

SECTION 9 GRANT SUPPORTING DOCUMENTS

Prepared By The Southern California
Rapid Transit District
Office of Management and Budget

November, 1992

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SECTION 9 GRANT SUPPORTING DOCUMENTS

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U.S. Department
of Transportation

Urban Mass
Transportation
Administration

This list was updated 8/5/91

NOTICE

UMTA N 0000.26A

September 16, 1988
EXPIRES: March 16, 1989

Subject: URBAN MASS TRANSPORTATION ADMINISTRATION PROGRAM
GUIDANCE CHECKLIST

1. PURPOSE. This notice transmits a checklist of current Urban Mass Transportation Administration (UMTA) program guidance circulars published with the purpose of providing a single UMTA written source reference for all external guidance. This checklist functions as a working index to assist in locating the necessary guidelines, requirements, and information to apply for and manage UMTA grants. In addition, the checklist serves as a reference document for requesting additional circulars. An order form has been attached to this notice for ordering these additional directives.
2. CONTENTS. Attachment 1 lists all current UMTA external guidance circulars. The order form for requesting additional copies of these circulars is provided in Attachment 2.
3. CHECKLIST MANAGEMENT. The checklist will be updated every six months and mailed to UMTA grantees. An expiration date will be placed on the checklist. If a grantee has not received an updated checklist to replace the expired one, a request may be called in or mailed to the UMTA office provided in paragraph 5e.
4. CIRCULAR DISTRIBUTION. In addition to the checklist, grantees on UMTA's directive mailing list automatically will receive UMTA's existing program guidance circulars, and subsequent new circulars (including page changes or revisions to the circulars) when appropriate. However, to accommodate requests for additional circulars, or in order to meet requests for particular circulars by persons or groups currently not on UMTA's grantee distribution mailing list, an order form has been developed, and is attached to the checklist.
5. PROCEDURES FOR ORDERING DIRECTIVES. UMTA grantees will not be charged for the initial mailing of new circulars (including page changes) published by UMTA. However, a fee of \$1 will be charged for each additional circular requested from the order form shown in Attachment 2. In addition, the order form may be used by other interested parties who are not on UMTA's mailing list but who wish to receive a particular UMTA circular. (The same fee of \$1 per circular will be charged.)

The order form, like the checklist, will be updated every six months, showing a new expiration date on each order form. Orders should not be placed from an expired form; this precaution will eliminate the possibility of ordering outdated or cancelled circulars. (If an order is placed from an expired order form and the circular(s) ordered has been cancelled, UMTA will not reimburse the requestor for the cancelled circular, but may, at its discretion, substitute another circular in its place.)

DISTRIBUTION: UMTA Headquarters Offices (U-W-2)
UMTA Regional Offices (U-X-2)

OP: Office of
Management
Planning

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The following steps are provided to assist requestors in using the order form to request additional directives:

- a. Read Attachment 1 and select the circular(s) of interest, noting title and circular number;
- b. Detach the order form (Attachment 2). Identify the desired circular(s) by inserting the number of copies needed for each directive next to the circular number in the "QTY" column. (Note that the circular numbers on the order form correspond to the numbers designated to each circular on Attachment 1—the circular number selected on the order form will automatically include all page changes to the directive.);
- c. Indicate on the form the total number of circulars requested, and after multiplying the total number by \$1.00, also indicate on the order the total amount of money being enclosed with the order form;
- d. Place your name and address in the section provided on the order form;
- e. Mail the order form and a check or money order payable to the U.S. Department of Treasury to the following address:

Urban Mass Transportation Administration
Office of Administration
Administrative Services Division, Room 7427
400 - 7th Street, S.W.
Washington, D.C. 20590
Telephone: (202) 366-4865

Rose A. McHenry
for Thomas R. Hunt
Associate Administrator
for Administration

ATTACHMENT 1

CURRENT UMTA PROGRAM GUIDANCE CIRCULARS

<u>Directive Number</u>	<u>Date</u>	<u>Subject</u>
<u>1100 ORGANIZATION, AUTHORITIES, FUNCTIONS, AND INTERNAL RELATIONSHIPS</u>		
C 1150.1A	06-09-88	Urban Mass Transportation Administration Programs and Organization
<i>C 2015.1 - Debarment</i>		
<u>2700 ACCOUNTING</u>		
C 2710.1A	07-18-88	Sampling Procedures for Obtaining <u>Fixed Route</u> Bus Operating Data Required Under the Section 15 Reporting System
C 2710.2A	07-22-88	Sampling Procedures for Obtaining <u>Demand Responsive</u> Bus System Operating Data Required Under the Section 15 Reporting System
C 2710.4A	07-22-88	Revenue Based Sampling Procedures for Obtaining <u>Fixed Route</u> Bus Operating Data Required Under the Section 15 Reporting System
C 2710.6	07-01-88	Section 15 Accounting and Reporting Release Number 1
C 2710.7	07-01-88	Section 15 Accounting and Reporting Release Number 2
<u>4000 LOGISTICS MANAGEMENT - GENERAL</u>		
<u>4200 PROCUREMENT</u>		
C 4220.1B	05-05-88	Third Party Contracting Guidelines
<i>Change 1 - 2/5/90</i>		
<u>4700 CIVIL RIGHTS</u>		
C 4702.1	05-26-88	Title VI Program Guidelines for Urban Mass Transportation Administration Recipients

<u>Directive Number</u>	<u>Date</u>	<u>Subject</u>
C 4704.1	07-26-88	Equal Employment Opportunity Program Guidelines for Grant Recipients
C 4715.1A	07-26-88	Human Resource (Section 20) Application and Project Management Guidelines
C 4716.1A	07-26-88	Disadvantaged Business Enterprise Requirements for Recipients and Transit Vehicle Manufacturers

4900 UNIVERSITY RESEARCH AND TRAINING GRANTS

C 4900.1B	08-06-84	Application Instructions for University Research and Training Program
C 4900.1C	4-18-85	
C 4900.2B	04-30-85	Administration Requirements for UMTA University Research and Training Grants or Other Agreements
C 4900.2C	4-13-90	

5000 GRANTS MANAGEMENT - GENERAL

C 5010.1A	09-18-87	Urban Mass Transportation Administration Project Management Guidelines for Grantees
Change 1	07-22-88	
C 5620.1	10-16-79	Guidelines for Preparing Environmental Assessments

6000 TECHNOLOGY DEVELOPMENT AND DEPLOYMENT

C 6100.1B	8/24/88	Application Instructions and Program Management Guidelines for Section 3(a)(1)(C), Technology Introduction; Section 4(i), Innovative Techniques and Methods; and Section 6, Technical Assistance, Grants and Cooperative Agreements
C 6300.1A	10-23-87	Section 10 Single Agency Training Grant Program Guidance and Application Instructions

<u>Directive Number</u>	<u>Date</u>	<u>Subject</u>
<u>7000 POLICY AND PROGRAM DEVELOPMENT</u>		
C 7005.1	12-05-86	Documentation of Private Enterprise Participation Required for Sections 3 and 9 Programs
C 7008.1	03-30-87	Urban Mass Transportation Financial Capacity Policy
C 7010.1	12-05-86	Capital Cost of Contracting
C 7020.1 8000 PLANNING	4-26-90	Cross Border Learning Guidelines
C 8100.1A	08-30-85	Program Guidance and Application Instructions for Planning and Technical Studies Grants
<u>9000 CAPITAL FACILITIES AND FORMULA GRANT PROGRAMS</u>		
C 9020.1	02-02-83	Guidelines for UMTA Applicants: Fiscal Year 1983
C 9030.1A	09-18-87	Section 9 Formula Grant Application Instructions
C 9040.1B	07-01-88	Section 18 Program Guidance and Grant Application Instructions
C 9041.1	02-08-88	Rural Transit Assistance Program Guidance and Application Instructions
C 9070.1B	07-01-88	Section 16(b)(2) Capital Assistance Program Guidance
C 9100.1B	07-01-88	Standard Assurances for Urban Mass Transportation Administration Applications
C 9400.1	01-19-81	Design and Art in Public Transportation Projects
C 9500.1	03-30-84	Intergovernmental Review of UMTA Planning, Capital and Operating Programs and Activities

SECTION 9 GRANT REVIEW CHECKLIST
(per UMTA Circular 9030.1A)

PROJECT NO.: _____ (Capital, Operations, Planning) Assistance

APPLICANT: _____ OPERATOR: _____

UZA: _____ DESIG. RECIPIENT: _____

PROJECTS INCLUDED IN APPROVED AE/BE: _____

APPLICANT'S AVAILABLE APPORTIONMENT: _____

GRANT AMOUNT: _____

TRIENNIAL REVIEW COMPLIANCE: _____

AUDIT COMPLIANCE (see JH): _____

INDICATE DATES SUBMITTED: *I* IF INCOMPLETE:

I. APPLICATION SUBMISSIONS (All references to exhibits are in C9030.1A, unless stated otherwise)

_____ A. APPLICATION LETTER: _____

_____ *B. STANDARD FORM 424 (EXHIBIT A): _____

_____ C. 13(c) CERTIFICATION: SENT TO DOL: _____

CERT. DATED: _____

_____ *D. PROGRAM OF PROJECTS AND BUDGET (EXHIBIT B): _____

_____ E. OPERATING BUDGET WORKSHEET (APPENDIX F): _____
(not required, but desirable)

_____ *F. PROTECTION OF THE ENVIRONMENT (23 CFR 771 and 52 FR 32646):

1. CATEGORICAL EXCLUSIONS (PER 23 CFR 771.117(c)): _____

OR WESTERN AREA DIRECTOR APPROVAL (PER 23 CFR
771.117(d)): _____

2. ENVIRONMENTAL ASSESSMENT & FONSI DATED: _____

3. FEIS/ROD DATED: _____

_____ *G. GRANT IMPLEMENTATION SCHEDULE: _____

Section 9 Grant Review Checklist
Page 2

_____ *H. DRUG-FREE WORKPLACE ACT CERTIFICATION (49 CFR 29, APP. C): _____

_____ *I. STATEMENT OF CONTINUED VALIDITY OF ONE-TIME SUBMISSIONS
(C 9100.1B, EXHIBIT 2): _____

_____ *J. OPINION OF COUNSEL (EXHIBIT H - if project specific) _____

_____ *K. CERTIFIED AUTHORIZING RESOLUTION (EXHIBIT G, if project
specific): _____

_____ *L. INTERGOVERNMENTAL REVIEW CERTIFICATION (C9500.1): _____

_____ *M.. DESIGNATED RECIPIENT CONCURRENCE: _____

II. ANNUAL SUBMISSIONS

_____ *A. SECTION 15 REPORT SUBMITTED: _____

_____ *B. TIP/AE OR BE WITH PRIVATE SECTOR PARTICIPATION (C 7005.1): _____

_____ *C. DBE ANNUAL GOALS (C 4716.1): _____

_____ *D. COORDINATION OF TRANSIT SERVICES ASSURANCE (FT ACT, Section 9
(f) (5); RMB #169): _____

_____ *E. TRANSIT SECURITY PROJECTS CERTIFICATION (FT ACT, Section 9(e)
(3) (I); RMB #170): _____

III. ONE-TIME SUBMISSIONS (UPDATED AS NEEDED):

_____ *A. OPINION OF COUNSEL (EXHIBIT H): _____

_____ *B. CERTIFIED AUTHORIZING RESOLUTION (EXHIBIT G): _____

_____ *C. STANDARD ASSURANCES (C 9100.1B): _____

_____ *D. LIST OF LABOR UNIONS: _____

_____ *E. SECTION 9 CERTIFICATION (EXHIBIT I): _____

_____ *F. DESIGNATION OF RECIPIENT: _____

_____ *G. CHARTER BUS AGREEMENT (49 CFR 604.7): _____

_____ *H. DEBARMENT & SUSPENSION CERTIFICATION (C 9100.1B, APPENDIX 2): _____

_____ *I. ANTI-DRUG PROGRAM CERTIFICATION (49 CFR 653.35): _____

Section 9 Grant Review Checklist
Page 3

- _____ J. REAL PROPERTY ASSURANCE (49 CFR 24.4) (WAA #19): _____
- _____ K. RELOCATION ASSURANCE (49 CFR 24.4) (WAA #19): _____
- _____ *L. BUS TESTING CERTIFICATION (49 CFR Part 665) (WAA #30): _____
- _____ M. RESTRICTIONS ON LOBBYING CERTIFICATION (WAA #35): _____
- _____ *N. PRIVATE ENTERPRISE PARTICIPATION PROCESS (C 7005.1):

- _____ *O. PRE-AWARD AND POST-DELIVERY AUDIT CERTIFICATION (49 CFR 663)
(WAA #52): _____
- _____ *P. CIVIL RIGHTS SIGN-OFF: _____
SECTION 504 _____; DBE PROGRAM _____; TITLE VI _____;
EEO _____

*Indicates items that must be present for application to be considered for release in current quarter.

COMMENTS: _____

TRANSPORTATION REPRESENTATIVE/PLANNER

DATES OF REVIEW

PARALEGAL/REGIONAL COUNSEL

DATES OF REVIEW



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam

211 Main Street
Room 1160
San Francisco, California 94105

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REGION IX MANAGEMENT BULLETIN NO. 134

SUBJECT: One-Time Submissions for all UMTA grant applications;
Statement of Continued Validity; Authorizing
Resolution; Opinion of Counsel

PROGRAM AREA(S): Grants Assistance and Legal

DATE: December 9, 1988

On July 1, 1988, UMTA published Circular 9100.1B which was distributed to UMTA grantees as part of the UMTA Program Guidance Circulars binder dated September 16, 1988. Exhibit 2 of the revised Circular contains an extensive discussion of one-time submissions required for UMTA's various grant programs. The use of one-time submissions has been extended to all of UMTA's grant programs and will now be an integral part of all grant applications.

Page 1 of Exhibit 2 lists the various one-time submissions and identifies the submissions that apply to each grant program. Page 2 of Exhibit 2 provides a revised Statement of Continued Validity of One-Time Submissions (SCV) that is to be included in all grant applications submitted after September 30, 1988.

We strongly recommend that every grantee establish its own file of one-time submissions. These submissions should be reviewed by the grantee during the preparation of each grant application to determine which ones remain current/valid. One-time submissions which are current/valid should be referenced on the SCV; those which are no longer current/valid must be re-executed and submitted with the grant application.

The SCV must be properly certified, and each document referenced must cite the date of submittal to UMTA; UMTA will not rely upon the statement that a document is "on file" as legally sufficient reference for the purposes of grant review. The SCV will be found to be incomplete if it is not a signed original or does not specifically reference by date each document not submitted in the application.

The option for grant applicants to submit one-time Authorizing Resolutions and Opinions of Counsel is also an integral part of all grant applications, with the exception of the section

16(b)(2) and section 18 programs where authorization and legal determination are part of the Governor's State Agency designation.

Generally, for Authorizing Resolutions and Opinions of Counsel to function as one-time submissions, they should be structured to cover all projects--not just a single project--and should not be limited by reference to a time-constrained action such as a specific annual budget authorization action.

The following attachments are provided as examples of a one-time Authorizing Resolution, one-time Opinions of Counsel, and related grant application transmittal letter:

Attachment 1: One-Time Authorizing Resolution

Attachment 2: One-Time Opinion of Counsel for all Section 8 Planning Assistance Projects

Attachment 3: One-Time Opinion of Counsel for all Section 3, 3(a)(1)(c), 4(i), 6, 9, 9B, 10, 20, Interstate Transfer, and Federal-Aid Urban System Transit Projects

Attachment 4: Grant Application Transmittal Letter

Many Region IX grantees have already taken advantage of the one-time Authorizing Resolution and Opinion of Counsel options. These remain in effect (unless notified otherwise) and should be referenced in the grantee's SCV.

Attachments

ONE-TIME AUTHORIZING RESOLUTION

Resolution No. _____

Resolution authorizing the filing of all applications with the Department of Transportation, United States of America, for planning, capital, training, demonstration, and/or operating assistance grants under the Urban Mass Transportation Act of 1964, as amended.

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects; and

WHEREAS, all contracts for financial assistance will impose certain obligations upon the applicant, including the provision by it of the project(s)' local share costs:

NOW, THEREFORE, BE IT RESOLVED BY (Governing Body of Applicant):

1. That (Title of Authorized Official) is authorized to execute and file all applications on behalf of (Legal Name of Applicant) with the U. S. Department of Transportation, to aid in the financing of all planning, capital, training, demonstration, and/or operating assistance projects.
2. That (Title of Authorized Official) is authorized to execute and file with such applications an assurance or any other document required by U. S. Department of Transportation effectuating the purposes of the proposed projects.
3. That (Title of Designated Representative) is designated to furnish such additional information as the U. S. Department of Transportation may require in connection with all applications.
4. That (Title of Authorized Official) is authorized to set forth and execute minority business enterprise (disadvantaged business enterprise and women's business enterprise) policies and procedures in connection with the procurement needs of all projects.
5. The (Title of Authorized Official) is authorized to execute all grant agreements on behalf of (Legal Name of Applicant) with the U. S. Department of Transportation to aid in the financing of all planning, capital, training, demonstration, and/or operating assistance projects.

CERTIFICATE

The undersigned duly qualified and acting (Title of Recording Officer) of the (Legal Name of Applicant) certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the (Governing Body of Applicant) held on _____, 19__.

If applicant has an official seal,
impress here.

(Signature of Recording Officer)

(Title of Recording Officer)

(Date)

ONE-TIME OPINION OF COUNSEL FOR
ALL SECTION 3, 3(a)(1)(c), 4(i),
6, 9, 9B, 10, 20,
INTERSTATE TRANSFER, AND FEDERAL-AID
URBAN SYSTEM TRANSIT PROJECTS

Name of Applicant (Date)
Address of Applicant

Dear (Responsible Official for Applicant):

This communication will serve as the requisite Opinion of Counsel to be filed with the Urban Mass Transportation Administration, United States Department of Transportation, in connection with all applications of the (Legal Name of Applicant) for financial assistance pursuant the Urban Mass Transportation Act of 1964, as amended (the "Act"), for planning, capital, training, demonstration, and/or operating assistance projects. The legal authority for the (Legal Name of Applicant)'s ability to carry out planning, capital, training, demonstration and/or operating assistance projects directly, by lease, contract, or otherwise is set forth below:

1. (Legal Name of Applicant) is authorized under (cite and quote from legal authority) to provide and assist public transportation by acquisition, construction and operation of existing or additional transit facilities. This assistance may be provided directly by (Legal Name of Applicant) or by lease arrangements with other parties.
2. The authority of (Legal Name of Applicant) to provide for its share of project(s) funds is established through the adoption of the (Legal Name of Applicant)'s annual budget.
3. I have reviewed the pertinent Federal, State and local laws, and I am of the opinion that there is no legal impediment to your making applications for financial assistance pursuant to the Act. Furthermore, as a result of my examination, I find that there is no pending or threatened litigation or other action which might in any way adversely affect any proposed project, or the ability of (Legal Name of Applicant) to carry out such projects.

Sincerely,

Legal Counsel

GRANT APPLICATION TRANSMITTAL LETTER

(Date)

Applicable UMTA Regional or
Program Office

Re: Section(s) _____ Grant
Program(s)
Subj: Submission of Application(s)
for (Brief Description of
Project(s))

Dear _____ :

Enclosed are the original(s) and three copies (each) of the subject grant application(s) made under the referenced UMTA grant program(s).

Provision of the specific local share requirements, from non-federal sources, for the project(s) has been authorized by (cite specific budgetary action [i.e., resolution or ordinance]) passed by the (Governing Board of Applicant) on _____, 19____.

Sincerely,

Signature and
Title of Authorized Official

Enclosures

STATEMENT OF CONTINUED VALIDITY OF ONE-TIME SUBMISSIONS

(SAMPLE)

The following documents (and dates when submitted to/acknowledged by FTA) have been submitted to FTA previously, continue to remain valid and accurate, and do not require revisions or updating:

- [] Standard Assurances/Date: _____.
- [] Public Transportation System Description/Date: _____.
- [] List of Labor Unions/Date: _____.
- [] Opinion of Counsel/Date: _____.
- [] Authorizing Resolution/Date: _____.
- [] Designation of Recipient/Date: _____.
- [] MPO Designation/Date: _____.
- [] State Agency Designation/Date: _____.
- [] Section 9 Certification/Date: _____.
- [] Charter Bus Agreement/Date: _____.
- [] Primary Nonprocurement Debarment and Suspension Certification: _____.
- [] DOT Title VI Assurance/Date: _____.
- [] FTA Civil Rights Assurance/Date: _____.
- [] Special Efforts Certification (effective until full accessibility under an area's 504 Plan is achieved)/Date: _____.
- [] 504 Assurance/Date: _____.
- [] Real Property Acquisition Assurance: _____.
- [] Relocation Assurance: _____.
- [] Lobbying Certification: _____.
- [] Bus Testing Certification: _____.
- [] Private Enterprise Participation Process: _____.
- [] Transit Security Projects Certification: _____.
- [] Coordination of Transit Services Assurance: _____.
- [] Assurance Concerning Nondiscrimination on the Basis of Disability in Federally - Assisted Programs and Activities: _____.
- [] Audits of Rolling Stock Purchases: _____.

The applicant understands and agrees that the use of FTA funds approved for this project/program shall be consistent with the applicable sections of the Intermodal Surface Transportation Efficiency Act of 1991, as amended, Sections 8, 9, 9B, 10, 16(b)(2), 18, 20, or 26 U.S.C. Sections 103(3)(4) and 142; pertinent Federal laws; and pertinent Federal rules, regulations and circulars; and that the use of FTA funds is subject to audit and review. Such funds shall be returned to FTA if, after audit, it is found that they have been used improperly. Further, the applicant certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this statement and understands that the provisions of 31 U.S.C. 3801 et seq. are applicable thereto.

The applicant's eligibility to receive FTA grants, as originally certified in the Opinion of Counsel (or in Governor's Designation for State programs), remains in effect. Further, signature of the attorney is certification that there is no pending or threatened litigation or other action which might adversely affect the ability of the grantee to carry out the project/program.

Signature of Authorized Official

Attorney's Signature

Date

Date

ATTENTION: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both. 18 U.S.C. Section 1001 (1982).

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION Application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name	Organizational Unit
-------------------	----------------------------

Address (give city, county, state, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)
---	---

6. EMPLOYER IDENTIFICATION NUMBER (EIN) [][] - [][][][][][][][]	7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Social District H. Independent School Dist I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____
---	--

8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in boxes: <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____	9. NAME OF FEDERAL AGENCY:
---	-----------------------------------

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: [][] - [][][][][] TITLE	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.)	

13. PROPOSED PROJECT Start Date Ending Date	14. CONGRESSIONAL DISTRICTS OF a Applicant b Project
--	---

15. ESTIMATED FUNDING	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? e YES THIS PREAPPLICATION APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____ d NO <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
a Federal \$ 00 b Applicant \$ 00 c State \$ 00 d Local \$ 00 e Other \$ 00	

f Program Income \$ 00 g TOTAL \$ 00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation <input type="checkbox"/> No
--	--

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

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 224 - Rev. 4-89
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

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

- | Item: | Entry: | Item: | Entry: |
|-------|--|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted by Federal agency (or State if applicable) & applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:
— "New" means a new assistance award.
— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

LABOR INFORMATION FOR 13(c) CERTIFICATIONS

(SAMPLE)

Employees of the Recipient are represented by the labor unions (list names and groups represented). The project(s) will not adversely affect the employees of the Recipient .

The addresses of the above unions are as follows:

Local

International

Provisions for Section 13(c) Agreements

It is understood that the grant agreement will contain provisions, certified by the Department of Labor, that the Recipient will warrant that the project will not adversely affect the employment and working conditions of the employees of the Recipient , and will agree that if any such employees are adversely affected, appropriate protection shall be afforded under the provisions of Section 13(c) of the ~~Intermodal Surface Transportation Efficiency Act of 1991, as amended.~~ Federal Transit Act

Davis-Bacon Act

The Recipient assures that all laborers and mechanics employed by contractors or sub-contractors in the performance of construction work financed with assistance under the Intermodal Surface Transportation Efficiency Act of 1991, as amended, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of 1931, as amended.

RECEIVED

MAY 05 1992



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam

211 Main Street ONI
Room 1100
San Francisco, California 94105

J. Schlegel
RECEIVED

APR 28 1992

MAY 01 1992

GENERAL MANAGER

Re: New Budget Format

Dear Grantee:

As stated in Administrator Clymer's letter of August 8, 1991, a new budget document has been developed to enhance the manner in which financial data for FTA grants is displayed. A copy of the letter is provided as an enclosure to this letter. Some of you may have already received budgets which have been converted to this format either through budget revisions to existing grants or as part of your most recent grant approval materials. We ask that grantees and states use this budget format with the next grant application submission or budget revision request.

To assist you in adopting the new budget format, we are also enclosing the informational material mentioned in Mr. Clymer's letter. This second enclosure, entitled "Instructions For Preparing A Project Budget," is designed to provide all the information necessary to enable a grantee to prepare a Project Budget in the new format.

As you become familiar with the preparation and use of the new Project Budget, I am sure you will realize its usefulness as well as the flexibility it will provide in developing and managing your FTA grant programs.

Please review the enclosed materials as they relate to your specific FTA programs. I encourage you to contact your Transportation Representative or Program Manager if you have any questions, or require assistance in developing future budgets or budget revisions.

Thank you in advance for your efforts in developing and using this new budget format. We look forward to working with you to make it a useful document.

Sincerely,

Stewart F. Taylor
Stewart F. Taylor
Regional Administrator



U.S. Department
of Transportation
Urban Mass
Transportation
Administration

The Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

AUG 8 1991

Dear Colleague:

In an effort to further streamline the Urban Mass Transportation Administration's (UMTA) grant management process and provide for uniformity among our various grant programs, we have recently implemented a major enhancement to our Grants Management Information System (GMIS).

In general, this enhancement involves having all project budget information, including initial project budgets, project amendment budgets, and budget revisions, contained in the GMIS. In addition, all official project budget documents will be generated directly from the GMIS. Both of these features represent a significant improvement over our former method of operation which lacked complete and accurate automated project budget information and required official project budget documents to be prepared on a word processor.

We anticipate that the impact of this automated system modification on your organization, in terms of changes to the material that is required to accompany a grant application or project budget revision, will be minimal. We also anticipate that the impact, in terms of UMTA's ability to efficiently and effectively manage your grants, will be significantly increased.

Informational material, providing general information as to the structure of the new UMTA project budget format, will be mailed to you in the near future. In the meantime, your staff should contact the Regional Office for assistance in developing future grant applications and project budgets.

Sincerely,

Brian W. Clymer

February 3, 1992

INSTRUCTIONS FOR PREPARING A PROJECT BUDGET

BACKGROUND

In an effort to further streamline the grant approval process and at the same time provide for increased uniformity among the grant programs of the Federal Transit Authority (FTA), a task force was formed to develop a single budget document that could be used for each of the various FTA programs. Many of you have probably been informed of this upcoming change during your attendance at recent FTA-sponsored conferences. Beginning in FTA's FY 1991 fourth quarter grant release cycle we began using the new "Approved Project Budget" (formerly referred to as the POP/Budget), which is now generated by our Grants Management Information System (GMIS).

Samples of the document, which are included as part of this package, represent the manner in which FTA will transmit funding information to you. Please use the sample documents when preparing future grant applications and budget revision requests. For your assistance, we have also included examples of completed project budgets for the various FTA programs. These are offered as illustrations of possible approaches to setting scope levels. You should also note that page changes to several FTA program circulars incorporating this document are being developed.

In general, this document combines the information contained on the former Program of Projects and Budget and the Expenditure Detail for the Section 9 program, as well as the Program Budget and Expenditure Detail submissions for the Section 16(b)(2) and Section 18 programs. It also gives a new look to the Project Budgets for the Section 3, 8, and Title 23 programs. Although the format of the document has changed slightly, the same basic information is included and the same management principles apply.

The basic concept for the document is derived from FTA's practice of managing grants from an overall project purpose (or scope) perspective. The following section on Preparing a Project Budget explains in general terms how to develop the new Project Budget using the idea of a scope (project) level and its associated implementing activities (formerly referred to as budget line items). Please note that there should be a logical grouping of activities under a scope. FTA will manage grants at the "scope" level and use the "activity" level for informational purposes. While the various FTA program circulars outline the parameters for management of grant budgets for each program, decisions regarding grant amendments vs. budget revisions will ultimately be based on the impact of the change on the scope of a project. For sections 16(b)(2) and 18, scope, for the purpose of budget revisions, remains as described in the program circulars. The activity level will be used as information to assist in those

Finally, you will note that the final section of the budget contains the Sources of Federal Financial Assistance. This section will outline, by urbanized area, how funding for the grant has been obligated by FTA. If a grant is being funded for the first time, no dollar amounts will appear in the Previously Approved column. This column is used only when a grant is being amended to reflect the original amount of a grant. Since FTA's GMIS database is designed to store grant information in the context of "amendments", beginning with amendment "00", even the initial increment of funding for a grant is designated in the next column, the Amendment Amount column. However, in the case of an initial grant being funded for the first time, this amount will be the same as the amount that appears in the Total column.

Included with these instructions are the following documents:

Definition of Terms (Appendix A)

Sample Project Budget Format (Appendix B)

Overview of Project Budget Document (Appendix C)

Scope Level Codes (Appendix D)

Activity Codes Chart (Appendix E)

Project Budget Examples (Appendix F)

Appendix A

DEFINITION OF TERMS

Activity--actions undertaken to implement a scope (POP budget). For example, a bus purchase project may include not only the vehicle acquisition but other related activities such as the purchase of associated capital maintenance items, fare collection equipment and radios.

Activity Code--the six digit code, formerly the Budget Line Item Codes, that is associated with specific project implementation activities.

Budget Line Item Code (BLI)--the six digit code, now known as an Activity Code, that is associated with the implementation of a specific project (scope).

Grant--the award of FTA funds for a project or scope or collection of scopes and projects.

Grant Number--the number - comprised of a two letter state abbreviation, a two digit program (03, 08, etc.) identifier, a four digit sequential identifier and a two digit sequential amendment identifier - used to identify the Project and, once funding is approved, to identify the grant for that Project, e.g., TX-03-0243-00.

Program of Projects (POP)--a collection of projects or scopes. FTA will give the POP a single identifying number (Grant Number) and will fund the POP with a single Grant.

Program of Projects Project (POPP)--a project within a POP.

Project Budget--the document showing the Federal share and total cost of an entire POP as well as the respective costs associated with each of the component parts such as individual scopes. This is the official document which FTA uses as a basis for determining whether an amendment or budget revision is required when changes occur following initial grant award.

Scope--the broad purpose of a project (POPP) within an POP. For example, the purpose of a POPP may be the purchase of buses and may include the acquisition of the vehicles as well as the equipment (spare parts, etc.) to support the vehicles. A facility POPP would include all activities required through the completion of the facility work. As a rule, individual projects should distinguish between rolling stock and facility and between rail and bus within each grantee's POP grouping.

Scope Code--a five digit code used to identify separate scopes within a POP. The first three digits are drawn from the six-digit activity codes; the remaining two digits are used as identifiers for multiple scopes with the same first three

PROJECT BUDGET

PAGE ____

GRANTEE: _____

GRANT NO. _____ BUDGET NO. _____

	FEDERAL AMOUNT	TOTAL AMOUNT
<u>SCOPE</u> _____ Quantity: _____	\$	\$
<u>ACTIVITY</u> _____ Quantity: _____		
_____ Quantity: _____		
_____ Quantity: _____		
<u>SCOPE</u> _____ Quantity: _____	\$	\$
<u>ACTIVITY</u> _____ Quantity: _____		
_____ Quantity: _____		
TOTAL CAPITAL	\$	\$
<u>SCOPE</u> 100-01 <u>Operating Assistance</u> <u>for</u>	\$	\$
<u>ACTIVITY</u> 30.____.00 For the Period _____		
30.____.00 For the Period: _____		
TOTAL OPERATING	\$	\$

PROJECT BUDGET

PAGE ___

GRANTEE: _____

GRANT NO. _____ BUDGET NO. _____

FEDERAL AMOUNT TOTAL AMOUNT

SCOPE

411-01 PLANNING-TECHNICAL CLASSIFICATIONS

ACTIVITY

11. _____

11. _____

TOTAL PLANNING \$ \$

TOTALS \$ \$

ESTIMATED NET PROJECT COST \$ \$

FEDERAL SHARE \$ \$

LOCAL SHARE \$ \$

SCOPE

999-01 CONTINGENCY PROJECT \$ \$

ACTIVITY

Quantity: _____

Quantity: _____

SCOPE

999-02 CONTINGENCY PROJECT \$ \$

ACTIVITY

Quantity: _____

TOTAL CONTINGENCY \$ \$

TOTAL PROGRAMMED: \$ \$

OVERVIEW OF PROJECT BUDGET DOCUMENT

Referring to the sample format (Appendix B), note the Approval Date in the upper left corner. This date will be affixed by FTA when the contents of the budget are formally approved. Also, the FTA designated Grant Number (formerly referred to as the Project or Program No.) appears in this section. The designation of a project such as MD-03-0050-00 indicates that this is the first increment of funding for a grant. The last two digits of the number will increase, e.g., 01, 02, etc., if that grant is amended to either add Federal funds or to revise the scope of the grant. Next, a Budget Number is affixed by FTA. This number changes sequentially with each revised budget. Grantees submitting budget revisions that do not require FTA approval, should remember to adjust this number accordingly.

Next, the scope of work (e.g., 111-01 Bus - Rolling Stock) is defined. Each scope is followed by the specific details (activities) of how the scope will be accomplished (e.g., 11.12.01, Purchase 40-Foot Replacement Buses, with Lifts).

For FTA's purposes, the scope will provide the basis for making determinations regarding budget revisions vs. scope change grant amendments. The information provided at the activity level will be used, as necessary, to assist FTA in making these determinations.

PREPARING A PROJECT BUDGET

The numbering of both the Scope and Activity levels of information on the Approved Project Budget is derived from the Activity Codes Chart (Appendix B). However, for your convenience, we have also included, as Appendix D, a separate listing of Scope level codes. In most cases, the first three digits of the Scope Code will match the first three digits of its corresponding Activities. For example, if a grantee wishes to purchase revenue rolling stock, the Scope might be defined as follows:

Scope

111-01 Bus - Rolling Stock
Quantity: 6

Activity

11.12.02 Purchase 35-foot replacement
buses with lifts
Quantity: 4

11.13.03 Purchase 30-foot buses with
lifts for service expansion
Quantity: 2

11.12.40 Associated Capital Maintenance
Items

In the example above, a mix of rolling stock will be purchased, and the scope includes the purchase of associated items. If a grantee wished to include radios and fareboxes as part of this purchase, those activities could also be listed as part of the rolling stock scope. In this case, the quantities for these items would not be included in the rolling stock total quantity under 111-01, but would be indicated in the activity level description for FTA management purposes.

However, if a grantee was proposing to purchase an entirely new fare collection system or radio communications system, the more appropriate classification could appear as follows:

Scope

113-01 Bus - Purchase Fare collection System (NOTE: In this example the Activity Code description appropriate to this Scope Code, Bus - Stations/Stops/Terminals, has been over written in order to provide a more accurate description.)

Activity

11.32.06 Purchase Coin Sorter
11.32.20 Purchase Miscellaneous
Stationary Fare Collection
Equipment
11.42.09 Purchase fareboxes
Quantity: 45

Scope

116-01 Bus Signal/Communications System

Activity

11.61.01 Design Bus Communications System
11.62.02 Purchase base stations
11.62.03 Purchase bus radios
Quantity: 50
11.42.09 Purchase mobile radios

As you can see from these examples, it is also possible to combine activities that are associated, but which do not necessarily match the first three digits of the scope code under which they appear.

Grantees who operate rail systems or who are engaged in new start projects would be using scope level numbers that correspond to the Rail and New Start segments of the Activity Code Chart, e.g., Scope code 121-01, 02...for Rail Rolling Stock or 131-01, 02...for New Start Rolling Stock; or, 123-01, 02...for Rail Stations and 133-01, 02...for New Start Stations, etc.

The design of the Project Budget can also accommodate subrecipient information in cases where a designated recipient under the Section 9 Program wishes to track each subrecipient's projects separately. In the example below, the designated recipient is purchasing rolling stock on behalf of two small operators:

Format Option #1:

Scope

111-01 Purchase Rolling Stock and Related Equipment
Quantity: 7

Activity

- 11.12.03 Purchase small lift-equipped replacement buses for Allegany County
Quantity: 3
- 11.12.15 Purchase lift-equipped vans for Cumberland Transit System
Quantity: 4
- 11.12.40 Associated Capital Maintenance Items for Buses
- 11.42.10 Purchase of Fareboxes for buses
Quantity: 3
- 11.62.03 Purchase of Radios for Vans
Quantity: 4

Format Option #2Scope

111-01 Rolling Stock for
Allegany County
Quantity: 3

Activity

11.12.03 Purchase small lift-equipped
replacement buses for Allegany County
Quantity: 3
11.12.40 Associated Capital Maintenance Items
11.42.10 Purchase Fareboxes for buses
Quantity: 3

111-02 Rolling Stock for
Cumberland Transit System
Quantity: 4

Activity

11.12.15 Purchase lift-equipped vans for
Cumberland Transit System
Quantity: 4
11.62.03 Purchase Radios for Vans
Quantity: 4

Under Format Option #1, FTA determinations regarding budget revisions and scope changes would be based on the quantity total of seven vehicles found at the scope level. Under Format Option #2, those determinations would be based on the specific scope level quantity for each of the subrecipients, i.e., quantities of three and four, respectively.

Larger systems can also choose which of the two format options above best suit their internal management of projects. However, at a minimum, different scopes should be used to distinguish between rolling stock and facility activities and between rail and bus within each grouping. Furthermore, a grantee undertaking the implementation of a major capital project will be required to develop a POP budget based upon the baseline cost estimate and associated contract units reflected in the associated Full Funding Grant Agreement. It is necessary to clearly relate the scope and activities in the POP budget to the baseline cost estimate and related procurement actions. This can be accomplished by "rolling up" the costs of similar items (i.e. station construction) into one activity. The format for this budget is illustrated below:

SCOPE

132-01 Construct a 20 mile light rail line including 20 stations and support facilities

Activities

13.23.03 Construction of line & structures
 13.33.02 Construction of stations
 13.43.02 Construction of operations/maintenance facility
 13.53.01 Electrification and power distribution.
 13.63.01 Signals
 13.33.06 Fare collection equipment acquisition and instalation

SCOPE

137-01 Support services, in-house and contracted, for engineering design, project and construction management, insurance, legal, etc.

Activities

13.71.02 Contracted final design services
 13.71.04 Contracted construction management services.
 13.72.03 Grantee support services/project management
 13.72.11 Other contracted support services.

SCOPE

137-02 Real Estate Acquisition

Activities

13.75.91 Real estate acquisition
 13.75.92 Relocation

SCOPE

131-01 Procurement of Light Rail Vehicles

Activities

13.12.20 Purchase 50 light rail vehicles

It should be noted that the narrower the definition of scope(s) the less flexibility FTA and grantees will have to make reasonable adjustments within the overall purpose of a grant without formal grant amendments. For some major investment projects and/or fully funded agreements FTA may choose to issue Approved Project Budgets at the scope level only, but will still require that grantees submit the activity level budget information as shown above so that the Grants Management Information System will contain the appropriate level of detail.

**SCOPE LEVEL CODES AND
SPECIAL USE ACTIVITY CODES**

These codes should be used in conjunction with the various Activity level codes included in Enclosure D of this package. All scope level codes must have associated activity level codes attached to them. While the samples below designate 00 as the last two digits, grantees should begin with 01 and sequentially number each scope (project) in each group accordingly.

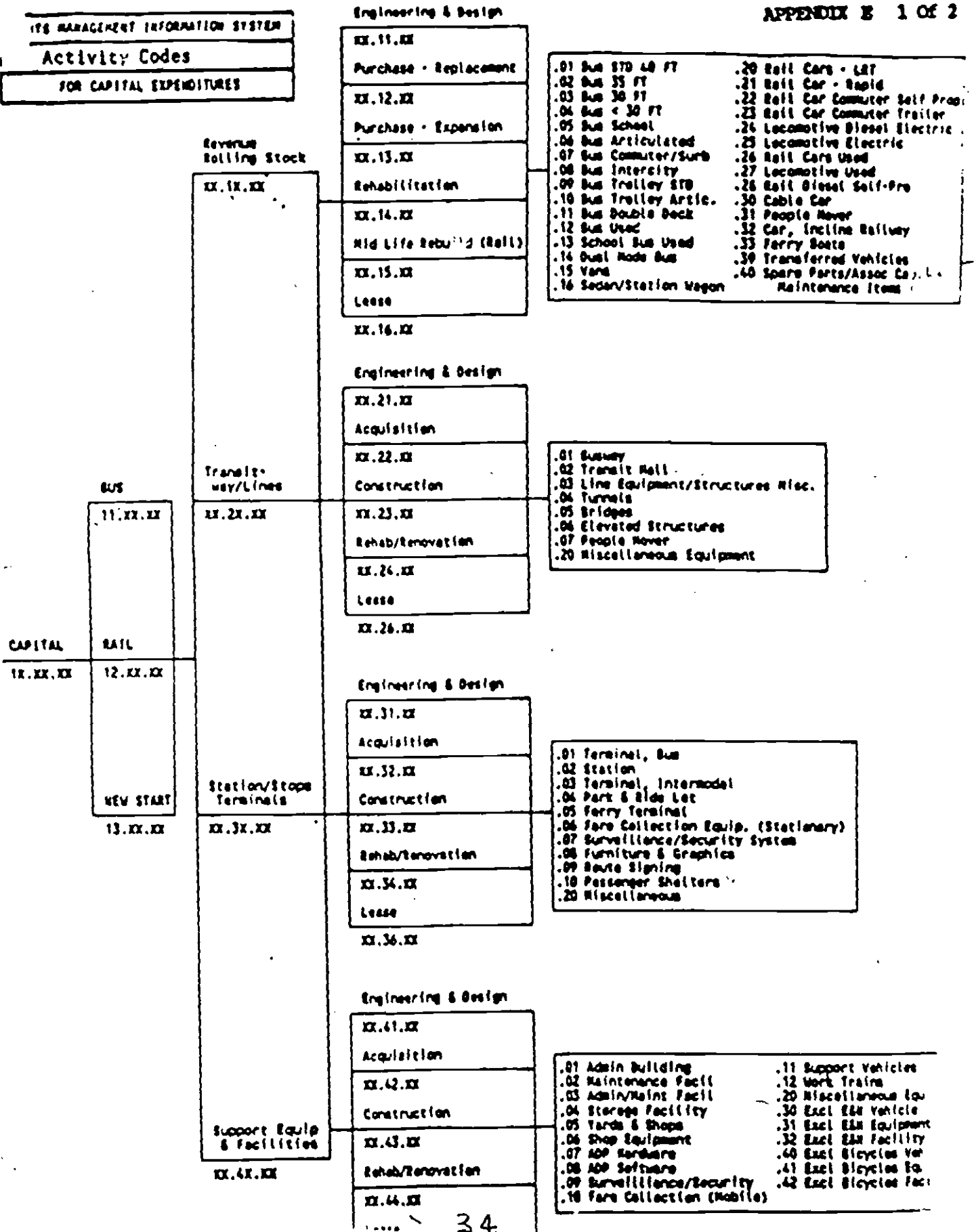
The first three digits of these codes correspond to the major categorical headings located on the left side of on the Activity Code Chart (Appendix B).

111-00	Bus - Rolling Stock
112-00	Bus - Transitways/Lines
113-00	Bus - Stations/Stops/Terminals
114-00	Bus - Support Equipment/Facilities
115-00	Bus - Electrification/Power Distribution
116-00	Bus - Signals/Communications Equipment
117-00	Bus - Other Capital Items
121-00	Rail - Rolling Stock
122-00	Rail - Transitway/Lines
123-00	Rail - Stations/Stops/Terminals
124-00	Rail - Support Equipment/Facilities
125-00	Rail - Electrification/Power Distribution
126-00	Rail - Signals/Communications Equipment
127-00	Rail - Other Capital Items
131-00	New Start - Rolling Stock
132-00	New Start - Transitway/Lines
133-00	New Start - Stations/Stops/Terminals
134-00	New Start - Support Equipment/Facilities
135-00	New Start - Electrification/Power Distribution
136-00	New Start - Signals/Communication Equipment
137-00	New Start - Other Capital Items
300-00	Operating Assistance
411-00	Planning - Technical Classifications
412-00	Planning - Accounting Classifications
413-00	Planning - Fund Allocations

ITS MANAGEMENT INFORMATION SYSTEM

Activity Codes

FOR CAPITAL EXPENDITURES



The following scope level codes should be used for Section 16(b)(2) and/or Section 18 only:

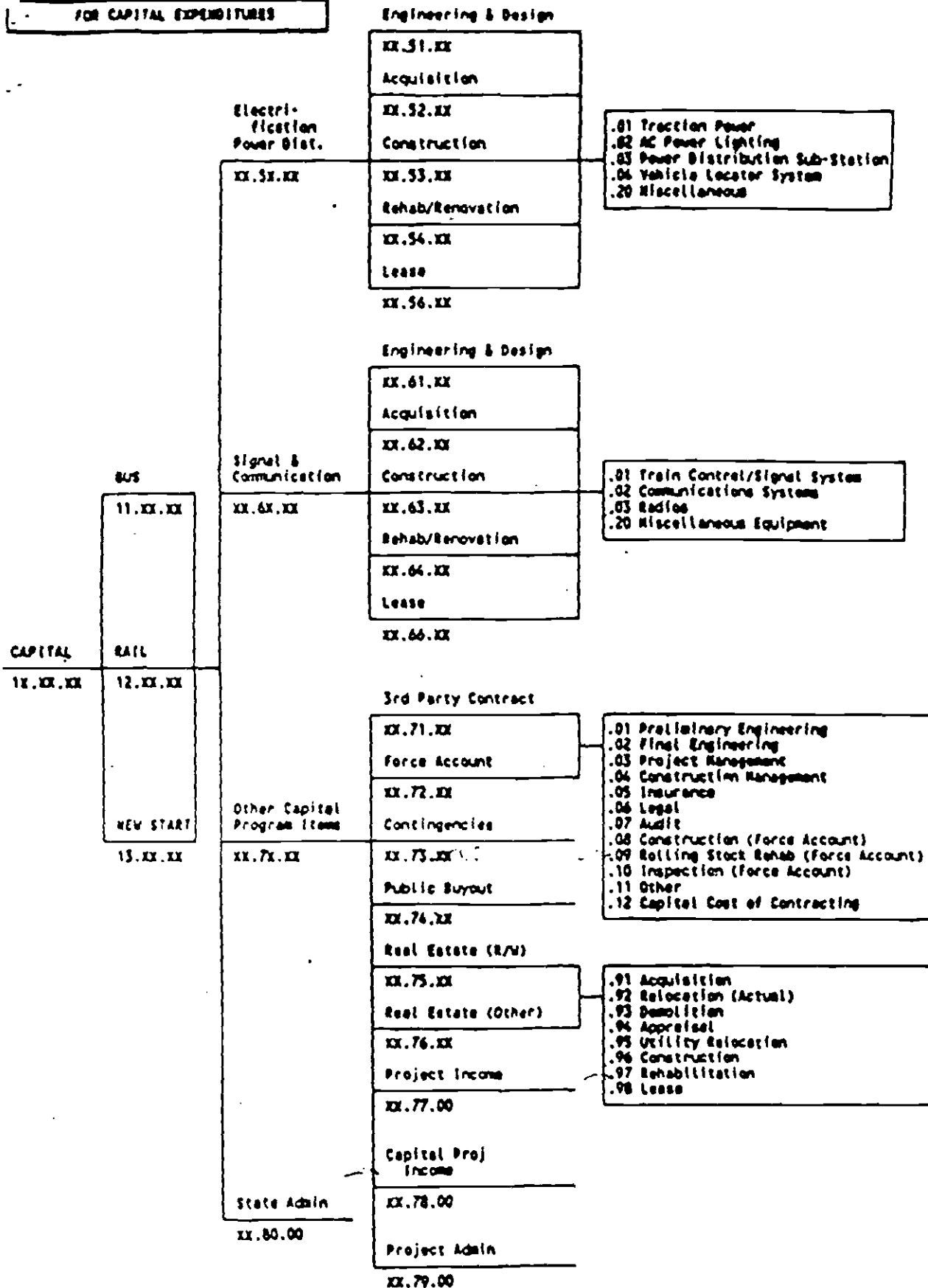
- 600-00 Other Program Costs
- 610-00 State Administration
- 620-00 Project Administration
- 630-00 Program Reserve
- 635-00 Rural Transit Assistance Program (RTAP)

The following code may be used to describe grantee overmatch projects in the Section 3 program only:

- 998-00 100% Locally Funded Activities
 - 99.80.00 (Specify nature of overmatch such as purchase of buses, construction of facilities etc. The same activity code number may be used for a variety of activities.)

Activity Codes

FOR CAPITAL EXPENDITURES



SUPPLEMENTAL LIST OF ACTIVITY CODES:

These codes are in addition to those listed on the Activity Code Chart and are provided for use in preparing project budgets for various FTA programs:

CONTINGENCY PROJECTS - Section 9 Only:

Scope Level Code: 999-01, 02, Etc.

Activity Level Code: Any of the codes on the Activity Code Chart, or the list of Planning Assistance codes contained on pages 5 and 6 of this appendix.

OPERATING ASSISTANCE:

Scope Level Code:
300-01, 02, ETC.

Activity Level Codes:
Section 9: 30.09.00
Section 18: 30.18.00

Under the Section 9 program, FTA suggests that if funding is being requested for more than one local fiscal year for the same grantee, it be broken down at the activity level. For example:

Scope
300-01 Operating Assistance

Activity
30.09.00 Supplement to MD-90-X043 (Operating Assistance for the period 7/1/90 - 6/30/91)

30.09.00 Operating Assistance for the period
7/1/91 - 6/30/92

Section 9 Designated Recipients requesting operating assistance on behalf of more than one operator may choose to separate operating assistance funding at either the scope level or the activity level. However, under the Section 18 program, this level of detail is not required on the Approved Project Budget, since it is already indicated on the Section 18 Program of Projects.

Section 16(b)(2) - FTA prefers that States use the code 11.80.00 for the State Administration of this program. The scope level code can be either 600-01 (Other Program Costs), or 610-01 (State Administration), whichever is preferred.

For Program Reserve (11.73.00), Scope Code 117-01 (Bus-Other Capital Items) may be used if there is more than one project level activity in the grant--Refer to the sample Section 16(b)(2) budget in this package. If only one scope level activity exists, e.g., 111-01 (Bus-Rolling Stock), then the program reserve activity may be included as part of that scope.

Section 18

As previously mentioned, Operating Assistance should be categorized under the Scope Code of 300-01, with the associated Activity Code of 30.18.00.

In an effort to distinguish non-capital costs of this program as separate from the standard capital or operating elements of the program, FTA has created a set of Scope Codes for those costs as follows:

- 600-01, Other Program Costs
- 610-01, State Administration
- 620-01, Project Administration
- 630-01, Program Reserve (Category C)

When preparing the budget for a Section 18 Program, States have two options. If the budget contains more than one of the three items, i.e., state administration, project administration and program reserve, they may be grouped under the single scope code of 600-01 (Other Program Costs). Refer to the sample Section 18 Approved Project Budget contained in this package.

Alternatively, States may choose to use the individual scope codes identified above, along with the respective activity codes for these costs. If this option is chosen, the budget would appear as follows:

- 610-01 State Administration
 - 11.80.00 State Administration
- 620-01 Project Administration
 - 11.79.00 Project Administration
- 630-01 Program Reserve
 - 11.73.00 Program Reserve

This option can also be used if only one of these three categories of cost is included in the budget.

RURAL TRANSIT ASSISTANCE PROGRAM (RTAP):**Scope Level Code: 635-01****Activity Level Codes:**

- 43.50.01 Training
- 43.50.02 Technical Assistance
- 43.50.03 Transit Research
- 43.50.04 Related Support Services
- 43.50.05 Program Reserve

PLANNING - Sections 8, 26(a)(2), 9 and 18:

For planning assistance activities, FTA develops, on an annual basis, a listing of the Planning National Emphasis Areas along with the appropriate activity codes for those tasks. These codes are included on the GMIS Planning Line Item Codes Form (OMB No. 2132-0549), which can be obtained from your regional office. Since some of these codes change from year to year, we will only include the standard codes below. These codes can be used under both the Section 8 and 9 programs. Any Section 18-funded planning activities should also be identified by these codes. Section 26(a)(2) will be addressed separately:

Technical Classifications:

(Scope level code: 411-01)

Activity level code:

- 41.11.00 Program Support and Administration
- 41.12.00 General Development and Comprehensive Planning
- 41.13.01 Long Range Transportation Planning-System Level
- 41.13.02 Long Range Transportation Planning-Project Level
- 41.14.00 Short Range Transportation Planning
- 41.15.00 Transportation Improvement Program
- 41.16.XX National Emphasis Areas - These vary by area of interest; appropriate codes can be obtained from the FTA regional office.
- 41.17.00 Other Activities

Accounting Classifications:

(Scope level code: 412-01)

Activity level codes - required for Section 8 only:

- 41.20.01 Personnel
- 41.20.02 Fringe Benefits
- 41.20.03 Travel
- 41.20.04 Equipment

PLANNING - Continued

Fund Allocations:
(Scope level code: 413-01)

Activity level codes:

- 41.30.01 MPO Activities
- 41.30.02 Transit Operator Activities
- 41.30.03 State/Local Agency Activities

APPROVAL DATE
06/09/89

APPROVED PROJECT BUDGET

GRANTEE: MASS TRANSIT ADMINISTRATION
BALTIMORE, MARYLAND
GRANT NO.: MD-03-0046-00 BUDGET NO.: 01

		<u>FEDERAL AMOUNT</u>		<u>TOTAL AMOUNT</u>
<u>SCOPE</u>				
111-01	BUS - ROLLING STOCK.....	\$ 450,750	\$	601,000
	QUANTITY: 4			
<u>ACTIVITY</u>				
11.13.03	BUY 30-FT BUS FOR EXPANSION FOR SERVICE EXPANSION	\$ 435,000	\$	580,000
	QUANTITY: 4			
11.32.06	ACQ STATIONARY FARE COLL EQ FOR 30-FT BUSES	\$ 3,750	\$	5,000
	QUANTITY: 5			
11.62.03	PURCHASE BUS RADIOS 30-FT BUSES	\$ 12,000	\$	16,000
	QUANTITY: 4			
<u>SCOPE</u>				
113-01	BUS - STATION/STOPS/TERMINALS.....	\$ 18,750	\$	25,000
	QUANTITY: 5			
<u>ACTIVITY</u>				
11.33.10	CONSTRUCT PASSENGER AMENITIES	\$ 18,750	\$	25,000
	QUANTITY: 5			
TOTAL CAPITAL.....		\$ 469,500	\$	626,000
TOTALS.....		\$ 469,500	\$	626,000
	ESTIMATED NET PROJECT COST		\$	626,000
	FEDERAL SHARE		\$	469,500
	LOCAL SHARE		\$	156,500

SOURCES OF FEDERAL FINANCIAL ASSISTANCE

FUNDING UZA: 240140 FUNDING UZA NAME: Baltimore, Md.

<u>ACCOUNTING</u>	<u>CLASSIFICATION</u>	<u>FPC</u>	<u>DESCRIPTION</u>	<u>PREVIOUSLY</u>	<u>AMENDMENT</u>	<u>TOTAL</u>
				<u>APPROVED</u>	<u>AMOUNT</u>	
	89.37.03.31.2	00	FY 1989, SEC 3 CAPITAL	\$	469,500 \$	469,500

APPROVAL DATE
05/30/91

APPROVED PROJECT BUDGET

GRANTEE: LEHIGH AND NORTHAMPTON TRANSPORTATION AUTHORITY
ALLENTOWN, PENNSYLVANIA
GRANT NO.: PA-90-X212-00 BUDGET NO.: 01

	<u>FEDERAL AMOUNT</u>		<u>TOTAL AMOUNT</u>
<u>SCOPE</u>			
111-01 BUS - ROLLING STOCK.....	\$ 132,000	\$	165,000
QUANTITY: 5			
<u>ACTIVITY</u>			
11.12.15 BUY REPLACEMENT VAN	\$ 132,000	\$	165,000
REPLACEMENTS W/LIFTS			
QUANTITY: 5			
<u>SCOPE</u>			
114-01 BUS SUPPORT EQUIP/FACILITIES.....	\$ 400,000	\$	500,000
QUANTITY: 1			
<u>ACTIVITY</u>			
11.44.02 REHAB MAINTENANCE FACILITY	\$ 400,000	\$	500,000
EASTON GARAGE IMPROVEMENTS			
QUANTITY: 1			
<u>SCOPE</u>			
114-02 BUS SUPPORT EQUIP/FACILITIES.....	\$ 120,000	\$	150,000
QUANTITY: 3			
<u>ACTIVITY</u>			
11.42.07 PURCHASE ADP HARDWARE	\$ 56,000	\$	70,000
11.42.11 PURCHASE SUPPORT VEHICLES	\$ 36,000	\$	45,000
SUPERVISORY/SERVICE VEHICLES			
QUANTITY: 3			
11.42.20 PURCH MISC SUPPORT EQUIPMENT	\$ 28,000	\$	35,000
SHOP/OFFICE EQUIPMENT			
TOTAL CAPITAL.....	\$ 652,000	\$	815,000
<u>SCOPE</u>			
300-01 OPERATING ASSISTANCE.....	\$ 2,520,000	\$	5,458,000
<u>ACTIVITY</u>			
30.09.00 ELIGIBLE TRANSIT OPER EXP.	\$ 2,520,000	\$	5,458,000
FOR PERIOD 7/1/91 - 6/30/92			
<u>SCOPE</u>			
411-01 PLANNING-TECHNICAL.....	\$ 32,440	\$	40,550
CLASSIFICATIONS			
<u>ACTIVITY</u>			
41.14.00 SHORT RANGE TRANSIT PLANNING	\$ 32,440	\$	40,550
TOTALS.....	\$ 3,204,440	\$	6,313,550
ESTIMATED NET PROJECT COST		\$	6,313,550
FEDERAL SHARE		\$	3,204,440
		\$	3,109,110

APPROVAL DATE
05/30/91

APPROVED PROJECT BUDGET

GRANTEE: LEHIGH AND NORTHAMPTON TRANSPORTATION AUTHORITY
ALLENTOWN, PENNSYLVANIA
GRANT NO.: PA-90-X212-00 BUDGET NO.: 01

SOURCES OF FEDERAL FINANCIAL ASSISTANCE

FUNDING UZA: 420630 FUNDING UZA NAME: Allentown-Beth-East, Pa.-N.J.

<u>ACCOUNTING CLASSIFICATION</u>	<u>FPC</u>	<u>DESCRIPTION</u>	<u>PREVIOUSLY APPROVED</u>	<u>AMENDMENT AMOUNT</u>	<u>TOTAL</u>
91.37.90.95.2	00	FY 1991, SEC 98 CAPITAL	\$	36,597 \$	36,597
91.21.90.91.1	00	FY 1991, SEC 9 CAPITAL	\$	85,556 \$	85,556
91.21.90.91.1	02	FY 1991, SEC 9 PLANNING	\$	32,440 \$	32,440
90.21.90.91.1	00	FY 1990, SEC 9 CAPITAL	\$	529,847 \$	529,847
90.21.90.91.1	04	FY 1990, SEC 9 OPERATING	\$	1,571,863 \$	1,571,863
89.21.90.91.1	04	FY 1989, SEC 9 OPERATING	\$	948,137 \$	948,137
SUB TOTAL:			\$	3,204,440 \$	3,204,440

APPROVAL DATE
12/26/90

APPROVED PROJECT BUDGET

GRANTEE: TRANSIT AUTHORITY OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVT.
LEXINGTON, KENTUCKY
GRANT NO.: KY-90-X050-01 BUDGET NO.: 02

	<u>FEDERAL AMOUNT</u>		<u>TOTAL AMOUNT</u>
<u>SCOPE</u>			
114-01 BUS SUPPORT EQUIP/FACILITIES.....	\$ 16,000	\$	20,000
QUANTITY: 1			
<u>ACTIVITY</u>			
11.44.03 REHAB ADMINISTRATIVE AND MAINTENANCE FACILITY	\$ 16,000	\$	20,000
QUANTITY: 1			
<u>SCOPE</u>			
117-01 BUS - OTHER CAPITAL ITEMS.....	\$ 38,000	\$	47,500
<u>ACTIVITY</u>			
11.16.40 CAPITAL LEASE - TIRES	\$ 30,480	\$	38,100
11.46.20 CAPITAL LEASE - SUPPORT EQUIPMENT	\$ 2,000	\$	2,500
11.66.02 CAPITAL LEASE - COMMUNICATION EQUIPMENT	\$ 5,520	\$	6,900
TOTAL CAPITAL.....	\$ 54,000	\$	67,500
<u>SCOPE</u>			
300-01 OPERATING EXPENSES.....	\$ 1,813,603	\$	3,627,206
<u>ACTIVITY</u>			
30.09.00 OPERATING ASSISTANCE FOR THE PERIOD 7/1/90-6/30/91	\$ 1,813,603	\$	3,627,206
<u>SCOPE</u>			
411-01 PLANNING-TECH CLASSIFICATIONS.....	\$ 32,600	\$	40,750
<u>ACTIVITY</u>			
41.11.00 PROGRAM SUPPORT/ADMINISTRATION	\$ 4,328	\$	5,410
41.13.01 LONG RANGE TRANSPORTATION PLNG SYSTEM LEVEL	\$ 17,332	\$	21,665
41.14.00 SHORT RANGE TRANSIT PLANNING	\$ 10,940	\$	13,675
TOTALS.....	\$ 1,900,203	\$	3,735,456
ESTIMATED NET PROJECT COST		\$	3,735,456
FEDERAL SHARE		\$	1,900,203
LOCAL SHARE		\$	1,835,253
<u>CONTINGENCY SCOPE</u>			
999-01 CONTINGENCY PROJECTS.....	\$ 66,000	\$	82,599
<u>ACTIVITY</u>			
11.12.03 PURCHASE 30-FT REPLACEMENT BUS, W/LIFT	\$ 50,000	\$	62,599
QUANTITY: 1			

APPROVAL DATE
12/26/90

APPROVED PROJECT BUDGET

GRANTEE: TRANSIT AUTHORITY OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVT.
LEXINGTON, KENTUCKY
GRANT NO.: KY-90-X050-01 BUDGET NO.: 02

<u>ACTIVITY</u>				
11.12.15	PURCHASE REPLACEMENT VAN W/LIFT FOR E&H QUANTITY: 1	\$	16,000 \$	20,000

SOURCES OF FEDERAL FINANCIAL ASSISTANCE

FUNDING UZA: 211250 FUNDING UZA NAME: Lexington-Fayette, Ky.

<u>ACCOUNTING CLASSIFICATION</u>	<u>FPC</u>	<u>DESCRIPTION</u>		<u>PREVIOUSLY APPROVED</u>		<u>AMENDMENT AMOUNT</u>		<u>TOTAL</u>
90.37.90.95.2	00	FY 1990, SEC 9B CAPITAL	\$	54,000		\$		54,000
90.37.90.95.2	02	FY 1990, SEC 9B PLANNING	\$	15,767		\$		15,767
90.21.90.91.1	02	FY 1990, SEC 9 PLANNING	\$	16,833		\$		16,833
90.21.90.91.1	04	FY 1990, SEC 9 OPERATING	\$	838,922	\$	150,000	\$	988,922
89.21.90.91.1	04	FY 1989, SEC 9 OPERATING	\$	824,681		\$		824,681
SUB TOTAL:			\$	1,750,203	\$	150,000	\$	1,900,203

APPROVAL DATE
08/30/91

APPROVED PROJECT BUDGET

GRANTEE: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
RALEIGH, NORTH CAROLINA
GRANT NO.: NC-16-0018-00 BUDGET NO.: 01

	<u>FEDERAL AMOUNT</u>	<u>TOTAL AMOUNT</u>
<u>SCOPE</u>		
111-01 BUS - ROLLING STOCK.....	\$ 691,669	\$ 1,179,030
QUANTITY: . 59		
<u>ACTIVITY</u>		
11.12.04 PURCHASE REPLACEMENT <30 FT BUSES	\$ 49,140	\$ 81,900
QUANTITY: 2		
11.12.15 PURCHASE REPLACEMENT VANS, 11 WITH LIFTS	\$ 525,503	\$ 896,490
QUANTITY: 39		
11.13.15 PURCHASE VANS FOR SERVICE EXPANSION, 2 WITH LIFTS	\$ 70,226	\$ 122,640
QUANTITY: 5		
11.14.15 REHABILITATE VANS	\$ 46,800	\$ 78,000
QUANTITY: 13		
<u>SCOPE</u>		
116-01 BUS - COMMUNICATIONS EQUIPMENT.....	\$ 30,769	\$ 55,784
QUANTITY: 28		
<u>ACTIVITY</u>		
11.62.02 PURCHASE/INSTALL RADIO BASE STATION	\$ 3,150	\$ 5,250
QUANTITY: 1		
11.62.03 PURCHASE MOBILE RADIOS	\$ 27,619	\$ 50,534
QUANTITY: 27		
<u>SCOPE</u>		
117-01 BUS - OTHER CAPITAL ITEMS.....	\$ 3,128	\$ 5,214
<u>ACTIVITY</u>		
11.73.00 PROGRAM RESERVE	\$ 3,128	\$ 5,214
TOTAL CAPITAL.....	\$ 725,566	\$ 1,240,028
<u>SCOPE</u>		
600-01 OTHER PROGRAM COSTS.....	\$ 80,488	\$ 100,610
<u>ACTIVITY</u>		
11.80.00 STATE ADMINISTRATION	\$ 80,488	\$ 100,610
TOTAL.....	\$ 306,354	\$ 1,340,638
ESTIMATED NET PROJECT COST		\$ 1,340,638
FEDERAL SHARE		\$ 806,054
LOCAL SHARE		\$ 534,584

APPROVAL DATE
08/30/91

APPROVED PROJECT BUDGET

PAGE 8 OF 10

GRANTEE: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
RALEIGH, NORTH CAROLINA
GRANT NO.: NC-16-0018-00 BUDGET NO.: 01

SOURCES OF FEDERAL FINANCIAL ASSISTANCE

FUNDING UZA: 370000 FUNDING UZA NAME: North Carolina

<u>ACCOUNTING</u> <u>CLASSIFICATION</u>	<u>FPC</u>	<u>DESCRIPTION</u>	<u>PREVIOUSLY</u> <u>APPROVED</u>	<u>AMENDMENT</u> <u>AMOUNT</u>	<u>TOTAL</u>
91.37.16.00.2	00	FY 1991, SEC 1682 CAPITAL	\$	806,054 \$	806,054

APPROVAL DATE
08/30/91

APPROVED PROJECT BUDGET

GRANTEE: VIRGINIA DEPARTMENT OF TRANSPORTATION
RICHMOND, VIRGINIA
GRANT NO.: VA-18-X009-00 BUDGET NO.: 01

<u>SCOPE</u>	<u>FEDERAL AMOUNT</u>	<u>TOTAL AMOUNT</u>
111-01 BUS - ROLLING STOCK.....\$	266,939	\$ 333,674
QUANTITY: 7		
<u>ACTIVITY</u>		
11.12.04 PURCHASE REPLACEMENT <30 FT BUS, WITH LIFT	\$ 72,000	\$ 90,000
QUANTITY: 1		
11.12.15 PURCHASE REPLACEMENT VANS, FOUR WITH LIFTS	\$ 138,939	\$ 173,674
QUANTITY: 6		
11.12.40 PURCHASE ASSOCIATED CAPITAL MAINTENANCE ITEMS	\$ 56,000	\$ 70,000
<u>SCOPE</u>		
114-01 BUS SUPPORT EQUIP/FACILITIES.....\$	33,280	\$ 41,600
QUANTITY: 1		
<u>ACTIVITY</u>		
11.42.11 PURCHASE SUPPORT VEHICLE	\$ 33,280	\$ 41,600
QUANTITY: 1		
TOTAL CAPITAL.....\$	300,219	\$ 375,274
<u>SCOPE</u>		
300-01 OPERATING ASSISTANCE.....\$	1,556,690	\$ 3,113,382
<u>ACTIVITY</u>		
30.18.00 OPERATING ASSISTANCE FOR THE PERIOD 10/1/91 - 9/30/92	\$ 1,556,690	\$ 3,113,382
<u>SCOPE</u>		
600-01 OTHER PROGRAM COSTS.....\$	16,996	\$ 21,245
<u>ACTIVITY</u>		
11.73.00 PROGRAM RESERVE	\$ 16,988	\$ 21,235
11.79.00 PROJECT ADMINISTRATION	\$ 4	\$ 5
11.80.00 STATE ADMINISTRATION, PLANNING AND TECHNICAL ASSISTANCE	\$ 4	\$ 5
<u>SCOPE</u>		
635-01 RURAL TRANSIT ASSISTANCE.....\$	93,204	\$ 93,204
PROGRAM		
<u>ACTIVITY</u>		
43.50.01 TRAINING	\$ 50,000	\$ 50,000
43.50.02 TECHNICAL ASSISTANCE	\$ 40,000	\$ 40,000
43.50.05 PROGRAM RESERVE	\$ 3,204	\$ 3,204
TOTAL.....\$	1,967,109	\$ 3,605,105

APPROVAL DATE
08/30/91

APPROVED PROJECT BUDGET

PAGE 10 OF 18

GRANTEE: VIRGINIA DEPARTMENT OF TRANSPORTATION
RICHMOND, VIRGINIA

GRANT NO.: VA-18-X009-00 BUDGET NO.: 01

ESTIMATED NET PROJECT COST	\$	3,603,105
FEDERAL SHARE	\$	1,967,109
LOCAL SHARE	\$	1,635,996

SOURCES OF FEDERAL FINANCIAL ASSISTANCE

FUNDING UZA: 510000 FUNDING UZA NAME: Virginia

<u>ACCOUNTING</u> <u>CLASSIFICATION</u>	<u>FPC</u>	<u>DESCRIPTION</u>	<u>PREVIOUSLY</u> <u>APPROVED</u>	<u>AMENDMENT</u> <u>AMOUNT</u>	<u>TOTAL</u>
91.21.18.81.1	09	FY 1991, SEC 18 OTHER PURPOSES	\$	1,770,421 \$	1,770,421
91.21.18.R7.1	07	FY 1991, SEC 18 RURAL TRANSP	\$	93,204 \$	93,204
90.21.18.81.1	09	FY 1990, SEC 18 OTHER PURPOSES	\$	255 \$	255
89.21.18.81.1	09	FY 1989, SEC 18 OTHER PURPOSES	\$	103,229 \$	103,229
		SUB TOTAL:	\$	1,967,109 \$	1,967,109

PROTECTION OF THE ENVIRONMENT

(SAMPLE)

There are no significant adverse environmental effects anticipated for the major portion of this grant. Projects for buying buses and other vehicles are excluded from the requirements to prepare an EIS or EA by 23 CFR 771.117(c)(17).



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

Western Area Office

211 Main Street
Room 1160
San Francisco, California 94105

WESTERN AREA ADVISORY NO. 38

SUBJECT: Drug-Free Workplace Requirements, Notice and Final
Rules; Federal Register, May 25, 1990

PROGRAM AREAS: Grants, Legal

DATE: June 20, 1990

A new final rule concerning Drug-Free Workplace Requirements was published in the Federal Register on May 25, 1990, and is attached for your information. The new rule will be effective July 24, 1990, except for the new State certification requirements, which are effective June 30, 1990.

The new rule contains basically the same elements as the interim final rule that was published on January 31, 1989. It also contains some significant amendments and clarifications, however, in response to comments on the interim final rule. A new form of certification, which reflects some of the changes, is provided in the rule.

The most important changes in the rule are as follows:

1. Definition of "Employee"

This definition has been made more specific to include all "direct charge" and "indirect charge" employees, except for those whose impact or involvement is insignificant to the performance of a grant-funded project.

2. Statewide Certification

Under the interim final rule, State agencies could have been required to submit original certifications to each Federal agency from which they receive funds. The new rule provides a State the opportunity to make one annual statewide certification covering all State agencies not specifically excepted. The original must be retained in the Governor's office. A copy must be sent with each grant application to each Federal agency providing a grant to the State. For States that previously submitted an annual certification, statewide certification for Fiscal Year 1990 is required to be provided to Federal agencies no later than June 30, 1990.

3. Program Implementation Dates

The interim final rule did not specify any particular date by which a drug-free workplace policy and program must be in place. The new rule provides that for a grant of over 30 days in duration of performance, the policy and program must be in effect within 30 days of grant award. When performance is expected to take fewer than 30 days, they must be in effect as soon as possible, but in any case before performance is expected to be completed.

4. Written Notice

The new rule clarifies that notices to be provided under the rule (from employee to employer and from grantee to UMTA) must be in writing and that the days allowed for notice are calendar days. The notice to UMTA must also include the position title of the person convicted of a drug-related offense and the number of the affected grant.

5. Non-Discrimination on the Basis of Handicap

The new rule cautions that any discipline taken against an employee for drug-related offenses in the workplace must be consistent with the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap. A recovering substance abuser who is rehabilitated or undergoing rehabilitation would fall within the definition of a handicapped individual. The definition does not include an employee, however, whose current use of alcohol or drugs prevents him/her from performing the duties of the job or constitutes a threat to property or safety.

6. Identification of Workplaces

At the grantee's option, workplaces covered by a drug-free workplace certification may be identified in the certification, at the time of a grant application, or in a document kept on file by the grantee.

7. Ongoing Drug-Free Awareness Program

The new rule clarifies that grantees have a continuing obligation to inform employees about the dangers of drug abuse, the grantee's policy, available counseling, and penalties for drug abuse violations.

The preamble to the new regulation contains a series of Qs and As which provide further guidance. Any remaining questions you may have concerning drug-free workplace requirements may be addressed to the UMTA Regional Counsel for your region.



Louis F. Mraz, Jr.
Western Area Director

Attachment

DRUG-FREE WORKPLACE ACT CERTIFICATION
FOR A PUBLIC OR PRIVATE ENTITY

1. The _____
(Name of Applicant for a Grant or Cooperative Agreement)
certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Applicant's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and,
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant or cooperative agreement, the employee will--
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the Federal agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every project officer or other designee on whose project activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant or cooperative agreement.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

2. The Applicant's headquarters is located at the following address. The addresses of all workplaces maintained by the Applicant are provided on an accompanying list.

Name of Applicant:
 Address:
 City:
 County:
 State:
 Zip code:

(Signature of Authorized Official)

(Title of Authorized Official)

(Name of Applicant)

(Date)

ATTACHMENT 4

EXECUTIVE ORDER NO. 12372 PROVISIONS

Executive Order 12372 of July 14, 1982, amended April 8, 1983, and DOT Order 4600.13 of October 3, 1983, specify the State and local processes for State and local governments' coordination and review of proposed Federal financial assistance and direct Federal development. The Executive Order:

"Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance and direct Federal development;

"Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why not;

"Allows States to simplify, consolidate, or substitute State plans; and

"Revokes OMB Circular No. A-95."

Three major elements are required to implement the Order--the State process, the single point of contact, and the Federal agency's "accommodate or explain" response to State and local comments submitted in the form of a recommendation.

1. STATE PROCESS. A State must tell the Federal agency (DOT/UMTA) which programs and activities are being included under the State process and provide assurances that it has consulted with local officials whenever it changes the list of selected programs and activities. The State processes are given sixty (60) days from the date the application is received by the State to comment on proposed Federal Assistance. A State is not required to establish a State process; however, if no process is established, the Federal agency must still notify the State that an application has been received for Federal assistance.
2. SINGLE POINT OF CONTACT. This section establishes the State single point of contact, which may be an official or organization, as the only party that can initiate the "accommodate or explain" response by Federal agencies (DOT/UMTA). A State need not designate a single point of contact.

However, if a State fails to designate a single point of contact, no other entity or official can transmit recommendations and be assured of an accommodation or explain response by the Federal agency. The single point of contact, and not the applicant, must transmit the recommendations to DOT/UMTA.

EXECUTIVE ORDER 12372 PROVISIONS
(continued)

3. ACCOMMODATE OR EXPLAIN. If a State process review of an UMTA activity results in a formal recommendation through the single point of contact, UMTA is obligated to act upon the recommendation by either "accommodating" the State process recommendation or by "explaining," to the State single point of contact, in writing, the reasons UMTA is taking an action contrary to the process recommendation. "Accommodation" in this sense means either accepting the recommendation or reaching a mutually agreeable solution with the State process. If there is nonaccommodation, UMTA will wait 15 days after sending an explanation of the nonaccommodation to the single point of contact before taking final action.

Since the regulation does not provide any particular procedures for applications involving interstate situations, the DOT/UMTA will work with officials of States and designated areawise agencies involved in an interstate metropolitan area situation on a case-by-case basis, as appropriate, in order to give the "accommodate or explain" treatment providing the application was sent through a State single point of contact, and if the areawise entity has been delegated a review and comment role for the program or activity being commented on by a State process.

Notwithstanding application instructions previously published for various planning, capital and operating program grants, the applicant must also certify that it has complied with the provisions of the final rule. The following certification should be prepared for each application.

"Certification is given by _____, the applicant, with respect to its application for assistance pursuant to Section ____ of the Urban Mass Transportation Act of 1964, as amended, filed with the Urban Mass Transportation Administration (UMTA) that the recipient has complied with the provision of 49 CFR 17, Intergovernmental Review of Department of Transportation Programs and Activities".



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX
Arizona, California,
Hawaii, Nevada, Guam

211 Main Street
Room 1160
San Francisco, California 94105

REGION IX MANAGEMENT BULLETIN NO. 169

SUBJECT: Required Assurance for Coordination of Transit Services

PROGRAM AREA(S): Grants, Program Management and Legal

DATE: April 2, 1992

The Federal Transit Act (FTA) Amendments of 1991 added a requirement in Section 9(f)(5) that each recipient shall "assure that the proposed program of projects provides for the coordination of transit services assisted under this section with transportation services assisted from other Federal sources".

In addition to funds available for public transportation under the FTA programs, many other Federal agencies fund transportation services in support of other programs. Most of these are human service programs originating in the Department of Health and Human Services (DHHS), although other Federal agencies such as the Department of Labor (jobs programs) are involved to a lesser degree. While there has been much interaction between Section 16 and Section 18 and DHHS funded programs, that has not always been the case for Section 9.

Coordination may occur at many levels, from simple information sharing to total consolidation of services. As part of initial Americans with Disabilities Act (ADA) Complementary Paratransit Plans, many Section 9/9B recipients have inventoried local providers of paratransit service. Coordination of public transportation services with human service agency client transportation may result in more efficient use of resources.

Section 9/9B recipients are encouraged to examine their relationship with other recipients of Federal funds for transportation services.

For the September 30th release cycle, Section 9/9B applicants must submit the attached assurance with their grant applications. Subsequently, during Triennial Reviews, recipients will be required to show evidence of having examined the possibility of coordinating services as they developed their program of projects.

Attached is a copy of the Coordination of Transit Services Assurance form.

Enclosures

Coordination of Transit Services Assurance

The _____ hereby assures that it has complied with the requirements of Section 9(f)(5) of the Federal Transit Act Amendments of 1991 in that it has taken into account the need to coordinate transit services assisted from other Federal sources and investigated the possibility of such coordination during the development of its annual program of projects.

Signature

Name

Title

Date



U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam

211 Main Street
Room 1160
San Francisco, California 94105

REGION IX MANAGEMENT BULLETIN NO. 170

SUBJECT: Required Certification for Transit Security Projects

PROGRAM AREA(S): Grants, Program Management and Legal

DATE: April 2, 1992

The Federal Transit Act (FTA) Amendments of 1991 added a new Section 9(e)(3)(I) that each recipient must certify that it "will expend for each fiscal year not less than 1 percent of the funds by the recipient for each fiscal year under this section for transit security projects; or that such expenditures for such security systems are not necessary".

Transit security projects may include but are not limited to: (a) increasing lighting within transit systems or adjacent to them at bus stops, subway stations, parking lots, and garages; (b) camera surveillance of areas within and adjacent to transit systems; (c) providing emergency telephone lines and radio communication links to contact law enforcement or security personnel in areas within or adjacent to such systems; and (d) any other project intended to increase the security and safety of existing or planned transit systems.

For the September 30th release cycle, all Section 9/9B applicants must submit the attached certification with their grant applications. Subsequently, during Triennial Reviews, grantees will be asked to show basis for their certification.

Attached is a copy of the Certification form.

Enclosures

TRANSIT SECURITY PROJECTS CERTIFICATION

(SAMPLE)

The Southern California Rapid Transit District hereby certifies that it will expend for each fiscal year not less than one (1) percent of the funds received for each fiscal year under Section 9/9B of the Federal Transit Act of 1991, as amended, for transit security projects.

Signature

Name

Title

Date

STANDARD ASSURANCES

(SAMPLE)

FORMAT AND LANGUAGE FOR APPLICANT'S CERTIFICATION LETTER

Name and Address
of FTA Regional
Manager

Dear _____:

The _____ Recipient hereby certifies that it will comply with all Federal statutes, regulations, Executive orders and administrative requirements applicable to applications made to and grants received from the Federal Transit Administration (FTA) under Sections 3, 8, 9, 10, 16(b)(2), 18, 26 or for human resource assistance under Section 20 of the Intermodal Surface Transportation Efficiency Act of 1991.

The provisions of Section 1001 of Title 8, U.S.C., apply to all certifications and submissions in connection with applications made to and grants received from FTA.

The applicant certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. 3801 et seq. are applicable thereto.

Sincerely,

Signature and Title of Authorized
Official

The undersigned chief legal counsel for the _____ Recipient hereby certifies that the _____ Recipient has authority under State and local law to comply with the subject assurances and that the certification above has been legally made.

Signature of Applicant's Attorney

Date

EXHIBIT I
SECTION 9 CERTIFICATION

Certification is given by the recipient named herein _____ with the respect to its application for assistance pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. S1601, et seq.) ("the UMT Act"), filed with the Urban Mass Transportation Administration (UMTA), as to the following:

- A. That it has or will have the legal, financial and technical capacity to carry out the proposed program of projects and budget;
- B. That it has or will have satisfactory continuing control, through operation or lease otherwise, over the use of the facilities and equipment, and will maintain such facilities and equipment;
- C. That it will comply with the provision for elderly and handicapped half-fare as prescribed by Section 5(m) of the UMT Act;
- D. That it will give the rate required by Section 5(m) of this Act to any person presenting a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act;
- E. In carrying out any procurement under Section 9, that it will use competitive procurement processes as defined by UMTA or, for procurement of associated capital maintenance only, the sole source provisions detailed in Appendix D; will not utilize exclusionary or discriminatory specifications in the procurement; and will carry out the procurement in compliance with applicable Buy America provisions;
- F. That it has complied with the following requirements of Section 9(f) in that it has:
 - a. Made available, to the public, information concerning the amount of funds available under Section 9 and the program of projects and budget that the recipient proposes to undertake with such funds;
 - b. Developed a proposed program of projects and budget concerning activities to be funded in consultation with interested parties, including private transportation providers;
 - c. Published a proposed program of projects and budget in such a manner to afford affected citizens, private transportation providers and, as appropriate, local elected officials an opportunity to examine its content and to submit comments on the proposed program of projects and budget and on the performance of the recipient;
 - d. Afforded an opportunity for a public hearing to obtain the views of citizens on the proposed program of projects and budget;

- e. Considered comments and views, particularly those of private transportation providers, and, if deemed appropriate, modified the proposed program of projects and budget; and
- f. Made the final program of projects and budget available to the public.
- G. That it has available and will provide the required amount of funds in accordance with Section 9(k) (1) of the UMT Act, and will comply with the requirements of Sections 8 and 16 of the UMT Act.
- H. That it has locally developed process to solicit and consider public comment prior to raising fares or implementing a major reduction of transit service.
- I. That the organization(s) to receive benefits directly from the Section 9 grant is subject to the uniform system of accounts and records and has submitted the latest required Section 15 report of financial and operating data as prescribed in Section 15 of the UMT Act and further defined in UMTA regulations (49 C.F.R. Part 630).
- J. That any proposed project for the acquisition of or investment in rolling stock is in conformance with UMTA rolling stock guidelines.
- K. That any capital expenditure proposed for funding under the 90% or 95% Federal match provisions of Section 16(e) will be in conformance with the requirements of these provisions; and that any asset acquired or improved under such provisions will remain in the specialized service to which it was originally dedicated for its useful life.

The provisions of 18 U.S.C. 510001, apply to any certifications or submissions under this section.

Authorized Official

Attorney's Signature

Title of Authorized Official

Date

CHARTER BUS AGREEMENT

(SAMPLE)

AGREEMENT

BETWEEN

(Name of applicant)

AND

URBAN MASS TRANSPORTATION ADMINISTRATION
UNITED STATES OF AMERICA

I, (name), (title), agree that (name of applicant), and all recipients through (name of applicant) will provide charter service that uses equipment or facilities provided under the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) or under 23 U.S.C. 103(e)(4), 142(a) or 142(c) (the Acts) only to the extent that there are no private charter service operators willing and able to provide the charter service that (name of applicant) and all recipients through (name of applicant) desire to provide unless one or more of the exceptions in 49 CFR 604.9 applies.

I further agree that (name of applicant) and all recipients through (name of applicant) will comply with the provisions of 49 CFR Part 604 before they provide any charter service using equipment or facilities provided under the Acts, that the requirements of 49 CFR Part 604 will apply to any such charter service that is provided, and that the definitions in 49 CFR Part 604 apply to this agreement.

URBAN MASS TRANSPORTATION
ADMINISTRATION

(name of applicant)

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



U.S. Department
of Transportation
Urban Mass
Transportation
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam

211 Main Street
Room 1160
San Francisco, California 94105

REGION IX MANAGEMENT BULLETIN NO. 135

SUBJECT: Certification of Standard Assurances and Certification
Regarding Debarment, Suspension, and Other
Responsibility Matters for all UMTA grant applications

PROGRAM AREA(S): Grants Assistance and Legal

DATE: December 9, 1988

On July 1, 1988, UMTA published Circular 9100.1B which was distributed to UMTA grantees as part of the UMTA Program Guidance Circulars binder dated September 16, 1988. The revised Circular supersedes Circular 9100.1A and contains new and revised language for two required certifications.

Exhibit 1 of the revised Circular contains a format and recommended language for the required certification letter of standard assurances.

Appendix 2 of the revised Circular contains the primary certifications (one for state grantees and one for all other grantees) required by the Office of Management and Budget's (OMB) Common Rule for Non-procurement Debarment and Suspension.

Please note, these certifications are required of all grantees for all applications submitted after September 30, 1988 and will be treated as one-time submissions.

EXHIBIT 1

FORMAT AND LANGUAGE FOR APPLICANT'S CERTIFICATION LETTER

Name and Address
of UMTA Regional
Manager

Dear _____:

The (entity) _____ hereby certifies that it will comply with all Federal statutes, regulations, Executive orders and administrative requirements applicable to applications made to and grants received from the Urban Mass Transportation Administration under Sections 3, 3(a)(1)(C), 4(i), 6, 8, 9, 9B, 10, 16(b)(2), 18 or for human resource assistance under Section 20 of the Urban Mass Transportation Act of 1964, as amended, as well as for transit related projects under the Federal Aid Urban Systems and Interstate Transfer Programs (Sections 142 and 103(e)(4), respectively, of Title 23 of the United States Code.)

The provisions of Section 1001 of Title 18, U.S.C., apply to all certifications and submissions in connection with applications made to and grants received from UMTA.

The applicant certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. §§3801 et seq. are applicable thereto.

Sincerely,

Signature and Title of Authorized Official

The undersigned chief legal counsel for the _____ (entity) _____ hereby certifies that the _____ (entity) _____ has authority under State and local law to comply with the subject assurances and that the certification above has been legally made.

Signature of Applicant's Attorney

Date

APPENDIX 2

CERTIFICATION BY A RECIPIENT OF A GRANT OR COOPERATIVE AGREEMENT

Appendix 2 provides the primary certifications required by the Office of Management and Budget's (OMB) Common Rule for Nonprocurement Debarment and Suspension. The first certification is to be used where the applicant is not a State. The second certification is to be submitted whenever a State acts as the applicant/grantee.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS - PRIMARY COVERED TRANSACTIONS

The Primary Participant (Applicant for an UMTA grant or cooperative agreement), _____, certifies to the best of its knowledge and belief, that it and its principals:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (3) 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 enumerated in paragraph (2) of this certification; and
- (4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the primary participant (Applicant for an UMTA grant or cooperative agreement) is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this proposal.

THE PRIMARY PARTICIPANT (APPLICANT FOR AN UMTA GRANT OR COOPERATIVE AGREEMENT), _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. §§ 3801 ET SEQ. ARE APPLICABLE THERETO.

Authorized Official

Attorney's Signature

Title of Authorized Official

Date

66



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

Western Area Office

211 Main Street
Room 1160
San Francisco, California 94105

WESTERN AREA ADVISORY NO. 19

SUBJECT: 1987 Amendments to the Uniform Relocation Assistance
and Real Property Acquisition Policies Act of 1970 and
Required Certifications

PROGRAM AREA: Program Management and Legal

DATE: March 27, 1989

Attached is a copy of the new government-wide rule implementing the 1987 Amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and a letter from the UMTA Administrator identifying the most significant changes to the law. Please note that the effective date of these new requirements is April 2, 1989.

Also attached to the Administrator's letter are copies of one-time assurances that must be provided by grantees in the following circumstances: (1) prior to obtaining UMTA approval for a new grant involving relocation or acquisition of real property, and (2) prior to continuing acquisition or relocation activities under existing grants after April 2, 1989. Since this is a one-time submission, it should be made applicable to future grants for acquisition and relocation through the statement of continued validity.

After April 2, 1989, acquisitions or relocation activities under existing grants will not be eligible for UMTA reimbursement unless they have been completed in accordance with the new regulations, including having a certification on file with the Regional Office.

If you have any questions, please contact the Regional Office.

2 Attachments



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

The Administrator

400 Seventh St. S.W.
Washington, D.C. 20590

MAR 17 1989

Dear Colleague:

Enclosed is a copy of the governmentwide final single rule implementing the 1987 Amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act). The implementation date of this final rule for the Urban Mass Transportation Administration (UMTA) is April 2, 1989. The most significant changes in the law and implementing regulations involve increases in minimum payments to displaced persons and businesses.

Section 24.4 of this regulation requires that grantees submit to UMTA an assurance of compliance with the Uniform Act and the implementing regulations. This assurance must be provided before UMTA may approve a new grant involving acquisition of real property or the relocation of persons or businesses. This assurance must also be provided prior to continuing such activities under existing grants after April 2, 1989.

Copies of the assurances are enclosed. Attachment 1 is the real property acquisition assurance and Attachment 2 is the relocation assurance. The two assurances may be combined. The assurances should be sent to the appropriate UMTA Regional Office.

Under existing grants, acquisition transactions which have not reached settlement and relocation transactions where the actual relocation has not occurred by April 2, 1989, will not be eligible for UMTA reimbursement unless they are completed in accordance with the new regulation.

Additional questions regarding these assurances or any other part of the rule should be directed to the appropriate UMTA Regional Office or Frank Kelly, UMTA's Real Estate Specialist in Washington, D.C. at 202/366-1647.

Sincerely,

Alfred A. DelliBovi
Alfred A. DelliBovi

Enclosure

ONE TIME ASSURANCE
REAL PROPERTY ACQUISITION Requirements of the
Uniform Relocation Assistance and Real Property
Acquisition Policies Act of 1970, As Amended

The _____ (name of applying agency)
hereby assures that it will comply with Section 305 of the
Uniform Relocation Assistance and Real Property Acquisition
Policies Act of 1970, as amended by the Uniform Relocation Act
Amendments of 1987, Title IV of the Surface Transportation and
Uniform Relocation Assistance Act of 1987, P. L. 100-17, 101 Stat.
246-256 and the implementing regulations at 49 CFR Part 24.

(name of authorized official)

(signature)

(title)

(date)

ONE TIME ASSURANCE
RELOCATION Requirements of Title II of the
Uniform Relocation Assistance and Real Property
Acquisition Policies Act of 1970, As Amended.

The _____ (name of applying
agency) assures that it will comply with Section 210 of the
Uniform Relocation Assistance and Real Property Acquisition
Policies Act of 1970, as amended by the Uniform Relocation
Act Amendments of 1987 Title IV of the Surface Transportation
and Uniform Relocation Assistance Act of 1987, P. L. 100-17,
101 Stat. 246-256 and the implementing regulations at 49 CFR
Part 24.

(name of authorized official)

(signature)

(title)

(date)



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

REGION VIII
Colorado, North Dakota,
Montana, South Dakota,
Utah, Wyoming
1989 OCT 30

Federal Office Building
1961 Stout Street
Room 520
Denver, Colorado 80294

WESTERN AREA ADVISORY NO. 30

SUBJECT: Bus Testing Certification -- One-Time Submission

PROGRAM AREAS: Project Development, Legal, Program Management

DATE: October 10, 1989

Dear Grantee:

Enclosed is an interim final regulation published on August 23, 1989, concerning UMTA's new bus testing requirements.

As mandated by statute, UMTA is instituting a program to test new bus models at a facility in Altoona, Pennsylvania. No funds obligated by UMTA after September 30, 1989 may be used to purchase a new bus model, as defined by the regulations, unless the model has been tested at this facility and the grantee has received a copy of the test report.

A certification is enclosed for your use in connection with each application to UMTA for the purchase or lease of buses. Applicants must certify that buses to be purchased or leased will be tested if they are new bus models, and that final acceptance will not occur until a test report has been received.

Please read the regulation with care. Note especially that it is the responsibility of grant recipients in dealing with a manufacturer to determine whether a particular vehicle is subject to testing requirements.

Action	
Date 10/31	To Kelly
<input type="checkbox"/>	Note and return
<input type="checkbox"/>	Note and file
<input type="checkbox"/>	Return with more information
<input type="checkbox"/>	Please answer (send me a copy)
<input type="checkbox"/>	Prepare for my signature
<input type="checkbox"/>	Please reply quickly
<input type="checkbox"/>	For your information
<input type="checkbox"/>	Take appropriate action
<input type="checkbox"/>	Investigate and report
<input type="checkbox"/>	See me about this
Due Date	Control No.
CC: <i>W. J. [unclear]</i>	

Sincerely,

[Handwritten Signature]
Louis F. Mraz, Jr.
Acting Western Area
Director



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

The Deputy Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

Dear Colleague:

The Urban Mass Transportation Administration (UMTA) is implementing Section 317 of the Surface Transportation and Uniform Relocation Assistance Act of 1987. Section 317 requires that a model of all new bus models be tested at a facility designed for that purpose at Altoona, Pennsylvania. UMTA has contracted with the Pennsylvania State University to establish and operate this bus testing facility.

Section 317 provides that no funds obligated after October 1, 1989, may be expended for a new bus model, unless it has been tested at the facility. UMTA published a proposed rule on May 25, 1989, proposing a range of options to implement this program. Because the facility must be operational by October 1, 1989, the agency just published an interim final rule (see enclosed) specifying procedures that will go into effect on October 1, 1989.

This interim final rule sets out the procedures that must be complied with until the test facility is fully operational and UMTA issues a final rule. Please note in particular the summary of key points for the transition period on page 35159 of the Federal Register publication.

I believe that we all have the desire for a smooth transition to full bus testing at these facilities. Your understanding and assistance during this interim period will be greatly appreciated. As also noted in the interim rule, both my staff and the staff of the Pennsylvania State University are available to answer questions.

Sincerely,

Roland J. Cross

Enclosure

CERTIFICATION FOR THE INTERIM BUS TESTING
PROGRAM (49 CFR PART 665)

In accordance with the requirements of 49 CFR Part 665, the (LEGAL NAME OF APPLICANT), certifies that, by the time of final acceptance of the first vehicle, the following two conditions will have been met for any new bus model or any bus model with a major change in configuration or components acquired or leased with funds obligated by UMTA after September 30, 1989.

1. A model of the bus has been tested at the bus testing facility,

and

2. The applicant has received a copy of the Test Report prepared on the bus model.

Signature of Authorized Official

Title

Date



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam

211 Main Street
Room 1160
San Francisco, California 94105

REGION IX MANAGEMENT BULLETIN NO. 148

SUBJECT: Lobbying Restrictions Questions and Answers

PROGRAM AREAS: Grants, Program Management and Legal

DATE: June 20, 1990

On December 20, 1989, the Federal Office of Management and Budget published "Governmentwide Guidance for New Restrictions on Lobbying: Interim Final Guidance," 54 Federal Regulations 52305. A copy of this guidance was previously provided in Western Area Advisory No. 35, dated February 14, 1990.

UMTA and OMB have worked together to produce a set of questions and answers, attached, which should assist grantees in complying with the new guidance. The questions and answers re-emphasize the basic requirements, such as the prohibition against spending Federal funds to lobby Federal personnel, and the requirement to submit lobbying certifications and disclosure forms, as appropriate.

The questions and answers describe who is subject to the guidance and when and where certification and disclosure forms must be filed. They also clarify whether or not certain types of activities are considered lobbying for the purposes of this guidance. In addition, the questions and answers specify the relevant language to be included in solicitations for bids involving more than \$100,000.

Grantees are reminded that the guidance became effective on December 23, 1989. Therefore, grantees, subrecipients, contractors and subcontractors involved in UMTA-assisted transactions exceeding \$100,000 are currently subject to the certification and disclosure requirements. They must submit, receive and, in some instances, forward certification and disclosure forms in accordance with the guidance.

The questions and answers may be amended in the future if OMB issues a revised final regulation on lobbying. For the moment, however, you may rely on the advice contained in the questions and answers for help in dealing with the interim guidance.

Attachment

DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

Lobbying Restrictions Questions and Answers

SUMMARY: Last year Congress enacted restrictions on lobbying effective December 23, 1989, and directed the Office of Management and Budget to issue governmentwide guidance for agency implementation of, and compliance with, the requirements of Section 1352 of Title 31 U.S.C. An interim final rule is currently in effect while the final rule is in process. This guidance contains non-binding, non-regulatory questions and answers that may be of assistance to UMTA grantees in understanding this interim rule.

Prohibition. The lobbying restrictions prohibit using Federally appropriated funds to pay for influencing Federal government officials in connection with specific grants and contracts. Lobbying is not prohibited. Using Federally appropriated funds to pay for lobbying is prohibited.

Requirements. In addition to the prohibition on using Federally appropriated funds to pay for lobbying, the restrictions also seek to reveal the activities of lobbyists who are paid to influence Federal government officials. To accomplish this, Federal grantees and contractors are required to certify compliance with the prohibition and to disclose certain lobbying activities conducted with non-Federally appropriated funds.

Certification. A Certification must be submitted with an application for a Federal grant or a bid/proposal on a Federally funded contract exceeding \$100,000 stating that the prohibition on the use of Federally appropriated funds will be observed and passed along to sub-awardees receiving in excess of \$100,000. UMTA is prohibited from awarding any new grants or contracts to applicants/bidders who have not certified.

Disclosure. A Disclosure form must be submitted by an applicant/bidder for a Federal grant or contract exceeding \$100,000 to report the activities of lobbyists paid to influence Federal government officials about those grants or contracts. Disclosure is not required for the lobbying activities of long term regularly employed officers or employees of grantees. Only activities by other than an applicant/bidder's own employees (hired lobbyists) and newly hired officers and employees must be disclosed.

Transmittal. Grantees' Certifications are transmitted to UMTA Regional Offices where they are retained. Sub-awardees' Certifications are transmitted to and retained by the tier above. Grantees' and sub-awardees' Disclosure forms are first transmitted

to UMTA regional offices and then forwarded to UMTA headquarters, the Office of the Secretary and eventually to Congress.

DATE: 22 May 1990.

FOR FURTHER INFORMATION CONTACT: Attorney-Advisor Elizabeth A. Snyder, Office of Chief Counsel, Room 9316, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, D.C. 20590, (202) 366-1936, or Transportation Specialist Irvin H. Chor, Office of Grants Management, Room 9315, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, D.C. 20590, (202) 366-1643.

SUPPLEMENTARY INFORMATION: The following are questions on the lobbying restrictions and answers developed by the UMTA staff. Although these answers reflect UMTA's current understanding of this regulation, a final rule is in process which may require changes to this non-binding, non-regulatory guidance.

1. Question: Do the lobbying restrictions apply to an applicant/bidder which contracts with an organization to coordinate all activities related to obtaining Federal grants and contracts?

Answer: Yes. For grants or contracts exceeding \$100,000, the applicant/bidder must certify compliance with the influencing restrictions and the efforts of the contractor to influence Federal officials about specific grants and contracts must be disclosed. Professional and technical services rendered directly in the preparation, submission, or negotiation of the application or for meeting requirements imposed by law as a condition for receiving a particular Federal grant or contract are not influencing activities and need not be disclosed.

2. Question: Do the lobbying restrictions apply to policy issues which are not directly related to specific grants or contracts?

Answer: No. The regulation does not apply to influencing policy issues. Expenses associated with lobbying Congress remain ineligible for reimbursement under the cost principles of Office of Management and Budget Circular A-87 and related circulars.

3. Question: Do the following activities of hired consultants require disclosure under the regulations?

(a) asking Congressional representatives to support mass transit?

Answer: No. This is lobbying for a policy rather than a grant or contract and no disclosure is required.

(b) asking Congressional representatives for support of a particular application or bid?

Answer: Yes. This relates to a specific grant or contract and must be disclosed if the action involves more than \$100,000.

(c) asking Congressional representatives to check on the status of a particular application or bid?

Answer: No. A simple status inquiry, which is not an attempt to influence, need not be disclosed.

(d) telling Congressional representatives that the grantee will be "hurting" if it doesn't get its Federal grant?

Answer: Yes. Such a communication is an attempt to influence and must be disclosed, if the grant is for more than \$100,000.

(e) initiating talks with UMTA officials about the dire need for section 3 funds to supplement section 9 funds?

Answer: No disclosure is required as long as the talks remain broad and general. If the talks lead to an application for more than \$100,000, disclosure would be required.

(f) asking Congress to "earmark" in an appropriations bill Section 3 discretionary funds for a particular project?

Answer: Yes. Attempting to influence Congress to "earmark" Agency appropriations in excess of \$100,000 for a specific project requires disclosure when the application is submitted.

(g) asking Congress to authorize special mass transportation legislation?

Answer: No, as long as the legislation neither commits nor recommends that UMTA make or enter into specific grants or contracts.

4. Question: Do grantees which receive funding from various Federal Agencies need to send original Certifications to each Federal Agency or may they send originals to one and copies to the others?

Answer: For any covered Federal action requiring certification, each Federal Agency needs an original Certification for purposes of enforcement.

5. Question: Can companies which contract with several UMTA grantees submit Certifications and Disclosures directly to UMTA?

Answer: No. Certifications and Disclosures pertain to specific grants or contracts over \$100,000 and are submitted to individual grantees.

6. Question: When must Disclosure forms be submitted?

Answer: If appropriate, Disclosure forms are required when applicant/bidder makes its first submission initiating Federal Agency consideration. Additionally, Disclosure forms are required each calendar quarter following the first disclosure if there has been a material change in the status of the previous disclosure.

7. Question: What constitutes a material change requiring additional disclosure?

Answer: The regulation includes as a material change the following:

- (1) a cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or
- (2) a change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or
- (3) a change in the officer(s) or employee(s) or Member(s) contacted to influence or attempt to influence a covered Federal action.

8. Question: Do the certification and disclosure requirements apply to a recipient's sub-grantees and contractors?

Answer: Yes, any recipient of a subgrant, contract or subcontract exceeding \$100,000 is required to certify compliance and submit Disclosure forms if appropriate.

9. Question: Should a grantee incorporate the Certification language in its contracts with third parties?

Answer: Yes, if the contracts involve more than \$100,000.

10. Question: Is there specific language in the regulation that grantees should include in their solicitations for bids involving more than \$100,000?

Answer: Yes, the language contained in the "Certification Regarding Lobbying," Appendix A, of the "Governmentwide Guidance for New Restrictions on Lobbying," 55 Fed.Reg. 6736, February 26, 1990.

11. Question: What does the grantee do with Certifications and Disclosures submitted by subgrantees and contractors?

Answer: Certifications are submitted to the next highest tier and retained on file. Disclosure forms must be forwarded by each grantee to the appropriate UMTA regional office.



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

REGION VIII
Colorado, North Dakota,
Montana, South Dakota,
Utah, Wyoming

Federal Office Building
1961 Stout Street
Room 520
Denver, Colorado 80294

WESTERN AREA ADVISORY NO. 35 ✓

**SUBJECT: Governmentwide Guidance for New Restrictions on Lobbying
Interim Final Rule**

PROGRAM AREAS: Legal, Program Management

DATE: February 14, 1990

Enclosed are: 1) a letter from the Administrator explaining the Governmentwide Guidance for New Restrictions on Lobbying, 2) a copy of the Office of Management and Budget (OMB) Interim Final Guidance, and 3) a certification form.

The new law, which became effective December 23, 1989, requires that all UMTA recipients certify that no federal funds are used to influence federal employees, Members of Congress, and Congressional staff regarding specific grants, and that recipients who use non-federal funds for lobbying on behalf of specific projects or proposals must submit disclosure documentation when these efforts are intended to influence the decisions of federal officials. The provisions apply to grants, contracts, and cooperative agreements involving \$100,000 or more.

Please review the enclosed documents carefully. For grants that were made on or after December 23, 1989, please return the signed certificate and disclosure forms by February 24, 1990. For all pending or future applications, these documents must be on file with the appropriate UMTA office prior to obligation of the grant.

If you have any questions regarding this requirement, please contact the UMTA Regional Counsel for your region, as follows:

Region VIII - Helen Knoll (303) 844-3242
Region IX - Renee Marler (415) 484-3133
Region X - Shelly Brown (206) 442-4210

Enclosures

**CERTIFICATION
OF
RESTRICTIONS ON LOBBYING**

I, _____, hereby certify on
(name and title of grantee official)

behalf of _____ that:
(name of grantee)

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this _____ day of _____, 19_____.

By _____
(signature of authorized official)

(title of authorized official)



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

The Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

January 24, 1990

Dear Colleague:

Section 319 of the Fiscal Year 1990 Department of the Interior and Related Agencies Appropriations Act, Public Law 101-121, contains a prohibition on the use of appropriated funds for "influencing or attempting to influence" Federal officials in connection with grants, cooperative agreements or contracts. The new law became effective December 23, 1989, and requires specific actions by prospective Urban Mass Transportation Administration (UMTA) grantees and contractors in order to remain eligible for federal funds.

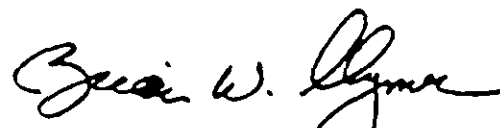
The first requirement of the new law is that all UMTA recipients must certify that no federal funds are used to influence federal employees, Members of Congress, and Congressional staff regarding specific grants or contracts. The second requirement is that recipients who use non-federal funds for lobbying on behalf of specific projects or proposals must submit disclosure documentation when these efforts are intended to influence the decisions of federal officials. These provisions apply to grants, contracts and cooperative agreements involving \$100,000 or more.

With this letter, we are including the interim guidance developed by the Office of Management and Budget (OMB) directing all federal agencies to uniformly implement these new requirements. We are also providing a certification form which must be completed and sent to your UMTA regional office (for Sections 3,8,9,16 and 18 grantees) or the appropriate headquarters office (for Sections 6,8,10,11,20 recipients and UMTA contractors).

Please follow the OMB guidance regarding the "Disclosure of Lobbying Activities" form, where applicable. We are developing additional guidance concerning the disclosure documentation and the quarterly reports that are required by the new law and will provide this information as quickly as possible. Please review these documents and return the signed certificate and disclosure forms within thirty (30) days of the date on this letter.

Thank you very much for your cooperation in this matter. I am confident that we will be able to implement these new requirements quickly and efficiently.

Sincerely,


Brian W. Clymer



U.S. Department
of Transportation
Urban Mass
Transportation
Administration

CIRCULAR

UMTA C 7005.1

December 5, 1986

**Subject: DOCUMENTATION OF PRIVATE ENTERPRISE PARTICIPATION
REQUIRED FOR SECTIONS 3 AND 9 PROGRAMS**

1. PURPOSE.

This Circular provides guidance to Urban Mass Transportation Administration (UMTA) grant applicants and recipients of UMTA funds for the development and documentation of the local process for considering of the capability of private providers to perform mass transportation and related support services. This documentation will allow UMTA to make the findings required under Sections 3(e) and 8(c) of the Urban Mass Transportation Act of 1964, as amended (UMT Act) and to determine compliance with Sections 8(e) and 9(f) of the UMT Act.

2. SCOPE.

This Circular applies to programs to be funded with Federal assistance under Sections 3 and 9 of the Urban Mass Transportation Act of 1964, as amended, and Sections 103(e)(4) and 142 of Title 23, U.S.C.

3. BACKGROUND.

The joint UMTA/FHWA planning regulation (48 FR 30332, June 30, 1983) requires that the local planning process be consistent with Sections 3(e) and 8(e) concerning the involvement of private transportation providers. On October 22, 1984, UMTA published "Private Enterprise Participation in the Urban Mass Transportation Program" in the Federal Register (49 FR 4310). (The Policy Statement.) On January 24, 1986, UMTA published "Guidance on Documentation of Private Enterprise Participation in Urban Mass Transportation Programs; Notice" in the Federal Register (51 FR 3306). (The Guidance.) These documents strengthen UMTA's implementation of the private sector participation provisions of the UMT Act and were intended to provide a greater competitive environment and increase the opportunities for private sector participation in mass transportation operations.

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OPI: OFFICE OF BUDGET
AND POLICY

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The Policy Statement was designed as a general statement of policy and continues in effect. The Guidance provided that it was effective for Fiscal Year 1986 and would be followed by a Circular establishing guidance for future years. This Circular supersedes the Guidance. A recent action of Congress directly relates to UMTA's involvement in private sector initiatives, and this Circular reflects that action.

Specifically, the Department of Transportation and Related Agencies Appropriations Bill, 1987 (H.R. 5205), contains a provision, Section 327, relating to private sector involvement in UMTA programs. That section imposes restrictions on what UMTA may do regarding private sector involvement, but it also provides "...that it is not the intent of this section to supercede [sic] the existing statutory requirements of Section 3(e), 8(e), and 9(f) of the Urban Mass Transportation Act of 1964, as amended." The explanatory language of the accompanying conference report (H.R. Rpt. 99-976), reiterates the prohibitions and provides that; "The conferees want to be certain that UMTA does not exceed its current statutory authority as it implements its private sector initiatives." The provision thus imposes limitations on UMTA but also recognizes UMTA's ongoing statutory responsibilities under Sections 3(e), 8(e) and 9(f) of the UMT Act. After reviewing the provision and its legislative history, UMTA interprets Section 327 to mean that UMTA may not:

- a. Condition a Section 9 grant on a specific level of private sector involvement;
- b. Establish quotas for private sector involvement; or
- c. Mandate the local decision regarding private sector involvement.

This Circular imposes no such requirements.

However, for UMTA to continue to exercise its statutory responsibilities, as Section 327 recognizes it must, UMTA requires that grantees use a locally developed process for the consideration of private enterprise. UMTA seeks to ensure that the means by which local public bodies select service providers, although locally determined, allows UMTA to make the statutory findings required under Sections 3(e) and 8(c) as well as comply with the provisions of Sections 8(e) and 9(f) of the Act. UMTA will not withhold funds with respect to any particular decision by a grantee regarding private sector participation, but it will exercise its full statutory responsibility in ensuring that a local process is in place which encourages private enterprise participation to the maximum extent feasible and that that process is followed.

4. DEFINITIONS.

"Costs" means fully allocated costs which are attributable to the provision of the service. The application of these costing principles which reflect generally accepted accounting principals are more fully described in "Guidelines for Fully Allocated Costs in Transit Service," available from UMTA on request.

"New or restructured services" means a significant service change. This may involve any of the following: establishment of a new mass transportation service; addition of a new route or routes to a grantee's mass transportation system; a significant increase or decrease in service on an existing route in a grantee's mass transportation system; a significant realignment of an existing route in a grantee's mass transportation system; or a change in the type or mode of service provided on a specific regularly scheduled route in a grantee's mass transportation system.

5. LOCAL PROCESS.

Each UMTA grantee must develop or adopt a process for the consideration of private enterprise participation and the private operation of mass transportation and other support services to the maximum extent feasible to provide a basis for UMTA to make the Section 3(e) and 8(c) findings and to ensure compliance with Sections 8(e) and 9(f).

In those cases where the State is the recipient of UMTA funds and passes those funds through to local entities, the subrecipient must submit the appropriate documentation to the State. The State is expected to provide UMTA with a summary of this documentation. The documentation itself should be retained by the State to be made available to UMTA upon request.

Each locality is free to develop its own process for the consideration of private enterprise. At a minimum the locally developed process must include those factors set forth in The Policy Statement, which include the following:

- a. Notice to and early consultation with private providers in plans involving new or restructured service as well as the periodic re-examination of existing service.
- b. Periodic examination, at least every three years, of each route to determine if it could be more efficiently operated by a private enterprise.
- c. Description of how new and restructured services will be evaluated to determine if they could be more effectively provided by private sector operation pursuant to a competitive bid process.
- d. The use of costs as a factor in the private/public decision.
- e. A dispute resolution process which affords all interested parties an opportunity to object to the initial decision. UMTA's complaint process is designed to accept appeals of this local dispute resolution process.

A grantee should submit its process to UMTA. The acceptability of the local process is an essential element in UMTA's making the Section 3(e) and 8(c) findings as well as determining compliance with Sections 8(e) and 9(f) of the Act.

6. TIP/AE DOCUMENTATION.

At the time of the submission of the TIP/AE, a Metropolitan Planning Organization (MPO) is expected to certify that the local process has been followed and to describe how the local process led to the development of the projects contained in the TIP/AE. This documentation should contain:


- a. A description of the involvement of the private sector in the development of the specific projects. The determination of whether service or support functions reflected in the annual element are to be provided by a public or private provider can be arrived at through use of requests for proposals, requests for bids, or other means in the local planning process;
- b. A description of the proposals received from the private sector and how they were evaluated;
- c. A description of impediments to holding service out for competition and the measures taken to address the impact of such impediments; and
- d. A description and status of private sector complaints.

The nature and length of documentation will be left to the grantee's discretion. It is UMTA's expectation that the documentation will be kept to a minimum, and that information previously submitted need not be resubmitted. If additional information or clarification is needed, UMTA may require it prior to approval of the Program of Projects.

7. COMPLAINT PROCESS.

The MPO should develop a process and ensure the fair resolution of disputes for all parties. Interested parties may appeal the local decision to UMTA in accordance with the provisions of The Policy Statement. Complaints to UMTA will be referred to the MPO unless the Complaint states that the Complainant has already attempted to resolve the problem at the local level. Once a Complainant has exhausted his local dispute resolution process, he should send his complaint to:

Chief Counsel
Urban Mass Transportation Administration
400 7th Street, SW
Room 9328
Washington, D.C. 20590



Ralph L. Stanley
Administrator

CERTIFICATION OF PRE-AWARD AND POST-DELIVERY
AUDITS OF ROLLING STOCK PURCHASES

(SAMPLE)

This certifies the _____ Recipient _____ will comply with the Federal Transit Administration (FTA) requirements for pre-award and post-delivery audits of rolling stock purchases:

The _____ Recipient _____ will conduct required pre-award audits of purchases of rolling stocks intended for use in revenue service (except when less than 10 units are purchased, or in the case of unmodified vans from an automotive manufacturer);

Pre-award audits will include a Buy America certification, a "pre-award purchaser's requirements certification" (as per Section 663.27), and a Federal Motor Vehicle Safety certification, where required;

Post-delivery audits will include a post-delivery Buy America certification, a post-delivery purchaser's requirements certification, and a Federal Motor Vehicle Safety Standard manufacturer's self-certification (when required); and

The _____ Recipient _____ will certify that rolling stock purchased with FTA funds obligated on or after October 24, 1991 will be subjected to the required audits.

Authorized Official
Title

Date



U.S. Department
of Transportation
Federal Transit
Administration

Western Area Office

Columbine Place
216 Sixteenth Street
Suite 650
Denver, Colorado 80202

WESTERN AREA ADVISORY NO. 66

SUBJECT: New Section 504/ADA Assurance Concerning
Nondiscrimination on the Basis of Disability
for Federal Transit Administration Projects

PROGRAM AREAS: Grants, legal and Civil Rights


DATE: August 8, 1992

Due to the promulgation of regulations by the Department of Transportation (DOT), and other Federal agencies, to implement the Americans with Disabilities Act of 1990, the Section 504 assurance you previously submitted has been revised to highlight the new DOT regulations and to remind you that these regulations apply to ALL FTA projects.

Grantees are required to submit to FTA a signed copy of the attached assurance prior to FTA awarding any further grants. If you have a grant application pending approval/release in the current Forth Quarter, please return your executed assurance immediately to your FTA Regional Office. In the future, this assurance will be considered a one-time submission to be included by reference in the Statement of Continued Validity of One-Time Submissions.

Should you have any questions regarding this new assurance, please contact the following individuals in your region:

Don Cover, Region 8, 303/844-3242
Portia Palmer, Region 9, 415/744-3115
Terry Ebersole, Region 10, 206/553-4210



Louis F. Mraz, Jr.
Western Area Director

Attachment

Assurance Concerning Nondiscrimination on the
Basis of Disability in Federally-Assisted Programs
and Activities Receiving or Benefitting from
Federal Financial Assistance

Implementing the Rehabilitation Act of 1973, as amended, and
the Americans With Disabilities Act of 1990

(Federal Transit Administration)

_____, (the "Recipient") AGREES THAT,
(Name of Applicant)

as a condition to the approval or extension of any Federal financial assistance from the Federal Transit Administration (FTA) to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research or to participate in or obtain any benefit from any program administered by the FTA, no otherwise qualified person with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance administered by the FTA or any entity within the United States Department of Transportation (DOT).

Specifically, the Recipient GIVES ASSURANCE that it will conduct any program or operate any facility so assisted in compliance with all applicable requirements imposed by DOT regulations implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 (and any subsequent amendments thereto) set forth at 49 C.F.R. Parts 27, 37, and 38, as well as all applicable regulations and directives issued pursuant thereto by other Federal departments or agencies.

Date

Legal Name of Applicant

BY: _____

Signature of Authorized Official

5-26-88

URBAN MASS TRANSPORTATION ADMINISTRATION CIVIL RIGHTS ASSURANCE

The (Name of Grant Applicant/Recipient) HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The (Name of Grant Applicant/Recipient) will compile, maintain, and submit in a timely manner Title VI information required by UMTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.8.
3. The (Name of Grant Applicant/Recipient) will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Urban Mass Transportation Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.

(NAME AND TITLE OF AUTHORIZED OFFICER)

DATE: _____

(SIGNATURE OF AUTHORIZED OFFICER)

DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE

The (Title of Grant Applicant/Recipient) (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including (Name of Appropriate Administration), and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its (Name of Appropriate Program) :

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(a) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all (Name of Appropriate Program) and, in adapted form in all proposals for negotiated agreements:

The (Name of Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clause set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under (Name of Appropriate Program); and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under (Name of Appropriate Program).
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the (Name of Appropriate Program) and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the (Name of Appropriate Program). The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATED: _____

by _____
(Name of Recipient)

(Signature of Authorized Official)

Attachments:
Appendices A, B, and C

(APPENDIX A TO TITLE VI ASSURANCE)

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the (Recipient) or the (Name of Appropriate Administration) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the (Recipient), or the (Name of Appropriate Administration) as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the (Recipient) shall impose contract sanctions as it or the (Name of Appropriate Administration) may determine to be appropriate, including, but not limited to:
 - (a) withholding of payments to the contractor under the contract until the contractor complies; and/or

(b) cancellation, termination, or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the (Recipient) or the (Name of Appropriate Administration) may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the (Recipient) to enter into such litigation to protect the interests of the (Recipient), and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(APPENDIX B TO TITLE VI ASSURANCE)

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the (Name of Recipient) will accept title to the lands and maintain the project constructed thereon, in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of (Name of Appropriate Program) and the policies and procedures prescribed by (Name of Appropriate Administration) of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (Name of Recipient) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto (Name of Recipient) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the (Name of Recipient), its successors and assigns.

The (Name of Recipient), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed (,) [and]* (2) that the (Name of Recipient) shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21,

Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

- * Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

(APPENDIX C TO TITLE VI ASSURANCE)

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the (Name of Recipient) pursuant to the provisions of Assurance 7(e).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of (Name of Recipient) and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by (Name of Recipient) pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in case of deeds, and leases add "as a covenant running with the land"] that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise

subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of (Name of Recipient) and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.