

# Oklahoma Department of Transportation



## **Title VI Plan** **Federal Transit Administration (FTA)**

***FFY 2020—FFY 2022***

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Attachment 1: FTA Fiscal Year 2019 Certifications and Assurances for Federal  
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## **PROGRAM OVERVIEW**

### **A. Introduction**

The Oklahoma Department of Transportation (ODOT) is a “primary recipient” of federal transportation funds. As a regulatory condition of receiving these funds, the ODOT is required to administer a program that establishes Title VI goals and objectives which pertains to transit programs. Every member of the ODOT is responsible for implementation and monitoring compliance with the Title VI program.

The focal point of nondiscrimination law is Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin. However, the broader application of nondiscrimination law may be found in other statutes, regulations, and executive orders. Discrimination based on sex, disability, and age is prohibited as well as unfair and inequitable treatment of persons as a result of projects which are undertaken with federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities whether they are federally funded or not.

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations,” signed in February of 1994, requires a federal agency to achieve environmental justice as a part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The Federal Transit Authority (FTA) requires the ODOT to carry out environmental justice responsibilities as part of its nondiscrimination program.

The Civil Rights Division is responsible for initiating and monitoring Title VI activities of all the ODOT’s divisions, all program areas, and oversight of sub-recipients.

The ODOT is the primary recipient. Sub-recipients include contractors, subcontractors, suppliers, consultants, cities, local governments, or any other entity receiving funds from the ODOT. Title VI regulations differ from Title VII regulations in that Title VI is for the protection of the public in regard to the ODOT’s activities and effects. Title VII, on the other hand, is specific regulations to protect the ODOT’s employees.

The ODOT is required to protect the public interest by developing a plan for their benefit. In addition, the Title VI plan indicates what the ODOT will do to prevent discrimination, how it will do it, and the steps it will take to monitor Title VI.

Title VI assurances are the foundation of our commitment to nondiscrimination. The ODOT deals with Title VI issues through the monitoring of its compliance with the principles specifically set

forth in the law. The ODOT also acknowledges its responsibilities to work toward increased effectiveness regarding Title VI compliance.

**B. Policy Statement**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in all federally assisted programs. Title VI was amended by the Civil Rights Restoration Act of 1987 (P.L. 100-259), effective as of March 22, 1988, which added Section 606, expanding the definition of the terms “programs or activities” to include all of the operations of an educational institution, government entity, or private employer that receives federal funds if any one operation receives federal funds.

The Oklahoma Department of Transportation (ODOT) is a state governmental entity. It is the policy of the ODOT to ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in all programs and activities.

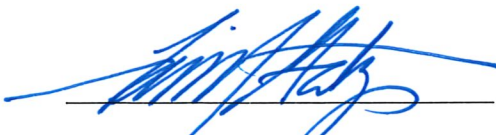
The Title VI Coordinator is granted the authority to administer and monitor the Title VI and Nondiscrimination Program as promulgated under Title VI of the Civil Rights Act of 1964 and any subsequent legislation. The Title VI Coordinator will provide assistance as needed.

The agency will take all steps to ensure that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation, genetic information, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the ODOT, its recipients, sub-recipients, and contractors.

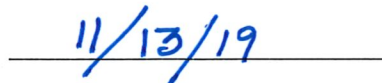
Title VI responsibilities are delegated to the managers and charges them with the responsibility to develop and implement procedures and guides to adequately monitor their programs.

The agency recognizes the need for continuous Title VI training for the ODOT personnel.

Anyone who believes that he or she has been discriminated against should contact the ODOT Title VI Coordinator at 405-521-3379 or toll-free 1-800-788-4539.



Tim J. Gatz, Executive Director  
Oklahoma Department of Transportation

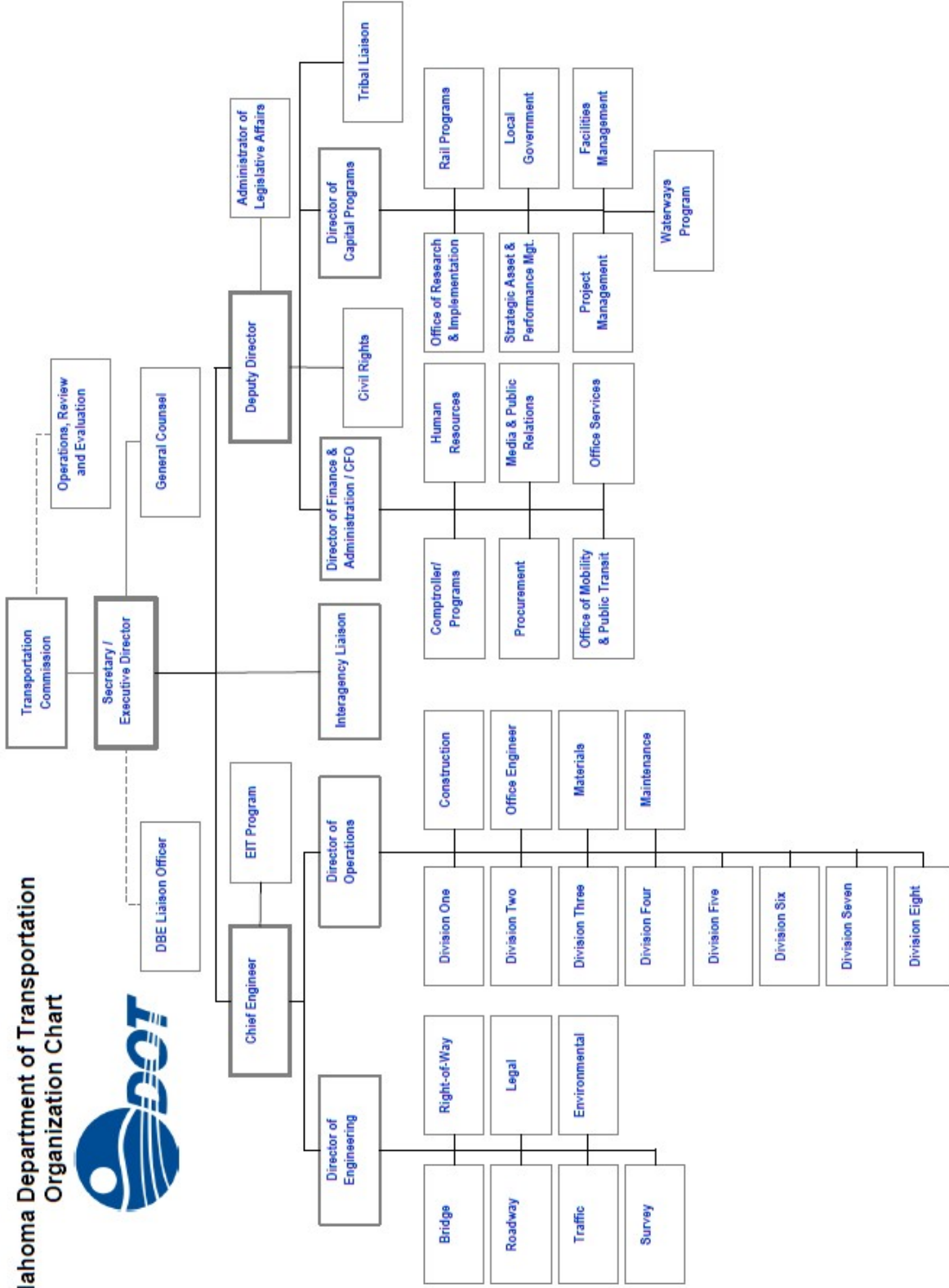


Date

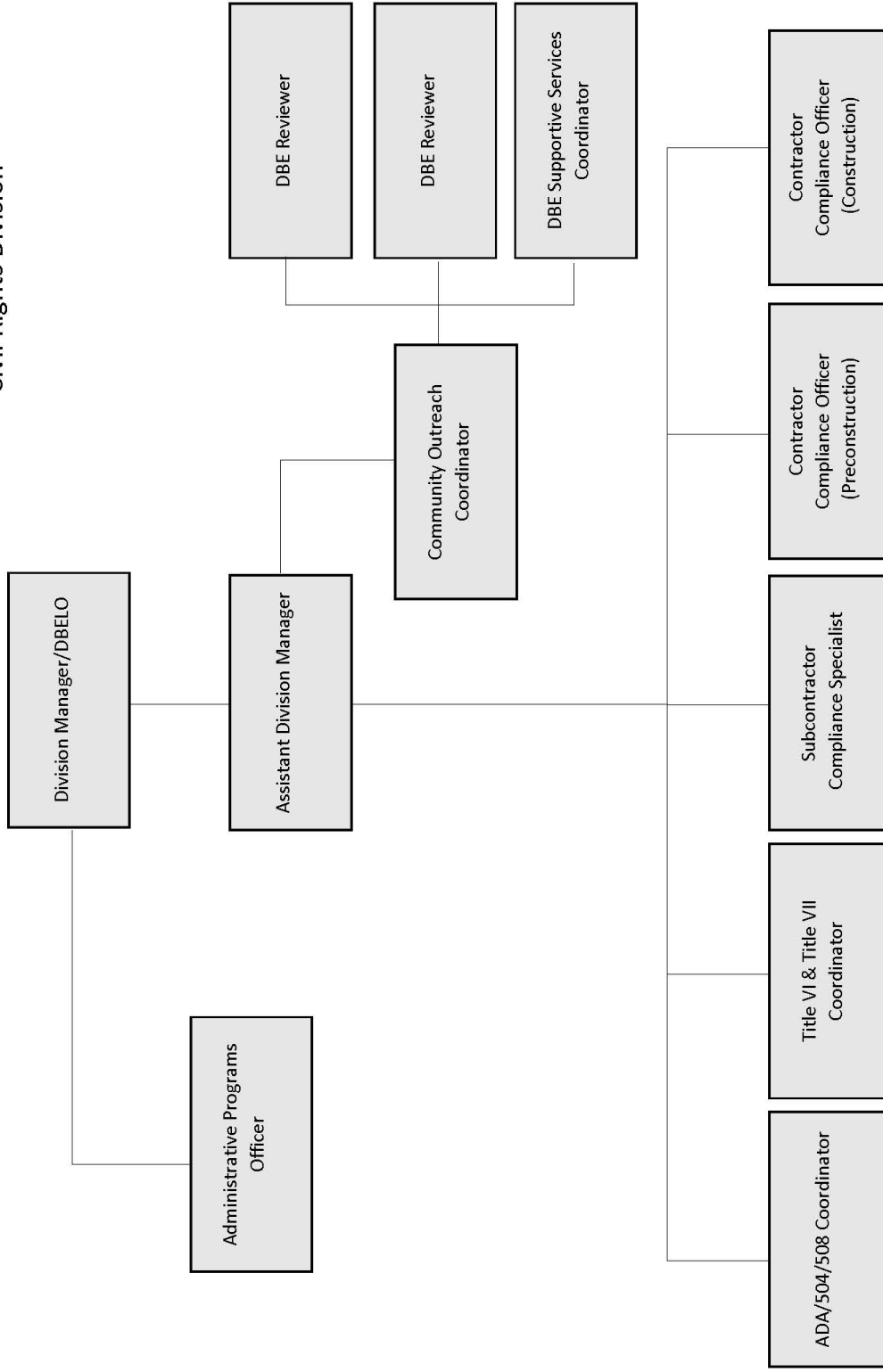
**C. Authority**

- a. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.
- b. Federal Transit Laws, Title 49, United States Code, Chapter 53.
- c. 49 CFR § 1.51.
- d. 49 CFR part 21.
- e. 28 CFR § 42.401 et seq.
- f. FTA Circular FTA C 4702.1B
- g. Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- h. Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency

# Oklahoma Department of Transportation Organization Chart



Oklahoma Department of Transportation  
Civil Rights Division





## Organization and Compliance Responsibilities

### **A. Executive Director**

The Oklahoma Department of Transportation's (ODOT) Executive Director is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and has directed that Nondiscrimination is required in all the ODOT programs and services. The Executive Director provides leadership, guidance, direction, and support for the ODOT's Title VI Program. The Executive Director has established an adequately staffed Civil Rights Division (CRD) to fulfill the Title VI statutory and regulatory requirements.

### **B. Title VI Coordinator**

The ODOT Civil Rights Division Manager has appointed a Civil Rights Division employee as the ODOT Title VI Coordinator and has assigned that employee the responsibility of the Title VI and Nondiscrimination Plan. The Title VI Coordinator is a staff position with direct access to the ODOT Executive Director. The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the ODOT's compliance with Title VI regulations. The Title VI Coordinator's responsibilities include:

- Develop and coordinate the implementation of the ODOT's Title VI and Nondiscrimination Program.
- Process, investigate, and resolve all Title VI complaints in accordance with the Title VI complaint procedure and time limitation.
- Coordinate the Title VI and Nondiscrimination Program with all the ODOT Divisions and other program area managers or designees, including sub-recipients.
- Assist appropriate program area officials in devising and implementing any monitoring activities deemed necessary for contractors, consultants, suppliers, vendors, lessors, universities, colleges, planning agencies, cities, counties, and other sub-recipients of all the ODOT's programs and various offices.
- Review the ODOT's central office field divisions, and sub-recipients procedures and guides as they relate to various program directives, manuals, and other regulations to determine compliance with Title VI Civil Rights provisions. Where corrections are necessary, the Title VI Coordinator will coordinate with the appropriate program area official for revisions.
- Collect statistical data necessary to evaluate the effectiveness of compliance with Title VI requirements of any recipient of the ODOT.
- Review the ODOT program directives in coordination with the ODOT program officials and, where applicable, include Title VI and related requirements.
- Develop Title VI information for dissemination to the public, where appropriate.
- Monitor the ODOT procedures and programs for compliance with Title VI requirements in all program areas.
- Identify and implement procedures to potentially improve the Title VI program.
- Conduct Title VI training programs and provide technical assistance and advice on Title VI matters to the ODOT program area officials and managers or designees.

- Conduct regular reviews of selected program areas to determine the effectiveness of program area activities at those levels.

### **C. Managers and Supervisors**

- Work closely with the ODOT Title VI Coordinator to develop and implement policies and procedures to monitor and ensure Title VI compliance in all of ODOT's programs and activities.
- Responsible for appointing a Title VI designee within their area and supporting their involvement in the program.
- Include a Title VI clause in all contracts or information distributed or advertised to the public.
- Attend training conducted by the Title VI Coordinator.

### **D. Title VI Designees**

- Communicate and coordinate with the Title VI Coordinator all program area Title VI issues or concerns in a timely manner.
- Assure that practices and procedures involving all programs and activities within their area of responsibility are applied uniformly and equitably in conformance with federal Title VI regulations.
- Provide and prepare data, information, and reports as requested by the Title VI Coordinator.
- Maintain knowledge of and adhere to the ODOT's Title VI and Nondiscrimination Program.
- Attend training conducted by the Title VI Coordinator.

## **III. Program Area Monitoring and Review**

### **A. General**

It is the responsibility of all the ODOT management, including the Executive Director, Deputy Director, Division Managers, Division Engineers, and program area managers or designees to promote compliance with Title VI of the Civil Rights Act of 1964. Compliance will be monitored through proactive oversight, reports to the ODOT Title VI Coordinator and/or compliance reviews. Compliance reviews are conducted according to FTA Circular 4702.1B.

### **B. Planning and Research Activities**

#### **I. Planning Activities**

The Strategic Asset and Performance Management Division has a primary responsibility for assuring that the results of a variety of rural and urban planning are executed in accordance with Title VI requirements. This process entails deliberation of all possible social, economic, and environmental effects of a proposed plan or program on identified groups in order to avoid the unintended creation of inappropriate and biased programs. The Title VI Coordinator will regularly review the Title VI activities for Planning.

## **II. Research Activities**

The Office of Research and Implementation Division has a primary responsibility for assuring that all aspects of transportation-related research projects are executed in accordance with Title VI. The Office of Research and Implementation Division works to improve the effectiveness and efficiency of the planning, design, construction, operation, and maintenance for the public need for safe, accountable, flexible, efficient, economical, convenient, and environmentally compatible transportation services. The Title VI Coordinator will regularly review the Title VI activities for research.

## **III. Public Involvement**

The ODOT has a primary responsibility for assuring that all public participation activities include consideration of Title VI and Environmental Justice (EJ) requirements. The ODOT adheres to the philosophy of affording all individuals an equal opportunity to participate in each transportation program or activity. Consistent with this philosophy, emphasis is directed towards equal representation of all groups at meetings where transportation needs and developments emerge. Public Involvement deals with, in particular, minorities, persons with disabilities, and other traditionally underserved groups in the various ODOT activities including but not limited to pre-construction meetings, highway system changes, environmental studies, and so forth. The purpose of the Public involvement process is to provide information to the public to receive comments, questions, and ideas. The Public Participation Plan is available at: [http://ok.gov/odot/Programs and Projects/Public Meetings and Hearings/index.html](http://ok.gov/odot/Programs%20and%20Projects/Public%20Meetings%20and%20Hearings/index.html) on the ODOT's website. A paper copy may also be obtained by contacting the ODOT. The Title VI Coordinator will regularly review the Title VI activities for the ODOT's Public Involvement process. Please note that an updated plan is current under development.

## **IV. Sub-recipients**

The Oklahoma Metropolitan Planning Organizations (MPOs) are responsible for the transportation planning process within their urbanized areas. Each MPO develops a 4-year Transportation Improvement Program (TIP), a long-range transportation plan, and develops and implements an annual Unified Planning Work Program (UPWP). The ODOT Title VI Coordinator assists the MPOs in the transportation planning activities that require Title VI compliance and advises them on Title VI compliance issues.

The following are the MPOs in the State of Oklahoma:

- Oklahoma City Area Regional Transportation Study (OCARTS)
- Tulsa Metropolitan Area Transportation Study
- Lawton Metropolitan Area Transportation
- Ft. Smith Transportation Study

Concurrent with submittal of the entire proposed TIP as part of the Statewide Transportation Improvement Program (STIP), the MPO shall certify at least every four years that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements.

The FTA shall review and evaluate the planning process for each MPO designated as a Transportation Management Area (TMA) no less than once every four years to determine if the process meets the requirements of applicable provisions of Federal law and the regulations. Currently, two Oklahoma MPOs are designated as a TMA:

- Oklahoma City Area Regional Transportation Study (OCARTS), and
- Tulsa Metropolitan Area Transportation Study

The Oklahoma City Area Regional Transportation Study (OCARTS) four-year certification review was completed in FFY 2017 and the Tulsa Metropolitan Area Transportation Study was completed in FFY 2018.

Compliance reviews of sub-recipients will be conducted on a regular basis by the ODOT Title VI Coordinator. The Title VI Coordinator conducts on-site reviews with each MPO and sub-recipient regularly. Additionally each TMA is reviewed regularly and in conjunction with their 4-year certification review. The information listed below is obtained regularly from each MPO and sub-recipient as applicable and is reviewed for compliance with Title VI.

- Strategies used to ensure that all components of the transportation planning and research process comply with Title VI;
- Whether the sub-recipient has developed a demographic profile of its planning or research area that includes identification of minority and low-income populations as applicable;
- Whether the sub-recipient has developed a process to seek to identify the needs of minority and low-income populations and to use demographic information to assess the distribution of benefits across these groups;
- What process is in place to assess the benefits/burdens of transportation system investments on minority and low-income populations on an analytic basis and whether an appropriate data source and tools are used to support the analysis;
- Whether a public involvement strategy for engaging minority and low-income populations in transportation decision-making is in place and what steps are being taken to reduce any participation barriers that have been identified;
- Determine if the public involvement process is routinely evaluated and whether there have been efforts made to improve effectiveness, especially with regard to minority and low-income populations and any other affected groups;
- What efforts have been made to engage minority and low-income populations in the public outreach effort and whether the public outreach effort utilizes media targeted to minority and low-income groups;

- When receiving issues/concerns raised by minority and low-income populations as well as other affected individuals and groups, what procedure has the sub-recipient established to use that information in the decision-making process;
- Number of consultant agreements awarded and the dollar amount;
  - Number of female and minority firms and the dollar amount
- Efforts made to ensure an equal opportunity for female and minority consulting firms to participate in the consultant selection process;
- Number of hearings, the location, and the times of day the hearings were held;
  - The percentage of female and minority participation at the hearings;
- Number of consultant agreements awarded and the dollar amount;
- Number of public information meetings/open houses held;
  - Percentage of female and minority participation;
- Efforts made to take Environmental Justice concerns into consideration in the transportation planning or research process;
- Whether there was any training received regarding Title VI or Environmental Justice;
- Review of the sub-recipient internal complaint procedures and policies;
- Status of any Title VI complaints received regarding any of the transportation planning, public involvement, or selection processes;
- Any significant Title VI activities or accomplishments made during the review period.
- Any significant Title VI activities or actions planned for the ensuing year.

## **C. Project Development**

### **I. Environmental**

The Environmental Programs Division (EPD) has the responsibility for assuring that the National Environmental Policy Act (NEPA) requirements are executed in accordance with Title VI requirements. The EPD is responsible for integrating environmental considerations and regulatory requirements into the ODOT's transportation programs and operations; providing a broad range of technical expertise in the natural and human environment; providing environmental (NEPA) documents and permits for the ODOT projects and activities; and liaise with regulatory agencies to streamline the environmental review and permit process.

The EPD is also responsible for assuring that the determination of environmental effects and any resulting impacts and measures are executed in accordance with Title VI requirements. A systematic process is used to study and evaluate all necessary environmental aspects of a proposed project, including social and economic aspects. The EPD is also responsible for providing environmental documentation and permits for the ODOT projects and activities, assisting in compliance with environmental rules and regulations, and providing technical expertise in the natural and human environment.

The Title VI Coordinator will regularly review the Title VI activities of the EPD. This will include reviewing all Environmental Assessments (EAs) and Environmental Impact Statements (EISs). The

Title VI Coordinator will also review Categorical Exclusions (CEs) for any Title VI impact. The Title VI Coordinator will regularly attend public meetings to gather first-hand knowledge of how the Public Involvement (PI) process is carried out.

#### **D. Right-of-Way**

The Right-of-Way (ROW) Division has a primary responsibility for assuring that property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses are executed in accordance with Title VI requirements. The ROW Division is separated into the following branches: Mapping, Appraisal, Acquisition, Relocation, Project Management, Utilities, and Outdoor Advertising. The contracts for the ROW Division are administered by Contract Administrators in the Purchasing Branch. The Title VI Coordinator will regularly review the Title VI activities of the ROW Division.

#### **E. Construction**

The Construction Division/Field Divisions have a primary responsibility for assuring that the ODOT construction projects are accomplished in accordance with Title VI. The Office Engineer Division has a primary responsibility for assuring that the process to prequalify prime contractors is accomplished in accordance with Title VI. The Title VI Coordinator will regularly review the Title VI activities related to Construction.

#### **E. Facilities Management Division**

The Facilities Management Division (FMD) is responsible for executing Joint Use Agreements with municipalities and ensuring that all Federal requirements are met for the agreement. The Civil Rights Division (CRD) is notified after the contract is executed for a review and assurance that all Title VI requirements have been met by the municipality contracting with the ODOT. The Title VI Coordinator will review all Joint Use Agreements to ensure that all Title VI requirements are met. The FMD is responsible for negotiating the contract with the recipient. Once the contract is executed, it is turned over to the CRD, Title VI Coordinator, for review. The review will be conducted jointly with the recipient and the recipient notified of any corrections needed. The following items will be considered in the review:

- Title VI Coordinator is designated by the municipality and the information published on the municipality's website;
- Title VI Complaint Process and Complaint Form are available to the public and provided on the municipality's website;
- Non-discrimination statement is available to the public and provided on the municipality's website;
- The municipality has a Limited English Proficiency (LEP) plan in place to address any LEP issues for the project;
- The municipality has an Environmental Justice (EJ) plan in place to address any potential disparate impact of the project to protected individuals or groups.

## **FEDERAL TRANSIT ADMINISTRATION**

### **TITLE VI PLAN**

#### **Overview**

Oversight for compliance with the Federal Transit Administration (FTA) Title VI regulations and guidance resides within the Office of Mobility and Public Transit (OMPT), which is responsible for sub-recipient compliance. The Civil Rights Division (CRD) and the OMPT work together to ensure that requirements are met. Although the ODOT's Title VI Plan in its entirety applies to all of the ODOT's programs and services, regardless of funding source, this Plan deals specifically with requirements for FTA funded programs.

**Annual Title VI Certification and Assurance** - Title VI requirements are passed to all sub-recipients of FTA funds. The OMPT annually submits its Certifications and Assurances to FTA by means of PINNING these certifications and assurances in the Transit Awards Management System (TrAMS), which is the electronic system used by FTA and FTA recipients.

All sub-recipients to programs administered by the OMPT are required to submit their Certifications and Assurances by original signature as part of the Application Package, and State Agreement for Funding. Specifically, on Appendix A, the sub-recipient can check the all-inclusive box which covers compliance to all categories, or check each individual category.

**Complaint and Investigation Procedures** – The OMPT complies with all aspects of ODOT's established Title VI complaint procedures described in this Plan. In addition, these requirements pass to sub-recipients who are reviewed for compliance during Site Reviews. Procedures on how to file a Title VI complaint for an FTA funded activity can be found at the ODOT's website at this address: [http://ok.gov/odot/Doing\\_Business/Civil\\_Rights/Title\\_VI\\_Information.html](http://ok.gov/odot/Doing_Business/Civil_Rights/Title_VI_Information.html) or by contacting the CRD.

The CRD maintains records of complaints, investigations, or lawsuits and these recordkeeping requirements pass to sub-recipients by publishing the requirements in the State's Management Plans, and State Agreement for Funding. These areas are reviewed for compliance every three years at a minimum with sub-recipients.

As part of the site visit, OMPT ensures that the sub-recipient maintains current postings explaining Title VI requirements, as it relates to both employees and transit services offered. In addition, they review sub-recipients' policies to ensure that they contain Title VI language. The OMPT also reviews the sub-recipients' websites and brochures throughout the year to check that the Title VI Notice to the Public is included.

**Notification of Title VI Protection for Beneficiaries** - After each revision, the ODOT widely distributes its Title VI Plan. The Title VI notifications are also included with all newly printed or the revised ODOT publications, brochures, and pamphlets meant for public consumption. In addition, the requirement to provide notification is passed to sub-recipients. The following notice is standard wording for the website, publications, brochures, flyers, etc.:

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation please contact the ADA Coordinator at 405-521-4140 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions email [ODOT-ada-titlevi@odot.org](mailto:ODOT-ada-titlevi@odot.org).

The department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

**Inclusive Public Participation** – The OMPT conducts periodic assessments to determine the sub-recipients compliance with the FTA Title VI regulations. These reviews include location of transit services and facilities, participation opportunities in the transit planning and decision-making processes, and communication needs of Limited English Proficiency (LEP) persons.

**Limited English Proficiency (LEP) Requirements** – The ODOT complies with all Limited English Proficiency (LEP) requirements under Executive Order 13166, whether the program is Federally funded or not, and applies the requirements regardless of the funding source. The ODOT is required to determine and evaluate the number, frequency, and importance of the public contacts they have with individuals who are limited in English speaking ability, and the resources available for LEP services. This evaluation includes determining which, if any, documents must be translated and whether interpretation assistance must be provided.

The OMPT is required to monitor sub-recipients for compliance with the LEP requirements to ensure that members of the public who are limited in their English speaking ability have the same access to and benefit from public transportation agencies receiving Federal-aid funds. Monitoring is done primarily through the triennial assessments and plan reviews which includes reviewing the public agency's LEP self-assessment and the extent to which the agency has provided information to the public regarding the availability of interpreter services and translated written materials into other languages.



**Environmental Justice (EJ) Requirements** – The ODOT as a whole has a process for complying with the EJ requirements of Executive Order 12898 in the project development process. New construction or expansion of transit terminals, storage and maintenance garages, office facilities and parking facilities may be designated as categorical exclusions after the FTA review and approval. The ODOT staff works with the FTA Region VI personnel and the ODOT’s Right-of-Way and Environmental Programs Divisions on the development and implementation process. The OMPT would be in close contact with the ODOT Environmental Programs Division (EPD) staff on public transportation issues affected by environmental concerns. All construction projects that are funded with FTA funds are reviewed to ensure that they follow the ODOT’s EJ and LEP guidance.

The OMPT works with FTA Region VI personnel on projects involving real property. FTA Region VI personnel reviews the project’s documented categorical exclusion worksheet to determine if the project meets the criteria of Categorical Exclusion.

## **Title VI Notice to the Public**

The ODOT's Title VI Notice to the Public is available on the website along with bulletin boards and public entrances/exits. The ODOT Office of Mobility and Public Transit (OMPT) reviews all sub-recipients websites and brochures throughout the year to ensure that their websites contain a statement notifying the public of its rights under Title VI. A sub-recipient desk audit is also performed every 3 years during their site assessments.

### **Notifying the Public of Rights Under Title VI The Oklahoma Department of Transportation**

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. The Federal Motor Carrier Safety Administration (FMCSA) Title VI Program includes sex, age, disability, low-income, and Limited English Proficient (LEP) as protected groups under the Title VI Program.

Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the Title VI Coordinator with the Office of Civil Rights. Title VI Complaints must be filed within 180 days of the alleged discriminatory event or practice. Complaints must be filed using the ODOT's Title VI Complaint Form and submitted electronically or mailed to:

**Oklahoma Department of Transportation  
Civil Rights Division  
Attention: Katrina Fire  
Title VI Coordinator  
200 N.E. 21st Street, Room 1-C1  
405-521-3379  
[kfire@odot.org](mailto:kfire@odot.org)  
Oklahoma City, OK 73105**

Title VI Information and forms can be located at [http://ok.gov/odot/Doing\\_Business/Civil\\_Rights/Title\\_VI\\_Information.html](http://ok.gov/odot/Doing_Business/Civil_Rights/Title_VI_Information.html) or by contacting the Title VI Coordinator at [kfire@odot.org](mailto:kfire@odot.org).

If information is needed in another language, contact 405-521-3379.

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The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation please contact the ADA Coordinator at 405-521-4140 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions email [ODOT-ada-titlevi@odot.org](mailto:ODOT-ada-titlevi@odot.org).

## **Title VI Complaint Procedure**

The Oklahoma Department of Transportation (ODOT) uses the following, detailed internal procedures for prompt processing and resolution of all Title VI complaints received directly by any of its divisions or field divisions having responsibilities under the Title VI and the related Nondiscrimination statutes. These procedures include but are not limited to:

1. Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the Title VI Coordinator with the Civil Rights Division. A complaint may also be filed by a representative on behalf of such a person.

2. In order to have the complaint considered under this procedure, the complaint must be filed no later than 180 calendar days after:

- ❖ The date of the alleged act of discrimination; or
- ❖ Where there has been a continuing course of conduct, the date on which that conduct was discovered

3. Complaints shall be filed using the department's Title VI Complaint Form (available at [https://www.ok.gov/odot/Doing\\_Business/Civil\\_Rights/Title\\_VI\\_Information.html](https://www.ok.gov/odot/Doing_Business/Civil_Rights/Title_VI_Information.html) or by contacting the Civil Rights Division). Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

Complaints should be directed to:  
**Oklahoma Department of Transportation**  
**Civil Rights Division**  
**Attention: Title VI Coordinator**  
**200 N.E. 21st Street, Room 1-C1**  
**Oklahoma City, OK 73105-3204**

4. Upon receipt of the signed complaint form, the Title VI Coordinator will log-in the complaint, determine the basis of the complaint, authority/jurisdiction, and who should conduct the investigation.

5. The Title VI Coordinator reviews and determines the appropriate action regarding every Title VI complaint. The department will not proceed with or continue a complaint investigation if:

- a. The complaint is, on its face, without merit

- b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
- c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.

6. Within ten (10) business days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation(s). The notification letter and the follow-up telephone call shall contain(s):

- a. The basis of the complaint.
- b. A brief statement of the allegation(s) over which the department has jurisdiction.
- c. A brief statement of the department's jurisdiction over the recipient to investigate the complaint; and
- d. An indication of when the parties will be contacted.

7. The Title VI Coordinator will investigate the complaint and log the following information within ten (10) calendar days of receipt of the allegation(s):

- a. Name, address, and phone number of the complainant.
- b. Email address if available.
- c. Basis of complaint (i.e., race, color, national origin, sex, age, disability/handicap).
- d. Date of the alleged discriminatory act(s).
- e. Date of complaint received by the recipient.
- f. A statement of the complaint.
- g. Other agencies (state, local or Federal) where the complaint has been filed.
- h. An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint.

8. Within sixty (60) calendar days from the date the original complaint was received, the Title VI Coordinator will conduct and complete an investigation of the allegation(s)

9. The Title VI Coordinator will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, sex, age, national origin, disability/handicap, or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigation team feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.

10. Within ninety (90) calendar days of receipt of the complaint, the Title VI Coordinator will issue a "Letter of Findings" to the complainant.

11. The complainant has within twenty (20) calendar days of receipt of the “Letter of Findings” to request an in-person hearing or choose to submit explanation and documentation if he/she wishes to appeal the decision. All appeals must be submitted to:

Civil Rights Division  
Attention: Division Manager  
200 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
Phone: 405.521.3186  
Fax: 405-522-4895  
Oklahoma Relay: 1-800-722-0353

The appeal will be reviewed by the Appeals Committee, which consists of representatives from the Civil Rights Division, Transit Division, and General Counsel’s Office. The Complainant will receive a final decision within thirty (30) calendar days.

12. If the complaint cannot be resolved by the Department to the satisfaction of all parties concerned, the party not satisfied is advised of his or her right to appeal pursuant to Title 49, Code of Federal Regulations, Part 21. The appeal must be filed, in writing no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary to:

**U.S. Department of Transportation  
400 Seventh Street Southwest  
Washington, D.C. 20590**

A complaint may be filed with the Secretary; U.S. Department of Transportation, before, during, or after the complaint has been filed with the Oklahoma Department of Transportation.

*The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation please contact the ADA Coordinator at 405-521-4140 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions email [ODOT-ada-titlevi@odot.org](mailto:ODOT-ada-titlevi@odot.org)*

## TITLE VI COMPLAINT FORM - FTA

The Oklahoma Department of Transportation is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin, as provided by the Title VI of the Civil Rights Act of 1964, as amended. The Title VI complaints must be filed within 180 calendar days from the date of the alleged discrimination.



Date of Filing:	
Name:	
Address:	
City, State, Zip Code:	
Work Phone:	
Home Phone:	
E-mail Address:	

Oklahoma Department of Transportation

**Civil Rights Division**  
**200 N.E. 21st Street, Room 1-C1**  
**Oklahoma City, Oklahoma 73105**  
**Phone: (405) 521-3379**  
**Fax: (405) 522-2136**

[http://ok.gov/odot/Doing\\_Business/ODOT\\_Forms/index.html](http://ok.gov/odot/Doing_Business/ODOT_Forms/index.html)

Indicate on what ground(s) you believe you have been discriminated against (check all that apply):

- Race       Color       National Origin

Indicate the person(s) who you believe discriminated against you:

Name(s):	
Work Location (if known):	
Work Phone:	
Date of alleged incident:	

If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name:	
Address:	
Work Phone:	
E-mail Address:	

Explain why you believe discrimination has occurred. If there are witnesses, please provide names, addresses and telephone numbers. Be sure to include how other persons were treated differently than you. Attach additional pages as necessary and any written material pertaining to your case.

What remedy are you requesting? Please be specific:

Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any other agencies (Federal, State, or local):

Yes                       No

If so, please provide the following information:

Agency:	
Address:	
Name of Investigator (if known):	
Phone Number:	
E-mail Address:	
Date Filed:	
Status of case:	

I confirm that I have read the above charge(s) and it is true to the best of my knowledge.

Print or typed name of complainant:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Completed forms must be submitted to the Oklahoma Department of Transportation's Civil Rights Division.  
If you require any assistance in filling out this form please contact the Title VI Coordinator at 405-521-3379.

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation please contact the ADA Coordinator at 405-521-4140 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions email [ODOT-ada-titlevi@odot.org](mailto:ODOT-ada-titlevi@odot.org).

## **List of Transit-Related Title VI Investigations, Complaints, and Lawsuits**

The ODOT maintains a log of all Title VI investigations, complaints, and lawsuits. The department received one complaint during the last three state fiscal years in regards to FTA funding. The department did not receive any investigations and/or lawsuits in regards to FTA funding.

	<b><u>Date (month, Day, Year)</u></b>	<b><u>Basis of Complaint</u></b>	<b><u>Status</u></b>	<b><u>Action(s) taken</u></b>
<b>Investigations</b>	N/A	N/A	N/A	N/A
<b>Complaints</b>	September 5, 2018	Disability	Completed	Forwarded to sub-recipient to process
<b>Lawsuits</b>	N/A	N/A	N/A	N/A

## **Table Depicting Membership of Committees, Councils, Broken Down by Race**

This section is not applicable to the ODOT.

### **Public Participation Plan**

The ODOT is committed to inclusive and accessible public involvement and public participation. The current Public Participation Plan (PPP) for the department can be found at this web address: [https://www.ok.gov/odot/Programs and Projects/Public Meetings and Hearings/index.html](https://www.ok.gov/odot/Programs%20and%20Projects/Public%20Meetings%20and%20Hearings/index.html).

The ODOT is in the process of updating the PPP and once it is approved it will be published on our website and provided to any interested parties. The ODOT is continuously looking for ways to improve public participation and welcomes questions, comments, and suggestions when the new plan is posted for public input.

### **Limited English Proficiency Plan**

The ODOT will provide language assistance to persons with Limited English Proficiency (LEP) seeking to participate in the department’s programs and services. Brochures are available in Spanish, Traditional Chinese, and Vietnamese on the ODOT’s website at this location: [https://www.ok.gov/odot/Doing Business/Civil Rights/Civil Rights - Publications, Posters and Brochures.html](https://www.ok.gov/odot/Doing%20Business/Civil%20Rights/Civil%20Rights%20-%20Publications,%20Posters%20and%20Brochures.html).

The agency is committed to the communities it serves to provide inclusive and accessible public participation and public access. The department’s LEP assessment is located on our website at the following web address: [https://www.ok.gov/odot/Doing Business/Civil Rights/Civil Rights - Publications, Posters and Brochures.html](https://www.ok.gov/odot/Doing%20Business/Civil%20Rights/Civil%20Rights%20-%20Publications,%20Posters%20and%20Brochures.html) and you can find more information regarding LEP



requirements on our website at this web address:  
[https://ok.gov/odot/Doing\\_Business/Civil\\_Rights/Title VI : Limited English Proficiency.html](https://ok.gov/odot/Doing_Business/Civil_Rights/Title_VI_Limited_English_Proficiency.html).

### **Analytics**

The ODOT's Office of Mobility and Public Transit (OMPT) collects demographic and socioeconomic data from transit providers seeking FTA funding regarding their proposed service area annually through their application process. Currently, the ODOT's 154 sub-recipients provide service within 75 of Oklahoma's 77 counties. Nearly all services provided by sub-recipients are demand response and are open to the public.

### **Sub-recipients**

The ODOT makes available to the public its Title VI plan on ODOT's website at [https://ok.gov/odot/Doing\\_Business/Civil\\_Rights/Civil Rights - Publications, Posters and Brochures.html](https://ok.gov/odot/Doing_Business/Civil_Rights/Civil_Rights_Publications_Posters_and_Brochures.html). In the ODOT's Office of Mobility and Public Transit (OMPT) State Management Plan (SMP), the plan states that ODOT requires the sub-recipients to submit Title VI plans every 3 years for review and approval. The ODOT last received and approved Title VI plans in FY2017; the next review will be in FY2020. The OMPT's Sub-recipient Oversight Checklist also covers several Title VI requirements. Additionally, OMPT reviews the sub-recipient's brochures, websites, etc. throughout the year and during desk audits followed by on site assessments.

A list of all the ODOT's sub-recipients is published on the ODOT's website and can be found at this location:

[https://www.ok.gov/odot/Traffic\\_and\\_Travel/Public\\_Transportation\\_Services/Public Transportation Resources/Section 5311 RURAL/](https://www.ok.gov/odot/Traffic_and_Travel/Public_Transportation_Services/Public_Transportation_Resources/Section_5311_RURAL/) which includes a list of recipients as well as links to their individual websites.

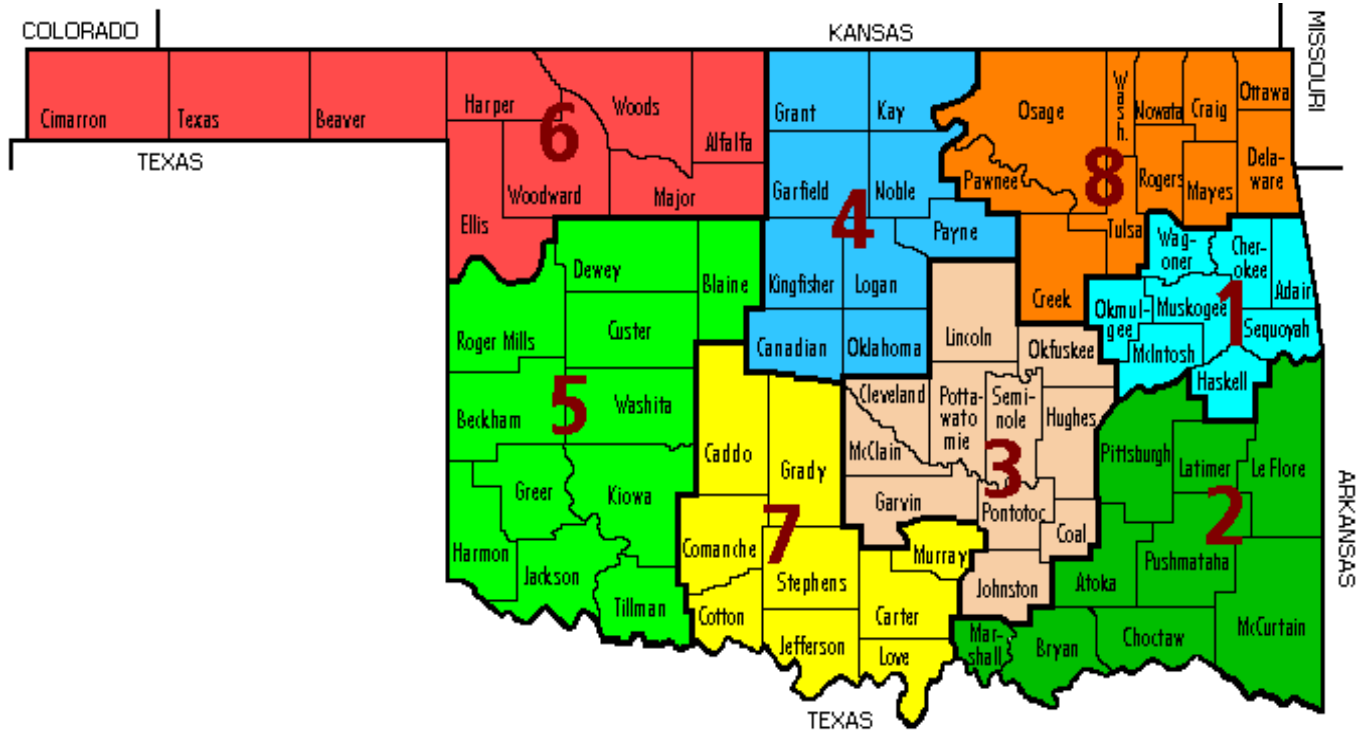
### **Recipient Constructed Facilities**

This section is not applicable to the ODOT.

### **Equity Analysis for Fare Changes**

The ODOT does not oversee any sub-recipients which meet the criteria to require an equity analysis for fare changes.

## Map of ODOT Divisions



**Division 1 – Muskogee**

**Division 2 – Antlers**

**Division 3 – Ada**

**Division 4 – Perry**

**Division 5 – Clinton**

**Division 6 – Buffalo**

**Division 7 – Duncan**

**Division 8 – Tulsa**

**Division 9 (Central Office) – Oklahoma City**

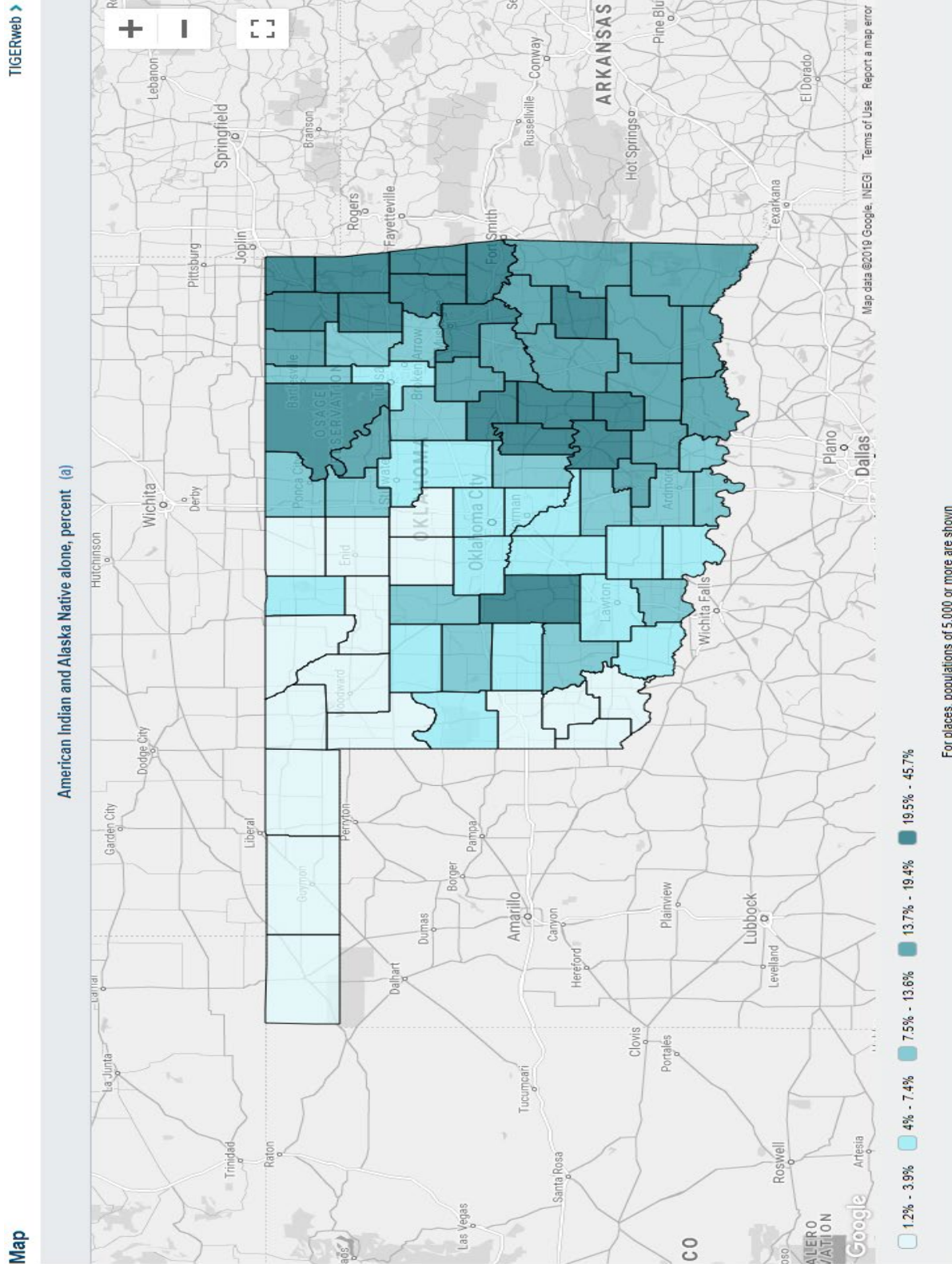
## Demographic Profile of the State of Oklahoma

People QuickFacts	Oklahoma
Population, 2018 estimate	3,943,079
Population, 2010 (April 1) estimates base	3,751,583
Population, percent change, April 1, 2010 to July 1, 2018	5.10%
Population, 2010	3,751,351
Persons under 5 years, percent, 2018 estimate	6.60%
Persons 5 to 19 years, percent, 2018 estimate	24.30%
Persons 65 years and over, percent, 2018 estimate	15.70%
Female persons, percent, 2018 estimate	50.50%
American Indian and Alaska Native alone, percent, 2018 estimate	9.30%
Asian alone, percent, 2018 estimate	2.30%
Black or African American alone, percent, 2018 estimate	7.80%
Hispanic or Latino alone, percent, 2018 estimate	10.90%
Native Hawaiian and Other Pacific Islander alone, percent, 2018 estimate	0.20%
Two or More Races, percent, 2018 estimate	6.20%
White alone, percent, 2018 estimate	74.20%
White alone, not Hispanic or Latino, percent, 2018 estimate	65.30%
Living in same house 1 year & over, percent, 2013-2017	82.80%
Foreign born persons, percent, 2013-2017	5.90%
Language other than English spoken at home, percentage 5+, 2013-2017	9.60%
High school graduate or higher, percent of persons age 25+, 2013-2017	87.50%
Bachelor's degree or higher, percent of persons age 25+, 2013-2017	24.80%
Veterans, 2013-2017	276,948
Mean travel time to work (minutes), workers age 16+, 2013-2017	21.5
Housing units, 2018 estimate	1,743,069
Homeownership rate, 2013-2017	65.70%
Median value of owner-occupied housing units, 2018 estimate	\$125,800
Households, 2013-2017	1,468,971
Persons per household, 2013-2017	2.58
Per capita money income in the past 12 months (2014 dollars), 2013-2017	\$26,461
Median household income, 2013-2017	\$49,767
Persons below poverty level, percent, 2013-2017	15.60%
Business QuickFacts	Oklahoma
Total employer establishments, 2016	93,232
Total employment, 2016	1,360,379

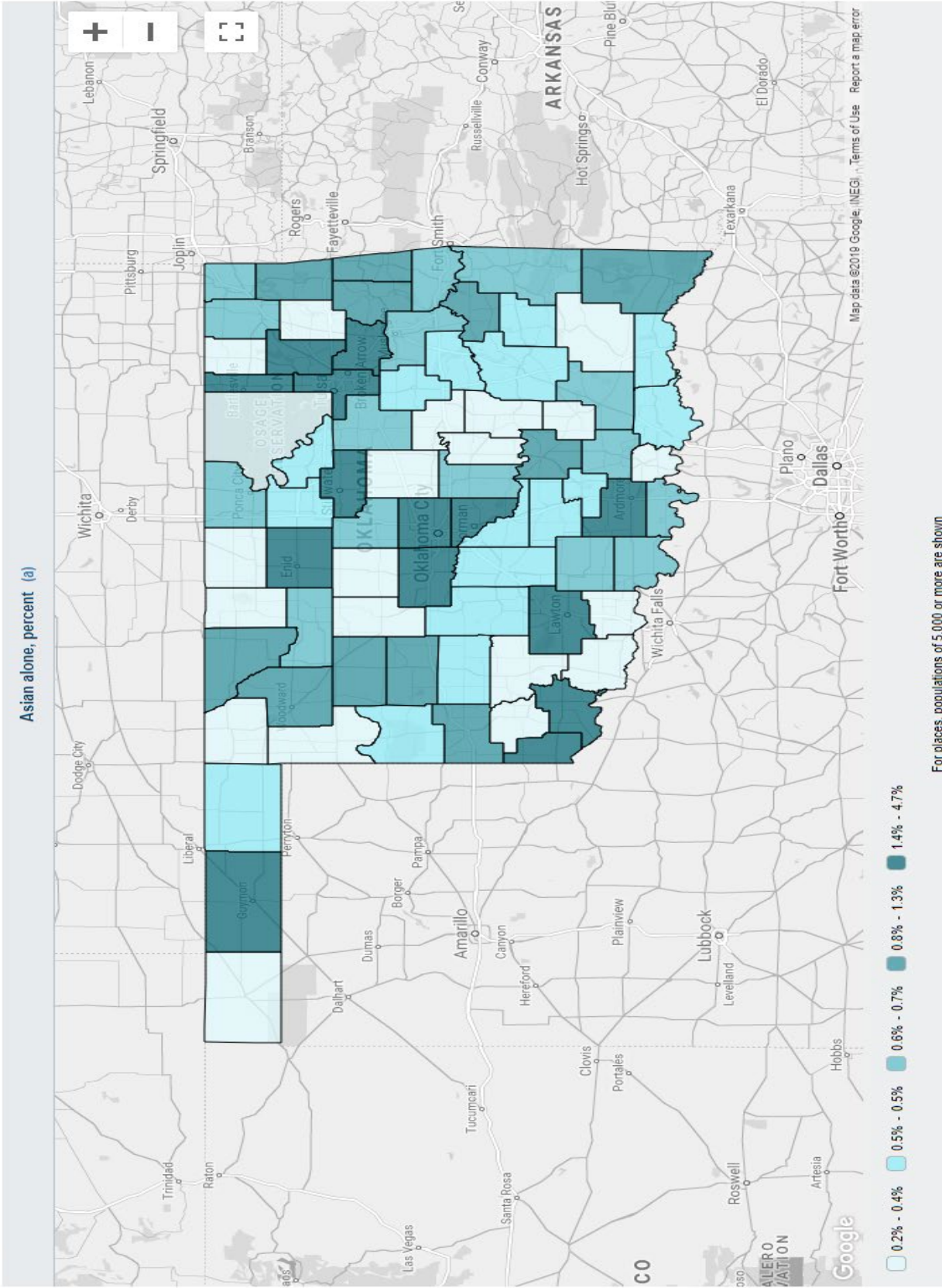
Total employment, percent change, 2015-2016	-0.80%
Nonemployer establishments, 2017	287,984
Total number of firms, 2012	327,229
Men-owned firms, 2012	174,395
Women-owned firms, 2012	105,168
Minority-owned firms, 2012	64,875
Nonminority-owned firms, 2012	249,027
Veteran-owned firms, 2012	36,273
Nonveteran-owned firms, 2012	273,491
Manufacturers' shipments, 2012 (\$1000)	74,295,394
Merchant wholesaler sales, 2012 (\$1000)	71,892,946
Retail sales, 2012 (\$1000)	50,256,231
Retail sales per capita, 2012	\$13,174
Accommodation and food services sales, 2012 (\$1000)	7,121,153
Building permits, 2018	10,502
Geography QuickFacts	Oklahoma
Land area in square miles, 2010	68,594.92
Persons per square mile, 2010	54.7
FIPS Code	40

*Data retrieved from the United States Census Bureau website*

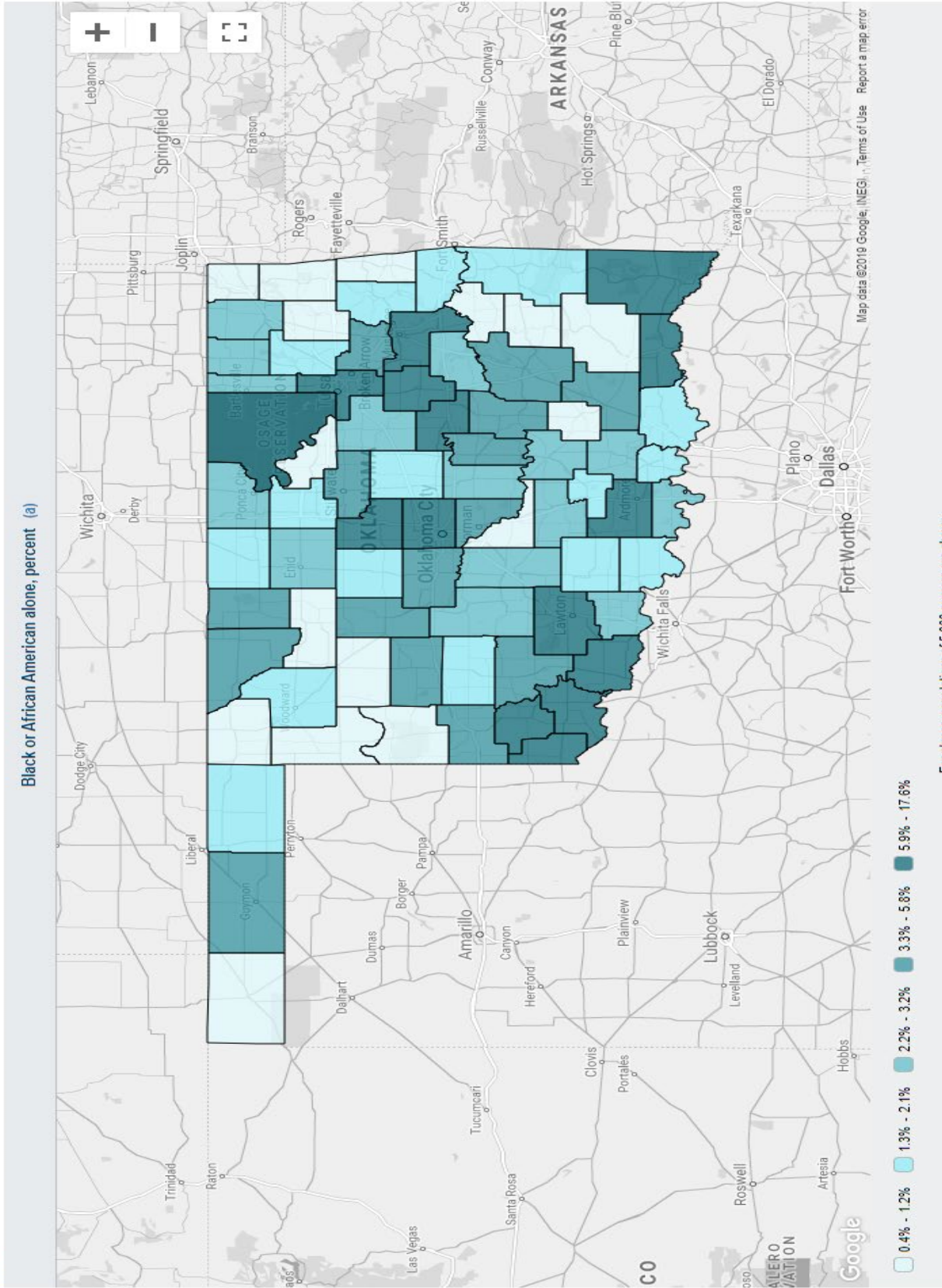
# Demographic Maps



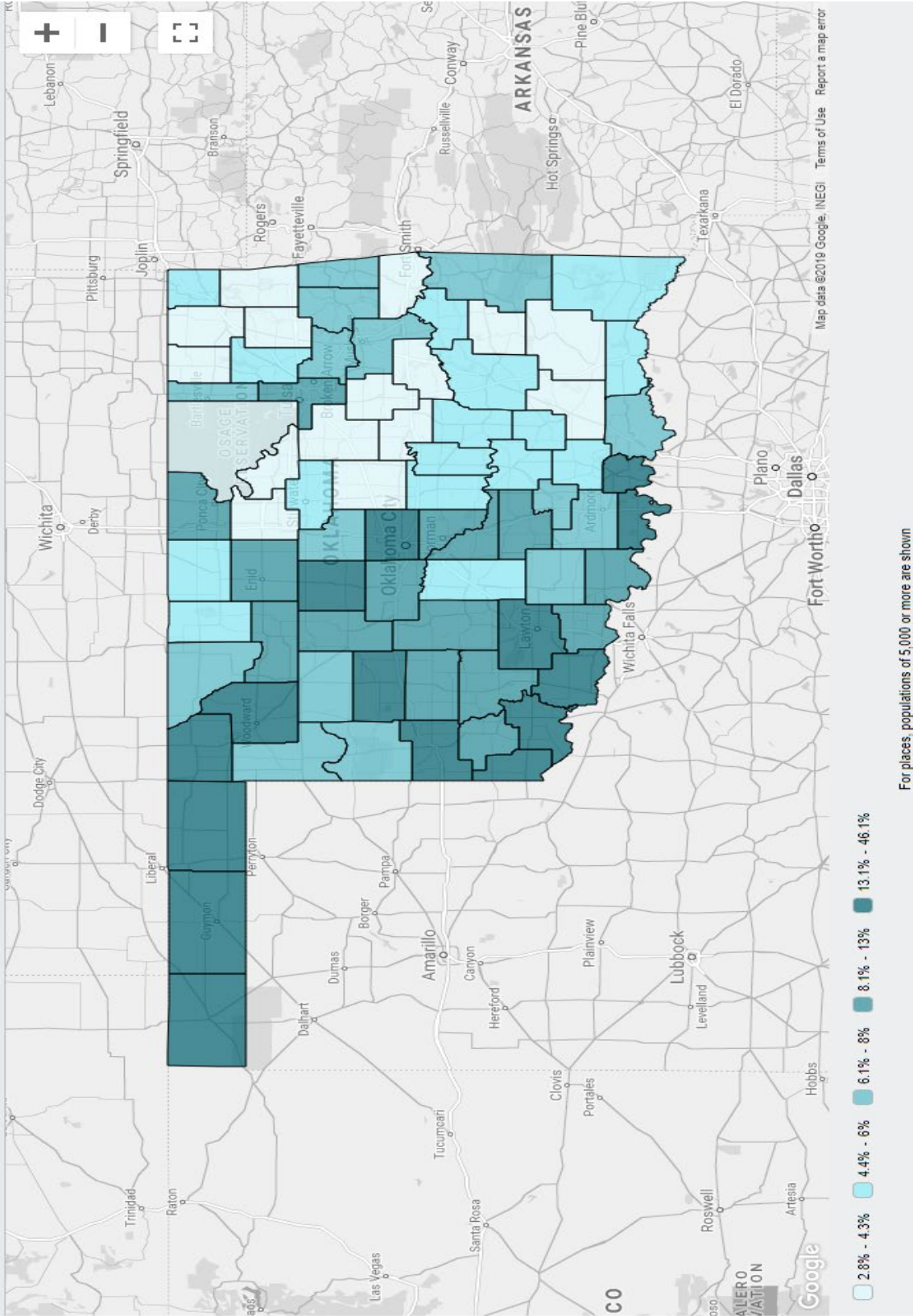
Asian alone, percent (a)



Black or African American alone, percent (a)



### Hispanic or Latino, percent (b)





## Impact Analysis

The ODOT's analysis of the available census and population data has not led to the identification of any disparate impacts on the basis of race, color or national origin.

### Statewide Transportation Planning and Needs of Minority Populations

Demographic and socioeconomic data is important in building the foundation for the ODOT's Long Range Transportation Plan (LRTP) for 2015-2040. The information can be found in Chapter 5 of the LRTP which is published on the ODOT's website: [http://www.okladot.state.ok.us/p-r-div/lrp\\_2015\\_2040/2040\\_LRTP\\_Chapter05.pdf](http://www.okladot.state.ok.us/p-r-div/lrp_2015_2040/2040_LRTP_Chapter05.pdf) and the full LRTP document can be found on the ODOT's website at this location: [https://ok.gov/odot/Programs and Projects/Transportation Programs/LRTP 2015-2040.html](https://ok.gov/odot/Programs%20and%20Projects/Transportation%20Programs/LRTP%202015-2040.html).

### Procedures for ODOT to Pass FTA Funds to Sub-recipients in a Non-discriminatory Manner

The process (outlined below) for distributing federal funds to the transportation agencies in the Section 5311 program was developed by a committee made up of several transportation providers representing rural transit across the state. This process was then reviewed and approved by ODOT. The FTA gives the states the authority to develop the method of distributing funds. This method provides federal operating and capital assistance to twenty (20) transportation providers which provide public transportation within 74 of Oklahoma's 77 counties.

Once ODOT receives the federal funds, and after deducting for state administration and technical assistance, Program Reserve (used for new transportation agencies to the program or new services), and adding carryover funds from the previous years (unspent or unobligated), if any, the balance of Section 5311 funds (to include intercity funds) is referred to as the Statewide Allotment. This Statewide Allotment is divided among sub-recipients using the two step process illustrated below:

- Incentive Allotment: The first part of the process establishes the Incentive Allotments. The Incentive Allotment consists of farebox. Each sub-recipient will receive an incentive amount equal to the preceding two years' annual average of farebox revenue reported. For the purpose of administering this program Farebox is defined as cash payments made by an individual transit user such as the following:
  - Money paid into the farebox as the individual boards the vehicle.
  - Payment made for a transit pass. The subsidized amount does not qualify.
- Performance Allotment: The second step is to determine the Performance Allotment. For the purpose of this program, performance allotment is defined as a procedure for

dividing the annual allocation of Section 5311 funds among sub-recipients using three performance indicators based on annual statistics. The amount available for distribution under the Performance Allotment is calculated by subtracting the cumulative totals of the Incentive Allotment plus the cumulative total for the Base Amounts from the Statewide Allotment. The Performance Allotment is then divided into three performance measures. Each sub-recipient is allocated a pro rata share based on their performance under these three measures. The Performance Allotment is calculated as follows.

- Passenger miles: Thirty-five percent (35%) of the Performance Allotment is disbursed based on each sub-recipient's pro rata share of the preceding 2 years annual average passenger miles reported statewide. The annual reporting period is October through September.
- Revenue miles: Twenty percent (20%) of the Performance Allotment is disbursed based on each sub-recipient's pro rata share of the preceding 2 years annual average revenue miles reported statewide. The annual reporting period is October through September.
- Passenger trips: Forty-five percent (45%) of the Performance Allotment will be disbursed based on each sub-recipient's pro rata share of the preceding 2 years annual average passenger trips reported statewide. The annual reporting period is October through September.

The Program Year Allotment establishes the maximum amount of Section 5311 funds available to the sub-recipients. The amount of Section 5311 funding that will be made available to each sub-recipient will be determined by the cumulative amounts of their Intercity Bus Service Allotment, Incentive Allotment, Base Amount and Performance Allotment. Any funds not programmed or obligated by the sub-recipient during the contracted program year ODOT will deem as lapsed and such balance of funding will be carried forward for allocation within the subsequent year's Statewide Allotment.

All statistical data (performance data) for the months of October through September must be submitted to the Office of Mobility and Public Transit by November 1. Any statistical data not submitted by this deadline will be deemed late and therefore may not be eligible for inclusion into the processes for calculating the Intercity Allotment, Incentive Allotment and Performance Allotment. For any first time applicant who does not qualify as a new start program and does not have the required twenty-four months of data, ODOT will work with them to formulate a twenty four month estimate. ODOT will continue this estimating process until such time as they accrue twenty four months of data.

On April 25, 2019, the Governor signed HB1365 into law transferring the 5310 program from the Oklahoma State Department of Human Services (DHS) to the ODOT. The ODOT is in the process of developing a state management plan which outlines the program standards and a fair and equitable funding distribution for FTA approval.

## **Procedures for the ODOT to Provide Assistance to Potential Sub-recipients**

The ODOT's Office of Mobility and Public Transit (OMPT) offers technical assistance to all eligible sub-recipients through various resources. In ODOT's State Management Plan (SMP) the OMPT gives instructions on writing to their division for application instructions. Contact information for OMPT Staff is also published on ODOT's website at the following address: [https://www.ok.gov/odot/About ODOT/Contact ODOT Divisions/Office of Mobility & Public Transit.html](https://www.ok.gov/odot/About%20ODOT/Contact%20ODOT%20Divisions/Office%20of%20Mobility%20&%20Public%20Transit.html). Once an applicant begins the application process, they are assigned a OMPT Project Manager to personally work with them through every step of the application, as needed, via phone calls, emails, and site visits.

## DEFINITION OF TERMS

All definitions in chapter 53 of title 49, United States Code, and in 49 CFR part 21 apply to this Circular, as well as the following definitions:

- a. Applicant means a person or entity that submits an application, request, or plan required to be approved by the FTA Administrator or by a primary recipient, as a condition of eligibility for financial assistance from FTA, and “application” means such an application, request, or plan.
- b. Demand response system: Any non-fixed route system of transporting individuals that requires advanced scheduling including services provided by public entities, non-profits, and private providers. An advance request for service is a key characteristic of demand response service.
- c. Designated recipient means an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.
- d. Direct recipient means an entity that receives funding directly from FTA. For purposes of this Circular, a direct recipient is distinguished from a primary recipient in that a direct recipient does not extend financial assistance to sub-recipients, whereas a primary recipient does.
- e. Discrimination refers to any action or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.
- f. Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.
- g. Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate burdens where practicable.

- h. Disparate treatment refers to actions that result in circumstances where similarly situated persons are intentionally treated differently (i.e., less favorably) than others because of their race, color, or national origin.
- i. Fixed guideway means a public transportation facility—using and occupying a separate right-of-way for the exclusive use of public transportation; using rail; using a fixed catenary system; for a passenger ferry system; or for a bus rapid transit system.
- j. Fixed route refers to public transportation service provided in vehicles operated along pre-determined routes according to a fixed schedule.
- k. Federal financial assistance refers to
  - (1) grants and loans of Federal funds;
  - (2) the grant or donation of Federal property and interests in property;
  - (3) the detail of Federal personnel;
  - (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
  - (5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.
- l. Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.
- m. Low-income person means a person whose median household income is at or below the U.S. Department of Health and Human Services (HHS) poverty guidelines.

Recipients are encouraged to use a locally developed threshold, such as the definition found in 49 U.S.C. 5302 as amended by MAP-21: “refers to an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C 9902(2)), including any revision required by that section)

for a family of the size involved” or another threshold, provided that the threshold is at least as inclusive as the HHS poverty guidelines.

- n. Low-income population refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA program, policy or activity.
- o. Metropolitan planning organization (MPO) means the policy board of an organization created and designated to carry out the metropolitan transportation planning process.
- p. Metropolitan transportation plan (MTP) means the official multimodal transportation plan addressing no less than a 20-year planning horizon that is developed, adopted, and updated by the MPO through the metropolitan transportation planning process.
- q. Minority persons include the following:
  - (1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
  - (2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
  - (3) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
  - (4) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
  - (5) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- r. Minority population means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
- s. Minority transit route means a route that has at least 1/3 of its total revenue mileage in a Census block or block group, or traffic analysis zone(s) with a percentage of minority population that exceeds the percentage of minority population in the transit service area.

A recipient may supplement this service area data with route-specific ridership data in cases where ridership does not reflect the characteristics of the census block, block group, or traffic analysis zone.

- t. National origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.
- u. Noncompliance refers to an FTA determination that the recipient is not in compliance with the DOT Title VI regulations, and has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity on the basis of race, color, or national origin.
- v. Non-profit organization: A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. 501(c) which is exempt from taxation under 26 U.S.C. 501(a) or one which has been determined under State law to be non-profit and for which the designated State agency has received documentation certifying the status of the non-profit organization.
- w. Predominantly minority area means a geographic area, such as a neighborhood, Census tract, block or block group, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient's service area.
- x. Primary recipient means any FTA recipient that extends Federal financial assistance to a sub-recipient.
- y. Provider of fixed route public transportation (or "transit provider") means any entity that operates public transportation service, and includes States, local and regional entities, and public and private entities. This term is used in place of "recipient" in chapter IV and is inclusive of direct recipients, primary recipients, designated recipients, and sub-recipients that provide fixed route public transportation service.
- z. Public transportation means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and does not include Amtrak, intercity bus service, charter bus service, school bus service, sightseeing service, courtesy shuttle service for patrons of one or more specific establishments, or intra-terminal or intra-facility shuttle services. Public transportation includes buses, subways, light rail, commuter rail, monorail, passenger ferry boats, trolleys, inclined railways, people movers, and vans. Public transportation can be either fixed route or demand response service.

- aa. Recipient as used in this Circular, means any public or private entity that receives Federal financial assistance from FTA, whether directly from FTA or indirectly through a primary recipient. This term includes sub-recipients, direct recipients, designated recipients, and primary recipients. The term does not include any ultimate beneficiary under any such assistance program.
- bb. Secretary means the Secretary of the U.S. Department of Transportation.
- cc. Service area refers either to the geographic area in which a transit agency is authorized by its charter to provide service to the public, or to the planning area of a State Department of Transportation or Metropolitan Planning Organization.
- dd. Service standard/policy means an established service performance measure or policy used by a transit provider or other recipient as a means to plan or distribute services and benefits within its service area.
- ee. Statewide transportation improvement program (STIP) means a statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53
- ff. Sub-recipient means an entity that receives Federal financial assistance from FTA through a primary recipient.
- gg. Title VI Program refers to a document developed by an FTA recipient to demonstrate how the recipient is complying with Title VI requirements. Direct and primary recipients must submit their Title VI Programs to FTA every three years. The Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent.
- hh. Transportation improvement program (TIP) means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.
- ii. Transportation management area (TMA) means an urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of Transportation, or any additional area where TMA designation is requested by the Governor and the MPO and designated by the Secretary of Transportation.



**ATTACHMENT 1: FTA Fiscal Year 2019  
Certifications and Assurances for Federal  
Transit Administration Assistance Programs**

**CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.**

*All applicants must make the certifications in this category.*

**1.1. Standard Assurances.**

*This certification appears on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.*

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, 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.
- (c) 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.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
  - (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 C.F.R. Part 21;
  - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 C.F.R. Part 25;
  - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated

- against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
- (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 C.F.R. Part 27;
  - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
  - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
  - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
  - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
  - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
  - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
  - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 C.F.R. Part 24.
- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
  - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
  - (2) Notification of violating facilities pursuant to EO 11738;
  - (3) Protection of wetlands pursuant to EO 11990;
  - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
  - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
  - (6) 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 et seq.);
  - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
  - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R. Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 C.F.R. Part 1201.
- (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.

- (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
- (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
  - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
  - (3) Using forced labor in the performance of the award or subawards under the award.

### **1.2. Standard Assurances: Additional Assurances for Construction Projects.**

*This certification appears on the Office of Management and Budget's standard form 424D "Assurances—Construction Programs" and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.*

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) 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 without permission and instructions from the awarding agency; will record the Federal awarding agency directives; 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.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

### **1.3. Procurement.**

*The Uniform Administrative Requirements, 2 C.F.R. 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.*

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R. Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost

Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. Part 200, particularly 2 C.F.R. §§ 200.317–200.326 “Procurement Standards;

- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

#### **1.4. Suspension and Debarment.**

*Pursuant to Executive Order 12549, as implemented at 2 C.F.R. Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 C.F.R. § 180.300. Additionally, each applicant must disclose any information required by 2 C.F.R. § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.*

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;
- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

#### **CATEGORY 2. TAX LIABILITY AND FELONY CONVICTIONS.**

*Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. As prescribed by U.S. DOT Order 4200.6, FTA requires each applicant to certify as to its tax and felony status.*

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

### **CATEGORY 3. LOBBYING.**

*If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 C.F.R. § 20.110 and app. A to that part.*

*This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 C.F.R. Part 20.*

#### **3.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) 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.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) 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 section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **3.2. Statement for Loan Guarantees and Loan Insurance.**

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## **CATEGORY 4. PRIVATE SECTOR PROTECTIONS.**

*If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.*

### **4.1. Charter Service Agreement.**

*To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 C.F.R. § 604.4.*

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 C.F.R. Part 604, the terms and conditions of which are incorporated herein by reference.



**4.2. School Bus Agreement.**

*To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 C.F.R. § 605.15.*

- (a) If the applicant is not authorized by the FTA Administrator under 49 C.F.R. § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
  - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
  - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 C.F.R. § 605.11, the applicant agrees as follows:
  - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
  - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
  - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
  - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

**CATEGORY 5. TRANSIT ASSET MANAGEMENT PLAN.**

*If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).*

The applicant certifies that it has, or will develop, a transit asset management plan in compliance with 49 C.F.R. Part 625.

## **CATEGORY 6. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.**

### **6.1. Rolling Stock Buy America Reviews.**

*If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 C.F.R. § 663.7.*

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 C.F.R. Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 C.F.R. Part 663.

### **6.2. Bus Testing.**

*If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 C.F.R. § 665.7.*

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 C.F.R. Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

## **CATEGORY 7. URBANIZED AREA FORMULA GRANTS PROGRAM.**

*If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).*

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;

- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
  - (1) Senior;
  - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
  - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
  - (1) Will expend for each fiscal year for public transportation security projects, including 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, providing an emergency telephone line 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 system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
  - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

**CATEGORY 8. FORMULA GRANTS FOR RURAL AREAS.**

*If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).*

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
  - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
  - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
  - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
  - (2) It has determined that otherwise eligible local transit needs are being addressed.

**CATEGORY 9. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.**

*If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).*

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

**CATEGORY 10. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.**

*If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.*

*If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.*

*If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).*

*Making this certification will incorporate by reference the applicable certifications in Category 7 or Category 8.*

**CATEGORY 11. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.**

*If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 7, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 7 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.*

*In addition to the certification in Category 7, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).*

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

#### **CATEGORY 12. STATE OF GOOD REPAIR GRANTS.**

*If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, this certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4).*

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 C.F.R. Part 625.

#### **CATEGORY 13. INFRASTRUCTURE FINANCE PROGRAMS.**

*If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 7 for the Urbanized Area Formula Grants Program, Category 9 for the Fixed Guideway Capital Investment Grants program, and Category 12 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).*

*Making this certification will incorporate the certifications in Categories 7, 9, and 12 by reference.*

#### **CATEGORY 14. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.**

*If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 C.F.R. § 655.83.*

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 C.F.R. Part 655.

#### **CATEGORY 15. RAIL SAFETY TRAINING AND OVERSIGHT.**

*If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 C.F.R. §§ 659.43, 672.31, and 674.39.*

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 C.F.R. part 659, "Rail Fixed Guideway Systems; State Safety Oversight";
- (b) Compliant with the requirements of 49 C.F.R. part 672, "Public Transportation Safety Certification Training Program"; and
- (c) Compliant with the requirements of 49 C.F.R. part 674, "State Safety Oversight".

#### **CATEGORY 16. DEMAND RESPONSIVE SERVICE.**

*If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 C.F.R. Part 37, it must make the following certification. This certification is required by 49 C.F.R. § 37.77.*

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;

- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

#### **CATEGORY 17. INTEREST AND FINANCING COSTS.**

*If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).*

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

#### **CATEGORY 18. CONSTRUCTION HIRING PREFERENCES.**

*If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Consolidated Appropriations Act, 2019, Pub. L. 116-6, div. G, title I, § 191.*

The applicant certifies the following:

- (a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
- (b) That the applicant will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and



- (c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

**FTA FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES**

**FEDERAL FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: \_\_\_\_\_

The Applicant certifies to the applicable provisions of categories 01–18. \_\_\_\_\_

*Or,*

The Applicant certifies to the applicable provisions of the categories it has selected:

<b>Category</b>	<b>Certification</b>
01 Certifications and Assurances Required of Every Applicant	_____
02 Tax Liability and Felony Convictions	_____
03 Lobbying	_____
04 Private Sector Protections	_____
05 Transit Asset Management Plan	_____
06 Rolling Stock Buy America Reviews and Bus Testing	_____
07 Urbanized Area Formula Grants Program	_____
08 Formula Grants for Rural Areas	_____
09 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
10 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____
11 Enhanced Mobility of Seniors and Individuals with Disabilities Programs	_____
12 State of Good Repair Grants	_____
13 Infrastructure Finance Programs	_____
14 Alcohol and Controlled Substances Testing	_____
15 Rail Safety Training and Oversight	_____
16 Demand Responsive Service	_____
17 Interest and Financing Costs	_____
18 Construction Hiring Preferences	_____

**FEDERAL FISCAL YEAR 2019 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE**

**PAGE**

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2019)

**AFFIRMATION OF APPLICANT**

Name of the Applicant: \_\_\_\_\_

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2019, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2019.

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

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 it.

I further affirm 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 its FTA assisted Award.

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

Name \_\_\_\_\_ Attorney for Applicant

*Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.*