

**New Jersey
New Freedom (NF)
Application for FFY 2010 and FFY 2011**

Grant program for services that break down barriers to employment and full participation in society for people with disabilities through increasing access to transportation.

Applications (Section D) are due by February 16, 2011

Responses (Section D and part II) should be submitted by e-mail and Paper Copy **to both your local MPO Contact person AND NJ TRANSIT:**

To MPO Lead:

Michael Reeves

SJTPO

782 S. Brewster Road, Unit B6

Vineland, NJ 08361

mreeves@sjtpo.org

To NJ TRANSIT:

Sally Stocker

New Jersey Transit

1 Penn Plaza East

Newark, NJ 07105

sstocker@njtransit.com

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PART I. Overview

Section A. General Program Information

1. Introduction

Human service transportation includes a broad range of transportation service options designed to meet the needs of transportation disadvantaged populations including older adults, disabled persons and/or those with lower income. Individuals with different needs require different services depending on their abilities, their environment, and the options available in their community.

The **New Freedom** formula grant program aims to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society. The program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990. Services that go beyond the ADA include “public transportation services designed to meet the needs of people with disabilities other than those that are required under the ADA, as well as public transportation services that allow providers to exceed their obligations under the ADA” (Federal Register/Vol.74, No.81/April 29, 2009)

A description of the NF program can be found in the **FTA Circular C.9045.1** on the FTA website <http://www.fta.dot.gov>. and Federal Register Vol.74, No.81 April 29, 2009 Notice of Policy Statement. The Program Management Plan describing the New Freedom application process and the Coordinated Transportation Plans in New Jersey can be found on the United We Ride website www.njcttp.org.

The application used for the **New Freedom** grant program **can be found on the website: www.sjtpo.org** : **Publications: Job Access Reverse Commute Report: NF Application 2010 and in Section D of this document. Local matching funds are required for New Freedom as well as participation in the Local County Coordinated Human Service Transportation Plan (see NJCTPP.org).** (Note: A separate application is available for the Job Access and Reverse Commute Program by contacting James Flynn at NJ Transit jpflynn@njtransit.com or (973-491-7382.) or by going to the above website (www.sjtpo.org).

New Freedom funds are available for two years in all three MPO regions. The funding covers FFY 2010 (July 1, 2012-June 30, 2013) and FFY 2011 (July 1, 2013-June 30, 2014).

Completed applications (Section D and Part II) are due no later than **February 16, 2011**. All responses must be submitted by **email and also postmail** (signed hard copy) . Responses should be in standard PC-compatible text file format DOC or PDF. **Please limit responses for every question to a maximum of 400 words.**

Responses should be submitted **to your local MPO Contact person AND to NJ TRANSIT:**

To MPO Lead:

Michael Reeves

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To NJ TRANSIT:

Sally Stocker

New Jersey Transit

1 Penn Plaza East

Newark, NJ 07105

sstocker@njtransit.com

2. History : New Freedom FTA Circular C.9045.1 at <http://www.fta.dot.gov>

The Federal Transit Administration (FTA) New Freedom (NF) program aims to break down barriers to employment opportunities and full participation in society for disabled persons through increasing access to transportation programs.

The New Freedom formula grant program aims to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force **and** full participation in society. The program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990. Individuals that are transportation-disadvantaged face different challenges in accessing services depending on whether they live in urban, rural, or suburban areas. The geographic dispersion of transportation-disadvantaged populations also creates challenges for human service programs hoping to deliver transportation for their passengers. Lack of adequate transportation is a primary barrier to work for individuals with disabilities. The 2000 census showed that only 60% of people between the ages of 16 and 64 with disabilities are employed. New Freedom seeks to expand transportation mobility options available to people with disabilities.

The New Freedom program was authorized under the provisions set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU), enacted on August 10, 2005. New Freedom is codified at 49 U.S.C. 5317. Program information on New Freedom is located in **FTA Circular 9045.1** issued on May 1, 2007 and Federal Register, April 29,2009,Vol.74, No.81.

We strongly advise all potential applicants to review the FTA Circular for further clarification.

3. MPO: NJ Local Metropolitan Planning Organizations: DVRPC, SJTPO, NJTPA

The three Metropolitan Planning Organizations (MPO) in New Jersey are: Delaware Valley Regional Planning Commission (DVRPC), South Jersey Transportation Planning Organization (SJTPO), and North Jersey Transportation Planning Authority (NJTPA). They are responsible for allocating federal funds for transportation and transportation-related improvements in the region and they facilitate the selection process for the New Freedom program.

4. The Coordinated Human Service Transportation Plan (UWR CHSTP)

Federal transit law, as amended under SAFETEA-LU, requires that projects funded from the Elderly Individuals and Individuals with Disabilities (Section 5310), JARC (Section 5316), and New Freedom (Section 5317) programs be derived from a locally developed, coordinated public transit human services transportation plan (**CHSTP**). A coordinated plan maximizes the programs' collective coverage by minimizing duplication of services.

Executive Order 13330 signed on February 24, 2004, established the new Interagency Transportation Coordinating Council on Access and Mobility (**CCAM**). The purpose of the Council is to coordinate 62 different Federal programs across 9 Federal departments that provide funding to be used in support of human services transportation. The CAMM then established United We Ride, an interagency Federal national initiative that supports States and their localities in developing coordinated human service delivery systems and plans. All 21 counties facilitated the coordination of "County Plans" and the 3 MPO's developed Regional Plans. For SJTPO, the Plan is SJTPO Regional Human Service Transportation Plan – 2007 (Note: there is a separate plan for each of the four SJTPO counties) which can be found on the SJTPO website at www.sjtpo.org: Publications: Regional Human Service Transportation Plan 2007. SJTPO is currently updating this Plan (to be completed by December, 2010) and it should be available on the SJTPO website (SJTPO Regional Human Service Transportation Plan Update – 2010) by early 2011.

All New Jersey applicants in the DVRPC, SJTPO, and NJTPA region must reference their respective MPO and their County plan and indicate how their application is consistent with the goals and priorities in the plan. All applicants must include the page number of the information related to their project. Additional information on CHSTP, including electronic versions of regional MPO, county plans and other program information is located at:

- DVRPC: <http://www.dvrpc.org/planning/regional/chstp.htm>.
- SJTPO: www.sjtpo.org
- NJTPA: www.njtpa.org
- County plans: www.njcttp.org

| County | United We Ride Leads | Metropolitan Planning Organization |
|-------------------|--|--|
| Atlantic | Carl Lindow Atlantic County Transportation PO Box 13 New Road & Dolphin Avenue Northfield, NJ 08225 609-645-7000 x4058 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Bergen | Tom Murphy Bergen County Community Transportation 178 Essex Street Lodi, NJ 07644 201-368-7557 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Burlington | Julie Gandy Burlington County Dept. of Transportation 795 Woodlane Road Mount Holly, NJ 08060 609-265-5043 or 5109 | Joseph Hacker Delaware Valley Regional Planning Commission (DVRPC) 190 N. Independence Mall West, 8 th Floor Philadelphia, Pa. 19106 215-238-2898 |
| Camden | Carole Miller South Jersey Transportation Authority 800 Cooper Street Suite 500 Camden, NJ 08102 856-427-0988 | Joseph Hacker Delaware Valley Regional Planning Commission (DVRPC) 190 N. Independence Mall West, 8 th Floor Philadelphia, Pa. 19106 215-238-2935 |
| Cape May | Colleen McCabe Cape May Community Transportation Services Cape May Courthouse 4 Moore Road Cape May, NJ 08210 609-889-3700 or 7812 | Michael Reeves South Jersey Transportation Planning Organization (SJTPO) 782 S. Brewster Rd. B6 Vineland, NJ 08361 856-794-1941 |
| Cumberland | Linda Krsnak Cumberland County Improvement Authority 2 North High Street Millville, NJ 08332 856-825-3700 | Michael Reeves South Jersey Transportation Planning Organization (SJTPO) 782 S. Brewster Rd. B6 Vineland, NJ 08361 856-794-1941 |
| Essex | Frank Cuoco Essex County Department of Citizen Services 50 South Clinton Street East Orange, NJ 07018 973-395-8400 or 8404 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Gloucester | Rick DeCosta, Coordinator Gloucester Department of HS Division of Transportation Services 211 County House Road Sewell, NJ 08080 856-401-7645 or 7646 | Joseph Hacker Delaware Valley Regional Planning Commission (DVRPC) 190 N. Independence Mall West, 8 th Floor Philadelphia, Pa. 19106 215-238-2898 |

| | | |
|------------------|--|--|
| Hudson | Harold E. Demellier, Director Department of Roads and Public Property Meadowview Complex, Bldg. One 595 County Avenue Secaucus, NJ 07094 201-558-7095 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Hunterdon | Crystal Barnes Hunterdon County Planning Department Route 12, County Complex, Bldg. #1 Flemington, NJ 08822 908-788-1490 Or Lupe Fowler (co-lead) Hunterdon County Department of Human Services 8 Gauntt Place - Box 2000 Hunterdon County Administration Building #1 Flemington, NJ 08822 908-788-1253 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Mercer | Martin DeNero Mercer County Trade Transportation Public Works Facility 300 Scotch Road Building 1 Trenton, NJ 08628 609-530-1970 x17 | Joseph Hacker Delaware Valley Regional Planning Commission (DVRPC) 190 N. Independence Mall West, 8 th Floor Philadelphia, Pa. 19106 215-238-2898 |
| Middlesex | Steve Fittante, Director Middlesex County Area Transit 711 Jersey Avenue New Brunswick, NJ 08901 732-745-7456 or 4029 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Monmouth | Henry Nicholson Monmouth County Department of Transportation 250 Center Street Freehold, NJ 07728 732-431-6480 or 732-577-6731 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Morris | Edward Farcas County of Morris Department of Senior, Disabled and Veterans Affairs PO Box 900 Morristown, NJ 07963-0900 973-829-2869 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Ocean | Kathy Edmond, Transportation Coordinator Ocean Ride 1959 Route 9 PO Box 2191 Toms River, NJ 08754-2191 732-736-8989 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |

| | | |
|-----------------|---|--|
| Passaic | John McGill Passaic Division of Family Services 52 Church Street Paterson, NJ 07505 973-247-2487 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Salem | Ray Bolden Inter-Agency Council of Salem County 98 Market Street Salem, NJ 08079 856-935-7510 x8203 | Michael Reeves South Jersey Transportation Planning Organization (SJTPO) 782 S. Brewster Rd. B6 Vineland, NJ 08361 856-794-1941 |
| Somerset | Yvonne Manfra 750 East Main Street Bridgewater, NJ 08807 908-231-7116 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Sussex | Mary (Betsy) Towle Sussex County Department of Social Services 83 Spring Street Suite 203 Newton, NJ 07860 973-383-3600 x5140 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Union | Karen Dinsmore, Asst Director Union County Department of Human Services Union County Administration Building 10 Elizabethtown Plaza Elizabeth, NJ 07207 908-527-4809 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |
| Warren | JanMarie McDyer Warren County Department of Human Services Division of Contract Administration Cummins Building 202 Mansfield Street Belvidere, NJ 07823 908-475-6332 or 6080 | Hamou Meghdir North Jersey Transportation Planning Authority (NJTPA) One Newark Center, 17 th Floor Newark, NJ 07102 973-639-8436 |

Section B. Eligibility

1. Geographic Areas

The service (project) requesting New Freedom funds must be located in respective DVRPC, SJTPO, and NJTPA MPO urban regions and /or in small urban/rural areas of New Jersey. NJ TRANSIT is the designated recipient for New Jersey and reviews applications with the MPO's for the urbanized, small urbanized (areas between 50,000 and 200,000 in population) and Non-urbanized Areas (under 50,000 in population).

DVRPC reviews applications for the Philadelphia Urbanized Area (Burlington, Camden, Gloucester, and Mercer Counties) as well as the small urban/rural areas.

SJTPO reviews applications for the Atlantic City Urban Area of Atlantic, Cumberland, and Salem Counties (as well as the small urban/rural areas).

NJTPA reviews applications for Newark/NY/Ct Urban Area of Northern/Central NJ (13 Counties located in this area) as well as the small urban/rural areas.

2. Eligible Organizations and Agencies

The following organizations and entities are eligible to apply for funding

- Private non-profit organizations;
- State or local governmental authorities; and
- Operators of public transportation services, including private operators of public transportation service.

3. Eligible Activities

Activities identified by FTA as potential projects for the New Freedom program are listed below. Because local priorities vary, not all eligible projects may be recommended for funding.

Eligible New Freedom Activities (Excerpt taken from the New Freedom Circular FTA C.9045.1, Chapter.III.11)

New Freedom Program funds are available for capital and operating expenses that support new public transportation services beyond those required by the Americans with Disabilities Act of 1990 (ADA) and new public transportation alternatives beyond those required by the ADA designed to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support services. For the purpose of the New Freedom Program, "new" service is any service or activity that was not operational on August 10, 2005, and did not have an identified funding source as of August 10, 2005, as evidenced by inclusion in the Transportation Improvement Plan (TIP) or the STIP. In other words, if not for the New Freedom Program, these projects would not have consideration for funding and proposed service enhancements would not be available for individuals with disabilities.

Eligible projects funded with New Freedom funds may continue to be eligible for New Freedom funding indefinitely as long as the project(s) continue to be part of the coordinated plan. Both new public transportation services and new public transportation alternatives are required to go beyond the requirements of the ADA and must (1) be targeted toward individuals with disabilities; and (2) meet the intent of the program by removing barriers to transportation and assisting persons with disabilities with transportation, including transportation to and from jobs and employment services. **The list of eligible activities is intended to be illustrative, not**

exhaustive. This does not mean, however, that an eligible project is guaranteed for selection, since a region may have priorities focusing on funding specific activities to the exclusion of others. Recipients are encouraged to develop innovative solutions to meet the needs of individuals with disabilities in their communities.

New Public Transportation Services Beyond the ADA. The following activities are examples of eligible projects meeting the definition of new public transportation.

1. Enhancing paratransit beyond minimum requirements of the ADA. ADA complementary paratransit services can be eligible under New Freedom in several ways as long as the services provided meet the definition of “new:”
 - (a) Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA;
 - (b) Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services;
 - (c) The incremental cost of providing same day service;
 - (d) The incremental cost of making door-to-door service available to all eligible ADA paratransit riders, but not as a reasonable modification for individual riders in an otherwise curb-to-curb system;
 - (e) Enhancement of the level of service by providing escorts or assisting riders through the door of their destination;
 - (f) Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for common wheelchairs under the ADA and labor costs of aides to help drivers assist passengers with over-sized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600 lb design load, and the acquisition of heavier-duty vehicles for paratransit and/or demand-response service; and
 - (g) Installation of additional securement locations in public buses beyond what is required by the ADA.
2. Feeder services. New “feeder” service (transit service that provides access) to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA.
3. Making accessibility improvements to transit and intermodal stations not designated as key stations. Improvements for accessibility at existing transportation facilities that are not designated as key stations established under 49 CFR 37.47, 37.51, or 37.53, and that are not required under 49 CFR 37.43 as part of an alteration or renovation to an existing station, so long as the projects are clearly intended to remove barriers that would otherwise have remained. New Freedom funds are eligible to be used for new accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail and rapid rail. This may include:
 - (a) Building an accessible path to a bus stop that is currently inaccessible, including curbcuts, sidewalks, accessible pedestrian signals or other accessible features,
 - (b) Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA,
 - (c) Improving signage, or wayfinding technology, or
 - (d) Implementation of other technology improvements that enhance accessibility for people with disabilities including Intelligent Transportation Systems (ITS).
4. Travel training. New training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services.

New Public Transportation Alternatives Beyond the ADA. The following activities are examples of projects that are eligible as new public transportation alternatives beyond the ADA under the New Freedom Program:

1. Purchasing vehicles to support new accessible taxi, ride sharing, and/or vanpooling programs. New Freedom funds can be used to purchase and operate accessible vehicles for use in taxi, ridesharing and/or van pool programs provided that the vehicle has the capacity to accommodate a passenger who uses a “common wheelchair” as defined under 49 CFR 37.3, at a minimum, while remaining in his/her personal mobility device inside the vehicle, and meeting the same requirements for lifts, ramps and securement systems specified in 49 CFR part 38, subpart B.
2. Supporting the administration and expenses related to new voucher programs for transportation services offered by human service providers. This activity is intended to support and supplement existing

transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Only new voucher programs or expansion of existing programs are eligible under the New Freedom Program. Vouchers can be used as an administrative mechanism for payment of alternative transportation services to supplement available public transportation. The New Freedom Program can provide vouchers to individuals with disabilities to purchase rides, including: (a) mileage reimbursement as part of a volunteer driver program; (b) a taxi trip; or (c) trips provided by a human service agency. Providers of transportation can then submit the voucher for reimbursement to the recipient for payment based on predetermined rates or contractual arrangements. Transit passes for use on existing fixed route or ADA complementary paratransit service are not eligible. Vouchers are an operational expense which requires a 50/50 (Federal/local) match.

3. Supporting new volunteer driver and aide programs. New volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, coordination with passengers, and other related support functions, mileage reimbursement, and insurance associated with volunteer driver programs. The costs of new enhancements to increase capacity of existing volunteer driver programs are also eligible. FTA notes that any volunteer program supported by New Freedom must meet the requirements of both “new” and “beyond the ADA.” FTA encourages communities to offer consideration for utilizing all available funding resources as an integrated part of the design and delivery of any volunteer driver/aide program.
4. Supporting new mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management is an eligible capital cost. Mobility management techniques may enhance transportation access for populations beyond those served by one agency or organization within a community. For example, a non-profit agency could receive New Freedom funding to support the administrative costs of sharing services it provides to its own clientele with other individuals with disabilities and coordinate usage of vehicles with other nonprofits, but not the operating costs of the service. Mobility management is intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service. Mobility management activities may include:
 - (a) The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, older adults, and low-income individuals;
 - (b) Support for short term management activities to plan and implement coordinated services;
 - (c) The support of State and local coordination policy bodies and councils;
 - (d) The operation of transportation brokerages to coordinate providers, funding agencies and customers;
 - (e) The provision of coordination services, including employer-oriented Transportation Management Organizations’ and Human Service Organizations’ customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individualized travel training and trip planning activities for customers;
 - (f) The development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs; and
 - (g) Operational planning for the acquisition of intelligent transportation technologies to help plan and operate coordinated systems inclusive of Geographic Information Systems (GIS) mapping, Global Positioning System Technology, coordinated vehicle scheduling, dispatching and monitoring technologies as well as technologies to track costs and billing in a coordinated system and single smart customer payment systems (acquisition of technology is also eligible as a stand alone capital expense).

According to (Federal Register/Vol.74, No.81/April 29, 2009): Services that go beyond the ADA include “public transportation services designed to meet the needs of people with disabilities other than those that are required under the ADA, as well as public transportation services that allow providers to exceed their obligations under the ADA” . Please refer to this notice for further clarifications.

Section C. Application Process and New Freedom application requirements

1. Schedule

Each MPO area will hold an introductory question and answer meeting. For SJTPO, the meeting will be scheduled for mid-January, 2011 (applicants will be notified of meeting date, time and location). All completed applications are due to SJTPO by February 16, 2011.

2. Process

1. DVRPC, SJTPO, and NJTPA will announce solicitation for New Freedom applications for FFY 2010, 2012, on their website. Upon request a mailing can be sent to potential applicants that includes general program information and application dates. The website/ mailing will invite them prospective applicants to a kickoff meeting. DVRPC, SJTPO, and NJTPA will advertise program in local papers.
2. Prior to submission applicants need to contact and obtain a support letter from their respective County planner who is responsible for Coordinated Human Service Transportation Planning (CCHSTP: see Section A.5, page 8-10). This meeting with the responsible County Planner will assist the County planner to understand the application and confirm that the designated recipient can realistically support the application. The letter should clearly indicate (by page) where the project (and/or the need for the project) can be found in the County HSTP plan. A copy of the actual page must also be included with the letter and in the application. If the project (and need) is not currently mentioned in the plan please indicate this information in the letter from the county planner along with a timeframe for when the information will be included in the county plan.
3. Applicant submits completed project application to the MPO and NJ TRANSIT by application deadline. One application is requested for each project or service (Section D). The application provides the information needed for this selection process and submission to the FTA. Applicants will be required to provide information on the proposed project, intended beneficiaries, eligibility requirements, area to be served, additional funding, how FTA funding will be used, evidence of coordination, and organizational capacity. Several maps shall be included to assist applicants locating demographic and employment information. Specific details concerning the proposed project are also requested.
Completed applications are due no later than February 16, 2011. All responses must be submitted by **BOTH** email and mailed signed hard copy (a CD or flash drive may also be included). Responses should be in standard PC-compatible DOC or PDF format. **Please limit your responses to each question to a maximum of 400 words.**

A detailed description of the application process is located in **the NJ Program Management Plan (www.nicttp.org)**.

4. The MPO and NJ TRANSIT reviews the applications for completeness, adherence to guidelines, and coordinates with the applicant on any missing information. Applications and score sheets are then sent to the members of a selection committee appointed by each MPO.
5. The Selection Committee members will rank the applications and then send the scoring sheets back to the MPO. Rankings will be based on the completed score sheet provided in the application packet.
6. The selection committee's recommended projects are forwarded to the MPO for final approval.
7. Final recommendations and project rankings are forwarded to NJ TRANSIT for consideration for inclusion in a statewide application to the FTA.
8. The Designated Recipient (NJ TRANSIT) works with the recommended project applicants to obtain necessary signatures for the complete statewide application to FTA. Final subrecipient budgets and recommended individual funding levels are determined by the funding available in each MPO area as well project needs at that time the application is submitted to the FTA.

3. Evaluation Criteria

All applications will be evaluated using scoring criteria located below. This scoring system was constructed using the guidelines provided by the NJ TRANSIT State Management Plan, SJTPO, NJTPA, United We Ride, and the local human service transportation coordination plan.

Selection Committee Scoring Criteria

Note: The Annual application of a prior approved, successful New Freedom project (continuation project) is given priority over new or expanded New Freedom requests.

NEW FREEDOM

Applicant:

Proposal:

| Basic Requirements | Yes | No |
|--|----------------|---------------------|
| Applicant is an eligible organization and proposed project is eligible for funding under FTA Circular Requirements C. 9045.1 | | |
| Applicant met with County Planning Agency prior to application submission. Part of CHSTP Application is complete. | | |
| | | |
| | | |
| Total Score | Total Possible | Total Received JARC |
| | 100 | |
| Need for Project (Project Summary pages 5-6) | 20 | |
| Project is a continuation of a previously funded SUCCESSFUL NF service | 5 | |
| Project serves an IDENTIFIED disabled person area | 5 | |
| | | |
| Project enhances employment (workforce integration) opportunities <i>Project serves an Employment Area–Project enhances full participation in society for persons with disabilities. 1-10 pts.</i> <i>Project does not enhance employment/community integration opportunities– 0 pts</i> | 0 to 10 | |
| Benefits Received (Service Area & Employment pages 7-8; 13-16) | 45 | |
| Relationship of Benefits Received <i>Project provides Transportation Service directly to user (Operations) –10 pts</i> <i>Project has “Indirect Service” directly to user(Planning/Capt/ Mobility Mgt) –5 pts</i> <i>Project has indirect benefits – 0 pts</i> | 0 to 10 | |
| Service area eligibility <i>Inter-County Service/Inter-County Riders 10 pts OR IntCoServ & Intra CoRiders 7pts</i> <i>Intra-County Service – 5 pts (for above, consider degree distance across “border”)</i> <i>Intra-municipal service – 0 pts</i> | 0 to 10 | |
| Project reaches a wide range of disabled individuals- 0-5 pts. | 0- 5 | |
| Estimate % of employment type trips | 10 | |
| Estimate % of trips for disabled individuals | 10 | |
| Project Sustainability and Coordination (pages 9-12) | 35 | |
| A portion of the matching funds from additional agencies or sources (other than government State/County/Casino/TIF/TANF...). Ex. include employers, foundations... | 5-10 | |
| Quality of Application and Level of Detail - Reviewer Discretion 0-10 (Bonus Points) | 0-10 | |
| Project provides access to/coordination with/use of other services (ex. NJ Transit feeder) | 5 | |
| Project is realistic. | 10 | |
| | | |
| | | |

4. Funding

Anticipated New Jersey Funding Levels

New Freedom: \$2,960,415 in Federal Funds is expected for New Freedom projects (FFY 2010),. Estimate \$3,000,000 for FFY 2011 . The subrecipient is expected to provide the match (50/50 for Operating projects and 80/20 for Capital/Planning, Mobility Management projects).

The Federal share of eligible costs may not exceed the following:

- **80 percent** of the net cost for **capital** expenses and planning activities (including Mobility Management)
- **50 percent** of the net **operating** expenses
- The FTA further explains differences between capital and operating expenses. The basic definition of an **operating** cost is something that does not have a useful life of more than one year. In contrast, a **capital** item is usually a tangible item that has a useful life of more than one year. For example, vouchers are considered an operating expense, consistent with FTA program requirements; insurance is considered an operating expense; a guaranteed loan fund or a revolving fund used to make loans are capital expenses; and funds used to pay the administrative costs of loan programs are operating expenses. The construction of bus stops, installation of elevators, or the purchase of buses are examples of capital expenses. Also, **mobility management** is defined by law as an eligible capital expense.
- Other Federal DOT funds cannot be used as match. Fares cannot be used as match but they can offset the cost of service,
- A local match is required for ALL projects.

5. Contact Information

Please direct all comments, concerns, and completed applications (e-mail and hard copy) to:

MPO contact:

Michael Reeves

782 S. Brewster Road, Unit B6

Vineland, NJ 08361

mreeves@sitpo.org

NJ Transit:

Sally Stocker

1 Penn Plaza East

Newark, NJ 17105

sstocker@njtransit.com

NEW FREEDOM APPLICATION

Federal Fiscal Year 2010 and 2011

Application Submitted by: _____

Date: _____

NEW FREEDOM Application (Section D)

I. Applicant Information

1. Project Name

2. Please provide the following about your organization:
 - a. Organization Legal Name
 - b. Address
 - c. County
 - d. Congressional District(s)
 - e. Tax Identification Number and **501(3)c Certificate** (if applicable please attach)
 - f. Contact Name and Title (and address if different then above)
 - g. Contact Telephone Number
 - h. Contact Fax Number
 - i. Contact E-mail
 - j. DUNS Number: (apply at www.ffata.gov or www.USASpending.gov) Federal Funding Transparency Act.

3. **Type of Organization or Agency:** The following organizations and entities are eligible to apply for funding (**please check one**):
 - Private non-profit organizations _____
 - State or local governmental authorities _____
 - Operators of public transportation services, including private operators of public transportation service _____

II. Project Summary: Please see Appendix for specific information that should be included below.

1. This project is a (please check one):

Continuation of existing New Freedom project: _____

Continuation of a non- New Freedom funded project (begun post 8/10/05): _____

Expansion of an existing New Freedom project: _____

Expansion of an existing non New Freedom funded project (begun post 8/10/05): _____

New project (program): _____

If this is a continuation or expansion of a non New Freedom funded project please indicate current source of non- New Freedom funding. _____

2. Detailed description of the Project: For what type of project, program, or service are you seeking funding: (See Section B.3 Eligible Activities. List the Activities):

a. Overall description of the project:

b. Goals and objectives of the project:

c. How does the project address the transportation needs of **disabled individuals** to employment sites or training locations? Please quantify (estimate the number of different disabled individuals to be served and the % of disabled individuals in the service area). Please provide the source of the data.

III. Service Area and Employment Information: Performance Measures (Circular Chapter II.3)

1. Please identify the area to be served:

2. Please indicate the potential origins and destinations of potential disabled individuals the proposed project, program, or service will serve:

3. Please describe and estimate the number of jobs and/or the number of job sites/employment centers that can be accessed as a result of these projects:

4. Please attach a map of the service area , printed schedules, routes, timetables, brochures, etc. Indicate employment centers on the map. Indicate locations of disabled populations on the map

5. How many stops are within ¼ mile of the employment centers that were not previously reasonably accessible by transit (from the origin served): _____.
6. Performance Measure: Estimated annual number of different individual clients and passenger one way trips this project, program, or service will serve **ANNUALLY**:

Different Clients _____ Passenger One Way Trips _____

Different Clients to Employment Sites ____ Passenger One Way Trips to Employment Sites ____

- a. If this is a **CONTINUATION** service, please indicate the annual number of passenger trips actually provided in CY 2010 and proposed for 2011 (and # different clients/individuals served if # is available) :
 - b. CY 2010: Different Clients: _____ Passenger Trips ____ Emp.Clients__ Emp. Trips ____
 - c. CY 2011: Different Clients: _____ Passenger Trips _____ Emp.Clients__ Emp. Trips ____
 - d. Cost/Passenger trip in CY 2010 : _____
 - e. Anticipated Cost/Passenger trip in CY 2011: _____

7. Employment Locations

- a. Does this project serve an Employment Center ?

| | |
|--|-----|
| | Yes |
| | No |

If yes, please name the employment center (s) and indicate the number and types of jobs the project serves:

How many of these jobs could be considered “entry level” jobs: _____

** Performance Measure: Describe anticipated (for new) or actual (for continuation) increases or enhancements related to geographic coverage, service quality, or service times that impact the availability of transportation service for persons with disabilities as a result of this New Freedom project.

** Performance Measure: Describe anticipated (for new) or actual (for continuation) changes to environmental infrastructure (transportation facilities, sidewalks.ect), technology, and vehicles that impact the availability of transportation service for persons with disabilities as a result of this New Freedom project

IV. Local Human Service Coordination Plan

1. Please identify clearly which strategies or goals, listed in your Regional MPO and in your County Local Human Service Coordination Plan, that the project, program, or service addresses. See website **NJCTTP** for your current MPO and County Coordination Plans as well as the State Management Plan (www.njcttp.org). Please explain how your project relates to the strategies or needs discussed in the coordination plan.

Indicate what page(s) in the plans relate to your project (mandatory) and attach the page.

MPO Plan _____ County Plan _____

(EXACT PAGE and COPY of PAGE INFORMATION IS REQUIRED)

2. If the project is not currently identified in the plan please provide a letter from the county coordinator indicating the status of any amendment to the plan to include this project.
3. Has designated county lead for the County Local Coordination Plan been notified of your intent to apply? A letter of support from your County Lead must be included in this application..
 - a. Date notified:
 - b. Are you a stakeholder in the local planning process?
 - c. Please discuss any issues / concerns the County Plan might have had with the project
 - d. If applicable, please discuss how you plan to address these issues:
4. Does this project coordinate with any other transportation service?

| | |
|--------------------------|-----|
| <input type="checkbox"/> | Yes |
| <input type="checkbox"/> | No |

If YES, please describe. How does the project use or support existing transportation services and / or integrates with other service providers

- a. Does the project feed/connect with NJ TRANSIT bus and/or rail service: _____

Please Identify locations, bus routes, train stations:

5. Please provide names of other service providers or agencies in your area that you have coordinated with on this project or other projects relating to transportation.

V. Organizational Capability

1. Please describe your organization, including number of full time employees, part time employees, and volunteers. Include an organization chart.
2. Please describe how this project will be implemented and administered within your organization. Who will do the work?

b. Do you plan to subcontract the service ? _____

3. Please provide a brief summary of existing or former mobility / accessibility/ transportation programs. Please include types and number of clients or individuals served, and funding sources.
4. Performance: How will your organization monitor the project performance? What measures will be used (for example, passenger trips, vehicle hours, miles, denied trip requests, employer sites reached ...). Will "site visits" be conducted? Internal and external (subcontractor) ? How frequently?.

VI. Funding

Total **Annual** project budget, including FTA requests, Local County/Agency Matching funds, and other sources of Match (please identify specific source). If applying for two years of funding (FFY 2010 AND FFY 2011, estimate each year in ()). **Complete the project funding request table AFTER completing the required line item spreadsheet D.VII. page 24 for FFY 2010 and page 26 for FFY 2011.**

FFY 2010 Funds (July 1, 2012 – June 30, 2013)

| NF Funds FFY 2010 | FTA Request | Local Match County/Agency Other | Total Budget (FTA + Required Match) | Overmatch, any ex. extra funds, fares | Total Budget (including overmatch) |
|---|------------------------|--|--|--|---|
| SAMPLE: | \$80,000 | \$80,000 | \$160,000 | \$40,000 | \$200,000 |
| Operating (50/50) | | | | | |
| Capital (80/20) | | | | | |
| Planning (Mobility Management) 80/20 | | | | | |
| Total Request | | | | | |

NOTE: The Federal share of eligible capital and planning costs may not exceed 80 percent of the net cost of the activity. The Federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity. A

local match is required for all projects. **MATCHING FUNDS:**

| Name of Funding Source | Amount of Funding Source |
|-----------------------------------|-------------------------------------|
| 1. TANF Block | |
| 2. TANF Plus, Special | |
| 3. County/State | |
| 4. Agency | |
| 5. Employers | |
| 6. Casino Revenue | |
| 7. DOL/DHS | |
| 8. Other (Identify) | |

I certify that this invoice is correct and that the described services have been furnished or rendered, and that no bonus has been given

**For Use with Federally Funded Programs
Monthly Expenditure Report and Reimbursement Request
FFY 2010 Estimate**

Check (✓) appropriate grant program pertaining to this reimbursement form.

Note: Each grant program funding source must have its own reimbursement form.

GRANT PROGRAM: JARC _____ CMAQ _____ 5307 _____ 5309 _____ New Freedom: _____

Program Name: _____

Service Start Date: _____

Example: Secaucus Shuttle

Agreement: From: mm/dd/yyyy

To: mm/dd/yyyy

Number: _____

Expenses: From: 07/01/2012

To: 06/30/2012

(See Instructions to insert invoice number)

Order (PO) #: _____

REIMBURSEMENT PAYABLE TO:

Name of Grantee and Address

Name of Grantee/Subrecipient - Make sure your information is same as on the PO,

Address

Submission Date: _____

Town, State, Zip

or received on account of said invoice.

Signature(Required): _____

Print Name: _____

Title: _____

Phone Number: _____

| OPERATING/ADMINISTRATIVE BUDGET LINE ITEMS | PROJECT BUDGET | AMOUNT OF CURRENT REIMB. REQUESTED | TOTAL REIMB. TO DATE |
|--|-------------------|---|-------------------------|
| Salaries & Fringe Benefits (Operating) (drivers, mechanics, and dispatchers, etc.) | | | |
| Salaries & Fringe Benefits (Admin) (project director, secretary, bookkeeper, etc.) | | | |
| Standard Overhead (Indirect Costs as indicated in an approved Cost Allocation Plan including office insur. if applicable) | | | |
| Third Party Contract Services (I.e. audit, legal, leased vehicles, drug & alcohol testing, etc.) | | | |
| Office Supplies (Admin) | | | |
| Insurance premiums or payments to a self-insurance reserve (Operating) | | | |
| Marketing Expenses | | | |
| Maintenance and repairs (include towing, vehicle registration costs) | | | |
| Materials consumed (oil, fuel, etc.) | | | |
| Tele-data communications (telephone, cell, GPS, radio communications, computer software) | | | |
| Training / Travel | | | |
| Other Miscellaneous Expenses (include uniforms, webinars, etc. if applicable). Please List and identify as Admin. or Operating | | | |
| Total Operating/Program Expenses | | | |
| (-Fares, Donations) | | | |
| (-Local Funds, Matching Funds) | | | |
| Total Reimbursement Request | \$0.00 | | |

FFY 2011 (July 1,2013 – June 30, 2014)

| NF Funds FFY 2013 | FTA Request | Local Match County/Agency Other | Total Budget (FTA + Required Match) | Overmatch, any ex. extra funds, fares | Total Budget (including overmatch) |
|---|------------------------|--|--|--|---|
| SAMPLE: | \$80,000 | \$80,000 | \$160,000 | \$40,000 | \$200,000 |
| Operating (50/50) | | | | | |
| Capital (80/20) | | | | | |
| Planning (Mobility Management) 80/20 | | | | | |
| Total Request | | | | | |

NOTE: The Federal share of eligible capital and planning costs may not exceed 80 percent of the net cost of the activity. The Federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity. A

local match is required for all projects. **MATCHING FUNDS:**

| Name of Funding Source | Amount of Funding Source |
|-----------------------------------|-------------------------------------|
| 1. TANF Block | |
| 2. TANFPlus, Special | |
| 3. County/State | |
| 4. Agency | |
| 5. Employers | |
| 6. Casino Revenue | |
| 7. DOL/DHS | |
| 8. Other (Identify) | |

I certify that this invoice is correct and that the described services have been furnished or rendered, and that no bonus has been given

**For Use with Federally Funded Programs
Monthly Expenditure Report and Reimbursement Request
FFY 2011 Estimate**

Check () appropriate grant program pertaining to this reimbursement form.
Note: Each grant program funding source must have its own reimbursement form.

GRANT PROGRAM: JARC _____ CMAQ _____ 5307 _____ 5309 _____ New Freedom: _____

Program Name: _____

Service Start Date: _____

Example: Secaucus Shuttle

Agreement: From: mm/dd/yyyy

To: mm/dd/yyyy

Number: _____

Expenses: From: 07/01/2013

To: 06/30/2013

(See Instructions to insert invoice number)

Order (PO) #: _____

REIMBURSEMENT PAYABLE TO:

Name of Grantee and Address

Name of Grantee/Subrecipient - Make sure your information is same as on the PO,

Address

Submission Date: _____

Town, State, Zip

or received on account of said invoice.

Signature(Required): _____

Print Name: _____

Title: _____

Phone Number: _____

| OPERATING/ADMINISTRATIVE BUDGET LINE ITEMS | PROJECT BUDGET | AMOUNT OF CURRENT REIMB. REQUESTED | TOTAL REIMB. TO DATE |
|--|-------------------|---|-------------------------|
| Salaries & Fringe Benefits (Operating) (drivers, mechanics, and dispatchers, etc.) | | | |
| Salaries & Fringe Benefits (Admin) (project director, secretary, bookkeeper, etc.) | | | |
| Standard Overhead (Indirect Costs as indicated in an approved Cost Allocation Plan including office insur. if applicable) | | | |
| Third Party Contract Services (I.e. audit, legal, leased vehicles, drug & alcohol testing, etc.) | | | |
| Office Supplies (Admin) | | | |
| Insurance premiums or payments to a self-insurance reserve (Operating) | | | |
| Marketing Expenses | | | |
| Maintenance and repairs (include towing, vehicle registration costs) | | | |
| Materials consumed (oil, fuel, etc.) | | | |
| Tele-data communications (telephone, cell, GPS, radio communications, computer software) | | | |
| Training / Travel | | | |
| Other Miscellaneous Expenses (include uniforms, webinars, etc. if applicable). Please List and identify as Admin. or Operating | | | |
| Total Operating/Program Expenses | | | |
| (-Fares, Donations) | | | |
| (-Local Funds, Matching Funds) | | | |
| Total Reimbursement Request | \$0.00 | | |

VIII. Optional: Letters of Support:

From other agencies, organizations, facilities being served, users of the existing/proposed service.

Please discuss any commitments or expressions of interest from employers, job developers, economic development agencies, or other similar organizations as they relate to this project.

IX. Maps and Tables

- Concentrations of Households in Poverty
- Concentrations of Persons with Physical Disabilities
- Concentrations of Persons with Other Disabilities
- Elderly (75 years and Over) Population Concentrations
- Employment Centers
- Urbanized, Small Urban, Rural Areas

Regional Transit: NJ Transit Bus lines/ Rail Line/Other Transit Services

Appendix A. These elements should have been discussed in the application depending on the type of project listed below:

New Freedom Projects (See Section B, Part 2 for Eligible Activities)

1. For projects that enhance paratransit beyond minimum requirements of ADA:

How many clients are served by this program weekly/annually? Passenger trips estimated weekly/annually?

What is the geographic distribution of program participants?

How does the project enhance the current Paratransit service?

What evaluation criteria are used to assess the efficacy of the program?

Services that go beyond the ADA include “public transportation services designed to meet the needs of people with disabilities other than those that are required under the ADA, as well as public transportation services that allow providers to exceed their obligations under the ADA” (Federal Register/Vol.74, No.81/April 29,2009)

2. For projects that provide a new feeder service to a transit facility for which complementary Paratransit service is not required under ADA.

How many clients are served by this program weekly/annually?

What is the geographic distribution of program participants?

Please describe the feeder service.

What evaluation criteria are used to assess the efficacy of the program?

3. For projects that involve accessibility improvements to transit and intermodal stations not designated as key stations:

a. Please describe the existing conditions and proposed improvements. Please provide appropriate maps if applicable.

b. Please discuss how improvements relate to regional, municipal, county, or agency specific planning documents, goals, and objectives.

c. Please provide a description of the improvement area that includes local demographic, employment, and transportation information; and a similar description of how the improvements will enhance access to other destinations.

4. For Travel Training projects:

How many clients are served by this program weekly/annually?

What is the geographic distribution of program participants?

What is the general curriculum for the travel training program?

What evaluation criteria are used to assess the efficacy of the program?

5. For Purchasing new vehicles to support new accessible taxi, ride sharing, or vanpooling programs

How many clients are served by this program weekly/annually?

What is the geographic distribution of program participants?

Please describe how the project supports accessibility programs.

What evaluation criteria are used to assess the efficacy of the program?

6. For projects that support administration and expenses related to new voucher programs for transportation services offered by human service providers

How many clients are served by this program weekly/annually?

What is the geographic distribution of program participants?

Describe the specific program which this money is being used to promote/market.

What percentage of specific program costs does the administration comprise? (may not exceed 10%)

What evaluation criteria are used to assess the efficacy of the program?

7. For programs that support new volunteer driver and aide programs

How many clients are served by this program weekly/annually?

What is the geographic distribution of program participants?

How will the project support new volunteer driver and aide programs?

What evaluation criteria are used to assess the efficacy of the program?

8. For programs that support mobility management or coordination programs

How many clients are served by this program weekly/annually?

What is the geographic distribution of program participants?

Please describe the mobility management or coordination program.

What evaluation criteria are used to assess the efficacy of the program?

PART II: Additional Information and Signatures Required

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MARKETING and SCHEDULES

Please provide a brief description of any marketing efforts (advertising, radio, website) as well as copies of agency/project brochures, “bus” schedules, timetables, routes etc.

DEMONSTRATED NEED FOR ADDITIONAL TRANSPORTATION SERVICES

A. Percentage of low-income (150% of poverty level) in project service area :

0 – 20% _____ 61 – 80% _____

21 – 40 % _____ 81 – 100% _____

41 – 60% _____

How does this project actually assist LOW INCOME individuals?

B. Percentage of low-income (150% of poverty level) in Metropolitan Statistical Area or county:

0 – 20% _____ 61 – 80% _____

21 – 40 % _____ 81 – 100% _____

41 – 60% _____

PROJECT CONTACTS

Provide the name, title, address, phone/fax number, and e-mail of the key contact people :

1. Freeholder Director/County Executive or, if agency, Executive Director/Chairman of the Board
2. Administrative Contacts (person responsible for the administration of the grant)
3. Operations Contact (person responsible for operational issues regarding grant)

4. Procurement Contact (Individual who will be responsible for procuring capital and preparing bid packages for service providers.)
5. Financial Contact (person responsible for billing, accounting, closeouts, reimbursement requests)
6. Audits Contact (responsible for annual audits)
7. County or Agency Counsel
8. EEO Representatives – A Subrecipient’s Chief Executive Officer (CEO) should designate an EEO Officer and adequate staff to administer the EEO program. The EEO Officer should be an executive and should report directly to the CEO. Care should be taken to avoid conflicts when assigning responsibility for administering the EEO program as a collateral duty assignment, e.g., a personnel officer may have a conflict of interest.
9. DBE Representative
10. ADA Representative
11. Local Coordinated Human Service Transportation Planning Process Lead:

LISTING OF OPERATORS and UNIONS IN SERVICE AREA

Subrecipient **MUST** provide an **accurate and up-to-date** listing of **ALL** existing transportation providers in the transportation service area of the project **and** all labor organizations that represent transit employees of these service providers. **For each union or independent labor organization, please provide all contact information: name of organization, contact person, mailing address, telephone number, facsimile number, and e-mail address).** Failure to provide details will delay funding.

Transportation Providers

Labor Organizations (if provider has no labor organization state “None”, must verify).

DOCUMENTS AND RECORDKEEPING

Refer to program documents listed below that are maintained relating to program activities. Indicate where these records will be retained, and provide the name of the individual responsible for maintaining documents.

| <u>DOCUMENTS</u> | <u>LOCATION</u> | <u>NAME AND TITLE OF RESPONSIBLE PERSON</u> |
|--|------------------------|--|
| Application | | |
| Contract (w/NJ TRANSIT) | | |
| Contract (w/Service Provider)) | | |
| Driver's Manifest | | |
| Financial Records | | |
| Procurement and Bid Documents Including RFP's | | |
| Daily Pre-Trip form | | |
| Maintenance Records | | |
| Drug & Alcohol Data | | |
| Others (List): | | |

PROCEDURES FOR GRANT ADMINISTRATION REPORTING

Provide a copy of your written procedures how staff performs grant administration and reporting responsibilities such as submission of ridership reports, grant close outs, project implementation, reimbursement submission. If you do not have a written procedure (manual) please describe below.

SERVICE COORDINATION

If the project involves the provision of a service please describe coordination, if any, with NJ TRANSIT and other agencies, organizations, municipalities and/or counties. **If Applicant has written subcontracts or coordination agreements, please submit a copy to NJ TRANSIT.**

- A. Intra-county services (coordination within county borders)
 - List Agreements

 - Service Areas

 - Funding Source(s)

- B. Inter-county services (coordination between applicant and organizations outside county boundaries)
 - List Agreements

 - Service Areas

 - Funding Source(s)

- C. Inter-state services (coordination between applicant and organizations in neighboring states)
 - List Agreements

 - Destinations

 - Service Areas Covered

SERVICE OPERATIONS

Please describe how the following functions are performed by your agency and/or your service provider. If written policies are available, please provide a copy.

1. Reservation/trip request process.

- i. Please provide a copy of your “client application” or intake document, the phone number for trip reservations, and also provide the hours and days reservations are accepted. If there is more than one provider, please provide their names and reservation, telephone number and hours/days that they accept reservations.
- ii. What is the minimum and maximum amount of time needed to reserve a trip (advertised in your policy)?
- iii. Do you attempt to provide service (analyze the schedule) if the request is not in the minimum time required?
- iv. Do you attempt to provide same day (on demand) service if requested?
- v. Do you maintain a passenger profile? If yes, what information is contained in this profile?
- vi. What special provisions, if any, have been made to accommodate competitive employment trips, especially if beyond normal operating hours?
- vii. Please name the computer routing and scheduling software product currently used for operations.
- viii. How is the above computer routing and scheduling product used? Please check all that apply.
 - data base, client file _____
 - computer assisted routing and scheduling _____
 - fully automated routing and scheduling _____
 - to automatically generate ridership reports _____
- ix. Describe any other computer technology used for operations. Example: mobile data terminal, global positions systems, AVL, cell phones, on board cameras, etc.
- x. Do you have any trip type restrictions of priorities ?
- xi. Do you have any geographical boundaries (ex. Only in county trips provided) ?

xii: For **deviated fixed route** service please provide the following:

- Number of trips provided by service deviating from route (average number per year and % of total trips): _____
- Please explain how deviated trips are documented? Please provide a sample.

2. **Complaints:** In general how are complaints handled? Are they documented? If available, please provide complaint form.

3. **Denials & No shows:** Did you have any? Number in 2008: _____
(attach written policy if available)

4. **Monitoring: Procedures and Timelines for monitoring transit service provider. If you contract out for service, provide/describe your monitoring procedures. For continuation projects, date of your last “on the road” service observation:**
_____ **How do you monitor in house service?**

VEHICLE INVENTORY – JARC/NF FUNDED VEHICLES (ONLY)

List/or attach a current inventory list of all vehicles purchased with JARC/NF funds (fully or partially funded). Include any JARC/NF vehicles retired between July 1, 2003 and December 31, 2010.

The inventory must include :

- a. License plate number _____(and agency vehicle number if available_____).
- b. VIN number
- c. Mileage (total as of December 31, 2008)
- d. Year of Vehicle (as it appears on the Certificate of Title)
- e. Year of Purchase
- f. Vehicle Manufacturer – (engine manufacturer) - Ford, Cummins, Chrysler, GM, GE, Plymouth, etc.
- g. Vehicle Body Manufacturer– when a chassis or body is altered by another manufacturer (such as Blue Bird, Champion), the company completing the alteration is considered the body manufacturer.
- h. Vehicle Model – the manufacturer’s model name and/or number.
- i. Vehicle Type -
 - Bus 30 ft. – medium transit bus, 30 passenger
 - Bus < 30 ft. – small transit bus, 24 passenger
 - Bus < 30 ft. – minibus (158” WB)
 - Bus < 30 ft. – extended minibus (176” WB)
 - Sedan/station wagons – Sedan/wagons
 - Van
- j. Vehicle Cost
- k. Grant Year
- l. Location
- m. Use and Current Condition/Status (FT, PT, spare, used for parts..)
- n. In-service Date
- o. Projected Retirement Date
- p. Disposition Action (Auctioned; Active; Competitive Sale Process, Transferred, Returned to NJ TRANSIT)
- q. Fuel – DF (Diesel); GA (Gas); AF (Alternative Fuel)
- r. Floor Plan – Please include # fixed passenger seats; # flips; fliptype; # securements (For example: If you have a vehicle that can seat 14 and has a floor plan that seats 12 ambulatory, has one double flipseat that seats an additional two and one securement position up you would provide information as follows:)
 - # seats: (12)
 - # flips: (1)
 - flip type accomodation: (seats one or two) (2)
 - # securement positions: (1)
- s. Accessible – LF (low floor); LE (lift-equipped); NA (not accessible)
- t. Other (fill in description)

VEHICLE INVENTORY: NON-JARC/NF Funded VEHICLES USED IN JARC/NF SERVICE

Please list or attach a current inventory of all vehicles **not funded with JARC/NF funds** used in JARC or New Freedom service. The inventory must include :

- a. Year of Vehicle _____ and agency vehicle number (if available) _____.
- b. Vehicle Manufacturer (engine manufacturer) – Ford, Cummins, Chrysler, GM, GE, Plymouth, etc.
- c. Vehicle Type Bus 30 ft. – medium transit bus, 30 passenger
 Bus < 30 ft. – small transit bus, 24 passenger
 Bus < 30 ft. – minibus (158” WB)
 Bus < 30 ft. – extended minibus (176” WB)
 Sedan/station wagons – Sedan/wagons
 Van
- d. Source of Funding
- e. Accessible - LF (low floor); LE (lift-equipped); NA (not accessible)
- f. Mileage
- g. Is this vehicle dedicated exclusively to JARC/NF service ? _____yes _____ no
- h. Projected Retirement Date

INDIRECT ADMINISTRATIVE COSTS

A cost allocation plan is required to support the distribution of indirect administrative costs related to the grant program. A Subrecipient must resubmit the plan for approval even if it were submitted for prior grants.

- **Has the Subrecipient made a change in its accounting system, thereby affecting the previously approved cost allocation plan/indirect cost rate and its basis of application?**
- **Has the Subrecipient's proposed cost allocation plan/indirect cost rate exceeded the amounts approved previously by more than 10 percent?**

If you have answered yes to the above questions, or if you did not submit a cost allocation before, please attach a copy of the cost allocation plan (required).

This section must be completed by Subrecipients who plan to charge indirect cost to the grant under operating.

THIRD PARTY CONTRACTING HISTORY JANUARY 1, 2008 – Present

All procurements must provide “full and open competition” and comply with all FTA guidelines found in FTA Circular C 4220.1F (consult FTA Website www.fta.dot.gov). Please list **all** transit-related third party purchase orders and contracts that were funded by JARC or New Freedom grants from 2007 thru the present (i.e., transportation services, computer routed services, dispatching, auditing, drug and alcohol testing, legal, marketing, maintenance) to a third party. List vendor, contact person, address, telephone/fax number, e mail, bid date, award date, contract amount and period/extensions option:

THIRD PARTY CONTRACTING

If the Subrecipient is planning to contract out service under this grant, then the Subrecipient must list all proposed service to be contracted out (i.e., transportation services, computer routed services, dispatching, auditing, drug and alcohol testing, legal, marketing, maintenance) to a third party. Also, list the local public body procurement procedures that will be followed during the procurement process. All bids/RFP/contract awards must have prior NJ TRANSIT review and approval. A price/cost analysis must be done by subrecipient prior to request. See FTA Third Party Contracting Guidelines Circular FTA C 4220.1F, November 1, 2008 (consult FTA Website www.fta.dot.gov).

| <u>Bid/RFP/State Contract</u> | <u>Name/Type of Service</u> | <u>Functions</u> | <u>Timeframe</u> | <u>Estimated Cost/Budget</u> |
|-------------------------------|-----------------------------|------------------|------------------|------------------------------|
|-------------------------------|-----------------------------|------------------|------------------|------------------------------|

MULTI-YEAR FINANCIAL PLAN

Subrecipients should have multi-year financial plans (three to five years) that project operating and capital revenues and expenses. The financial plans should indicate adequate revenues to maintain and operate the existing system and to complete the annual Program of Projects. Revenue sources must be stable and reliable enough to meet future capital and operating costs. Any sign of major decreases in service levels or operations must be explained. Unfunded capital or operating deficits could indicate a grantee's lack of financial capacity to fund the projects programmed in the TIP, and/or adequately maintain and operate FTA-funded assets at the current level of service.

1. Does the Subrecipient have a multi-year financial plan?

2. If yes,
- Where is the financial plan located?

Contact Person _____

Title _____

Phone Number _____

AFFIRMATION OF SUBRECIPIENT
(Required of all Subrecipients)

Name of Subrecipient: _____

Name of Relationship of Authorized Representative: _____

Title of Authorized Representative: _____

By Endorsing this page, I _____ (type name) declare that I am duly authorized by the Subrecipient to make the certifications on behalf of the Subrecipient and bind the Applicant to comply with them. Thus, the Subrecipient agrees to comply with all regulations and administrative guidance required for application it makes to the Job Access Reverse Commute and/or New Freedom Program for the period of January 1, 2012 through December 31, 2014. The Subrecipient affirms the truthfulness and accuracy of the certifications it has made in the statements submitted herein and any other submission made to NJ TRANSIT. In signing this document, I declare the foregoing certifications and any other statement made by me on behalf of the Applicant are true and correct.

Date: _____

(Signature of Authorized Representative)

**ANNUAL AFFIDAVIT OF COMPLIANCE WITH
THE AMERICANS WITH DISABILITIES ACT**

I, _____ (*Name of Individual*), executing this document on behalf of the undersigned company, partnership, corporation, or entity hereinafter referred to as "Subrecipient", presently doing business with NJ Transit, hereby warrant and affirm to NJ Transit as follows:

The Subrecipient certifies that its transportation service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities.

Viewed in its entirety, the Subrecipient's service for individuals with disabilities is provided in the most integrated setting feasible and is equivalent with respect to: (1) response time, (2) fares, (3) geographic service area, (4) hours and days of service, (5) restrictions on trip purpose, (6) availability of information and reservation capability, and (7) constraints on capacity or service availability.

Accessibility features shall be repaired promptly if they are damaged or out of order. When an accessibility feature is out of order, the Subrecipient shall take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. This does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

All common wheelchairs and their users shall be transported in the Subrecipient's vehicles.

The Subrecipient is not required to permit wheelchairs to ride in places other than designated securement locations in the vehicle, where such locations exist.

The Subrecipient shall use the securement system to secure wheelchairs as provided and ensure that the wheelchair remains within the securement area.

The Subrecipient may require that an individual permit his or her wheelchair to be secured.

The Subrecipient may not deny transportation to a wheelchair or its user on the ground that the device cannot be secured or restrained satisfactorily by the vehicle's securement system.

The Subrecipient may recommend to a user of a wheelchair that the individual transfer to a vehicle seat. The Subrecipient may not require the individual to transfer.

Where necessary or upon request, the Subrecipient's personnel shall assist individuals with disabilities with the use of securement systems, ramps and lifts. If it is necessary for the personnel to leave their seats to provide this assistance, they shall do so.

The Subrecipient shall permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.

The Subrecipient shall permit service animals to accompany individuals with disabilities in vehicles and facilities.

The Subrecipient shall ensure that vehicle operators and other personnel make use of accessibility-related equipment or features.

The Subrecipient shall make available to individuals with disabilities adequate information concerning transportation services. This obligation includes making adequate communications capacity available, through accessible formats and technology, to enable users to obtain information and schedule service.

The Subrecipient shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply.

The Subrecipient shall ensure that adequate time is provided to allow individuals with disabilities to complete boarding or disembarking from the vehicle.

The Subrecipient shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.

CERTIFICATION OF ADA COMPLIANT SERVICE

This is to certify that _____ (*Name of Agency*) transportation services meet the requirements as listed above and those of 49 CFR part 37 Transportation Services for Individuals with Disabilities (ADA) as applicable.

Signature

Name of Authorized Official

Title

Date

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

(This section must be completed by Subrecipient's official EEO representative.)

If a Subrecipient employs 50 or more transit-related employees, and if Subrecipient received an excess of \$1 million in capital or operating assistance, it must have an EEO Program that has been approved by FTA.

For the period January 1, 2007 through December 31, 2008, please answer the following:

1. Is the Subrecipient required to have an EEO Program?
2. If yes, does the Subrecipient have an approved program in place?
3. If required, but no program in place, provide estimated date of completion.
Date: _____

Print Name & Title of EEO Representative: _____

Signature of EEO Representative: _____ Date: _____

TITLE VI

(This section must be completed by subrecipient’s official Title VI Representative)

Provide a description of any lawsuits or complaints alleging discrimination on the basis of race, color or national origin filed against the Subrecipient within the past year together with a statement of status or outcome of each such complaint or lawsuit.

Provide a summary of all civil rights compliance review activities conducted between January 1, 2008 through December 31, 2008.

Provide a narrative describing the manner in which the Subrecipient will enforce Title VI compliance by its contractors.

Provide a profile of the service area using the most recent Census of Population statistics. Indicate the source of the information. Provide data as indicated below:

| | POPULATION | NUMBER | % OF TOTAL |
|---------------------------------------|-------------------|---------------|-------------------|
| 1) TOTAL | | | 100% |
| BREAKDOWN OF TOTAL | | | |
| 2) Black, not of Hispanic Origin | | | |
| 3) Hispanic | | | |
| 4) American Indian or Alaskan Native | | | |
| 5) Asian American or Pacific Islander | | | |

Describe the methods (i.e. use of minority and non-English media) used by the Subrecipient to involve citizens and minority group persons in the planning process.

Describe mechanisms for citizen impact on planning decisions.

List the breakdown by race of representation of Subrecipient boards, advisory councils and/or committees.

Print Name & Title of Title VI Representative: _____

Signature of Title VI Representative: _____ Date: _____



CERTIFICATION REGARDING LOBBYING

[The Subrecipient/Contractor must complete and submit to NJ TRANSIT if funding exceeds the small purchase threshold for Federal assistance programs, currently \$100,000. If non-federal funds have been used to support lobbying activities, submission of Standard Form –LLL, “Disclosure Form to Report Lobbying” is also required.]

The undersigned _____ (Subrecipient/Contractor) certifies, to the best of his or her knowledge and belief, that:

(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 an 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 making lobbying contacts to 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 Restrictions on Lobbying,” 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et. seq.).

(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 was 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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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. [Note: Pursuant to 31 U.S.C. § 1352 (c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Subrecipient/Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Subrecipient/Contractor understands and agrees that the provisions of 31 U.S.C. A. 3801, et seq., apply to this certification and disclosure, if any.

Name and Title of Subrecipient’s/Contractor’s Authorized Official: _____

Signature of Subrecipient’s/Contractor’s Authorized Official: _____

Date: _____



INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/proposal control number assigned by the Federal agency.) Include prefixes, e.g. "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter last name, first name and middle initial (MI).
11. The certifying official shall sign and date the form; print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-10046), Washington, DC 20503.

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See next page for public burden disclosure.)

| | | |
|--|--|--|
| <p>1. Type of Federal Action:</p> <p><input type="checkbox"/> a. contract</p> <p><input type="checkbox"/> b. grant</p> <p><input type="checkbox"/> c. cooperative agreement</p> <p><input type="checkbox"/> d. loan</p> <p><input type="checkbox"/> e. loan guarantee</p> <p><input type="checkbox"/> f. loan insurance</p> | <p>2. Status of Federal Action:</p> <p><input type="checkbox"/> a. bid/offer/application</p> <p><input type="checkbox"/> b. initial award</p> <p><input type="checkbox"/> c. post-award</p> | <p>3. Report Type:</p> <p><input type="checkbox"/> a. initial filing</p> <p><input type="checkbox"/> b. material change</p> <p>For Material Change Only:</p> <p>year _____ quarter _____</p> <p>date of last report _____</p> |
| <p>4. Name and Address of Reporting Entity:</p> <p><input type="checkbox"/> Prime <input type="checkbox"/> Subawardee</p> <p><input type="checkbox"/> Tier _____, if known:</p> <p>Congressional District, if known: _____</p> | | <p>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, if known: _____</p> |
| <p>6. Federal Department/Agency:</p> | <p>7. Federal Program Name/Description:</p> <p>CDFA Number, if applicable: _____</p> | |
| <p>8. Federal Action Number, if known:</p> | <p>9. Award Amount, if known:</p> <p>\$ _____</p> | |
| <p>10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):</p> | <p>b. Individuals Performing Services (including address if different from No. 10A) (last name, first name, MI):</p> | |
| <p>11. Information requested through this form is authorized by title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000</p> | <p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No.: _____ Date: _____</p> | |
| <p>Federal Use Only:</p> | <p align="right">Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)</p> | |

DEBARMENT AND SUSPENSION CERTIFICATION (LOWER TIER COVERED TRANSACTION)

[The Subrecipient must complete and submit to NJ TRANSIT if funding exceeds the small purchase threshold for Federal assistance programs, currently set at \$25,000. Please review the Excluded Parties Listing System, <http://www.epls.gov> to verify subrecipient/contractor status.]

Name of Subrecipient/Contractor: _____

1. The prospective lower tier participant certifies, by submission of this agreement or proposal, that neither it nor its “principals” [as defined at 49 C.F.R. § 29.105(p)] is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. When the prospective lower tier participant is unable to certify to the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The Subrecipient certifies or affirms that truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Subrecipient understands and agrees that the provisions of 49 CFR § 29.105(p) apply to this certification and disclosure, if any.

Name and Title of Authorized Official: _____

Signature of Subrecipient’s Authorized Official: _____

Date: _____

**JOB ACCESS AND REVERSE COMMUTE (§ 5316) and NEW FREEDOM (§ 5317)
PROGRAMS**

SAMPLE OF OPINION OF COUNSEL

Address of Subrecipient

Dear (Authorized Official for Subrecipient):

This communication will serve as the requisite opinion of counsel to be filed with NJ TRANSIT, in accordance with the requirements of the Federal Transit Administration, United States Department of Transportation, in connection with the inclusion of the proposal of (Name of Subrecipient) in NJ TRANSIT's consolidated application for Federal transportation assistance through the Job Access and Reverse Commute and/or New Freedom Grant Program.

Citations to laws, regulations, etc. establishing the legal authority of (Name of Subrecipient) to carry out transportation projects for which Federal assistance is sought is set forth below:

1. _____ is authorized by (cite and quote from legal authority) to provide and assist transportation by _____

2. The authority of (Name of Subrecipient) to provide funds for the local share of the project is set forth in (cite source and provide a copy of, for example, of the local ordinance passed by County Board of Chosen Freeholders or other governing body authorizing funding for the local share, if applicable).
3. I have reviewed the pertinent Federal, State, and local laws, and I have concluded that there is no legal impediment to (name of Subrecipient) submitting a proposal for the project for which (Name of Subrecipient) seeks assistance through inclusion in NJ TRANSIT's Consolidated Job Access and Reverse Commute and/or New Freedom Grant Application. 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 the proposed project or the capability of (Name of Subrecipient) to carry out the project.

Sincerely,

Legal Counsel

**JOB ACCESS AND REVERSE COMMUTE (§ 5316) and/or NEW FREEDOM (§ 5317)
PROGRAM**

SAMPLE AUTHORIZING RESOLUTION

Resolution No. _____

Resolution authorizing the submission of a project proposal to NJ TRANSIT for inclusion in NJ TRANSIT's Consolidated Job Access and Reverse Commute and/or New Freedom Grant Application, submitted to the Federal Transit Administration, an operating administration of the United States Department of Transportation, for Federal transportation assistance authorized by Section 5316 and/or Section 5317 of The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, NJ TRANSIT will pass through funding received through the Job Access and Reverse Commute and/or New Freedom Grant Program;

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the NJ TRANSIT, which will, in turn, be imposed upon all Subrecipients;

WHEREAS, the Subrecipient will provide a match through local funds equal to or greater than amount awarded to the Subrecipient through NJ TRANSIT by the FTA;

WHEREAS, the Subrecipient has or will provide all annual certifications and assurances for the project to NJ TRANSIT, as required by the Federal Transit Administration's policies governing pass through agreements;

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

1. That (Title of Designated Official) is authorized to submit a project proposal to NJ TRANSIT for inclusion in NJ TRANSIT's Consolidated Job Access and Reverse Commute and/or New Freedom Grant Application on behalf of (Legal Name of Applicant) for Federal assistance authorized by Section 5316 and/or Section 5317 of SAFETEA-LU.
2. That (Title of Designated Official) is authorized to execute and file with submission of a project proposal to NJ TRANSIT its applications the annual certifications and assurances and other documents NJ TRANSIT requires, in accordance with the Federal Transit Administration requirements for awarding Federal assistance via a pass through agreement.
3. That (Title of Designated Official) is authorized to execute grant and cooperative agreements with NJ TRANSIT on behalf of (Legal Name of Applicant).

CERTIFICATION

The undersigned duly qualified (Title of Designated Official), acting on behalf of the (Legal Name of Subrecipient), certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the (Governing Body of the Subrecipient) held on (Month, Day, Year).

[If the Subrecipient has an official seal, impress here.]

(Signature of Recording Officer)

(Title of Recording Officer)

(Date)

IMPORTANT NOTICE TO ALL SUBRECIPIENTS, VENDORS AND CONSULTANTS

**ELDERLY AND PERSONS WITH DISABILITIES FORMULA PROJECTS (49 U.S.C. §5310)
JOB ACCESS AND REVERSE COMMUTE and NEW FREEDOM GRANTS (49 U.S.C. of SAFETEA-
LU, 49 U.S.C. §5316 and 5317)
NONURBANIZED AREAS FORMULA PROJECT (49 U.S.C. §5311)
URBANIZED AREA FORMULA PROJECT (Cumberland County) (49 U.S.C. §5307)**

NJ Transit is an instrumentality of the State of New Jersey and its employees and officers, including members of the NJ Transit Board of Directors, are public servants. NJ Transit, its employees and officers are governed by a number of civil and criminal laws, which control how NJ Transit and its personnel do business with contractors and consultants. These provisions include the Conflicts of Interest Law, NJSA 52:13D-12; the Gifts to Public Servants Law, NJSA 2C:27-6; and the Compensation for Past Official Behavior Law, NJSA 2C:27-4. These provisions contain unequivocal and stringent restrictions relating to gifts and gratuities.

Be advised that the law prohibits the receipt of gifts and gratuities by any NJ Transit employee or officer from any person, company or entity doing business – or wanting to do business – with NJ Transit. Concomitantly, NJ Transit’s own Code of Ethics and code of Ethics for Vendors, prohibits NJ Transit employees from accepting gifts and prohibits you, the contractors and consultants, from offering any gifts to any NJ Transit employee.

The term “gift” is broadly and widely defined. It includes all things and objects, tangible or intangible, including services, gratuities, meals, entertainment, tickets to events, access to membership clubs, travel costs and lodging. Simply put, a “gift” is anything of value.

Do not, under any circumstance, tempt or put a NJ Transit employee in an awkward position of having to refuse a gift or return a gift, no matter how well intentioned or innocuous the gift may be in your eyes.

The bright line rule for you and your staff in doing business with NJ Transit is simple: Offer nothing and give nothing to any NJ Transit employee or officer. It is your responsibility to circulate this Notice in your company and educate accordingly all personnel who do business with NJ Transit.

**ANNUAL AFFIDAVIT OF COMPLIANCE WITH
NJ TRANSIT'S CODE OF ETHICS FOR VENDORS
AND
STATE OF NEW JERSEY ETHICS LAW**

I, _____ (*Name of Individual*), executing this document on behalf of the undersigned company, partnership, corporation, or entity hereinafter referred to as "Subrecipient", presently doing business with NJ Transit, hereby warrant and affirm to NJ Transit as follows:

1. I warrant and affirm that the Subrecipient has received a copy of NJ Transit's Code of Vendor Ethics and that I have read and studied this document and distributed this document to all of the Subrecipient's personnel doing business with NJ Transit and required said personnel to fully read this document. In addition, I further warrant and affirm that the Subrecipient has received from NJ Transit a document entitled "Important Notice to All Subrecipients and Consultants" and that I have read and studied this document, including the page setting forth various New Jersey statutory provisions, and that the Subrecipient has distributed this document to all of the Subrecipient's personnel doing business with NJ Transit and required said personnel to fully read this document.
2. The Subrecipient warrants and affirms that it has issued written instructions to all of the Subrecipient's personnel doing business with NJ Transit instructing and requiring same to strictly adhere to the Subrecipient's responsibilities as set forth in NJ Transit's Code of Vendor Ethics and in the "Important Notice to all Subrecipients and Consultants."
3. The Subrecipient warrants and affirms that during the term of the contract with NJ Transit no gratuities or other inducements have been offered or given or will be offered or given in any form including gifts, gratuities, benefits, inducements, meals (other than *de minimis* valued snacks such as coffee, tea, soda, pretzels, cookies, or similar non-meal items), entertainment, or any other thing of value or favors of any kind to any member of NJ Transit's board of Directors, officer or employee of NJ Transit, except as Subrecipient has heretofore disclosed to NJ Transit.
4. The Subrecipient warrants and affirms that during the term of the contract with NJ Transit, the Subrecipient has not and will not make any offers of employment to any NJ Transit officer or employee directly involved with this contract of solicit or interview therefore, directly or indirectly, without first seeking and obtaining written approval from NJ Transit's Ethics Liaison Officer.
5. The Subrecipient warrants and affirms that it has promptly reported in writing to NJ Transit, and, that in the future, it shall so report to NJ Transit every instance that comes except as Subrecipient has heretofore disclosed to NJ Transit., to the Subrecipient's attention and knowledge regarding any member of NJ Transit's Board of Directors, officer or employee of NJ Transit who has, during the term of the contract between NJ Transit and the Subrecipient, solicited or asked Subrecipient to provide gifts, gratuities, benefits, inducements, meals (other than *de minimis* valued snacks such as coffee, tea, soda, pretzels, cookies, or similar non-meal items), entertainment or any other thing of value or favors of any kind or has made any solicitation or request, directly or indirectly, for employment with or through the Subrecipient
6. The Subrecipient acknowledges and accepts that for breach or violation of the foregoing warranties and affirmations, NJ Transit shall have the discretion and legal right to terminate the contract between the Subrecipient and NJ Transit without any fee, cost, assessment, liability or penalty of any kind.

(*Print Name of Subrecipient*)

(*Signature of Authorized Principal or Officer*)

(*Print Name and Title of Signator*)

Sworn to and Subscribed to before me, this ___ day of _____, 200_.

(2011 C & A required for FFY 2011)

**Sample: APPENDIX A FEDERAL FISCAL YEAR 2009 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

PREFACE

In accordance with 49 U.S.C. 5323(n), the following certifications and assurances have been compiled for Federal Transit Administration (FTA) assistance programs. FTA requests each Applicant to provide as many certifications and assurances as needed for all programs for which the Applicant intends to seek FTA assistance during Federal Fiscal Year 2009. Category 01 applies to all Applicants. Category 02 applies to all applications for Federal assistance in excess of \$100,000. Categories 03 through 24 will apply to and be required for some, but not all, Applicants and projects. An Applicant may select a single certification that will cover all the programs for which it anticipates submitting an application. FTA requests the Applicant to read each certification and assurance carefully and select all certifications and assurances that may apply to the programs for which it expects to seek Federal assistance.

FTA and the Applicant understand and agree that not every provision of these certifications and assurances will apply to every Applicant or every project for which FTA provides Federal financial assistance through a Grant Agreement or Cooperative Agreement. The type of project and the section of the statute authorizing Federal financial assistance for the project will determine which provisions apply. The terms of these certifications and assurances reflect applicable requirements of FTA's enabling legislation currently in effect.

The Applicant also understands and agrees that these certifications and assurances are special pre-award requirements specifically prescribed by Federal law or regulation and do not encompass all Federal laws, regulations, and directives that may apply to the Applicant or its project. A comprehensive list of those Federal laws, regulations, and directives is contained in the current FTA Master Agreement MA(15) for Federal Fiscal Year 2009 at the FTA Web site <http://www.fta.dot.gov/documents/15-Master.pdf>. The certifications and assurances in this document have been streamlined to remove most provisions not covered by statutory or regulatory certification or assurance requirements.

Because many requirements of these certifications and assurances will require the compliance of the subrecipient of an Applicant, we strongly recommend that each Applicant, including a State, that will be implementing projects through one or more subrecipients, secure sufficient documentation from each

subrecipient to assure compliance, not only with these certifications and assurances, but also with the terms of the Grant Agreement or Cooperative Agreement for the project, and the applicable Master Agreement for its project, if applicable, incorporated therein by reference. Each Applicant is ultimately responsible for compliance with the provisions of the certifications and assurances applicable to itself or its project irrespective of participation in the project by any subrecipient. The Applicant understands and agrees that when it applies for FTA assistance on behalf of a consortium, joint venture, partnership, or team, each member of that consortium, joint venture, partnership, or team is responsible for compliance with the certifications and assurances the Applicant selects.

01. ASSURANCES REQUIRED FOR EACH APPLICANT

Each Applicant for FTA assistance must provide all assurances in this Category "01." Except to the extent that FTA expressly determines otherwise in writing, FTA may not award any Federal assistance until the Applicant provides the following assurances by selecting Category "01."

A. Assurance of Authority of the Applicant and Its Representative

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

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

B. Standard Assurances

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

C. Intergovernmental Review Assurance

Except if the Applicant is an Indian tribal government seeking assistance authorized by 49 U.S.C. 5311(c)(1), the Applicant assures that each application for Federal assistance it submits to FTA has been submitted or will be submitted for intergovernmental review to the appropriate State and local agencies as determined by the State. Specifically, the Applicant assures that it has fulfilled or will fulfill the obligations imposed on FTA by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17. This assurance does not apply to Applicants for Federal assistance under FTA's Tribal Transit Program, 49 U.S.C. 5311(c)(1).

D. Nondiscrimination Assurance

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

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

(1) Each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part

21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project.

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

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

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

(5) The United States has a right to seek judicial enforcement with regard to any matter arising under Title VI of the Civil Rights Act, U.S. DOT implementing regulations, and this assurance.

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

E. Assurance of Nondiscrimination on the Basis of Disability

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

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

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

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

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

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

- (4) Will initiate and complete the work within the applicable project time periods following receipt of FTA approval;
- (5) Will comply with all applicable Federal statutes relating to nondiscrimination including, but not limited to:
- (a) Title VI of the Civil Rights Act, 42 U.S.C. 2000d, which prohibits discrimination on the basis of race, color, or national origin;
 - (b) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 through 1683, and 1685 through 1687, and U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25, which prohibit discrimination on the basis of sex;
 - (c) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability;
 - (d) The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 through 6107, which prohibits discrimination on the basis of age;
 - (e) The Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 et seq., relating to nondiscrimination on the basis of drug abuse;
 - (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 et seq. relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (g) The Public Health Service Act of 1912, as amended, 42 U.S.C. 201 et seq., relating to confidentiality of alcohol and drug abuse patient records;
 - (h) Title VIII of the Civil Rights Act, 42 U.S.C. 3601 et seq., relating to nondiscrimination in the sale, rental, or financing of housing; and
 - (i) Any other nondiscrimination statute(s) that may apply to the project;
- (6) To the extent applicable, will comply with, or has complied with, the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Relocation Act) 42 U.S.C. 4601 et seq., which, among other things, provide for fair and equitable treatment of persons displaced or persons whose property is acquired as a result of federally assisted programs. These requirements apply to all interests in real property acquired for project purposes and displacement caused by the project regardless of Federal participation in any purchase. As required by sections 210 and 305 of the Uniform Relocation Act, 42 U.S.C. 4630 and 4655, and by U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR 24.4, the Applicant assures that it has the requisite authority under applicable State and local law to comply with the requirements of the Uniform Relocation Act, 42 U.S.C. 4601 et seq., and U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR part 24, and will comply with that Act or has complied with that Act and those implementing regulations, including but not limited to the following:
- (a) The Applicant will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24;
 - (b) The Applicant will provide fair and reasonable relocation payments and assistance as required by 42 U.S.C. 4622, 4623, and 4624; 49 CFR part 24; and any applicable FTA procedures, to or for families, individuals, partnerships, corporations, or associations displaced as a result of any project financed with FTA assistance;
 - (c) The Applicant will provide relocation assistance programs offering the services described in 42 U.S.C. 4625 to such displaced families, individuals, partnerships, corporations, or associations in the manner provided in 49 CFR part 24;
 - (d) Within a reasonable time before displacement, the Applicant will make available comparable replacement dwellings to displaced families and individuals as required by 42 U.S.C. 4625(c)(3);
 - (e) The Applicant will carry out the relocation process in such manner as to provide displaced persons with uniform and consistent services, and will make available replacement housing in the same range of

choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin;

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

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

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

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

(7) To the extent applicable, will comply with the Davis-Bacon Act, as amended, 40 U.S.C. 3141 et seq., the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 et seq., regarding labor standards for federally assisted projects;

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

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

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

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

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

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

(14) To the extent applicable, will comply with any applicable environmental standards that may be prescribed to implement the following Federal laws and executive orders:

(a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 through 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note;

(b) Notification of violating facilities pursuant to Executive Order No. 11738, 42 U.S.C. 7606 note;

(c) Protection of wetlands pursuant to Executive Order No. 11990, 42 U.S.C. 4321 note;

(d) Evaluation of flood hazards in floodplains in accordance with Executive Order No. 11988, 42 U.S.C. 4321 note;

- (e) Assurance of project consistency with the approved State management program developed pursuant to the requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 through 1465;
- (f) Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 through 7671q;
- (g) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f through 300j-6;
- (h) Protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 through 1544; and
- (i) Environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation project as required by 49 U.S.C. 303(b) and 303(c);
- (j) Protection of the components of the national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 through 1287; and
- (k) Provision of assistance to FTA in complying with section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f; with the Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 through 469c ; and with Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note;

(15) To the extent applicable, will comply with the requirements of the Hatch Act, 5 U.S.C. 1501 through 1508 and 7324 through 7326, which limit the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds including a Federal loan, grant agreement, or cooperative agreement except, in accordance with 49 U.S.C. 5307(k)(2) and 23 U.S.C. 142(g), the Hatch Act does not apply to a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA assistance to whom that Act does not otherwise apply;

(16) To the extent applicable, will comply with the National Research Act, Pub. L. 93-348, July 12, 1974, as amended, 42 U.S.C. 289 et seq., and U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11, regarding the protection of human subjects involved in research, development, and related activities supported by Federal assistance;

(17) To the extent applicable, will comply with the Animal Welfare Act, as amended, 7 U.S.C. 2131 et seq., and U.S. Department of Agriculture regulations, "Animal Welfare," 9 CFR subchapter A, parts 1, 2, 3, and 4, regarding the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal assistance;

(18) Will have performed the financial and compliance audits as required by the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 et seq., OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised, and the most recent applicable OMB A-133 Compliance Supplement provisions for the U.S. DOT; and

(19) To the extent applicable, will comply with all applicable provisions of all other Federal laws or regulations, and follow Federal directives governing the project, except to the extent that FTA has expressly approved otherwise in writing.

02. LOBBYING CERTIFICATION

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

A. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," at 49 CFR 20.110, the Applicant's authorized representative certifies to the best of his or her knowledge and belief that for each application to FTA for Federal assistance exceeding \$100,000:

(1) No Federal appropriated funds have been or will be paid by or on behalf of the Applicant to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress regarding the award of Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and

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

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

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

03. PROCUREMENT COMPLIANCE

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

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

04. PROTECTIONS FOR PRIVATE TRANSPORTATION PROVIDERS

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

As required by 49 U.S.C. 5323(a)(1), the Applicant certifies that before it acquires the property or an interest in the property of a private provider of public transportation or operates public transportation equipment or

facilities in competition with, or in addition to, transportation service provided by an existing public transportation company, it has or will have:

- A. Determined that the assistance is essential to carrying out a program of projects as required by 49 U.S.C. 5303, 5304, and 5306;
- B. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible; and
- C. Paid just compensation under State or local law to the company for any franchise or property acquired.

05. PUBLIC HEARING

An Applicant seeking Federal assistance authorized under 49 U.S.C. chapter 53 for a capital project that will substantially affect a community or a community's public transportation service is required to provide the following certification. FTA may not award Federal assistance for a capital project of that type until the Applicant provides this certification by selecting Category "05." As required by 49 U.S.C. 5323(b), for a proposed capital project that will substantially affect a community, or the public transportation service of a community, the Applicant certifies that it has, or before submitting its application, it will have:

- A. Provided an adequate opportunity for public review and comment on the proposed project;
- B. After providing notice, including a concise description of the proposed project, published in a newspaper of general circulation in the geographic area to be served, held a public hearing on the project if the project affects significant economic, social, or environmental interests;
- C. Considered the economic, social, and environmental effects of the proposed project; and
- D. Determined that the proposed project is consistent with official plans for developing the community.

06. ACQUISITION OF ROLLING STOCK FOR USE IN REVENUE SERVICE

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

As required by 49 U.S.C. 5323(m) and implementing FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, at 49 CFR 663.7, the Applicant certifies that it will comply with the requirements of 49 CFR part 663 as modified by amendments authorized by section 3023(k) of SAFETEA-LU when procuring revenue service rolling stock. Among other things, the Applicant agrees to conduct or cause to be conducted the requisite pre-award and post delivery reviews, and maintain on file the certifications required by 49 CFR part 663, subparts B, C, and D.

07. ACQUISITION OF CAPITAL ASSETS BY LEASE

An Applicant that intends to request the use of Federal assistance authorized under 49 U.S.C. chapter 53 to acquire capital assets by lease is required to provide the following certifications. FTA may not provide Federal assistance to support those costs until the Applicant provides this certification by selecting Category "07." As required by FTA regulations, "Capital Leases," 49 CFR part 639, at 49 CFR 639.15(b)(1) and 49 CFR 639.21, if the Applicant acquires any capital asset by lease financed with Federal assistance authorized under 49 U.S.C. chapter 53, the Applicant certifies as follows:

- (1) It will not use Federal assistance authorized 49 U.S.C. chapter 53 to finance the cost of leasing any capital asset until it performs calculations demonstrating that leasing the capital asset would be more cost-

effective than purchasing or constructing a similar asset; and it will complete these calculations before entering into the lease or before receiving a capital grant for the asset, whichever is later; and
(2) It will not enter into a capital lease for which FTA can provide only incremental Federal assistance unless it has adequate financial resources to meet its future obligations under the lease if Federal assistance is not available for capital projects in the subsequent years.

08. BUS TESTING

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

As required by 49 U.S.C. 5318 and FTA regulations, "Bus Testing," at 49 CFR 665.7, the Applicant certifies that, before expending any Federal assistance to acquire the first bus of any new bus model or any bus model with a new major change in configuration or components, or before authorizing final acceptance of that bus (as described in 49 CFR part 665):

- A. The bus model will have been tested at FTA's bus testing facility; and
- B. The Applicant will have received a copy of the test report prepared on the bus model.

09. CHARTER SERVICE AGREEMENT

An Applicant seeking Federal assistance authorized under 49 U.S.C. chapter 53 (except as permitted by 49 CFR 604.2), or under 23 U.S.C. 133 or 142, to acquire or operate any public transportation equipment or facilities is required to enter into the following Charter Service Agreement. FTA may not provide Federal assistance authorized under 49 U.S.C. chapter 53 (except as permitted by 49 CFR 604.2), or under 23 U.S.C. 133 or 142, for such projects until the Applicant enters into this Charter Service Agreement by selecting Category "09."

A. As required by 49 U.S.C. 5323(d) and (g) and FTA regulations at 49 CFR 604.4, the Applicant understands and agrees that it and each subrecipient, lessee, third party contractor, or other participant in the project at any tier may provide charter service for transportation projects that uses equipment or facilities acquired with Federal assistance authorized under the Federal transit laws (except as permitted by 49 CFR 604.2), or under 23 U.S.C. 133 or 142, only in compliance with those laws and FTA regulations, "Charter Service," 49 CFR part 604, the terms and conditions of which are incorporated herein by reference.

B. The Applicant understands and agrees that:

- (1) The requirements of FTA regulations, "Charter Service," 49 CFR part 604, will apply to any charter service it or its subrecipients, lessees, third party contractors, or other participants in the project provide,
- (2) The definitions of FTA regulations, "Charter Service," 49 CFR part 604, will apply to this Charter Service Agreement, and
- (3) A pattern of violations of this Charter Service Agreement may require corrective measures and imposition of remedies, including barring the Applicant, subrecipient, lessee, third party contractor, or other participant in the project that has engaged in that pattern of violations from receiving FTA financial assistance, or withholding an amount of Federal assistance as set forth in FTA regulations, "Charter Service," 49 CFR part 604,

10. SCHOOL TRANSPORTATION AGREEMENT

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

A. As required by 49 U.S.C. 5323(f) and (g) and FTA regulations at 49 CFR 605.14, the Applicant understands and agrees that it and each subrecipient, lessee, third party contractor, or other participant in the project at any tier may engage in school transportation operations in competition with private school transportation operators that uses equipment or facilities acquired with Federal assistance authorized under the Federal transit laws or under 23 U.S.C. 133 or 142, only in compliance with those laws and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) or (g), the terms and conditions of which are incorporated herein by reference.

B. The Applicant understands and agrees that:

- (1) The requirements of FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) or (g), will apply to any school transportation service it or its subrecipients, lessees, third party contractors, or other participants in the project provide,
- (2) The definitions of FTA regulations, "School Bus Operations," 49 CFR part 605 will apply to this School Transportation Agreement, and
- (3) If there is a violation of this School Transportation Agreement, FTA will bar the Applicant, subrecipient, lessee, third party contractor, or other participant in the project that has violated this School Transportation Agreement from receiving Federal transit assistance in an amount FTA considers appropriate.

11. DEMAND RESPONSIVE SERVICE

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

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

12. ALCOHOL MISUSE AND PROHIBITED DRUG USE

If the Applicant is required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR part 655, to provide the following certification concerning its activities to prevent alcohol misuse and prohibited drug use in its public transportation operations, FTA may not provide Federal assistance to that Applicant until it provides this certification by selecting Category "12."

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

13. INTEREST AND OTHER FINANCING COSTS

An Applicant that intends to request the use of Federal assistance for reimbursement of interest or other financing costs incurred for its capital projects financed with Federal assistance under the Urbanized Area Formula Program, the Capital Investment Program, or the Paul S. Sarbanes Transit in Parks Program is required to provide the following certification. FTA may not provide Federal assistance to support interest or other financing costs until the Applicant provides this certification by selecting Category "13."

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

14. INTELLIGENT TRANSPORTATION SYSTEMS

An Applicant for FTA assistance for an Intelligent Transportation Systems (ITS) project, defined as any project that in whole or in part finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the “National ITS Architecture,” is requested to provide the following assurance. FTA strongly encourages any Applicant for FTA financial assistance to support an ITS project to provide this assurance by selecting Category "14." An Applicant for FTA assistance for an ITS project that fails to provide this assurance, without providing other documentation assuring the Applicant’s commitment to comply with applicable Federal ITS standards and protocols, may be determined ineligible for award of Federal assistance for the ITS project.

As used in this assurance, the term Intelligent Transportation Systems (ITS) project is defined to include any project that in whole or in part finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the “National ITS Architecture.”

A. As provided in SAFETEA-LU section 5307(c), 23 U.S.C. 512 note, apart from certain exceptions, “intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, [shall] conform to the national architecture, applicable standards or provisional standards, and protocols developed under [SAFETEA-LU, section 5307] subsection (a).” To facilitate compliance with SAFETEA-LU section 5307(c), 23 U.S.C. 512 note, the Applicant assures it will comply with all applicable provisions of Section V (Regional ITS Architecture) and Section VI (Project Implementation) of FTA Notice, “FTA National ITS Architecture Policy on Transit Projects,” at 66 FR 1455 et seq., January 8, 2001, and other FTA policies that may be issued in connection with any ITS project it undertakes financed with funds authorized under Title 49 or Title 23, United States Code, except to the extent that FTA expressly determines otherwise in writing.

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

15. URBANIZED AREA FORMULA PROGRAM

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

Each Applicant is required by 49 U.S.C. 5307(d)(1)(J) to expend at least one (1) percent of its Urbanized Area Formula Program assistance for public transportation security projects, unless the Applicant has certified that such expenditures are not necessary. Information about the Applicant’s intentions will be recorded in the “Security” tab page of the TEAM-Web “Project Information” window when the Applicant enters its Urbanized Area Formula Program application in TEAM-Web.

FTA may not award Urbanized Area Formula Program assistance to any Applicant that is required by 49 U.S.C. 5307(d)(1)(K) to expend one (1) percent of its Urbanized Area Formula Program assistance for eligible transit enhancements unless that Applicant's quarterly report for the fourth quarter of the preceding Federal fiscal year has been submitted to FTA and includes the requisite list or the Applicant attaches in TEAM-Web or includes in its quarterly report information sufficient to demonstrate that the Designated Recipients in its area together have expended one (1) percent of the amount of Urbanized Area Program assistance made available to them for transit enhancement projects.

FTA may not award Federal assistance for the Urbanized Area Formula Program to the Applicant until the Applicant provides these certifications and assurances by selecting Category "15.”

As required by 49 U.S.C. 5307(d)(1), the Applicant certifies as follows:

- A. In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
- B. In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of Project equipment and facilities;
- C. In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the Project equipment and facilities;
- D. In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will assure that any elderly individual, any individual with disabilities, or any person presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized for 49 U.S.C. 5307, not more than fifty (50) percent of the peak hour fare;
- E. In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5307: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements,

(3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325; F. In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, the Applicant: (1) has made available, or will make available, to the public information on the amounts available for the Urbanized Area Formula Program, 49 U.S.C. 5307, and the program of projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, a proposed program of projects for activities to be financed; (3) has published or will publish a proposed program of projects in a way that affected citizens, private transportation providers, and local elected officials have APPENDIX A the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed program of projects; (5) has assured or will assure that the proposed program of projects provides for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final program of projects; and (7) has made or will make the final program of projects available to the public;

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

H. In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);

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

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

K. In compliance with 49 U.S.C. 5307(d)(1)(K), if the Applicant is a Designated Recipient serving an urbanized area with a population of at least 200,000, (1) the Applicant certifies either that it has expended or will expend for transit enhancements as defined at 49 U.S.C. 5302(a)(15) not less than one (1) percent of the amount of the Urbanized Area Formula Assistance it receives this Federal fiscal year, or that at least one Designated Recipient in its urbanized area has certified or will certify that the Designated Recipients within that urbanized area together have expended or will expend for transit enhancements as defined at 49 U.S.C. 5302(a)(15) not less than one (1) percent of the amount of the total amounts the Designated Recipients receive each Federal fiscal year under 49 U.S.C. 5307, and (2) either the Applicant has listed or will list the transit enhancement projects it has carried out with those funds, or at least one Designated Recipient in the Applicant's urbanized area has listed or will list the transit enhancement projects carried out with funds authorized under 49 U.S.C. 5307. If the Designated Recipient's quarterly report for the fourth quarter of the preceding Federal fiscal year includes a list of transit enhancement projects the Designated Recipients in its urbanized area have implemented during that preceding Federal fiscal year using those funds, the

information in that quarterly report will fulfill the requirements of 49 U.S.C. 5307(d)(1)(K)(ii), and thus that quarterly report will be incorporated by reference and made part of the Designated Recipient's and Applicant's certifications and assurances.

16. CLEAN FUELS GRANT PROGRAM

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

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

- A. In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
- B. In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
- C. In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
- D. In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will assure that any elderly individual, any individual with disabilities, or any person presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized under 49 U.S.C. 5308, not more than fifty (50) percent of the peak hour fare;
- E. In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5308: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
- F. In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, the Applicant: (1) has APPENDIX A made available, or will make available, to the public information on the amounts available for the Clean Fuels Grant Program, 49 U.S.C. 5308, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, the proposed projects to be financed; (3) has published or will publish a list of the proposed projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has assured or will assure that the proposed projects provide for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal government source; (6) has considered or will consider the comments and views

received, especially those of private transportation providers, in preparing its final list of projects; and (7) has made or will make the final list of projects available to the public;

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

H. In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);

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

J. The Applicant certifies will operate vehicles purchased with Federal assistance provided under the Clean Fuels Grant Program, 49 U.S.C. 5308 only with clean fuels.

17. ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES FORMULA GRANT PROGRAM AND PILOT PROGRAM

Before FTA may award Elderly Individuals and Individuals with Disabilities Formula Grant Program assistance and, if applicable, Elderly Individuals and Individuals with Disabilities Pilot Program assistance to a State, the U.S. Secretary of Transportation or his or her designee is required to make the pre-award determinations required by 49 U.S.C. 5310. Because certain information is needed before FTA can make those determinations, each State is requested to provide the following certifications assurances on behalf of itself and its subrecipients. Unless FTA determines otherwise in writing, the State itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the State is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the State has made to FTA. A State that fails to provide these certifications and assurances on behalf of itself and its subrecipients may be determined ineligible for a grant of Federal assistance under 49 U.S.C. 5310 if FTA lacks sufficient information from which to make those determinations required by Federal laws and regulations governing the Elderly Individuals and Individuals with Disabilities Formula Grant Program and, if applicable, the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by 49 U.S.C. 5310 and Section 3012 of SAFETEA-LU, respectively. The State is thus requested to select Category “(17).”

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

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

- (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
- (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
- (4) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5310 or subsection 3012(b) of SAFETEA-LU: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
- (5) The State has or will have available and will provide the amount of funds required by 49 U.S.C. 5310(c), and if applicable by section 3012(b)(3) and (4), for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and
- (6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);

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

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

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

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

F. In compliance with 49 U.S.C. 5310(d)(2)(B) and Subsection 3012(b)(2) of SAFETEA-LU, the State certifies that: (1) projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

18. NONURBANIZED AREA FORMULA PROGRAM FOR STATES

The provisions of 49 U.S.C. 5311 establishing the Nonurbanized Area Formula Program for States do not impose, as a pre-condition of award, any explicit certification or assurance requirements established specifically for that program. Only a State or a State organization acting as the Recipient on behalf of a State (State) may be a direct recipient of this Nonurbanized Area Formula Program assistance. Separate certifications and assurances have been established in Category 22 for an Indian tribe that is an Applicant for Tribal Transit Program assistance authorized by 49 U.S.C. 5311(c)(1).

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

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

- A. The State has or will have the necessary legal, financial, and managerial capability to apply for, receive, and disburse Federal assistance authorized for 49 U.S.C. 5311; and to carry out each project, including the safety and security aspects of that project;
- B. The State has or will have satisfactory continuing control over the use of project equipment and facilities;
- C. The State assures that the project equipment and facilities will be adequately maintained;
- D. In compliance with 49 U.S.C. 5311(b)(2)(C)(i), the State’s program has provided for a fair distribution of Federal assistance authorized for 49 U.S.C. 5311 within the State, including Indian reservations within the State;
- E. In compliance with 49 U.S.C. 5311(b)(2)(C)(ii), the State’s program provides or will provide the maximum feasible coordination of public transportation service to receive assistance under 49 U.S.C. 5311 with transportation service assisted by other Federal sources;
- F. The projects in the State’s Nonurbanized Area Formula Program are included in the Statewide Transportation Improvement Program and, to the extent applicable, the projects are included in a metropolitan Transportation Improvement Program;
- G. The State has or will have available and will provide the amount of funds required by 49 U.S.C. 5311(g) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and
- H. In compliance with 49 U.S.C. 5311(f), the State will expend not less than fifteen (15) percent of its Federal assistance authorized under 49 U.S.C. 5311 to develop and support intercity bus transportation within the State, unless the chief executive officer of the State, or his or her designee, after consultation with affected intercity bus service providers, certifies to the Federal Transit Administrator, apart from these certifications and assurances herein, that the intercity bus service needs of the State are being adequately met.

19. JOB ACCESS AND REVERSE COMMUTE FORMULA GRANT PROGRAM

Each Applicant for Job Access and Reverse Commute (JARC) Formula Grant Program assistance authorized under 49 U.S.C. 5316 is required to provide the following certifications on behalf of it self and any subrecipient that may be implementing its project. Unless FTA determines otherwise in writing, the Applicant itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the Applicant is

strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the Applicant has made to FTA. FTA may not award Federal assistance for the JARC Formula Grant Program until the Applicant provides these certifications by selecting Category "19."

A. As required by 49 U.S.C. 5316(f)(1), which makes the requirements of 49 U.S.C. 5307 applicable to Job Access and Reverse Commute (JARC) formula grants, and 49 U.S.C. 5307(d)(1), the Applicant for JARC Formula Program assistance authorized under 49 U.S.C. 5316, certifies on behalf of itself and its subrecipients, if any, as follows:

- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
- (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
- (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
- (4) In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will assure that any elderly individual, any individual with disabilities, or any person presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized under 49 U.S.C. 5316 not more than fifty (50) percent of the peak hour fare;
- (5) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5316: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
- (6) In compliance with 49 U.S.C. 5316(f)(1) and 49 U.S.C. 5307(d)(1)(F), the Applicant certifies that (1) with respect to financial assistance authorized under 49 U.S.C. 5316, it will conduct in cooperation with the appropriate MPO an areawide solicitation for applications, and make awards on a competitive basis and (2) with respect to financial assistance authorized under 49 U.S.C. 5316, it will conduct a statewide solicitation for applications, and make awards on a competitive basis; and that these activities will be carried out in a manner that complies with or will comply with 49 U.S.C. 5307(c);
- (7) The Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5316(h) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;
- (8) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); and (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements).

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

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

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

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

F. In compliance with 49 U.S.C. 5316(c)(3), before the Applicant uses funding apportioned under 49 U.S.C. 5316(c)(1)(B) or (C) for projects serving an area other than that specified in 49 U.S.C. 5316(2)(B) or (C), the Applicant certifies that the chief executive officer of the State, or his or her designee will have certified to the Federal Transit Administrator, apart from these certifications herein, that all of the objectives of 49 U.S.C. 5316 are being met in the area from which such funding would be derived.

20. NEW FREEDOM PROGRAM

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

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

- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
- (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
- (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
- (4) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5317: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;

(5) The Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5317(g) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and

(6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);

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

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

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

E. In compliance with 49 U.S.C. 5317(f)(3), the Applicant certifies that: (1) projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public

21. PAUL S. SARBANES TRANSIT IN PARKS PROGRAM

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

A. As required by 49 U.S.C. 5320(i), which makes the requirements of 49 U.S.C. 5307 applicable to the Paul S. Sarbanes Transit in Parks Program to the extent the Federal Transit Administrator or his or her designee determines appropriate, and 49 U.S.C. 5307(d)(1), the Applicant certifies as follows:

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

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

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

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

(5) In compliance with 49 U.S.C. 5307(d)(1)(F) and with 49 U.S.C. 5320(e)(2)(C), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, it: (1) has

made available, or will make available, to the public information on the amounts available for the Paul S. Sarbanes Transit in Parks Program, 49 U.S.C. 5320, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, projects to be financed; (3) has published or will publish a list of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has assured or will assure that the proposed projects provide for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects; and (7) has made or will make the final list of projects available to the public; (6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements). (7) In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation.

B. In compliance with 49 U.S.C.5320(e)(2)(A), (B), and (D), the Applicant assures that it will:

- (1) Comply with the metropolitan planning provisions of 49 U.S.C. 5303;
- (2) Comply with the statewide planning provisions of 49 U.S.C. 5304; and
- (3) Consult with the appropriate Federal land management agency during the planning process.

22. TRIBAL TRANSIT PROGRAM

Each Applicant for Tribal Transit Program assistance must provide all certifications and assurances set forth below. Except to the extent that FTA determines otherwise in writing, FTA may not award any Federal assistance under the Tribal Transit Program until the Applicant provides these certifications and assurances by selecting Category “22.”

In accordance with 49 U.S.C. 5311(c)(1) that authorizes the Secretary of Transportation to establish terms and conditions for direct grants to Indian tribal governments, the Applicant certifies and assures as follows:

A. The Applicant assures that:

- (1) It has or will have the necessary legal, financial, and managerial capability to apply for, receive, and disburse Federal assistance authorized for 49 U.S.C. 5311; and to carry out each project, including the safety and security aspects of that project;
- (2) It has or will have satisfactory continuing control over the use of project equipment and facilities;
- (3) The project equipment and facilities will be adequately maintained; and
- (4) Its project will achieve maximum feasible coordination with transportation service assisted by other Federal sources.

B. In accordance with 49 CFR 18.36(g)(3)(ii), the Applicant certifies that its procurement system will comply with the requirements of 49 CFR 18.36, or will inform FTA promptly that its procurement system does not comply with 49 CFR 18.36.

C. To the extent applicable to the Applicant or its Project, the Applicant certifies that it will comply with the certifications, assurances, and agreements in Category 08 (Bus Testing), Category 09 (Charter Bus

Agreement), Category 10 (School Transportation Agreement), Category 11 (Demand Responsive Service), Category 12 (Alcohol Misuse and Prohibited Drug Use), and Category 14 (National Intelligent Transportation Systems Architecture and Standards) of this document.

D. If its application exceeds \$100,000, the Applicant agrees to comply with the certification in Category 02 (Lobbying) of this document.

23. INFRASTRUCTURE FINANCE PROJECTS

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

A. As required by 49 U.S.C. 5323(o), which makes the requirements of 49 U.S.C. 5307 applicable to Applicants seeking Infrastructure Finance assistance authorized under 23 U.S.C. chapter 6, and by 49 U.S.C. 5307(d)(1), the Applicant certifies as follows:

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

- (7) In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; APPENDIX A
- (8) In compliance with 49 U.S.C. 5307(d)(1)(H), (1) the Applicant will comply with: 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);
- (9) In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation;
- (10) To the extent that the Applicant will be using funds authorized under 49 U.S.C. 5307 for the project, in compliance with 49 U.S.C. 5307(d)(1)(J), each Federal fiscal year, the Applicant will spend at least one (1) percent of those funds authorized under 49 U.S.C. 5307 for public transportation security projects (this includes only capital projects in the case of a Applicant serving an urbanized area with a population of 200,000 or more), unless the Applicant has certified to FTA that such expenditures are not necessary. Public transportation security projects include increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation; and
- (11) To the extent that the Applicant will be using funds authorized under 49 U.S.C. 5307 for the project, in compliance with 49 U.S.C. 5309(d)(1)(K): (1) an Applicant that serves an urbanized area with a population of at least 200,000 will expend not less than one (1) percent of the amount it receives each Federal fiscal year under 49 U.S.C. 5307 for transit enhancements, as defined at 49 U.S.C. 5302(a), and (2) if it has received transit enhancement funds authorized by 49 U.S.C. 5307(k)(1), its quarterly report for the fourth quarter of the preceding Federal fiscal year includes a list of the projects it has implemented during that Federal fiscal year using those funds, and that report is incorporated by reference and made part of its certifications and assurances.

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

24. DEPOSITS OF FEDERAL FINANCIAL ASSISTANCE TO STATE INFRASTRUCTURE BANKS

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

the validity of all certifications and assurances the State has made to FTA. FTA may not award Federal assistance for the SIB Program to the State until the State provides these assurances by selecting Category “24.”

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

- A. Applicable provisions of section 1602 of SAFETEA-LU, now codified at 23 U.S.C. 610, or by section 1511 of TEA-21, 23 U.S.C. 181 note, or by section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181;
- B. The provisions of the FHWA, FRA, and FTA or the FHWA and FTA cooperative agreement with the State to establish the State's SIB Program; and
- C. The provisions of the FTA grant agreement with the State that provides Federal assistance for the SIB, except that any provision of the Federal Transit Administration Master Agreement incorporated by reference into that grant agreement will not apply if it conflicts with any provision of section 1602 of SAFETEA-LU, now codified at 23 U.S.C. 610, or section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note, or Federal guidance pertaining to the SIB Program, the provisions of the cooperative agreement establishing the SIB Program within the State, or the provisions of the FTA grant agreement.
- D. The requirements applicable to projects of 49 U.S.C. 5307 and 5309, as required by 49 U.S.C. 5323(o); and
- E. The provisions of any applicable Federal guidance that may be issued as it may be amended from time-to-time, unless FTA has provided written approval of an alternative procedure or course of action. Selection and Signature Page(s) follow.

**FEDERAL FISCAL YEAR 2009 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT
ADMINISTRATION ASSISTANCE PROGRAMS**

Name of Applicant: _____

The Applicant agrees to comply with applicable provisions of Categories 01 – 24. _____

OR

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

| <u>Category</u> | <u>Description</u> | |
|-----------------|---|-------|
| 01. | Assurances Required For Each Applicant. | _____ |
| 02. | Lobbying. | _____ |
| 03. | Procurement Compliance. | _____ |
| 04. | Protections for Private Providers of Public Transportation. | _____ |
| 05. | Public Hearing. | _____ |
| 06. | Acquisition of Rolling Stock for Use in Revenue Service. | _____ |
| 07. | Acquisition of Capital Assets by Lease. | _____ |
| 08. | Bus Testing. | _____ |
| 09. | Charter Service Agreement. | _____ |
| 10. | School Transportation Agreement. | _____ |
| 11. | Demand Responsive Service. | _____ |
| 12. | Alcohol Misuse and Prohibited Drug Use. | _____ |
| 13. | Interest and Other Financing Costs. | _____ |
| 14. | Intelligent Transportation Systems. | _____ |

- 15. Urbanized Area Formula Program. _____
- 16. Clean Fuels Grant Program. _____
- 17. Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program. _____
- 18. Nonurbanized Area Formula Program for States. _____
- 19. Job Access and Reverse Commute Program. _____
- 20. New Freedom Program. _____
- 21. Paul S. Sarbanes Transit in Parks Program. _____
- 22. Tribal Transit Program _____
- 23. Infrastructure Finance Projects. _____
- 24. Deposits of Federal Financial Assistance to a State Infrastructure Banks. _____

FEDERAL FISCAL YEAR 2009 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

Name of Applicant: _____

Name and Relationship of Authorized Representative: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes and regulations, and follow applicable Federal directives, and comply with the certifications and assurances as indicated on the foregoing page applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2009.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances in this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2009.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the Program Fraud

Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute

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

Signature _____ Date: _____

Name _____

Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

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

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

Signature _____ Date: _____

Name _____

Attorney for Applicant

TITLE VI MONITORING AND ENFORCEMENT FOR SUBRECIPIENTS

Lawsuits/Complaints, Notice to Beneficiaries and LEP Requirements – Procedures and Record Keeping

NJ TRANSIT’S RESPONSIBILITIES UNDER Title VI, Notice and Purpose

All recipients of Federal Transit Administration (FTA) funding, such as NJ TRANSIT, must meet the following program requirements, which have been established to conform to the Civil Rights Act of 1964 (Title VI):

NJ TRANSIT must ensure to the FTA that federally supported transit services and related benefits are distributed in an equitable manner with no discrimination on the grounds of race, color or national origin. No person shall be excluded from participating in, or denied the benefits of, or be subject to discrimination under any program, or activity receiving federal financial assistance.

The Department of Transportation (USDOT) regulations implementing Title VI requires the collection of data and other information to enforce the statute. Furthermore, the FTA as part of USDOT has established a program of grantee reviews assessing compliance with all Title VI regulations. The review includes an evaluation of each agency’s policies, procedures, and record-keeping. As with most FTA requirements many elements are also passed through to grant subrecipients. It is NJ TRANSIT’S responsibility to insure that all subrecipients comply with the applicable parts of Title VI.

Your agency/organization are being sent this document because it is a subrecipient under a FTA grant program, whether it is operating funds or an accessible van or minibus, and, therefore, your agency needs to take appropriate actions in order to comply with Title VI requirements. Examples of some of the possible grant programs your agency may be considered a subrecipient under are the Section 5310 (Elderly and Persons with Disabilities), Section 5311 (Rural/Nonurbanized), Section 5316 (New Freedom) or Section 5317 (Jobs Access) Programs. In turn, NJ TRANSIT is required to verify to the federal government that all subrecipients are in compliance.

Monitoring Subrecipients for Compliance

NJ TRANSIT will make periodic on-sight visits using relevant monitoring programs to ensure compliance with the requirements of all project activities, services, project administration and management practices supported with federal funds. Monitoring will include but is not limited to such matters as Financial Control, Procurement, Civil Rights, Maintenance, and Other Federal Provision Requirements. Title VI compliance would be addressed under the Civil Rights section of an on-sight review.

Below are the key elements that an agency must be aware of and in compliance with in order to satisfy federal Title VI requirements.

Lawsuits/Complaints, Notice to Beneficiaries and LEP Requirements – Procedures and Recordkeeping (continued)

This checklist shows Title VI requirements that a subrecipient is responsible for and that NJ TRANSIT will either ask your organization to certify, verify and/or document as appropriate:

| TITLE VI COMPLIANCE REPORTING CHECKLIST FOR ALL SUBRECIPIENTS | |
|--|---|
| 1. | Annual Certifications and Assurances are signed and filed with NJ TRANSIT |
| 2. | Subrecipient has a written Title VI Complaint Procedure |
| 3. | Subrecipient has a written Record of Title VI Investigations, Complaints, or Law Suits |
| 4. | Subrecipient has made an effort to review Demographic Data of Access to Services by Persons with LEP (NJ TRANSIT will provide, at a minimum, each county with a set of maps indicating LEP populations) |
| 5. | Subrecipient has Notified Beneficiaries of their Rights Under Title VI by using the NOTICE TO BENEFICIARIES wording provided by NJ TRANSIT and NJ TRANSIT has been notified of the location of notice(s). |

What follows is a brief overview of how you as a subrecipient can comply with each of the requirements cited in the table above.

1. Certification And Assurances

Every year, usually in the late fall, NJ TRANSIT mails to subrecipients the annual certifications and assurances published annually in the Federal Register by the FTA. Included in those assurances are all applicable Civil Rights assurances including Title VI. If you are a new subrecipient, NJ TRANSIT will require you to sign the current certifications and assurances before the start of your project or the receipt of your vehicle equipment.

2. Title VI Complaint Procedures. Chapter IV, part 2; 49 CFR 21.9(b);

NJ TRANSIT has developed procedures for investigating and tracking Title VI complaints filed against them and makes their procedures for filing a complaint available to members of the public upon request. NJ TRANSIT encourages its subrecipients to adopt their own Title VI complaint investigation and tracking procedures. NJ TRANSIT will ask subrecipients during a on-site review and/or during the application process if they have written complaint procedures. Such written procedures do not need to be lengthy or complicated but they should be written and formalized. The following guidance is provided to subrecipients in the development of a written complaint procedure:

Who takes discrimination complaints?

A subrecipient needs to designate who takes Title VI discrimination complaints. It can be someone within the transit operation or, more likely, someone in the subrecipients administrative, human resources or legal department. Policies should be in place that describes how other transit staff persons, including call intake persons, are informed to direct/transfer Title VI complaint calls to the designated Title VI officer for proper log-in of the complaint.

How are discrimination complaints processed?

Once the designated person to take a Title VI complaint receives such a complaint, it needs to be logged into a database under the category “Discrimination/Title VI”. It is recommended that the Title VI officer notify the alleging party within five work days of the complaint’s receipt. Obviously, an operation receives a variety of complaints, i.e. the bus was late, the driver was rude etc. Those types of complaints are not necessarily Title VI complaints. Therefore, it should be noted in the log which complaints are of a Title VI nature.

3. Procedure for Investigations, Complaints and Lawsuits: Chapter IV part 3; 48 CFR 21.9(b).

NJ TRANSIT has developed and maintains a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipients that allege discrimination on the basis of race, color, or national origin that includes the following: a) the date of the investigation, lawsuit, or complaint was filed; b) a summary of the allegation(s); c) the status of the investigation, lawsuit, or complaint; and d) actions taken by the recipient or subrecipient in response to the investigations.

How are discrimination complaints handled by a subrecipient?

Case investigation and documentation:

Your Title VI officer should conduct a prompt investigation of each discrimination complaint filed and must develop a complete case record. A complete case record consists of the name and address of all parties interviewed/consulted and a summary of their statements, copies of summaries of pertinent documents, and a narrative summary of all evidence disclosed in the complaint investigation. A written report is to be prepared at the conclusion of the investigation and this shall include: summary of the complaint, description of the investigation, findings and recommendations.

Disposition:

The Title VI officer will present recommendations to the appropriate head of agency or organization for approval of the disposition. If the complaint is determined to be valid, the recommendation will include proposed corrective actions to address the situation. A resolution with no actions will be recommended if the complaint is found not valid or questionable. The Title VI officer will then notify the alleging party about the resolution to the complaint. Proper log of the resolution to the complaint will be kept on file.

Request for reconsideration:

The alleging party may submit a request for reconsideration within a designated time frame (# of days – a minimum of 30 is suggested) from the date the notice of disposition is issued. Appeals should be reviewed within a stated number of days (again 30 days is recommended) of the dated request for reconsideration. The appeal should be heard by the administrative head of the subrecipients’ agency.

Monitoring:

The Title VI officer and administrative head of the agency should conduct a periodic review of all Title VI complaints. Meetings can be quarterly, semi-annually or annually. Corrective actions taken at the time of each

resolution will be examined at these reviews. The Title VI officer may waive the requirement of a periodic meeting if no complaint or corrective action has been taken during the specified period.

4. Access to Services by Persons with LEP (Limited English Proficiency). Chapter IV, part 4; 49 CFR 21.5(b) and the DOT LEP Guidelines.

NJ TRANSIT is taking reasonable steps to remove barriers for LEP individuals and is developing a Language Implementation Plan pursuant to the recommendations in Section VII of the DOT LEP Guidance. Any LEP individual directly impacted or benefiting from NJ TRANSIT programs should be offered translation proactively as a rule.

As a subrecipient your agency or organization must ensure access to your transportation programs for those passengers with Limited English Proficiency (LEP). A subrecipient must document that they sought out the viewpoints of minority, low-income and LEP populations in the course of conducting public outreach and involvement activities. NJ TRANSIT is required to monitor such outreach done by their subrecipients. Outreach can be done by advertising programs in the local newspaper and regular public meetings, or doing outreach at community based organizations, and making sure there is a channel for feedback from community groups. Each subrecipient should be cognizant of significant populations of LEP individuals in their service area and make every effort to have available program material in alternative languages and the ability to communicate with potential customers in alternative languages with any significant LEP population.

5. Notifying Beneficiaries of their Rights Under Title VI. Chapter IV, part 5; 49 CFR 21.9(d).

NJ TRANSIT has developed a statement for the provision of information to the public regarding their Title VI obligations and to apprise members of the public of the protections against discrimination afforded to them by Title VI.

It is required that every subrecipient develop such a NOTICE TO BENEFICIARIES and display where appropriate.

It is the responsibility of the subrecipient to tell NJ TRANSIT where such NOTICE is posted. Suggested locations are in printed transit schedules/timetables or if you do not have such, brochures that detail services provided by your agency which includes your transit services or at key locations within your agency if your passengers are located or have access to your facility, on vehicles and on your website. Although a **Title VI notice should always be on your website**, for the purposes of FTA transportation programs the notice should also be posted through one of the other ways mentioned above as well. Posting on a website alone is considered insufficient in meeting Title VI NOTICE TO BENEFICIARIES requirements

EXHIBIT A

THIS FORM IS PROVIDED AS AN EXAMPLE OF A FORM THAT YOU COULD INCORPORATE AND USE TO RECORD AN INITIAL TITLE VI COMPLAINT. IF USED BY YOUR TRANSPORTATION COORDINATOR OR CALL INTAKE THEY WOULD THEN FORWARD THE FORM TO THE ORGANIZATION'S DESIGNATED TITLE VI OFFICER FOR LOGGING IN FOR INVESTIGATION AND FOLLOWUP.

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know.

For complaints concerning the Section 5307 (Small Urban), Section 5310 (Senior and Persons with Disabilities), Section 5311 (Non-Urbanized), Section 5316 (JARC) and Section 5317 (New Freedom) Programs or other grant programs funded by the Federal Transit Administration, complete and return this form to:

1. Complainants' Name _____

2. Address _____

3. City, State and Zip Code _____

4. Telephone Number (home) _____ (business) _____

5. Person discriminated against (if someone other than the complainant)

Name _____

Address _____

City, State and Zip Code _____

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your: (check reason)

a. Race/Color _____ c. Age _____

b. National Origin _____ d. Disability _____

EXHIBIT B

The following is information regarding when and how to address LEP requirements.

Transportation for Persons with Limited English Proficiency FTA Circular 4702.1A Updated Federal Guidance and Instruction

Overview of Content

This exhibit is a guide to implementing the provisions relating to service to persons with limited English proficiency in Federal Transit Administration (FTA) Circular 4702.1A, an updated version of the original guidance issued in 1988.

FTA TITLE VI CIRCULAR 4702.1A

This section provides a brief summary to assist a person reading the full Circular and is not a substitute for the full Circular, which includes contact information for readers with questions.

Introduction

Title VI refers to the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. “Since 1972, the Federal Transit Administration has required applicants, recipients and subrecipients of Federal assistance, to certify compliance with the requirements of Title VI as part of the grant approval process for their certifying compliance with the requirements of Title VI. The FTA has revised and updated its *Title VI Circular, 4702.1 in 2007* to incorporate developments in legislation, Executive Orders, DOT directives, court cases that have affected the rights and responsibilities of recipients and beneficiaries.” See 72 Federal Register 18733 (April 13, 2007). www.fta.dot.gov/documents/Federal_Register_Notice.doc

Some Events Since the Original Title VI Circular Was Issued

1991

The Federal Transit Administration was created – replacing the Urban Mass Transportation Administration Intermodal Surface Transportation Equity Act (ISTEA)

1998

Transportation Equity Act for the 21st Century (TEA-21)

2001

Executive Order 13166, “*Improving Access to Services for Persons with Limited English Proficiency*”

DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons (DOT LEP Guidance)

2005

Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU)

Reissue of DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons (DOT LEP Guidance)

The revised circular, *FTA Circular 4702.1A*, assists FTA recipients and subrecipients in integrating the policies and principles of access to services for persons with limited English proficiency into their programs and activities (as embodied in *Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency*) and the considerations expressed in the U.S. Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (“LEP”) Persons. *See 72 Federal Register 18733* (April 13, 2007).

Circular Introductory Material (Chapters I and II)

Chapter I of the Circular, **How to Use This Circular**, is a concise, two-page (I-1 & I-2) explanation of which sections apply to different FTA applicants, recipients, and subrecipients, with a **Reference Chart** (page I-3) that displays which chapters pertain to whom.

One of the circular’s five objectives is to ensure meaningful access to programs and activities by persons with limited English proficiency (Page II-1, Chapter II, Overview)

Definition of Limited English Proficient (LEP) Persons: persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all. *See* Chapter II, 6.n.

Definition of national origin means “the particular nation in which a person was born, or where the person’s parents or ancestors were born.” *See* Chapter II, 6.s.

General Requirements And Guidelines (Chapter IV)

The general requirements presented in Chapter IV, including the reporting requirements, apply to agencies that provide demand-response transportation that is available to the general public (FTA’S Section 5311, Section 5316 (New Freedom), Section 5317 (JARC) or, in the case of services funded under FTA’s Section 5310 program, is open to eligible older adults and individuals with disabilities. The requirements of this chapter also apply to providers of fixed-route transportation. *See 72 Fed. Reg. 18736.*

Requirement to Provide Meaningful Access to LEP Persons

FTA subrecipients are required to “take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).” *See* Chapter IV, 4.

Bases for appropriate language assistance. “Appropriate language assistance should be based on the subrecipient’s analysis of the number of LEP people eligible to be served or likely to be encountered by a program, activity, or service; the frequency with which those people come into contact with the program; the nature and importance of the program, activity or service to people with LEP; the resources available to the agency; and the cost of providing language assistance.” *See 72 Fed. Reg. 18740.*

Developing a Language Implementation Plan

The most complete way subrecipients can ensure that LEP persons have meaningful access to their programs and activities by developing and carrying out a language implementation plan pursuant to the recommendations in Section VII of the *DOT LEP Guidance*. *See* Chapter IV, 4.a.

Subrecipients Without a Language Implementation Plan

Most FTA subrecipients in New Jersey, such as those serving very few LEP persons or those with very limited resources, will choose not to develop a written LEP plan. **However, subrecipients who do not have a written LEP plan must still meet the underlying obligation to ensure meaningful access by LEP persons to their program or activities.** In cases

where no written plan exists, NJ TRANSIT may request during on-site reviews or otherwise documentation that the subrecipient has taken steps to ensure meaningful access. *See* Chapter IV, 4.b.

Guidance on Promoting Inclusive Public Participation

To integrate the considerations expressed in the *DOT LEP Guidance* into community outreach activities, subrecipients should seek out and consider the views of LEP populations as they conduct public outreach and involvement activities. *See* Chapter IV, 9.

EXHIBIT C
NOTICE TO BENEFICIARIES

Requirement to Notify Beneficiaries of Protection under Title VI

To comply with 49 CFR 21.9(d), subrecipients are required to provide information to the public regarding their Title VI obligations and the public's protections against discrimination under Title VI. Recipients and subrecipients that provide transit service must disseminate this information to the public. See Chapter IV, 5.

Document translation. Notices detailing a subrecipient's Title VI obligations and complaint procedures should be translated into languages other than English, as needed and consistent with *DOT LEP Guidance*. See Chapter IV, 5,b.(3)

Subrecipients. To reduce administrative burden, subrecipients may adopt the Title VI Notice developed by NJ TRANSIT (See attached). Nonetheless, the NJ TRANSIT should be modified so that subrecipients also notify their beneficiaries that they may file discrimination complaints directly with the their own agency. See Chapter IV, 5,b(4).

Program-Specific Requirements and Guidelines, Chapter Vi, 2.A-C

In summary, in order to comply with Title VI requirements NJ TRANSIT is committed to providing the following assistance to subrecipients:

- a. *Sample notices* to the public informing beneficiaries of their rights under Title VI and procedures on how to file a Title VI complaint.
- b. *Sample procedures* for tracking and investigating Title VI complaints filed with a subrecipient.
- c. *Demographic information* on the race, income, and English proficiency of residents served by the recipient. (This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.)”

This document is intended to achieve the goals of providing such assistance.

SAMPLE NOTICE TO BENEFICIENCES

**The following should appear on Schedules/Timelines, System Maps
And/or Agency Rider Guides, or appropriate location within agency**

Non-Discrimination Policy

(NAME OF AGENCY) is committed to ensuring that no person is excluded from, or denied the benefits of our services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964, as amended. Any person who believes that they have, individually, or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, or national origin, may file a complaint in writing to (NAME OF AGENCY). To file a complaint, or for more information on (NAME OF AGENCY'S) obligations under Title VI write to: (ADDRESS OF AGENCY) or visit (website link if available). Transportation services provided by this agency are in whole or part funded through federal funds received through NJ TRANSIT and as an individual you also have the right to file your complaint under Title VI to NJ TRANSIT by writing to: New Jersey Transit Customer Service – Title VI Division, One Penn Plaza East, Newark, NJ 07105 or visit njtransit.com/diversity. A complaint must be filed within 180 days of the alleged discrimination

Política de no discriminación

(NAME OF AGENCY) se compromete a garantizar que ninguna persona sea excluida o se le nieguen los beneficios de nuestros servicios por motivos de raza, color o origen nacional, en virtud del Título VI de la Ley de Derechos Civiles de 1964 y sus enmiendas. Toda persona que crea haber sido discriminada, ya sea en forma individual o como miembro de un grupo específico de personas, por motivos de raza, color o origen nacional puede presentar una denuncia por escrito a (NAME OF AGENCY). Para presentar una denuncia o obtener más información sobre las obligaciones de (NAME OF AGENCY) bajo el Título VI, escriba a: (ADDRESS OF AGENCY) o visite (website link if available). Los servicios de transporte proporcionados por esta agencia son financiados en su totalidad o en parte con fondos federales recibidos a través de NJ TRANSIT, y usted, como individuo, también tiene el derecho de presentar su denuncia a NJ TRANSIT bajo el Título VI escribiendo a: New Jersey Transit Customer Service – Title VI Division, One Penn Plaza East, Newark, NJ 07105 o visitando njtransit.com/diversity. La denuncia debe presentarse dentro de los 180 días a partir de la fecha de la presunta discriminación.

