systems Work Agreements,
   d. Fixed Guideway Capital Investment Projects funded by previous FTA enabling legislation,
   e. State of Good Repair Projects,
   f. Bus and Bus Facilities Projects, and
   g. Low or No Emission Vehicle Development Projects.

B. Acquisition of Capital Assets by Lease.

The Applicant assures that, as required by FTA regulations, “Capital Leases,” 49 CFR part 639, specifically 49 CFR 639.15(b)(1) and 49 CFR 639.21, if the Applicant acquires any capital asset through a lease financed with Federal funding appropriated or made available for 49 U.S.C. chapter 53:
1. The Applicant will not use Federal funding appropriated or made available for public transportation Projects eligible under 49 U.S.C. chapter 53 or any other applicable law to finance the cost of leasing any capital asset until:
   a. It performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset, and
   b. It completes these calculations before the later of:
      (1) Entering into the lease, or
      (2) Receiving a capital grant for the asset, and
2. The Applicant will not enter into a capital lease for which FTA can provide only incremental Federal funding unless the Applicant has adequate financial resources to meet its future lease obligations if Federal funding is not available.
GROUP 09. TRANSIT ASSET MANAGEMENT PLAN AND PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.

A. Transit Asset Management Plan.

The Applicant certifies that it will comply, and each Subrecipient will:

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

B. Public Transportation Agency Safety Plan.

The Applicant certifies that it will:

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

GROUP 10. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

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

1. The Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have established and implemented:
   a. An alcohol misuse testing program, and
   b. A controlled substance testing program,
2. The Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have complied or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. 5331, and
3. Consistent with U.S. DOT Office of Drug and Alcohol Policy and Compliance Notice, issued October 22, 2009, if the Applicant, its Subrecipients, or Third Party Contractors to which these testing requirements apply reside in a State that permits marijuana use for medical or recreational purposes, the Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have complied or will comply with the Federal controlled substance testing requirements of 49 CFR part 655.
A. Bus and Bus Facilities Formula Grants Program

The following Certifications for Bus and Bus Facilities Formula Grants Program funding are required by 49 U.S.C. 5339(b), which states that “[t]he requirements of section 5307 apply to recipients of grants made under this section [5339]”; therefore, except as FTA determines otherwise in writing, the Applicant certifies that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
   a. Legal capacity,
   b. Financial capacity, and
   c. Technical capacity,

2. The Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,

3. The Applicant will maintain its Project equipment and facilities adequately,

4. The Applicant will ensure that, during non-peak hours for transportation using or involving a facility or equipment financed under 49 U.S.C.5339, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
   a. Any senior,
   b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
   c. Any individual presenting a Medicare card issued to that individual pursuant to title II of the Social Security Act (42 U.S.C. 401 et seq.), or
   d. Any individual presenting a Medicare card issued to himself or herself pursuant to title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.),

5. When carrying out a procurement under 49 U.S.C.5339, the Applicant will comply with the:
   a. General Provisions of 49 U.S.C. 5323, and

6. The Applicant has complied with or will comply with 49 U.S.C. 5307(b) because it:
   a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5339,
   b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,

d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,

e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by U.S. DOT under 49 U.S.C. 5336 with federally funded transportation services supported by other Federal Government sources other than U.S. DOT,

f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and

g. Has made or will make the final Program of Projects available to the public,

7. As required by 49 U.S.C. 5307(d), as amended by MAP-21, the Applicant:

a. Has or will have the amount of funds required for the local share,

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

c. Will provide the local share funds when needed,

8. The Applicant will comply with:

a. The Metropolitan Planning requirements of 49 U.S.C. 5303, as amended by MAP-21, and

b. The State Planning requirements of 49 U.S.C. 5304, as amended by MAP-21,

9. The Applicant has a locally developed process to solicit and consider public comment before:

a. Raising a fare, or

b. Implementing a major reduction of public transportation, and


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

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

1. The Applicant has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those Project(s):

a. Legal capacity,

b. Financial capacity, and

c. Technical capacity

2. The Applicant has or will have satisfactory continuing control over the use of
Project equipment and facilities,
3. The Applicant will maintain its Project equipment and facilities adequately, and
4. The Applicant has complied or will comply with, and will require each
   Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

GROUP 12. SENIORS/ELDERLY/INDIVIDUALS WITH
   DISABILITIES/NEW FREEDOM PROGRAMS.

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

1. The following Certification for the Formula Grants for the Enhanced Mobility of
   Seniors and Individuals with Disabilities Program are required by 49 U.S.C.
   5310; therefore, except as FTA determines otherwise in writing, the Applicant
   certifies that:
   a. Each Applicant is:
      (1) A private nonprofit organization, or
      (2) A State or local governmental authority that:
         (a) Is approved by a State to coordinate services for seniors
             and individuals with disabilities; or
         (b) Certifies that there are no private nonprofit organizations
             readily available in the area to provide services authorized for
             support under the Formula Grants for the Enhanced Mobility
             of Seniors and Individuals with Disabilities Program,
   b. The Applicant will comply with the following Project selection and
      planning requirements:
      (1) The Projects the Applicant has selected or will select for funding made
          available or appropriated for 49 U.S.C. 5310 are included in a public
          transit-human services transportation plan that has been:
          (a) Locally developed, and
          (b) Coordinated,
      (2) That public transit-human services transportation plan was developed
          and approved through a process that included participation by:
          (a) Seniors,
          (b) Individuals with disabilities,
          (c) Representatives of public, private, and nonprofit
              transportation providers,
          (d) Representatives of public, private, and nonprofit human
              services providers, and
          (e) Other members of the public,
      (3) To the maximum extent feasible, the services funded by 49 U.S.C. 5310
          will be coordinated with transportation services funded by other Federal
          departments and agencies, including any transportation activities carried
          out by a recipient of a grant from the Department of Health and Human
          Services,
c. The Applicant will transfer a facility or equipment financed with funding made available or appropriated for a grant under 49 U.S.C. 5310, to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, only if:
   (1) The recipient possessing the facility or equipment consents to the transfer, and
   (2) The facility or equipment will continue to be used as required under 49 U.S.C. 5310,

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

2. FTA has determined certain requirements of 49 U.S.C. 5307, to be appropriate for which some require Certifications; therefore, as specified under 49 U.S.C. 5307(c)(1), the Applicant certifies that:
   a. The Applicant has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
      (1) Legal capacity,
      (2) Financial capacity, and
      (3) Technical capacity
   b. The Applicant has or will have, satisfactory continuing control over the use of Project equipment and facilities,
   c. The Applicant will maintain its Project equipment and facilities adequately,
   d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, the Applicant will, and will require each Subrecipient to comply with the:
      (1) General Provisions for FTA programs of 49 U.S.C.5323, and
      (2) Third Party Provisions of 49 U.S.C.5325,
   e. The Applicant has complied or will comply with:
      (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
      (2) The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304, and
   f. To the extent applicable, it will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

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

1. The following Certifications for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, the Applicant certifies that:
   a. The Applicant is:
(1) A private nonprofit organization, if the public transportation service that would undertake public transportation capital Project(s) planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities is:
   (a) Unavailable,  
   (b) Insufficient, or  
   (c) Inappropriate, or  

(2) A State or local governmental authority that:
   (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or  
   (b) Certifies that there are not any nonprofit organizations readily available in the area to provide public transportation capital Project(s) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities,  

b. The Projects the Applicant has selected or will select for funding made available or appropriated for former 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
   (1) Locally developed, and  
   (2) Coordinated,  

c. That public transit-human services transportation plan was developed and approved through a process that included participation by:
   (1) Elderly individuals,  
   (2) Individuals with disabilities,  
   (3) Representatives of public, private, and nonprofit transportation providers,  
   (4) Representatives of human services providers, and  
   (5) Other members of the public,  

d. The project submitted or will be submitted contains or will contain an assurance that the Program provides for the maximum feasible coordination of transportation services funded by former 49 U.S.C. 5310 with transportation services funded by other Government sources,  

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

2. The following Certifications for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5307(d)(1); therefore, except as FTA determines otherwise in writing, the Applicant certifies that:
   a. The Applicant has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
      (1) Legal capacity,  
      (2) Financial capacity, and  
      (3) Technical capacity,  
   b. The Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
c. The Applicant will maintain its Project equipment and facilities adequately,
d. When carrying out a procurement under former 49 U.S.C. 5310, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
   (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
   (2) The prohibition against exclusionary or discriminatory specifications in procurements under 49 U.S.C. 5323(h),
   (3) “Buy America” under 49 U.S.C. 5323(j),
   (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
   (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
f. The Applicant:
   (1) Has or will have the amount of funds required for the local share by former 49 U.S.C. 5310(c)(2),
   (2) Will provide the local share funds from sources approved by FTA, and
   (3) Will provide the local share funds when needed,
g. The Applicant has complied or will comply with 49 U.S.C. 5303, and 5304, and
h. The Applicant will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

C. New Freedom Program.

1. Former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year requires the following Certification for the New Freedom Program; therefore, except as FTA determines otherwise in writing, the Applicant will:
   a. comply with the following Project selection and planning requirements:
      (1) The projects the Applicant has selected or will select for funding appropriated or made available or appropriated for that program were derived from a public transit-human services transportation plan that has been:
         (a) Locally developed, and
         (b) Coordinated,
      (2) That locally developed and coordinated plan was produced through a process that included:
         (a) Representatives of public, private, and nonprofit transportation providers,
         (b) Representatives of public, private, and nonprofit human services providers, and
         (c) Participation by the public,
b. The requirements of former 49 U.S.C. 5307 and 5310, as determined by FTA, will apply to the New Freedom Program, authorized by former 49 U.S.C. 5317, and

2. The following Certifications for the New Freedom Program are required by former 49 U.S.C. 5307(d)(1) and 5310; therefore, except as FTA determines otherwise in writing, the Applicant certifies that:
   a. The Applicant has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its:
      (1) Legal capacity,
      (2) Financial capacity, and
      (3) Technical capacity
   b. The Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
   c. The Applicant will maintain its Project equipment and facilities adequately,
   d. When carrying out a procurement under former 49 U.S.C. 5317, it will comply with the following provisions as amended by MAP-21:
      (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
      (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
      (3) “Buy America” under 49 U.S.C. 5323(j),
      (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
      (5) Applicable railcar option restrictions of 49 U.S.C.5325(e), and
   e. The Applicant will comply with other applicable requirements under 49 U.S.C. 5323 and 5325;
   f. The Applicant
      (1) Has or will have the amount of funds required for the local share required by former 49 U.S.C. 5317(g),
      (2) Will provide the local share funds from sources by FTA, and
      (3) Will provide and, as necessary, will require each Subrecipient to provide, the local share funds when needed,
   g. The Applicant has complied or will comply with 49 U.S.C. 5301, 5303, and 5304, and
   h. To the extent applicable, the Applicant will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

GROUP 13. RURAL/OTHER THAN URBANIZED AREAS PROGRAMS.

A. Formula Grants for Rural Areas Program.

The Applicant certifies and assures that:
1. The Applicant has or will have the following to carry out its proposed Project(s),
including the safety and security aspects of its Project(s):
   a. Legal capacity,
   b. Financial capacity, and,
   c. Technical capacity
2. The Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. The Applicant’s Project equipment and facilities will be adequately maintained,
4. The Applicant’s program provides or will provide the maximum feasible coordination of public transportation service funded by 49 U.S.C. 5311(b) with transportation service funded by other Federal sources,
5. The Applicant’s Projects in its Formula Grants for Rural Areas Program are included in:
   a. The Statewide Transportation Improvement Program, and
   b. To the extent applicable, a Metropolitan Transportation Improvement Program,
6. The Applicant:
   a. Has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g),
   b. Will provide the local share funds from sources approved by FTA, and
   c. Will provide the local share funds when needed,
7. The Applicant may transfer a facility or equipment acquired using a grant under 49 U.S.C. 5311(b) to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
   a. The Recipient possessing the facility or equipment consents to the transfer, and
   b. The facility or equipment will continue to be used as required under 49 U.S.C. 5311

B. Formula Grants for Other Than Urbanized Areas Program.

The Applicant certifies and assures that:
1. The Applicant has or will have the following to carry out its proposed Project(s), including safety and security aspects of its Project(s):
   a. Legal capacity,
   b. Financial capacity, and
   c. Technical capacity
2. The Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. The Applicant’s Project equipment and facilities will be adequately maintained,
4. The Applicant’s program provides or will provide the maximum feasible coordination of public transportation service funded by former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year, with transportation service funded by other Federal sources,
5. The Applicant’s Projects in its Formula Grants for Rural Areas Program are included in:
a. The Statewide Transportation Improvement Program, and  
b. To the extent applicable, a Metropolitan Transportation Improvement  
Program,
6. The Applicant has or will have the amount of funds required for the local share,  
as required by 49 U.S.C. 5311(g) in effect in FY 2012 or a previous fiscal year, and:  
a. Will provide the local share funds from approved non-Federal sources except as permitted by Federal law,  
b. Will provide the local share funds when needed,
7. The Applicant may transfer a facility or equipment acquired using a grant under  
49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:  
a. The Recipient possessing the facility or equipment consents to the transfer, and  
b. The facility or equipment will continue to be used as required under 49 U.S.C.  
5311 in effect in FY 2012.

**GROUP 14. TRIBAL TRANSIT PROGRAMS**  
(PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAMS).

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

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
   a. Legal capacity  
   b. Financial capacity, and  
   c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,  
4. Its Project will achieve maximum feasible coordination with transportation service funded by other Federal sources,  
5. It will:
   a. Have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR part 18, specifically 49 CFR 18.36, or  
   b. Inform FTA promptly that its procurement system does not comply with those U.S. DOT regulations, and  
6. It will: comply with Buy America under 49 U.S.C. 5323(j), and  
7. It will comply with the Certifications, Assurances, and Agreements in:  
a. Group 03.B and 03.C (Charter Service Agreement and School Bus Agreement),  
b. Group 05.B (Bus Testing),
c. Group 06 (Demand Responsive Service),
d. Group 07 (Intelligent Transportation Systems), and
e. Group 10 (Alcohol and Controlled Substances Testing).