



Pioneer Valley Transit Authority

**Title VI Program Update 2009**

July 1, 2009

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June 30, 2009

Ms. Margaret Griffin  
Region I Civil Rights Officer  
U.S. Department of Transportation  
Kendal Square  
55 Broadway, Suite 904  
Cambridge, MA 02142-1093

Reference: Title VI Civil Rights Documentation for the Pioneer Valley Transit  
Authority – Springfield, Massachusetts

Dear Ms. Griffin,

The Pioneer Valley Transit Authority is pleased to submit the Title VI Civil Rights documentation of our transit district effective August 9, 2009.

If you have any questions or need additional information regarding the enclosed document, please feel free to contact Nicole Rohan, Deputy Administrator of Operations at 413-732-6248 ext. 206 or by email at [nrohan@pvta.com](mailto:nrohan@pvta.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary L. MacInnes', is written over the typed name and title.

Mary L. MacInnes  
Administrator

Copy to: Nicole Rohan, PVTA  
David Elvin, PVPC

## MEMORANDUM OF EXECUTIVE APPROVAL

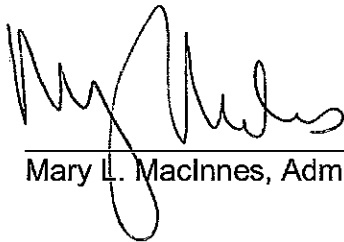
To: All Employees  
From: Mary L. MacInnes, Administrator  
Date: June 30, 2009  
Subject: Title VI 2009 Program Update

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The Pioneer Valley Transit Authority (PVTA) is committed to providing equitable services to all customers throughout its service region in accordance with the regulations and requirements of the U.S. Department of Transportation's Title VI (49 CFR part 21), as well as the Civil Rights Act of 1964 and its amendments (42 U.S.C. § 2000d), collectively known as Title VI, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive federal funds.

As part of its fulfillment of this commitment, PVTA every three years submits to the Federal Transit Administration (FTA) a Title VI Program Update. PVTA's Title VI Program Update for 2009 has been prepared in accordance with the guidance given in FTA Circular 4702.1A of May 13, 2007, "Title VI and Title VI-dependent Guidelines for Federal Transit Administration Recipients."

I hereby approve PVTA's Title VI 2009 Program Update. Please review and familiarize yourself with this document.



Mary L. MacInnes, Administrator

6/30/09  
Date

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4. Limited English Proficient (LEP) Access and Language Implementation Plan
5. Title VI Public Notice
6. Public Involvement Plan
7. List of Preparers

## Accessible Formats

This document is available in accessible formats upon request. Paper copies of this document and additional information about accessible formats may be obtained by contacting:

Pioneer Valley Transit Authority  
2808 Main Street, Springfield, MA 01107  
(413) 732-6248  
[www.pvta.com](http://www.pvta.com)

## INTRODUCTION

This 2009 Title VI Program Update of the Pioneer Valley Transit Authority (PVTA) is offered to verify compliance with Civil Rights Act of 1964 and its amendments (42 U.S.C. §2000d), collectively known as Title VI, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive federal funds.

This document has been produced consistent with the guidelines in Federal Transit Administration (FTA) Circular 4702.1A, effective May 13, 2007, as well as the requirements of 49 C.F.R. § 21.23(f). Updates to this Title VI Program are submitted to the Federal Transit Administration Region One Civil Rights Officer every three years, as required by 49 CFR Section 21.9(b). The date arranged by FTA for submittal of the PVTA 2009 Title VI Program Update is August 1, 2009.

PVTA is the largest regional transit authority in Massachusetts. PVTA's geographic service area covers approximately 570 square miles, encompassing 24 communities that contain urban centers, suburbs and rural areas (see Figure 1). PVTA oversees the operation of 172 buses on a system that includes 40 fixed bus routes and four community shuttles. PVTA customers made more than 9.7 million bus trips on PVTA in FY2008. PVTA also oversees an extensive paratransit van service system that provided 309,000 trips for people with disabilities and senior citizens in FY2008.

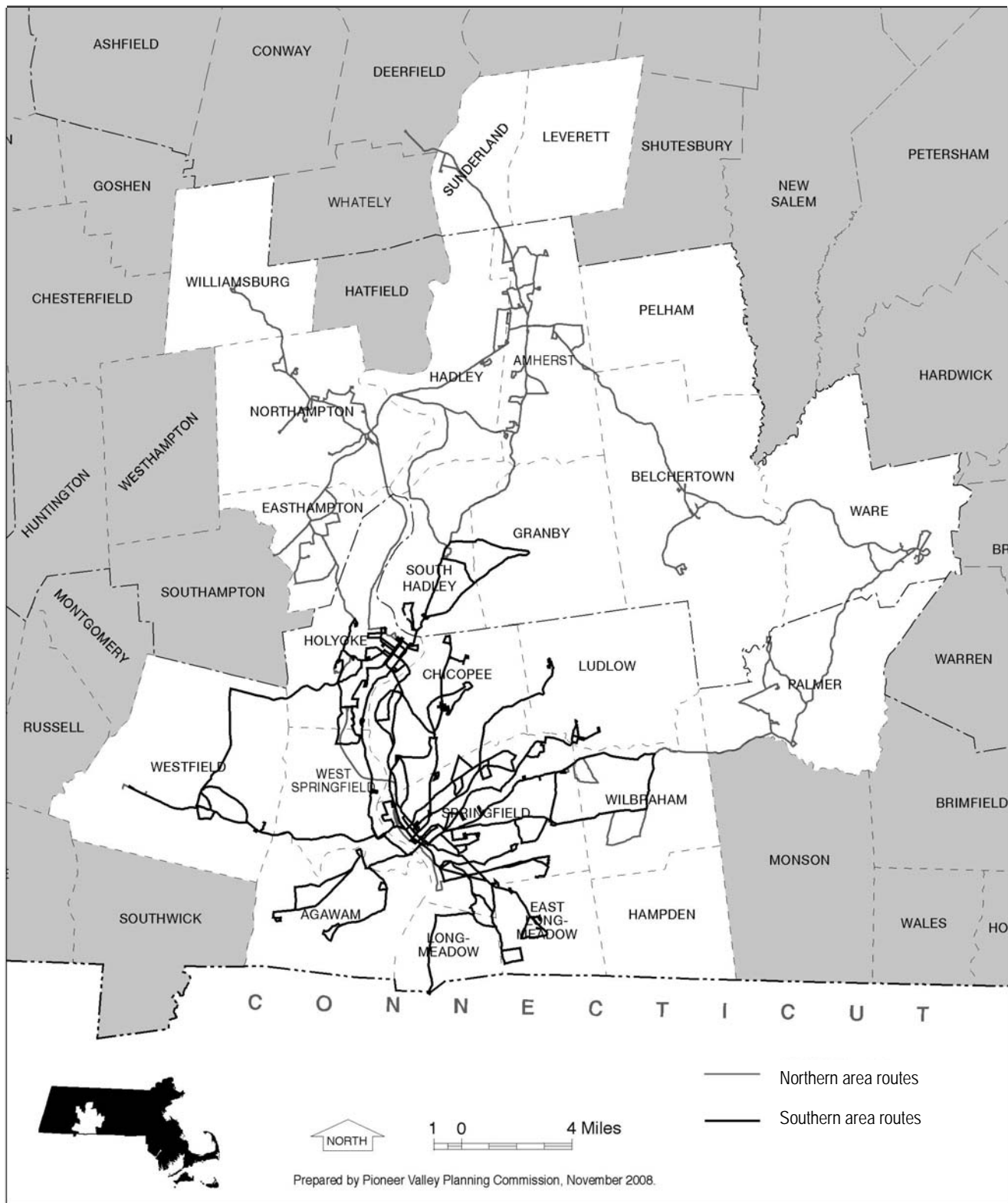
PVTA's annual cost of operations was \$25.8 million in FY2008, up from \$22.8 million in FY2007. Hourly operating expenses were \$76.05 per vehicle revenue hour in FY2008. The PVTA system delivered 28.29 passenger trips per vehicle operating hour in FY2008.

The mobility that PVTA provides through its fixed route and paratransit services is critical for the many people in the region who do not, or cannot, drive. PVTA's most recent bus rider survey (n=3,520 riders) found that 4 of every 5 customers have no other way, other than PVTA, to make their trips. For these residents, PVTA brings essential daily access to places of work, education and shopping. For the region's businesses and institutions, PVTA provides essential links to economic, academic and cultural activity centers.

This 2009 Title VI Program Update has been prepared to verify that:

- 1) PVTA benefits and services supported by FTA funds are available to, and fairly distributed among, transit customers without regard to race, color or national origin;
- 2) The opportunity and ability of persons to participate in transit planning, programming and implementation is not limited on the basis of race, color or national origin; and
- 3) Any necessary corrective, remedial and affirmative actions have been taken to eliminate and prevent discriminatory treatment of people on the basis of race, color or national origin.

Figure I-1: Pioneer Valley Transit Authority Service Area





## **1.0 TITLE VI PROGRAM GENERAL INFORMATION**

Items 1.1 through 1.6 below provide the general information specified in Circular 4702.1A of May 17, 2007 for Title VI programs of transit agencies receiving FTA funds.

### **1.1. Annual Title VI Certification and Assurance**

In keeping with the requirements of 49 CFR Section 21.7, PVTA's Annual Title VI Certifications and Assurances are current. Copies of the most recently updated versions of these documents are included as Appendix 1.

### **1.2. Title VI Complaint Procedures**

Consistent with 49 CFR Section 21.9(b), PVTA has established and implemented a Title VI complain procedure. These complaint procedures are posted on the PVTA's website, [www.pvta.com](http://www.pvta.com). A copy of the most recently updated version of the procedures are included as Appendix 2.

### **1.3. Record of Title VI Investigations, Complaints, and/or Lawsuits**

Consistent with 49 CFR Section 21.9(b), PVTA maintains a record of all Title VI investigations, complaints and/or lawsuits. There are no Title VI investigations, complaints or lawsuits currently active or pending with PVTA, which is reported in Appendix 3.

### **1.4. Limited English Proficient (LEP) Access and Language Implementation Plan**

Title VI and its implementing regulations require that recipients of FTA funds take steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for people who are Limited English Proficient (LEP). PVTA understands the importance of serving its LEP customers and the role that public outreach plays in achieving equality of access to public transit.

Serving LEP transit customers is a key part of PVTA's commitment to assist all persons in its service region in achieving the mobility they need. A copy of PVTA's LEP Access and Language Implementation Plan is included as Appendix 4. Highlights of this plan include:

- Many employees who work directly with customers and the general public are bilingual and/or are encouraged to learn and use common expressions in other languages.
- PVTA's website ([www.pvta.com](http://www.pvta.com)) includes a language translation feature that allows visitors to obtain content in many other languages, including Spanish, Portuguese, Russian and Vietnamese, the predominant ethnic groups in the region.
- Fare information and other announcements are posted on each bus, at PVTA terminals and the PVTA Information Center in Spanish.
- Language translation and signing interpreters are available at all public meetings and procedures for requesting such services are included in meeting notices.
- Schedules incorporate international symbols wherever possible, and route signs with bus symbols are installed throughout the system to aid navigation.
- PVTA engages in ongoing outreach to community organizations and agencies to regularly assess and update the needs of LEP persons in the region.

## **1.5. Title VI Public Notice**

Consistent with 49 CFR Section 21.9(d), PVTA notifies the public of the agency's Title VI obligations and informs the public of the protections against discrimination afforded by Title VI regulations. PVTA's Title VI Public Notice is posted on PVTA vehicles, on the PVTA website [www.pvta.com](http://www.pvta.com), and at the PVTA Information Center. A copy of the Public Notice is included as Appendix 5.

## **1.6. Public Involvement Plan and Activities**

PVTA engages in a broad and ongoing range of public involvement activities. The plan for these activities is described in Section 1.6.1 below, and supporting activities are summarized in Section 1.6.2. Further, public participation in transit planning activities is coordinated with the public involvement activities of the Pioneer Valley Metropolitan Planning Organization, of which PVTA is a member; these activities are described in Section 1.6.3. A copy of PVTA's Public Involvement Plan (PIP) is included as Appendix 6.

### **1.6.1 Public Involvement Plan**

PVTA's principal goals for the PIP are to seek out and integrate the needs and views of all transit customers, especially those of minority, low-income and LEP populations—people who may have comparatively fewer resources to present their concerns about transit. PVTA's PIP is structured to offer regular and continuous opportunities for the public to be involved in the agency's planning and operational decisions. Multiple channels of communication are available to PVTA customers, businesses served by PVTA and non-riders of the region. PVTA staff is accessible by telephone, e-mail, and in person. Agency contact information is posted on the website ([www.pvta.com](http://www.pvta.com)), on transit vehicles, on route schedules, and in all publications. Public meetings are held in transit accessible locations, with notices posted on vehicles and the agency's website. PVTA also utilizes local media (i.e., newspapers, television stations, websites) to publicize public meetings and events.

The activities outlined in the PIP are geared to provide meaningful opportunities for the residents of PVTA's service region to participate in aspects of transit planning and service for which the authority is responsible. These activities include:

- Facilitation of the PVTA Advisory Board.
- Operation of the PVTA Information Center.
- Providing service information and reports.
- Responding to media inquiries.
- Fostering community participation in bus rider forums and paratransit rider committees.
- Conducting outreach to transit stakeholders, including employers, businesses and community based organizations.
- Conducting regular surveys of transit customers and potential transit markets.
- Facilitating the participation of municipal governments and state and local agencies in PVTA planning activities.
- Integration of LEP program and plan in public involvement activities.

### **1.6.2 Public Involvement Activities**

Public involvement activities since the submittal of the 2006 Title VI Program Update include:

- Monthly Advisory Board meetings.
- More than 10 paratransit riders meetings (meeting dates and summaries as appendix).
- Meetings with the Directors of municipal councils on aging.
- 24 outreach workshops or tabling events about PVRTA services at social service and elder care agencies (approximately 8 per year).
- Monthly meetings with City of Northampton Public Transportation Committee.
- 2 systemwide bus rider forums (May 13 and 20, 2009).
- 9 public hearings for July 1, 2008 fare increase.
- 1 public hearing for service modification (Belchertown Shuttle).
- 75 media releases.
- 12 meetings with stakeholders.
- 12 public events to publicize PVRTA service improvements and capital projects.
- Strategic planning meetings with representatives of the University of Massachusetts and Holyoke Community College.

The actions that PVRTA has taken during the last three years to ensure that minority and low-income people of the service region had meaningful access to transit services include:

- Development and implementation of the PVRTA Limited English Proficiency (LEP) Plan.
- Recruiting and hiring of bilingual call center staff (English and Spanish).
- Production and distribution of systemwide route maps in Spanish and English.
- Spanish radio and print advertisements for Sumner Express and All-day pass services.
- Web site multi-language translation feature added.
- Biannual bus rider forums with bilingual staff and translators available.
- Quarterly paratransit rider meetings.
- Spanish versions of paratransit services guide and manual.
- Spanish and sign language interpreters at public meetings upon request.
- Onboard rider surveys available in Spanish from bilingual surveyors.

### **1.6.3 PVRTA and the Metropolitan Planning Organization (MPO) Process**

In addition to the public involvement program and activities for transit planning described in Sections 1.6.1 and 1.6.2, PVRTA through its membership and participation in the Pioneer Valley Metropolitan Planning Organization (PVMPO) is also part of the ongoing outreach effort to include minority, low-income and LEP residents of the region in public outreach and involvement activities for overall transportation planning.

The MPO process and PVRTA's role in it is described in the August 1, 2006 Memorandum of Understanding (MOU) with the Pioneer Valley Metropolitan Planning Organization, Massachusetts Highway Department and Massachusetts Executive Office of Transportation and Public Works relating to cooperative procedures for transportation planning and programming. Under this MOU (originally implemented September 2, 1998 and renewed March 18, 2004), the parties commit to the transportation planning and programming procedures and processes of

PVMPO, including those described in the Public Participation Within the Transportation Planning Process for the Pioneer Valley Region, endorsed by the PVMPO on August 31, 2000 and updated June 19, 2007. The MOU accurately reflects and accommodates the planning and programming requirements and needs of PVTA and PVMPO.

The 2007 Regional Transportation Plan ([http://www.pvpc.org/resources/transport/07\\_report/07\\_rtp\\_final.pdf](http://www.pvpc.org/resources/transport/07_report/07_rtp_final.pdf)) approved by the PVMPO includes an Environmental Justice Plan and Assessment of Environmental Equity (Chapter 8). This assessment identifies minority, low-income and LEP populations and reports the comments received from these populations through an active public engagement process. The Regional Transportation Plan and EJ assessment were initially approved as part of PVMPO's Transportation Certification Review approved by FHWA and FTA in May 2005, and was renewed when the RTP was updated and approved by the PVMPO in June 2007.

As a member of the PVMPO, the PVTA is an active participant in the metropolitan planning process. The PVTA Advisory Board Chair (or, in his or her absence, the PVTA Administrator) is a permanent PVMPO board member; PVTA participates in the activities of the Joint Transportation Committee (JTC), the principal advisory body to the PVMPO, as an ex-officio member; PVTA submits specific comments on projects in the Transportation Improvement Program (TIP) as they are brought forward; and PVTA coordinates planning activities and services through direct and frequent meetings with PVMPO staff. PVTA, in coordination with PVMPO, places transit projects on the TIP and Regional Transportation Plan (RTP).

## **2.0 TITLE VI PROGRAM-SPECIFIC INFORMATION**

Items 2.1 through 2.6 below respond to the specific information requirements described in Circular 4702.1A of May 17, 2007 for the Title VI programs of FTA transit funding recipients serving areas of 200,000 or more residents.

### **2.1. Collection of Demographic Data**

PVTA has collected relevant demographic data for its service area to assess compliance with Title VI requirements that the benefits of federally supported programs be equitably distributed. PVTA also conducts regular surveys of its transit users to understand the demographic and socioeconomic profiles of transit users; gauge customer satisfaction; and identify opportunities for service improvements. Presentation and analysis of both types of data is provided in the two following sections.

#### **2.1.1 Demographic and Service Profile Maps and Charts**

For the purpose of Title VI demographic impact analysis, PVTA has accepted the definitions of “minority” and “low-income” geographic areas developed by the Pioneer Valley Metropolitan Planning Organization and approved by FHWA for the PVMPO. The full method and application is described in the PVMPO Regional Transportation Plan 2007 (<http://www.pvpc.org/activities/transportation-rtp.shtml>).

The PVMPO method defines “minority” as “the population that is not identified by the census as White-Non-Hispanic” in the 2000 US Census. Under this definition, minority persons constitute 21.9% of the region’s population. The racial or ethnic groups included are:

- White Non-Hispanic
- African-American or Black
- Hispanic or Latino (of any race)
- Asian (including Native Hawaiian, & other)
- American Indian (& Alaska Native)
- Some other race
- Two or More Races.

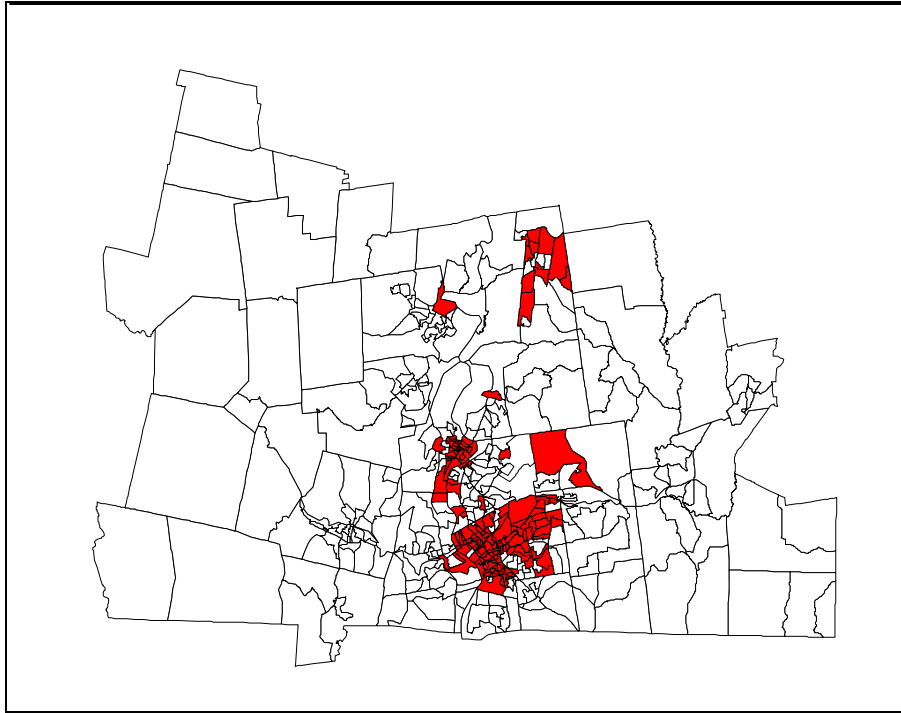
Of the PVMPO region’s 608,479 residents, 132,982 meet this definition of minority.

When this analysis was applied to the 450 census block groups in the region, the finding was that there are 57,217 people living in 162 block groups who can be considered minorities. Therefore, 162, or 36%, of the region’s block groups are considered to have proportions of minority populations that exceed the regional average. These results are shown in Figure 2.1.1-1.

The PVMPO method defines a “low income” areas as one with a proportion of people living at or below the federally defined poverty level that exceeds the proportion of people in poverty in the region as a whole, which is 13.5%. This analysis was also applied at the census block group geographic level and is shown in Figure 2.1.1-2.

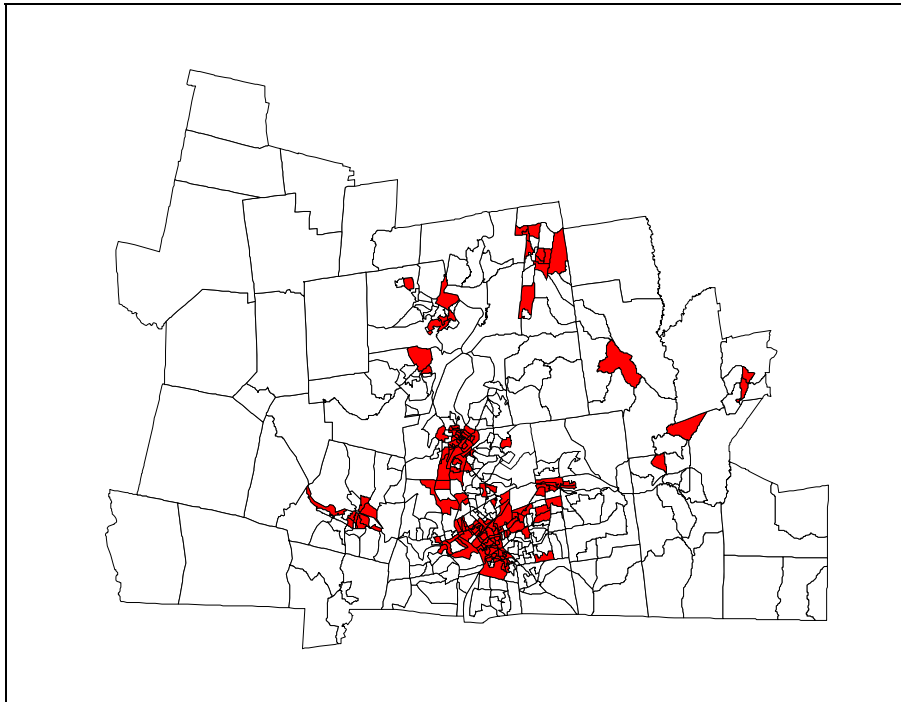
**Figure 2.1.1-1**

**Census Block Groups with Minority Populations Exceeding Regional Average of 21.9%**



**Figure 2.1.1-2**

**2000 Census Block Groups with a Poverty Rate Exceeding the Regional Average of 13.5%**



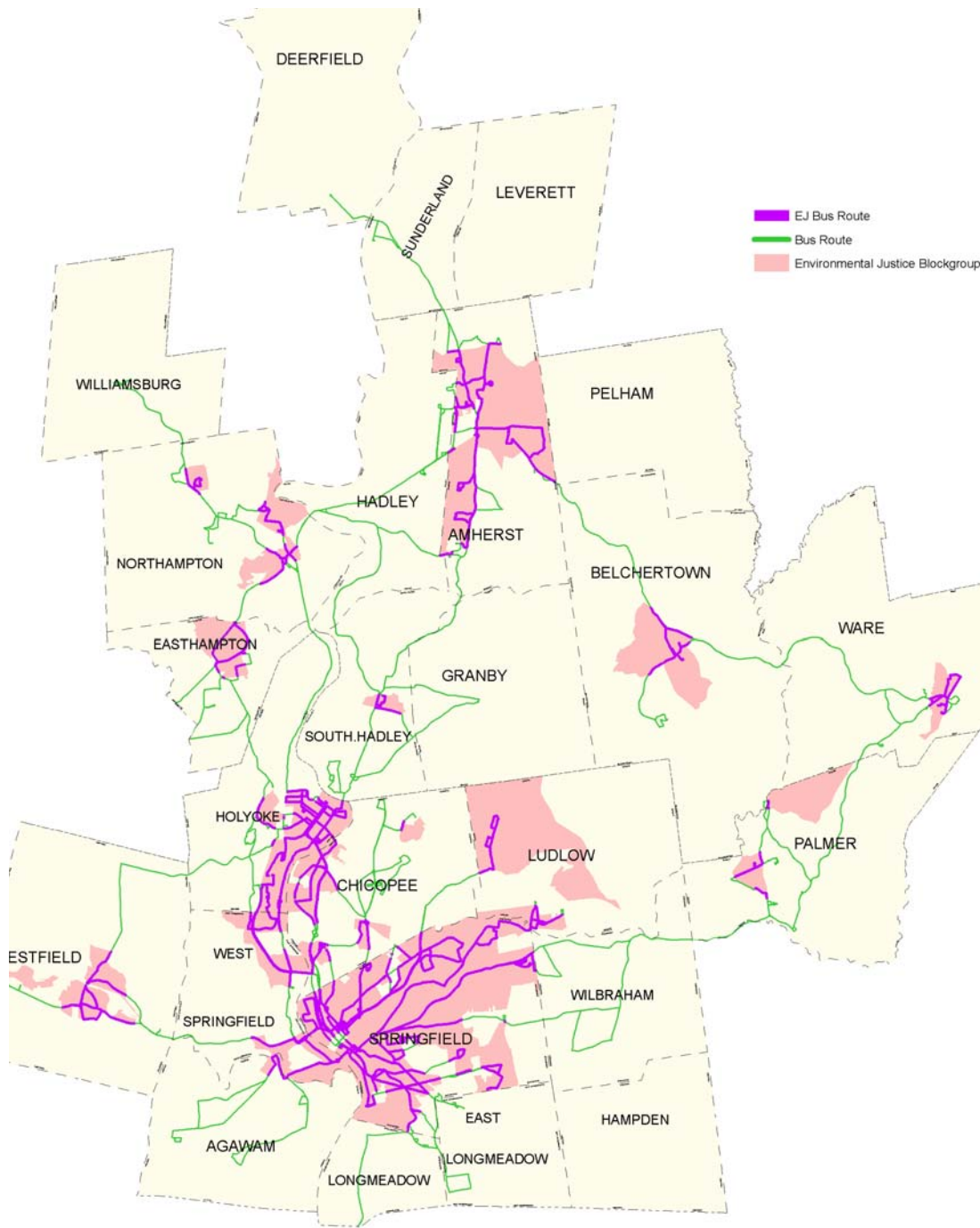
### **2.1.1(a) Impact Analysis: Geographic Areas Served**

To assess the equity of accessibility to PVTA bus routes, the ratio of total route miles to those serving minority and/or low-income census blocks was calculated. PVTA fixed routes in service in 2009 were overlaid on the 162 minority and low-income census blocks in the region.

Figure 2.1.1-3 on the following page shows that 51.7% of PVTA route miles serve minority and/or low-income census block groups, even though only 36% of region's block groups have proportions of minority or low-income populations that exceed the regional average.

Therefore, it is reasonable to conclude that PVTA service is equitably distributed in communities with larger proportions of Title VI residents than the regional average area.

**Figure 2.1.1-3  
PVTA Route Miles in Minority and Low-income Census Block Groups**



Total PVTA route miles (2009)	624 mi	100%
Route miles in minority and/or low-income census blocks	300 mi	51.7%
Census blocks in the region (2000)	450	100%
Census blocks with greater than average minority and/or low-income populations	162	36%



### **2.1.1(b) Impact Analysis: Bus Stop Amenities**

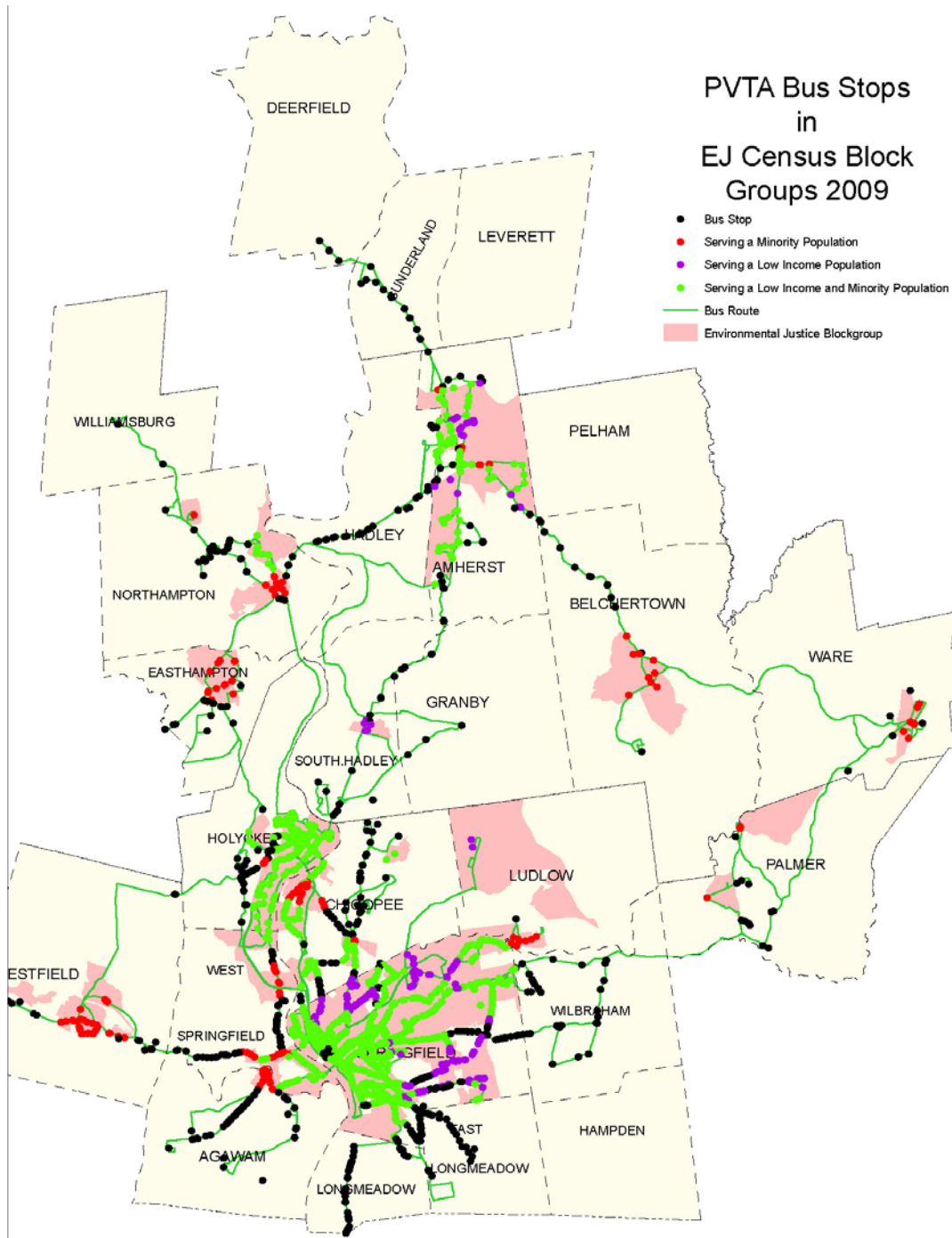
To assess the equity of PVTA passenger amenities, the ratio of total bus stops and shelters to those located in minority and/or low-income census blocks was calculated. PVTA bus stops and shelter locations were overlaid on the 162 minority and low-income census blocks in the region.

Figure 2.1.1-4 on the next page shows that 70% of PVTA bus stops serve minority and/or low-income census block groups, even though only 36% of region's block groups have proportions of minority or low-income populations that exceed the regional average. The proportion of shelters serving minority and/or low-income census blocks was 93%.

Therefore, it is reasonable to conclude that PVTA amenities are at least equally, if not even more accessible, in areas with greater than average Title VI populations than in other service areas.

Figure 2.1.1-4

PVTA Bus Stops and Shelters in Minority and Low-income Census Block Groups



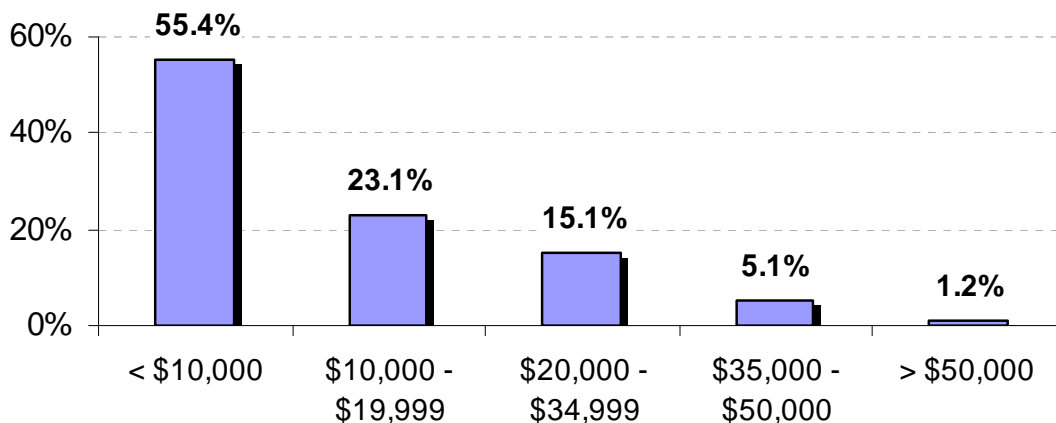
Total PVTA bus stops (2009)	1,924	100%
Bus stops in minority and/or low-income census blocks	1,344	70%
Total PVTA shelters (2009)	183	100%
Shelters in minority and/or low-income census blocks	170	93%
Census blocks with greater than average minority and/or low-income populations	162	36%

### 2.1.2 Transit Customer Survey Information

PVTA regularly surveys customers on all its routes. Since the submittal of the 2006 Title VI Program Update, PVTA has completed a total of 12 surveys, including a major survey of the southern service area, the paratransit system and eight individual route surveys. Of these, the information from the survey of the 22 southern area routes (primarily Hampden County) is most relevant for Title VI analysis. A total of 3,520 customers were surveyed. The full report, “PVTA Onboard Customer Survey Southern Service Region” can be downloaded here: [http://www.pvpc.org/resources/transport/08\\_report/PVTA\\_south\\_region\\_survey.pdf](http://www.pvpc.org/resources/transport/08_report/PVTA_south_region_survey.pdf).

Significantly, the findings of this survey suggest that an even greater percentage of low-income residents of the region depend on transit than is evident from the impact and accessibility analyses presented in the previous sections. The survey found that a majority of PVTA riders in the southern region are likely near, at, or below the poverty level: 55.4% of bus riders said they earn less than \$10,000 per year—up 18% from the last full rider survey conducted in the service region (in 2000).

**Figure 2.1.2-1: 2008 PVTA Rider Income Levels (Southern Region)**



These results suggest a high dependence on transit among low-income residents of the region. Significantly, the poverty level for a family of four is \$19,307 (2004 U.S. Census), and the poverty level for a single person is \$9,645. Therefore, whether PVTA riders in this region live with their families or along, a solid majority are living at or below the poverty level.

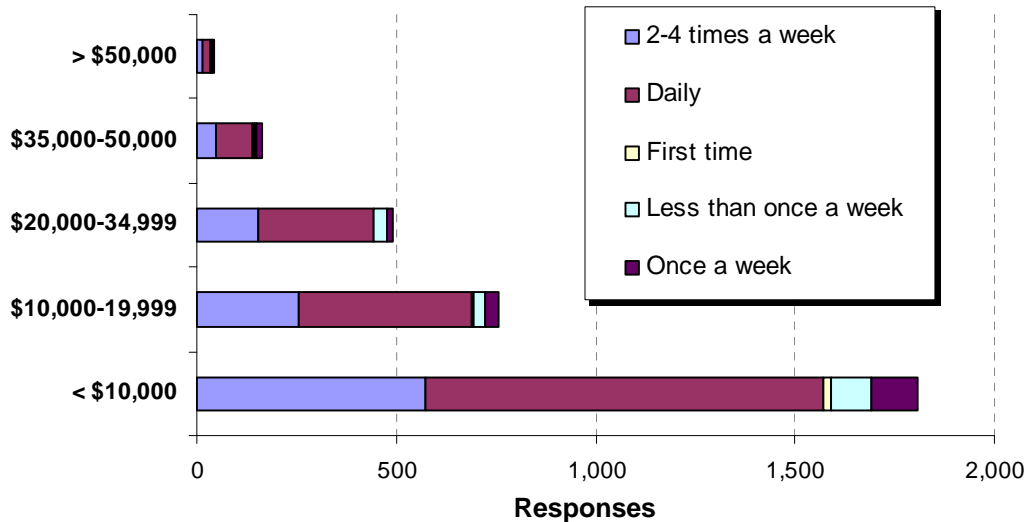
In addition, 3 of every 5 riders said they do not own a car; 1 in 4 do not hold a drivers license; and 12% have a disability that prevents them from driving. In total, 4 of every 5 riders surveyed said they have no way—other than the PVTA—to make their trips. Only 1 in 5 riders say they take the bus because it is convenient. Nearly half of all riders (48%) use PVTA to commute to work; the other two top destinations were shopping (14%) and medical appointments (12%).

The following two sections present customer demographic and travel pattern information.

### 2.1.2(a) Customer Demographics

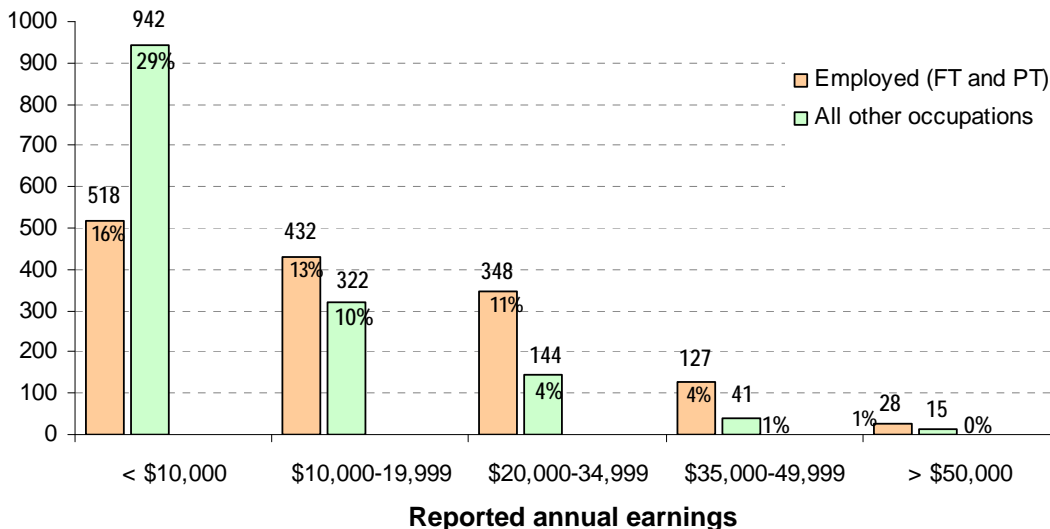
The 2008 survey found that PVRTA customers in the southern region have limited resources and few other alternatives to get where they are going. The summary table below shows that the lower a person's income, the more likely they are to ride the bus. In fact, there are more than 40 times as many people riding the bus in this region who have incomes of less than \$10,000 a year as there are people who make \$50,000 or more.

**Figure 2.1.2-2: Annual Income and Frequency of Ridership**



A comparison of people who said they work full or part time with those who described themselves as students, homemakers, unemployed or “other” shows that workers who earn less depend more highly on PVRTA service. This reliance on transit appears to be even stronger for people with other occupations: fully 29% of all riders responding to this question said they earned less than \$10,000 per year.

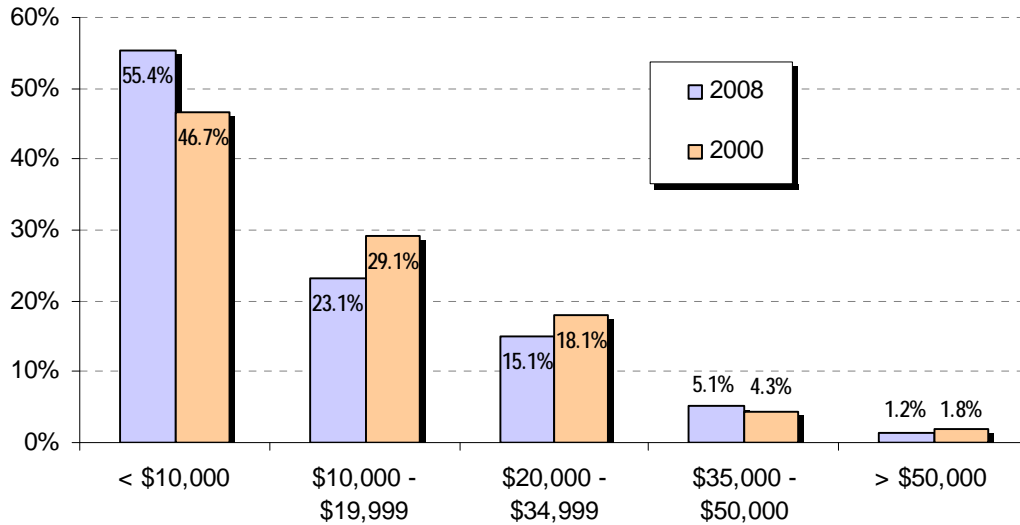
**Figure 2.1.2-3: 2008 PVRTA Rider Income Levels by Employment Status (Southern Region)**



Percentages of all responses shown; N=3,285

Notably, the percentage of riders earning less than \$10,000 per year is up significantly from the FY2000 survey, while ridership in the next two higher income categories is down.

**Figure 2.1.2-4: 2008 versus 2000 PVTA Rider Income Levels (Southern Region)**

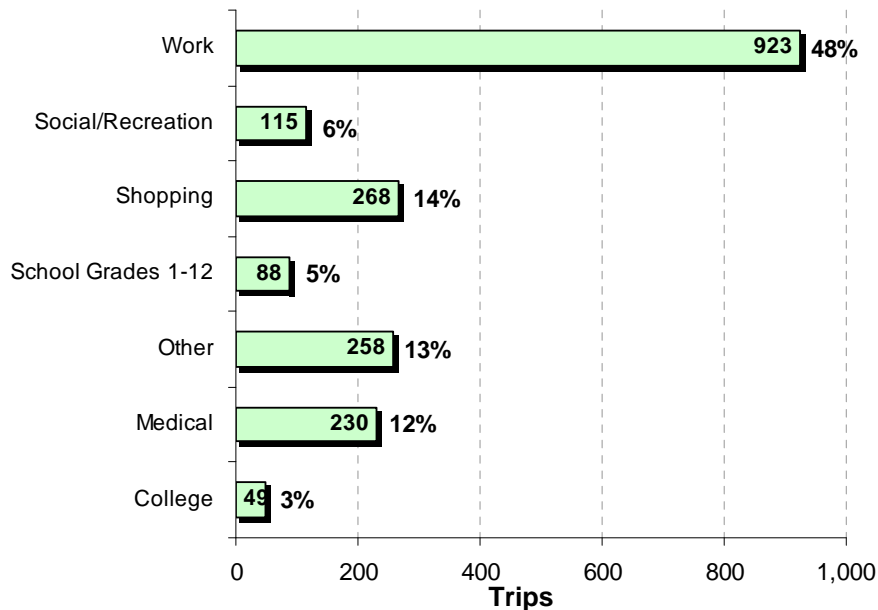


Also, more than 12% of riders reported a physical disability that does not allow them to drive. Further, approximately 3 of 5 respondents said they had no car available for their trip. In all, the information reported in this section suggests that most current riders lack the resources to travel by any other mode than transit.

**2.1.2(b) Travel Patterns**

The most common trip purpose for daily PVTA riders in the southern region is going to work: some 48% of riders reported commuting to their jobs, up from 42% in the FY2000 study. The reported trip purposes of daily riders is shown below.

**Figure 2.1.2-5: Trip Purpose**



## **2.2. Service Standards**

PVTA has adopted quantitative system-wide service standards for its fixed route and paratransit services. These standards, which are summarized below, were developed and implemented to help PVTA better achieve equity for all its transit customers in service design and operations decisions. There have been no changes to PVTA service standards during the past three years.

### **2.2.1 Vehicle Load**

Vehicle load is the ratio of the number of seats to the number of passengers. PVTA policy, which is consistent with that of the Massachusetts Department of Public Utilities (DPU), is to achieve a load factor of 1:1.45.

### **2.2.2 Vehicle Headway**

Vehicle headway is the measurement of time between buses on a line. Headway is determined by ridership during a given span of time. PVTA operates some lines with headways of greater than one hour with “helper” buses.

### **2.2.3 On-time Performance**

In keeping with industry standards, PVTA defines on time performance for fixed route service as a departure from a time-point location listed on printed schedules of no more than 5 minutes later than the printed time. PVTA defines on time performance for paratransit service as arrival of the vehicle for pick up within the pre-arranged 20-minute window of time.

### **2.2.4 Distribution of Transit Amenities**

Transit amenities such as passenger waiting shelters are provided as a convenience to passengers. Shelters are placed at high traffic bus stops where there are heavier boarding levels, major landmarks, and major transfer points. PVTA currently has 170 shelters system-wide and plans to continue adding these structures during the coming three years.

### **2.2.5 Service Availability**

Transit access generally corresponds to major traffic corridors in rural and suburban areas and high population centers and trip generators in urbanized areas.

## **2.3. Service Policies**

PVTA has adopted quantitative system-wide service policies for its fixed route and paratransit services. These policies, which are summarized below, were developed and implemented to help PVTA better achieve equity for all its transit customers in service design and operations decisions. There have been no changes to PVTA service policies during the past three years.

### **2.3.1 Vehicle Assignment**

Vehicle assignment is based on the size of the vehicle and the passenger loads on each particular route. PVTA’s full sized (40-foot and 35-foot) bus fleet consists of models from two manufacturers: Gillig (80 low-floor vehicles manufactured after 2006) and RTS (76 vehicles manufactured in the early/mid 1990s).

Both Gillig and RTS bus models provide similar passenger accommodation and amenities: all are air conditioned and are equipped with wheelchair lifts or ramps. The Gillig buses are being procured and placed in service to replace the older RTS buses in accordance with PVTA’s ongoing bus replacement program at the rate of approximately 15 vehicles per year. A recent award of federal ARRA funds will allow the acceleration of the bus replacement program in the coming two years.

Vehicles are deployed at PVTA’s three garages to provide equity among routes with higher proportions of route miles serving census blocks with above average low-income and minority residents and maintain operational requirements.

Bus Model	Springfield Garage (Southern Area)	Northampton Garage (Northern Area)	UMass Garage (Northern Area)	Totals
Gillig	52	10	18	80
RTS	52	7	17	76
<b>Totals</b>	<b>104</b>	<b>17</b>	<b>35</b>	<b>156</b>

### 2.3.2 Transit Security

PVTA transit security measures are employed on board vehicles and at transit facilities. Following is a summary of these measures.

Transit customer security measures include:

- Video cameras and audio recording on all fixed route service vehicles.
- Vehicle operator training on safety practices and conflict resolution techniques.
- Direct onboard radio communication to police and emergency agencies in PVTA communities.
- Emergency message capability for onboard electronic heading sign (i.e., “Call 911”).
- Operator road supervisors patrol routes to improve response time to incidents and assist vehicle operators.

Security measures at PVTA facilities include:

- Security cameras and 24-hour surveillance of garages and maintenance shops.
- 24-hour security guard at Springfield Garage and maintenance shop.
- Access control at PVTA Administrative office.

In the future, PVTA will significantly enhance transit security capabilities with the deployment of its systemwide intelligent transportation system (ITS). This system will allow tracking of individual vehicles, better emergency radio communication, more rapid incident response, and other security improvements.

## **2.4. Equity Evaluation of Service and Fare Changes**

Since the submittal of the Title VI Program Update for 2006, PVTA has implemented one fare change. This section describes the equity evaluation conducted prior to and after the fare change. (No service changes were implemented during the reporting period.)

### **2.4.1 Pre-fare Increase Impact Analysis (prior to July 1, 2008)**

In 2007, PVTA directed PVMPO staff to complete a fare analysis to examine the potential impacts of two possible fare increase scenarios to ridership and revenue. The analysis, completed in March 2008, found that a \$.25 per rider fare increase would result in an approximate 5.5% loss of riders, and a \$.50 increase would result in an 11% loss of riders. However, this did not occur (see Section 2.4.2 below).

The PVTA Advisory Board voted on June 11, 2008 to increase fares for fixed route from \$1.00 to \$1.25 per ride and paratransit service from \$2.00 to \$2.50 per rider, effective July 1, 2008. The Board also voted to raise the monthly pass fare from \$36.00 to \$45.00.

Prior to implementation of the fare increase, PVTA followed the locally developed public process for fare increases. In this case, the process included: the presentation of fare increase alternatives and proposals to the PVTA Advisory Board prior to public outreach; implementation of a 30-day comment period; the placing of legal notices about the fare increase proposal in newspapers of record in the region; five public hearings in diverse geographic locations throughout PVTA's service area during the comment period; legal stenographic records, audio recordings and minutes of each hearing; and the posting notices and information about these hearings on PVTA's web page, at the Springfield Terminal, major transit pulse centers and aboard transit vehicles. Comments received during the hearings, as well as via letters, phone calls and email, were presented along with a final recommendation the Advisory Board prior to the Board's action on the fare increase proposal. Following the Board's action to increase fares, schedules, maps and other media were updated to reflect the new fare cost.

Comments solicited and received during the public involvement process for the fare increase in 2008 were analyzed by PVTA and PVMPO staff for presentation to the PVTA Advisory Board. PVTA staff presented thematic summaries of all comments received (both oral and written) to the Board, as well as copies of all written comments, prior to Board action on the fare increase proposal. Several Board members also attended one or more of the public hearings at which oral comments were received. Transcripts of oral comments were also made available to the Advisory Board. The PVTA Advisory Board members evaluated the comments prior to acting on the fare increase proposal on June 11, 2008.

### **2.4.2 Post-fare Increase Impact Analysis (after July 1, 2008)**

Subsequent to the July 1, 2008 fare increase, overall PVTA ridership has actually increased, climbing approximately 1.2%. The unusual economic context created by dramatic gasoline price spikes during 2008 may have been one reason: the cost of fuel to operate most private automobiles actually increased far more than the proposed 25% increase in single ride transit fares (the fare analysis found that the total increase would actually be only 21%, due to discounts available on multiple rides through the monthly pass program and senior multiple fare discounts on paratransit service).



PVTA directed the Pioneer Valley Planning Commission to perform analysis of potential fare increase impacts to Title VI residents in the service region. PVPC found an inverse relationship between the routes with higher percentages of route miles serving minority and/or low-income census blocks and ridership decrease following the July 1, 2008 fare increase. In fact, ridership on PVTA routes that serve higher percentages of minority and/or low-income areas tended to rise after the fare increase. This analysis is presented in Figure 2.4.2-1 on the next page. In summary:

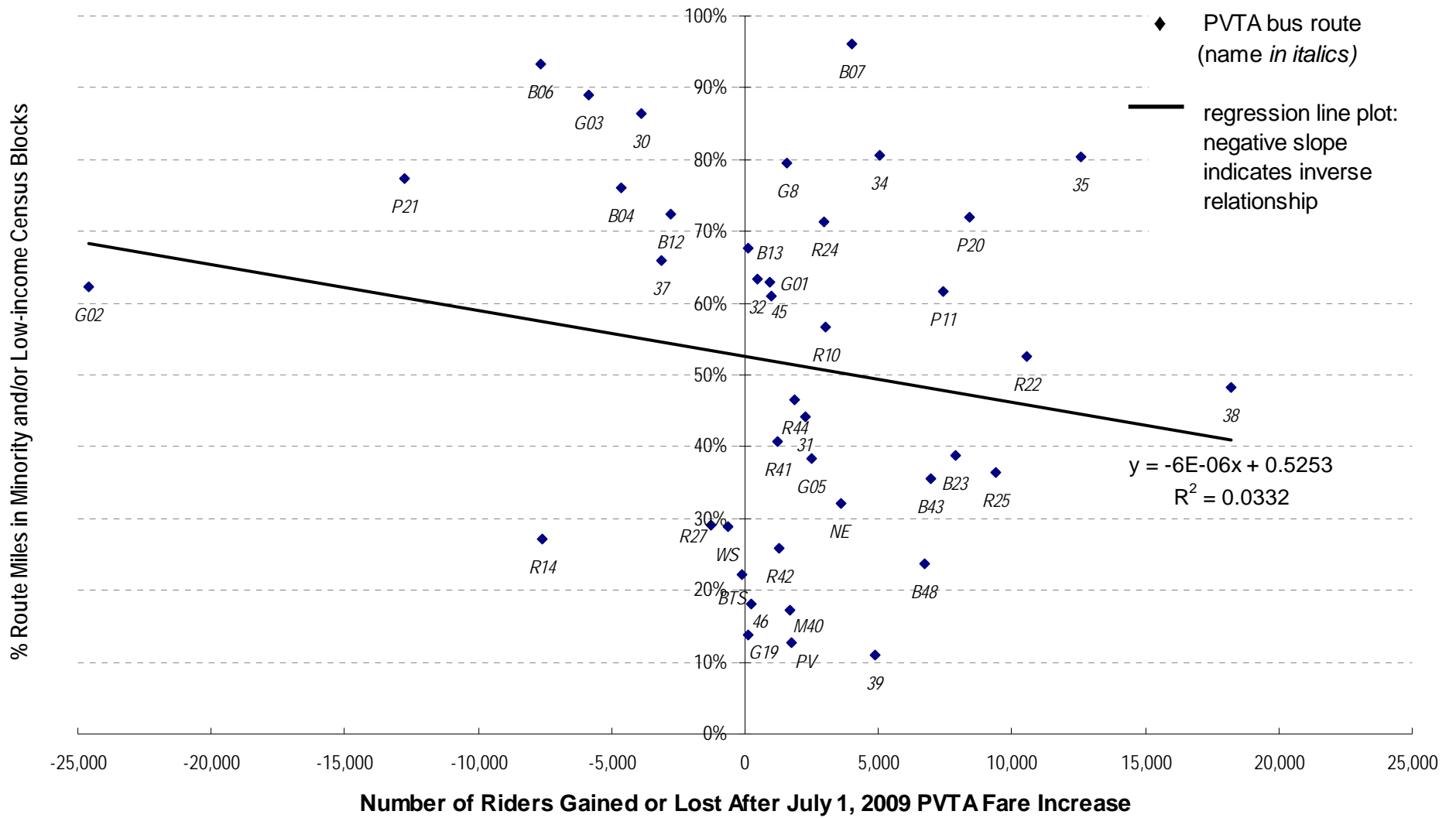
- The entire PVTA service area is considered to be a Title VI impact area because 51.7% of all PVTA route miles serve one or more census tracts with household incomes that area below the regional average and/or have a percentage of minority residents that exceeds the regional average.
- The analysis compared two six-month time periods: July 1 to Dec 31, 2007 (pre-fare increase), and July 1 to Dec 31, 2008 (post-fare increase).
- Total system ridership rose 1.2% after the fare increase, from 4,673,502 to 4,725,696, during the two six-month periods.
- On systemwide average, bus ridership on routes with higher percentages of route miles in minority and/or low-income census blocks tended to increase after the fare increase.
- The routes with the largest increases in riders were the R22 (+45%), Palmer Shuttle (+37%), P11 (+34.5%), and Nashawannuck Express (+32%).
- The routes with the largest decreases in riders were the B12 (-25%), R27 (-15%), and R14 (-14.5%).

PVTA sought to minimize, mitigate, and offset potential adverse effects of the fare changes on minority and low-income populations through the following strategies:

- Increased publicity and marketing efforts for monthly passes, which have a lower cost per ride than single fare.
- Maintaining all routes and hours of service.
- Conducting bus rider forums to receive rider concerns and to fully explain the decision for the fare increase and the consequences of not implementing it.

Figure 2.4.2-1

**% of PVRTA Route Miles Serving Minority and/or Low-income Census Blocks and  
Number of Riders Gained/Lost After July 1, 2008 Fare Increase**



## **2.5. Monitoring**

During the reporting period (August 2006 through August 2009), PVTA monitored both the levels and quality of service with respect to impacts on Title VI populations. Results and analysis of these monitoring efforts are reported in Sections 2.5.1 and 2.5.1. In addition, Section 2.5.3 discusses actions to improve the monitoring of levels and quality of service in the future.

### **2.5.1 Level of Service Analysis**

For this submittal, a level of service analysis was conducted using operator-provided on time performance information. The relationship of the on time performance for each route was then compared to the proportion of the route (using route miles) that travels through a census block or blocks that has a greater than average proportion of low-income and/or minority residents. This allowed assessment of the routes, consistent with FTA guidance.

On time performance information was also analyzed from PVTA's "Mystery Rider" field random spot check observation program.

#### **2.5.1(a) On Time Performance Analysis of Operator Reports**

Analysis of on time fixed route performance finds that this aspect of PVTA service is equitable throughout the PVTA service areas in which this information is reported.

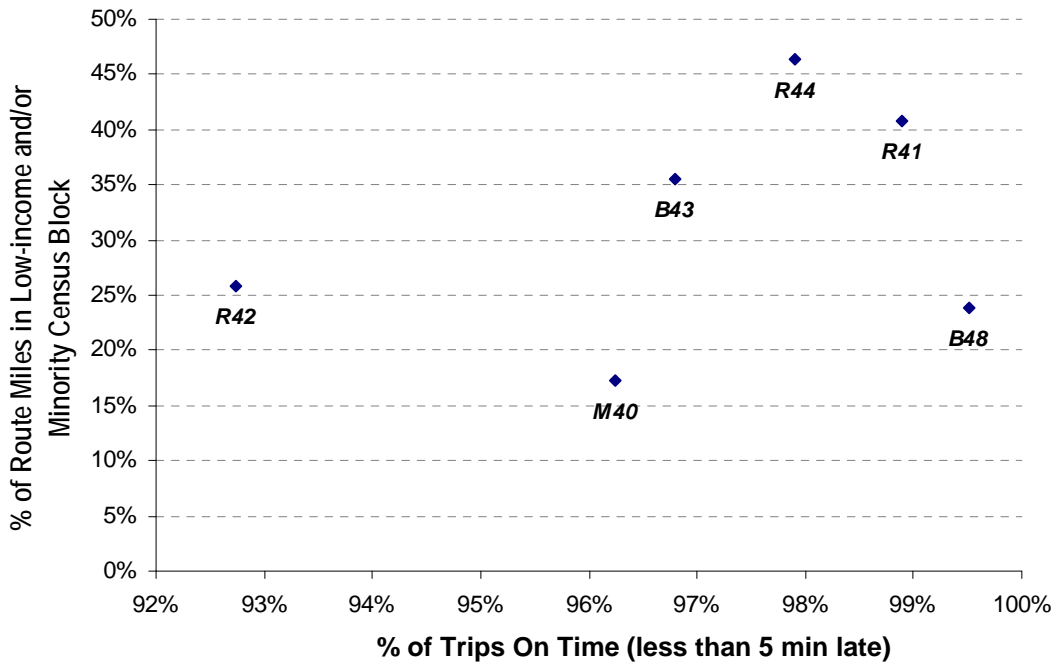
During the reporting period, operator reports were the primary source of information about on time performance. OTP information was provided by the SATCo and VATCo operating units for portions of 2007, 2008 and 2009. However, 2008 was the only year for which data for all 12 months was available. Therefore, OTP analysis was performed for calendar year 2008 only.

VATCo on time performance is self-reported by drivers via radio to the northern area garage dispatcher, who records the route, date, time and reason for delay (if longer than five minutes).

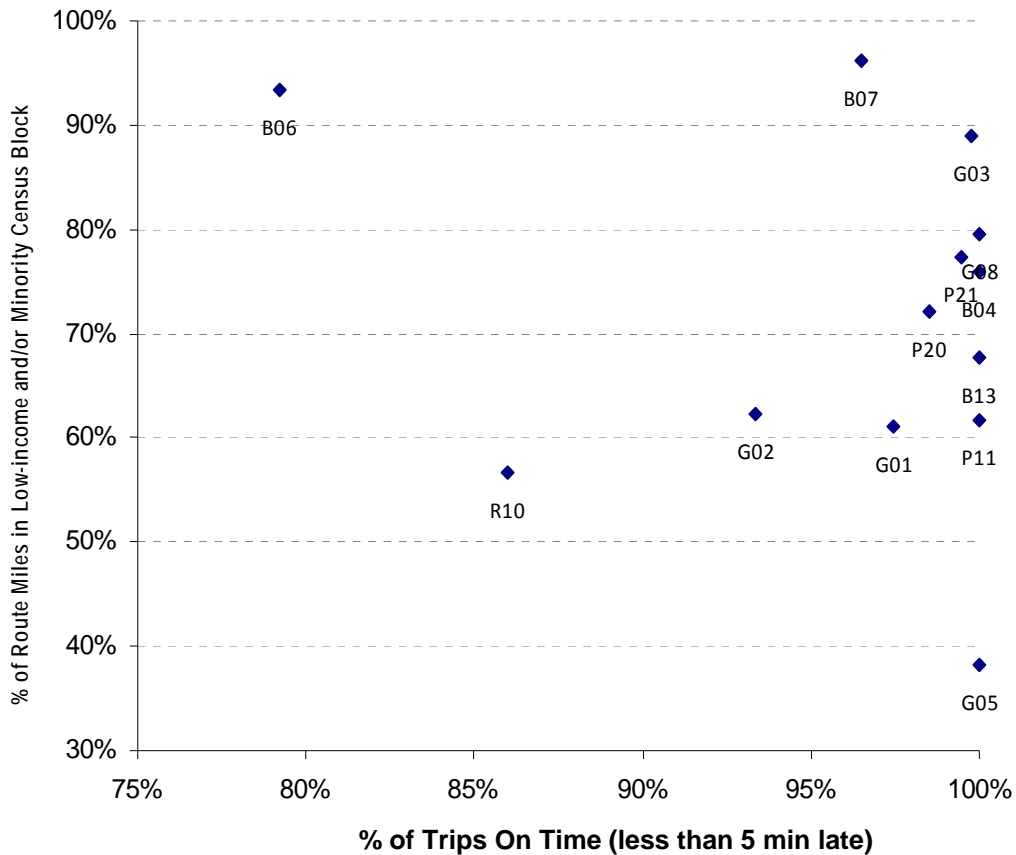
For the Southern Area, OTP information is regularly collected only for routes that serve the Springfield Bus Terminal. For this region, the SATCo operator at the terminal records whether or not routes arriving at the terminal are more than five minutes late.

PVTA's UMass Transit operator reported that no on time performance information is collected or available for the individual routes they operate (which are centered on the University of Massachusetts campus and Amherst Center. Therefore, no data is available to analyze. However, the service reliability proportion for all UMass Transit routes (actual versus scheduled runs) in 2008 was reported as 99.8%.

**Figure 2.5.1-1: PVTA Northern Area On Time Performance and Low-income/Minority Route Proportion 2008**



**Figure 2.5.1-2: PVTA Southern Area On Time Performance and Low-income/Minority Route Proportion 2008**



The PVTA systemwide average proportion of route miles in such a census block is 51.7%. None of the six Northern area routes for which OTP data was collected exceed this regional average for EJ census block service; the median of the range for on time performance in this region was 97.3%. The median for the 13 routes reported in the Southern area was 99.4%. It is noteworthy that all of the 13 Southern area routes exceed the regional average for proportion of route miles in an EJ census block. Therefore, it is reasonable to conclude that on time performance is equitable throughout the PVTA service areas in which this information is reported.

### **2.5.1(b) On Time Performance Analysis from Random Spot Check Reports**

In 2008, PVTA initiated a random spot check program to assess a variety of performance measures, including on time performance. This “Mystery Rider” program has completed a total 77 observations so far. Of the 77 bus trips observed, 4 (or approximately 5%) were found departing a schedule time point late (more than 5 minutes after the departure time in the printed schedule). These routes on which late departures were observed were:

- B07
- R10
- R24
- B48

Of these four routes, three (B07, R10 and R24) have a greater than average proportion of route miles in minority and/or low-income census blocks. These findings suggest that additional monitoring of on time performance to assess potential inequities is warranted. PVTA is initiating additional on time performance monitoring as part of the “Mystery Rider” spot check program.

### **2.5.2 Quality of Service Analysis**

PVTA worked with the staff of the PVMPO to investigate the quality of transit service for people of the region with respect to accessibility. For this analysis, quality of service was linked to travel time (time spent aboard vehicles) and access to transit (distance from a bus route).

A cross section of key activity centers in traffic analysis zones (TAZ) were identified so that travel times could be estimated between typical transit travel destinations and residential locations. Using census data, TAZs with percentages higher than that of the regional average for minority and low-income populations were identified. All these major activity centers are within PVTA’s 24 service communities. The location of major employers (50 or more employees) were mapped throughout the Pioneer Valley region (Figure 2.5.2-7).

Accessibility to transit was defined as being within a quarter of a mile (440 yards) from a bus route. Map 2.5.2-1 shows transit connectivity in the region between major employers and residential locations of low-income and minority zones. Location within this buffer give an indication of attainability of goods and services for the low-income and minority groups. Almost all zones with a high percentage of minority groups included a high percentage of low-income groups. These were located in Amherst, Northampton, Holyoke, Chicopee, Springfield and West Springfield (all within the PVTA service area). Major employers were concentrated in Springfield, Holyoke, Amherst, and Northampton respectively.

Transit travel times were derived from printed schedules. For comparison, auto-vehicle travel times were derived from congestion management data gathered for the MPO's Regional Transportation Plan, as well as Google Maps and traveler knowledge. The following three scenarios were selected to analyze the transit accessibility of people living in low-income and minority zones, thereby representing a cross section of the regional travel needs of low-income and minority groups and their associated travel time expenditures.

#### ***Quality of Service Analysis Scenario 1: Amherst to Springfield***

Travel between Amherst and Springfield represents the furthest typical destination for the high minority and low-income travelers. These two locations are important activity centers that provide opportunities for education and employment in Amherst, as well as health, education, employment, and other state aid services in Springfield. Depending on time of day, a person seeking to travel by transit between the two locations spends an average of two hours each way using three different buses: B43, B48, and P20/21. For example, for an Amherst resident, a two-hour medical appointment at Baystate Medical Center would involve at least four hours of transit travel time (round trip). In comparison, the same trip by private auto would typically require only 40 minutes each way—almost one-third of the time it takes to travel by bus. This is mostly due to the number of stops on route and the associated wait time between bus connections. In this case, public transit still provides an alternative at the higher cost of time expenditures. This is the only alternative available for low-income and minority groups who cannot afford to own a car, are not able to drive one, or cannot share a ride.

#### ***Quality of Service Analysis Scenario 2: Northampton to Holyoke***

Travel between low-income housing residences in Northampton and state health service providers or employment centers in Holyoke represents a medium length regional travel trip for the population under study. Depending on time of day, a trip between these two locations takes about an hour on average using two buses: R44 and B48. This is twice as long as it takes to travel by car. In this case, a two-hour appointment would necessitate an additional one-hour time expenditures for travel by bus compared to auto.

#### ***Quality of Service Analysis Scenario 3: Springfield to Holyoke Mall***

Travel between Springfield and major employers in the Holyoke Mall and the adjacent industrial park in Holyoke represent short-length travel trips in the region. A Springfield resident seeking employment in the service and retail industry in Holyoke would spend 45 minutes on average to commute. Due to the short distance traveled between the two locations, time of travel is lower between the two activity centers in comparison to the previous two scenarios, yet it can take three times as long as traveling by car.

#### **Level of Service Accessibility Analysis**

Public transit provides a very important connecting service between major activity centers and low-income and minority population locations in the Pioneer Valley. The various bus routes connecting these zones have different levels of service ranging from regular to limited on weekdays, weekends and during the various seasons. Level of Service categories identified ranged from 1 being best to 5 being worst (Table 2.1.1-1). The complexity of the system requires further in depth analysis to identify transit connection challenges due to schedule and service availability between all identified zones.

The six previously identified origins and destinations with greater than the regional average proportions of low-income and/or minority populations are serviced by PVRTA routes that have varying levels of service. In general, shorter trips between two adjacent locations have higher levels of service throughout the day. On the other hand, longer trips connecting three locations or more are subject to a combination of levels of service from each of the connecting transit routes. This can result in a lower overall level of service constricted by the lowest level of service category of a trip segment.

**Table 2.5.2-1 Evaluation of Transit Service by Route: Level of Service**

<b>Route</b>	<b>Category</b>	<b>Route</b>	<b>Category</b>
G01	1	R14	4
G02	1	R24	4
B07	1	Route 37 (Amity Shuttle)	4
Route 31 (SN)	1	R-42	4
B-43	1	Route 45 (B'town)	4
Route 30 (NA)	1	Route 46 (S. Drfld)	4
P20	1	G19	4
G03	2	B15	4
R10	2	B23	4
B04	2	Route 36 (Gatehouse)	5
B06	2	M-40	5
B17	2	R-41	5
Route 35 (Mullins Center)	3	Route 32 (West St)	5
R-44	3	Route 33 (Pine St)	5
B-48	3	R22	5
Route 34 (Orchard Hill)	3	R25	5
Route 38 (MHC)	3	R27	5
P21	3	Nashawannuck Express	5
Route 39 (Smith/Hampshire)	3	Ware Shuttle	5
G05	3	Palmer Shuttle	5
G08	3	Belchertown Shuttle	5
B13	3	P11	5

**1 = best 5 = worst**

The following tables assess the effects of various levels of service on transit trips between the five popular origins and destinations: Amherst, Northampton, Holyoke, Chicopee, Springfield, and West Springfield (Tables 2.1.1-2 through 2.1.1-7). Each table looks at all transit options, including local and express routes, connecting each location as an origin of a trip with the other four as possible destinations.

While this information is indicative of the overall accessibility via transit, calculating the average travel time spent on each route to make the trip is equally important. Due to a variety of schedules throughout the day, travel times may fluctuate at varying times of the day or days of the week. This variety in scheduling can result in an increase in wait time between bus connections or an increase in travel time due to traffic congestion on certain portions of the route during rush or lunch hours. The result is that making a trip becomes more efficient during certain times of the day or on certain days of the week. While this complexity is difficult to analyze,

calculating an average travel time between the identified origins and destinations will help reveal the need for schedule or service changes to improve attainability by transit.

**Table 2.5.2-2 Travel Service between Origins and Destinations for Amherst**

Origin	Destination	Bus Number	Routes Level of Service	Trip Level of Service
Amherst	Northampton	B43	1	1
		M40	5	5
Amherst	Holyoke	B43/B48	1,3	3
Amherst	Chicopee	B43/B48/P20/G19	1,3,1,4	4
		B43/B48/P21/G19	1,3,3,4	4
		B43/B48/R22/G19	1,3,5,4	4
Amherst	Springfield	B43/B48/P20	1,3,1	3
		B43/B48/P21	1,3,3	3
Amherst	West Springfield	B43/B48/P20	1,3,1	3

**Table 2.5.2-3 Travel Service between Origin and Destinations for Northampton**

Origin	Destination	Bus Number	Routes Level of Service	Trip Level of Service
Northampton	Amherst	B43	1	1
		M40	5	5
Northampton	Holyoke	B48	3	3
Northampton	Chicopee	B48/P20/G19	3,1,4	4
		B48/P21/G19	3,3,4	4
		B48/R22/G19	3,5,4	4
Northampton	Springfield	B48/P20	3,1	3
		B48/P21	3,3	3
Northampton	West Springfield	B48/P20	3,1	3

**Table 2.5.2-4 Travel Service between Origins and Destinations for Holyoke**

Origin	Destination	Bus Number	Routes Level of Service	Trip Level of Service
Holyoke	Amherst	B48/B43	3,1	3
		B48/M40	3,5	5
Holyoke	Northampton	B48	3	3
Holyoke	Chicopee	P20/G19	1,4	4
		P21/G19	3,4	4
		R22/G19	5,4	4
Holyoke	Springfield	P20	1	1
		P21	3	3
Holyoke	West Springfield	P20	1	1



**Table 2.5.2-5 Travel Service between Origins and Destinations for Chicopee**

Origin	Destination	Bus Number	Routes Level of Service	Trip Level of Service
Chicopee	Amherst	G19/P20/B48/B43	4,1,3,1	4
		G19/P20/B48/M40	4,1,3,5	5
		G19/P21/B48/B43	4,3,3,1	4
		G19/P21/B48/M40	4,3,3,5	5
		G19/R22/B48/B43	4,5,3,1	5
		G19/R22/B48/M40	4,5,3,5	5
Chicopee	Northampton	G19/B48	4,3	3
Chicopee	Holyoke	G19/P20	4,1	4
		G19/P21	4,3	4
		G19/R22	4,5	5
Chicopee	Springfield	G19	4	4
Chicopee	West Springfield	G19/P20	4,1	4

**Table 2.5.2-6 Travel Service between Origins and Destinations for Springfield**

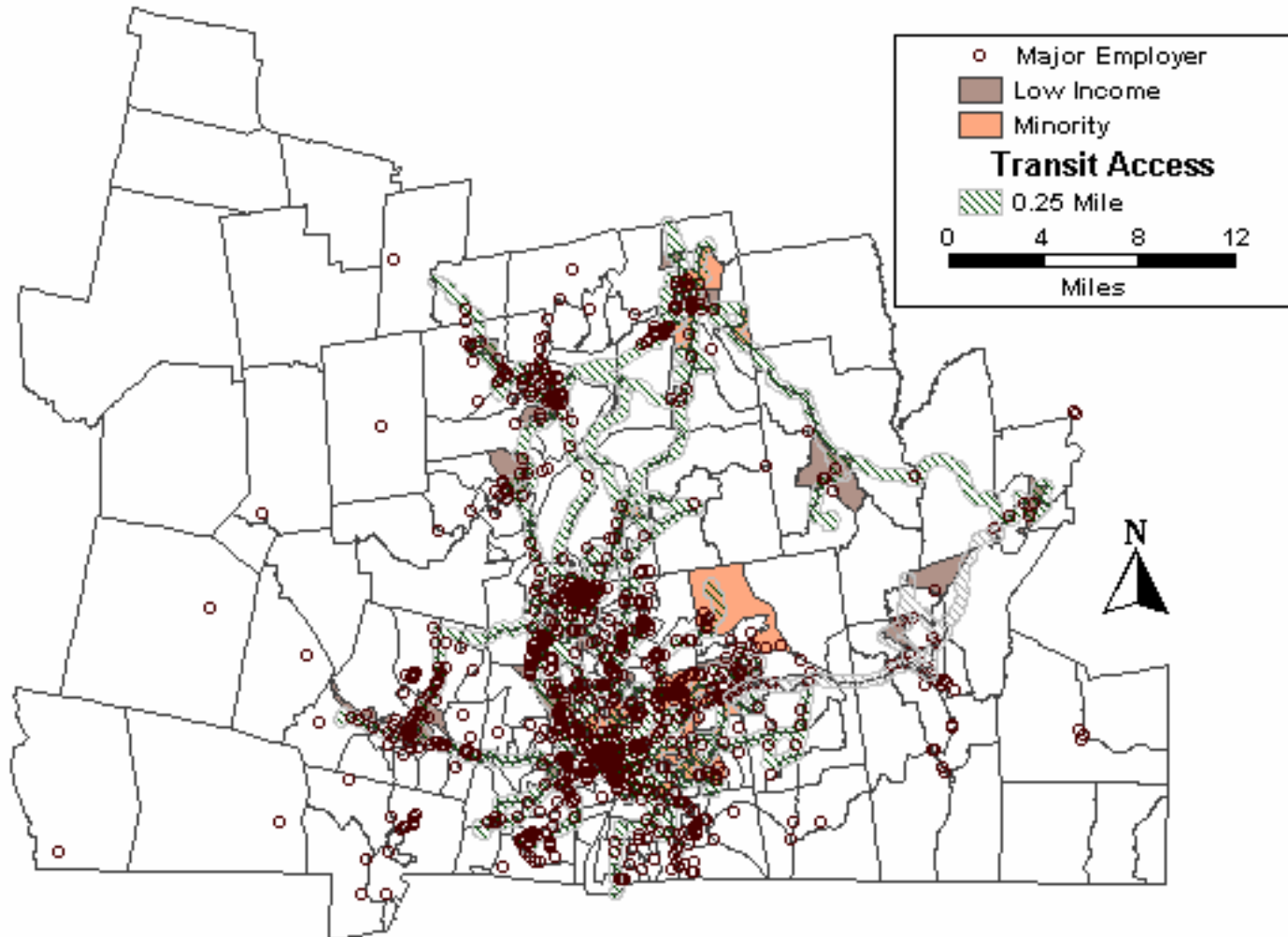
Origin	Destination	Bus Number	Routes Level of Service	Trip Level of Service
Springfield	Amherst	P20/B48/B43	1,3,1	3
		P20/B48/M40	1,3,5	5
		P21/B48/B43	3,3,1	3
		P21/B48/M40	3,3,5	5
Springfield	Northampton	P20/B48	1,3	3
		P21/B48	3,3	3
Springfield	Holyoke	P20	1	1
		P21	3	3
Springfield	Chicopee	G19	4	4
Springfield	West Springfield	P20	1	1

**Table 2.5.2-7 Travel Service between Origins and Destinations for West Springfield**

Origin	Destination	Bus Number	Routes Level of Service	Trip Level of Service
West Springfield	Amherst	P20/B48/B43	1,3,1	3
		P20/B48/M40	1,3,5	5
West Springfield	Northampton	P20/B48	1,3	3
West Springfield	Holyoke	P20	1	1
West Springfield	Chicopee	P20/G19	1,4	4
West Springfield	Springfield	P20	1	1

Figure 2.5.2-7

Transit Access between Zones of High Percentages of Minority and Low-Income Populations and Major Employers in the Region



### **2.5.3 Actions to Improve Monitoring of Service Levels and Quality**

PVTA is working to improve its monitoring efforts in the future by revising data collection methods and enhancing the quality of information available for analysis.

- PVTA is working with the Pioneer Valley Planning Commission (PVPC) to improve the on time performance monitoring program. This may include increased unannounced field inspections to observe on time performance at a greater number of time points.
- PVTA has directed PVPC to collect a wider range of demographic information as part of the annual onboard rider surveys. This will include information about racial and ethnic background, language proficiency.
- PVTA has directed PVPC to modify the “Mystery Rider” field inspection program, initiated in late 2008, to include additional measures of on time performance, such as multiple time points.
- PVTA is continuing to implement its intelligent transportation system (ITS) system. This system, which is being phased in during the coming three years, will incorporate a wide range of on time and passenger data that is currently unavailable, including real-time locations, travel speeds, time point arrivals and departures, passenger counts and other data. Implementation of this system will greatly improve the quality of data available for Title VI assessment of service levels and quality.

### **2.6. Title VI Program**

Updates to this Title VI Program are submitted to the Federal Transit Administration Region One Civil Rights Officer every three years, as specified by 49 CFR Section 21.9(b). The date arranged by FTA for submittal of this PVTA Title VI Program Update for 2009 is August 1, 2009. The next PVTA Title VI three-year Program Update will therefore be due August 1, 2012.

**APPENDIX 1**

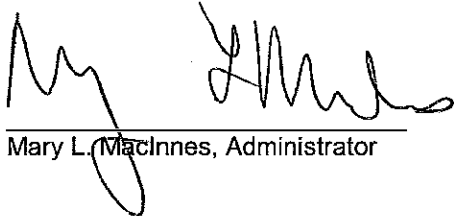
**URBAN MASS TRANSPORTATION ADMINISTRATION**

**CIVIL RIGHTS ASSURANCE**

The Pioneer Valley Transit Authority HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The Pioneer Valley Transit Authority will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1A and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The Pioneer Valley Transit Authority make it known to the public that those person or persons alleging discrimination on the basis of race, color or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Urban Mass Transportation Administration and/or the U.S. Department of Transportation.

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

  
\_\_\_\_\_  
Mary L. MacInnes, Administrator

6/30/09  
Date

## DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE

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

More specifically and without Limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Programs of the Federal Transit Administration:

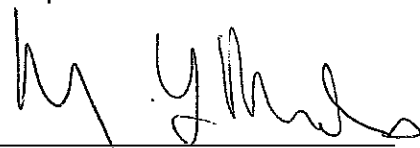
1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(s) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the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

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

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

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

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

  
\_\_\_\_\_  
Mary L. MacInnes, Administrator

6/30/09  
\_\_\_\_\_  
Date

## Appendix 2: Title VI Complaint Procedures



[Home](#) [Contact](#) [TitleVI](#) [Helpful Links](#)

### Contact

#### Contact the PVTA

[Procurement](#)

[Careers](#)

[Schedules/Routes](#)

[Fares/Passes/IDs](#)

[Senior/Disabled Riders](#)

[Fixed Route Riders Guide](#)

[About The PVTA](#)

The PVTA Customer Service Center is located at 1341 Main Street in downtown Springfield. Conveniently located in front of the Service Center is a bus stop, many routes pass this location and there is a major transfer point located across the street.

Customer Service Representatives (English & Spanish) are available to assist transit riders from 9:00 a.m. to 5:00 p.m. Monday through Friday. They will assist you with:

- Schedules & Route Maps
- System Maps
- Fares
- Passes
- Schedule Changes
- Elder and Paratransit Services
- Feedback & Complaints

#### 1.a.1 By Telephone

Springfield Area Customer Service  
Tel: 413-781-7882 Fax: 413-788-7272  
1341 Main Street, Springfield, MA 01103  
TTY 413-733-0449

#### **PVTA Administration**

1-877-779-7882 (toll free) 413-732-6248  
2808 Main Street, Springfield, MA 01107

#### **Northampton/Amherst Area**

1-877-779-PVTA (toll free) 413-586-5806

#### **To apply for ADA Van Service**

ADA Coordinator  
Toll free: 1-877-779-7882 x214  
Local: 413-781-7882 x214  
1331 Main Street, Suite 310  
Springfield, MA 01103

#### **By Mail**

1341 Main Street  
Springfield, MA 01103

## Title VI

The Pioneer Valley Transit Authority is committed to providing a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities and to the delivery of equitable and accessible transportation services. Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint with PVTA within 180 days from the date of the alleged discrimination. You may file a complaint by calling 1-877-779-7882 going to the PVTA Customer Service Office located at 1341 main Street Springfield MA, between the hours of 9:00 AM to 5:00PM Monday through Friday or you may fill out the form below.

### Online

Complete our online feedback form \* Denotes required fields

NAME:\*

CITY:

STATE:

ZIP:\*

EMAIL:

PHONE:

CATEGORY:\*

COMMENT:\*

Google Translate

[Gadgets powered by Google](#)

2808 Main Street, Springfield, MA 01107 - (413) 732-6248  
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### **Appendix 3: Record of Title VI Investigations, Complaints and/or Lawsuits**

There were no Title VI investigations, complaints or lawsuits during the past three years.

## **Appendix 4: Limited English Proficient (LEP) Access and Language Implementation Plan**

The most recent version of this plan is attached.



**PIONEER VALLEY TRANSIT AUTHORITY**

**LIMITED ENGLISH PROFICIENCY (LEP)  
PROGRAM AND IMPLEMENTATION PLAN**

**June 30, 2009**

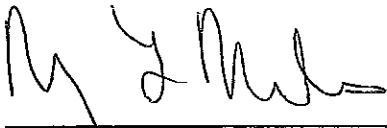
## MEMORANDUM OF EXECUTIVE APPROVAL

To: All Employees  
From: Mary L. MacInnes, Administrator  
Date: June 30, 2009  
Subject: Limited English Proficiency (LEP) Program and Implementation Plan

It is the goal of the Pioneer Valley Transit Authority (PVTA) to ensure that people who are Limited English Proficient (LEP) have meaningful and convenient access to the benefits, services, and information provided by PVTA's transit programs and related activities. To help achieve this goal, PVTA has prepared this Limited English Proficiency (LEP) Program and Implementation Plan. This document describes how PVTA is fulfilling its responsibilities with respect to LEP requirements in accordance with: 1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance; and 2) Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency" of August 16, 2000.

PVTA's LEP Program and Implementation Plan has been prepared in accordance with the U.S. Department of Transportation publication of April 13, 2007 entitled "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers," prepared by the Federal Transit Administration Office of Civil Rights.

I hereby approve PVTA's LEP Program and Implementation Plan. Please review and familiarize yourself with this document.

  
\_\_\_\_\_  
Mary L. MacInnes, Administrator

6/30/09  
\_\_\_\_\_  
Date

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### Accessible Formats

This document is available in accessible formats upon request. Paper copies of this document and additional information about accessible formats may be obtained by contacting:

Pioneer Valley Transit Authority  
2808 Main Street, Springfield MA 01107  
(413) 732-6248  
[www.pvta.com](http://www.pvta.com)

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## 1.0 INTRODUCTION

This Limited English Proficient (LEP) Plan has been developed consistent with FTA Circular 4702.1A, "Title VI and Title VI-Dependent Guidelines for FTA Recipients," published April 13, 2007. This plan is a living document; it is continually reviewed, updated and improved to help better meet the needs of transit customers in the PVTA service area.

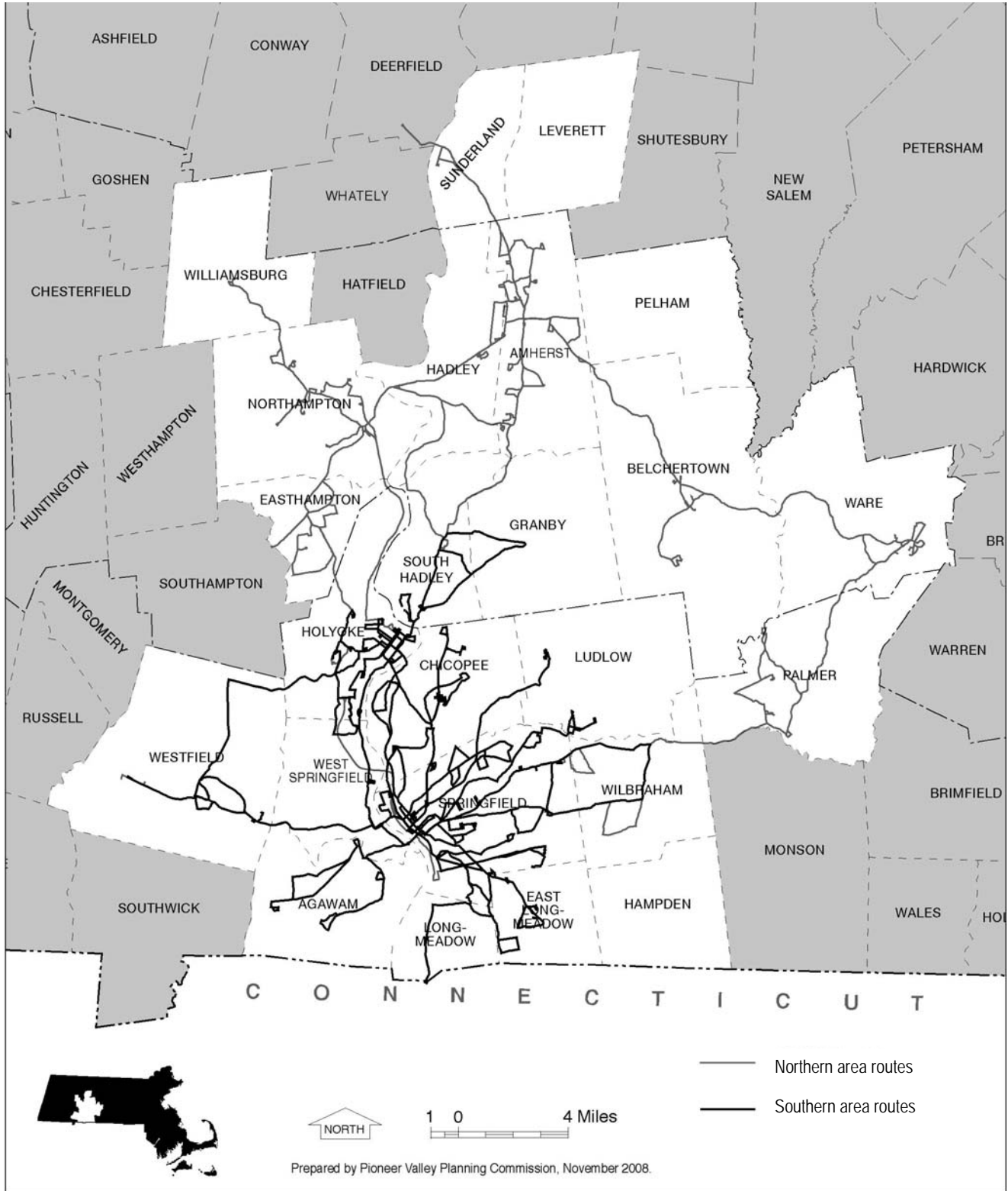
This plan describes the strategic approach that PVTA is pursuing to achieve its program to better deliver services to people who are Limited English Proficient (LEP). PVTA's goal is to ensure that LEP persons have meaningful access to the benefits, services, and information provided by PVTA's transit programs and related activities. This plan clarifies the fulfillment of PVTA's responsibilities with respect to LEP requirements as a recipient of federal financial assistance from the U.S. Department of Transportation to people who are Limited English Proficient in accordance with:

- **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.
- **Executive Order 13166** "Improving Access to Services for Persons With Limited English Proficiency" of August 16, 2000, which directs that Federal agencies subject to the requirements of Title VI publish guidance for their recipients clarifying LEP obligations. Executive Order 13166 directs that all guidance documents be consistent with the compliance standards and framework detailed in the U.S. Department of Justice's Policy Guidance "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency." This guidance advises that different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination. Executive Order 13166 applies to all federal agencies, programs and operations of entities that receive funds from the federal government, which includes the PVTA.

These federal regulations and guidance define persons with Limited English Proficiency as individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit in federally funded programs and activities.

This plan is being made available to people and organizations for which LEP may be a common consideration, including social service, non-profit, and law enforcement agencies. This plan is available in electronic PDF format on the PVTA website at [www.pvta.com](http://www.pvta.com). Paper copies of this LEP Plan will be provided to the community based organizations that have been consulted during the development of this plan, as well as the members of the Pioneer Valley Metropolitan Planning Organization (PVMPO), the Joint Transportation Committee of the PVMPO, the Massachusetts Department of Transportation, Federal Highway Administration, the Federal Transit Administration, all municipalities in the PVTA service area, the Pioneer Valley Planning Commission, and any other person or agency requesting a copy.

**Figure 1-1: Pioneer Valley Transit Authority Service Area**





## 2.0 FOUR-FACTOR FRAMEWORK ANALYSIS

This plan utilizes the four-factor analysis of an individualized assessment described in the FTA guidance publication of April 13, 2007 entitled “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers.”

PVTA’s prior experience with LEP individuals is longstanding. The PVTA service area includes communities with diverse ethnicities, including many people for whom English is not their native language. Employees of PVTA and its operators are also an ethnically diverse group, of which many individuals share cultural backgrounds with ethnic groups in the service area. This personal experience and connection with local communities is one of the most regular and important ways that PVTA has developed and maintains its sensitivity to the concerns of LEP persons.

In accordance with this guidance, Section 2 examines each of the following factors to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to public transit services within PVTA service communities. These factors are:

- Factor 1: Proportion, Numbers and Distribution of LEP Persons in PVTA Service Area
- Factor 2: Frequency of Contact with LEP Persons
- Factor 3: Nature and Importance of PVTA Service to LEP Persons
- Factor 4: Resources Available to PVTA and Cost

Implementation measures to address the results are then based on the results of the analysis are described in Section 3.0.

### 2.1 Factor 1: Proportion, Numbers and Distribution of LEP Persons

The U.S. Census Bureau has a range of 4 classifications of how well people speak English. The classifications are ‘very well,’ ‘well,’ ‘not well,’ and ‘not at all.’ Consistent with federal guidance, this plan considers people who are reported by the Census to speak English ‘not well’ or ‘not at all’ as Limited English Proficient persons.

#### 2.1.1 Service Area Geographic Boundaries

The geographic boundaries of PVTA service are the 24 municipalities listed below and displayed in Figure 1-1 on the previous page. (PVTA also serves one location in South Deerfield, which is not a PVTA community but is served by the Franklin Regional Transit Authority.)

Agawam	Ludlow
Amherst	Northampton
Belchertown	Palmer
Chicopee	Pelham
Easthampton	South Hadley
East Longmeadow	Springfield
Granby	Sunderland
Hadley	Ware
Hampden	Westfield
Holyoke	West Springfield
Leverett	Wilbraham
Longmeadow	Williamsburg

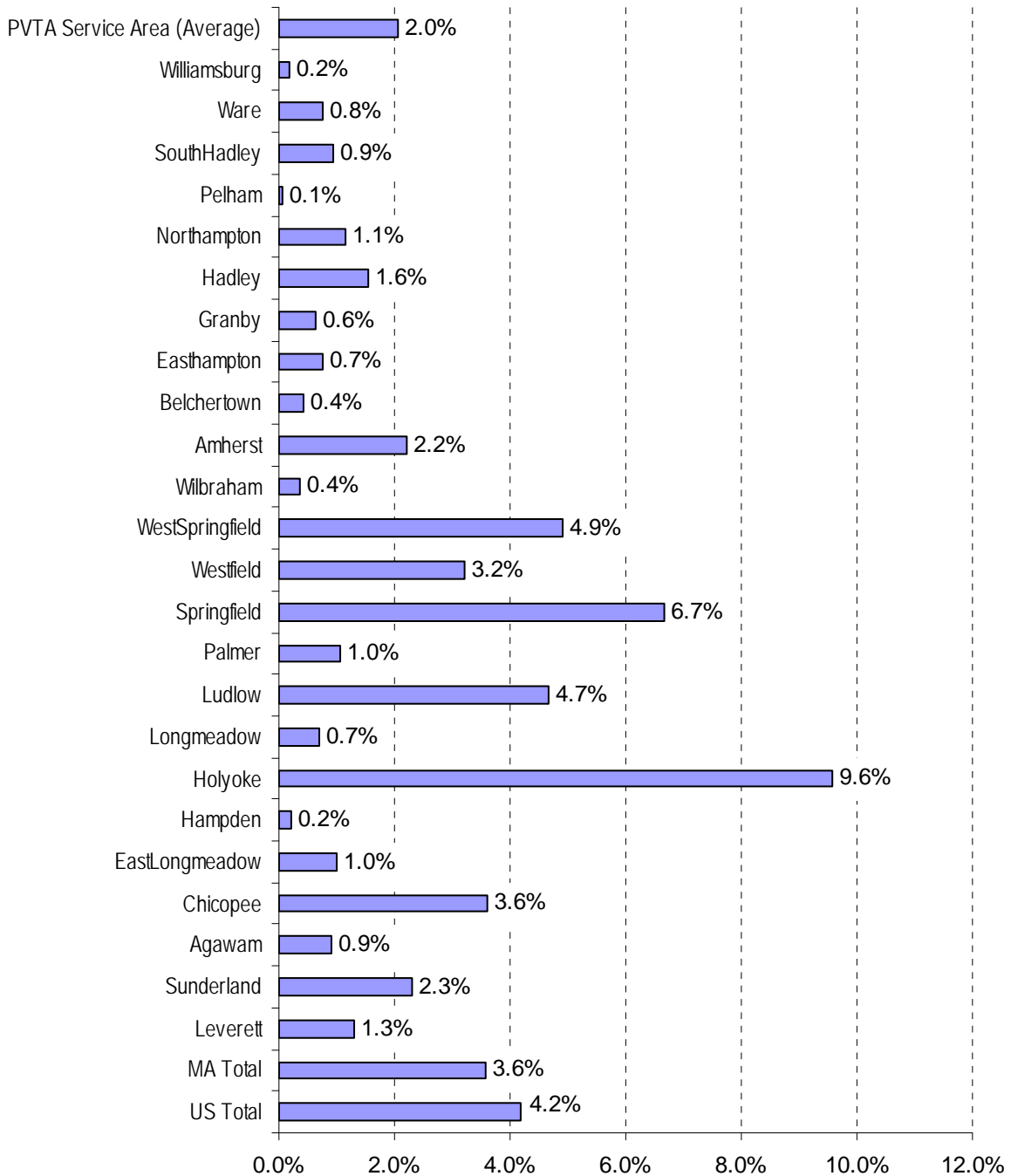
### **2.1.2 Analysis of Language-related US Census Data**

Analysis of US Census 2000 demographic data for these 24 communities presented in Figure 2.1-2 shows that the proportion of residents within the PVTA service who may be considered LEP is 2.0%, which is significantly lower than the national average of 4.2% and the Massachusetts statewide average of 3.6%.

Figure 2.1-3 shows that the number of LEP persons exceeds 1,000 in at least five of the 24 PVTA communities: Chicopee, Holyoke, Springfield, West Springfield and Westfield. This threshold is significant with respect to safe harbor provisions of LEP program efforts (see Section 3.0 on page 11).

Figure 2.1.2-1

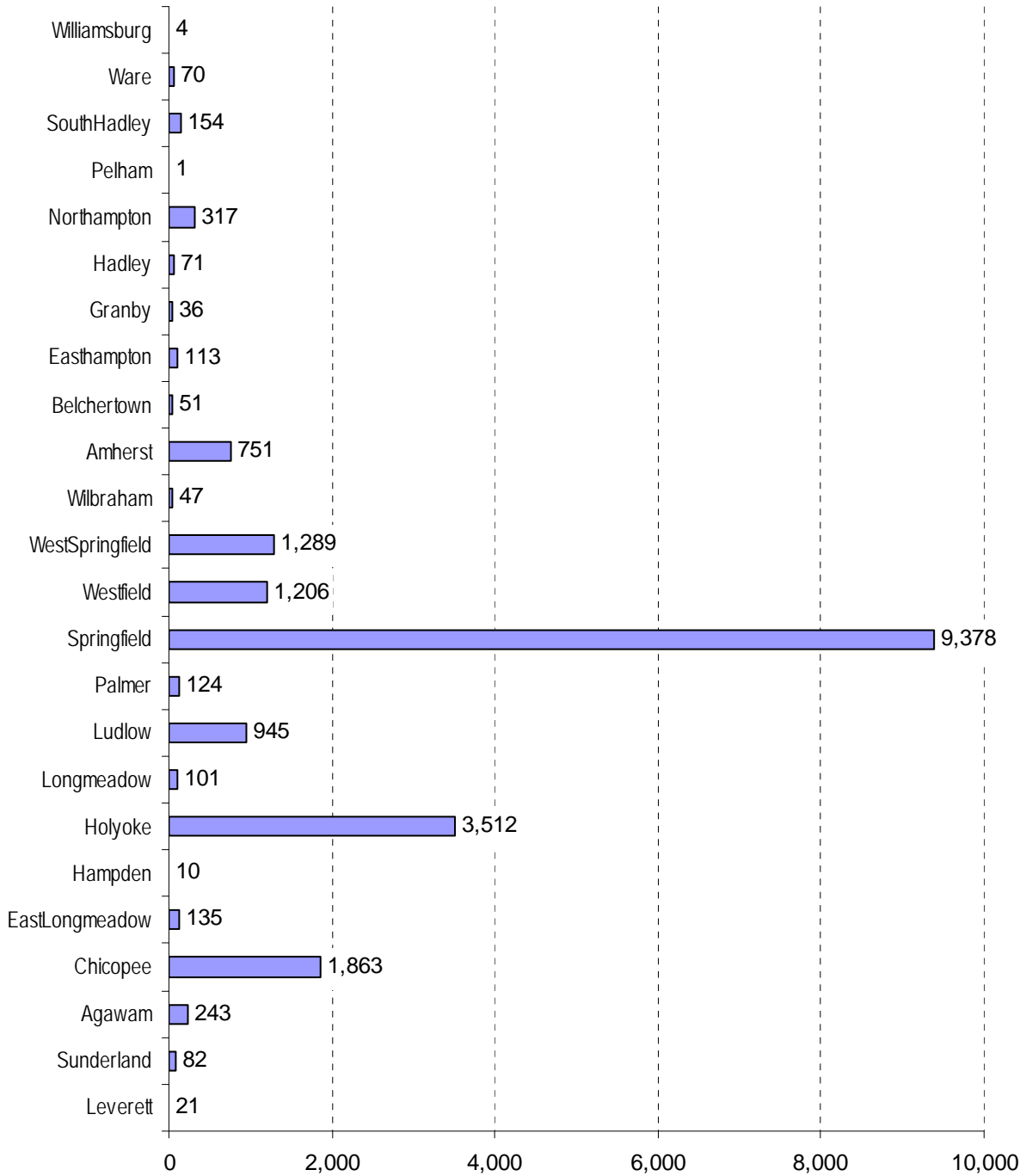
**Population 5+ yrs old Who Speak English  
"Not Well" or "Not at All"**



Source: US Census 2000 SF-3 QT-P17 "Population 5 years and Over by Language Spoken at Home and Ability to Speak English"

Figure 2.1.2-2

Population 5+ yrs old Who Speak English  
"Not Well" or "Not at All"



Source: US Census 2000 SF-3 QT-P17 "Population 5 years and Over by Language Spoken at Home and Ability to Speak English"

The guidance document also recommends reviewing the most recent imputed data for language proficiency from the US Census American Community Survey and other sources of data. However, for the PVTA service area, this data is only available at the county level. Therefore, the data presented in Figures 2.1-2 and 2.1-3 is the most useful for the Factor 1 analysis.

### **2.1.3 Involvement of Community Organizations and Committees**

PVTA performs is engaged with community based organizations that serve LEP persons in two general ways: 1) participating in meetings of organizations and agencies that deal with LEP issues; and 2) participating in the public outreach activities of the Pioneer Valley Metropolitan Planning Organization (PVMPO).

PVTA participates on an ongoing basis in the meetings and activities of the following community and municipal organizations that address in part the needs of LEP persons:

- Directors of Councils on Aging in PVTA communities.
- Human service organizations, including Stavros Center for Independent Living.
- Springfield New North End Citizens Council.
- Emergency management agencies and staff of PVTA member communities.
- Homeland Security Councils of Hampden, Hampshire, Franklin and Berkshire Counties.

PVTA is also a regular participant in meetings and activities of municipal and volunteer committees, including those of the City of Northampton Public Transportation Committee. PVTA also conducts outreach to the Town Amherst Public Transportation Committee. Both committees address issues of concern to LEP residents of the region.

PVTA continues to work with PVMPO to identify other community based organizations not traditionally involved in service of LEP persons. Table 2.1.3-1 (next page) lists the organizations, meeting dates with PVMPO and transportation concerns identified during outreach performed for the 2007 update of PVMPO's Regional Transportation Plan.

**Table 2.1.3-1  
PVMPO Meetings with Community Based Organizations and  
Transportation Concerns Identified for Regional Transportation Plan 2007**

<b>Community Organizations</b>	<b>Transportation Concerns Identified</b>
<p><b>Springfield Education Partners</b> Massachusetts Career Development Institute, Springfield Technical Community College, American International College</p>	<ul style="list-style-type: none"> <li>• Transit access to jobs for grads.</li> <li>• Late night transit service needs</li> <li>• Safety and security at bus stops</li> <li>• Issues with transfers to the bus terminal</li> <li>• Need to expand park and ride options</li> </ul>
<p><b>Springfield Health Coalition</b> Mass Dept of Public Health, Community Health Action Network, New England Farm Workers Council, Springfield Dept of Health &amp; Human Services, Mason Square Community Health Center</p>	<ul style="list-style-type: none"> <li>• Walking and transit barriers that affect personal health</li> </ul>
<p><b>Holyoke Food &amp; Fitness Collaborative</b> Nuestras Raices, Holyoke Health Center, Valley Opportunity Council, Center for Healthy Communities, Salvation Army YMCA, Mass Public Health Association</p>	<ul style="list-style-type: none"> <li>• Transportation access issues affecting lifestyle decision of Holyoke residents.</li> <li>• Safe walking environments</li> <li>• Transit efficiencies that impact nutrition and exercise.</li> <li>• Safety of transit shelters</li> </ul>
<p><b>Target Hunger</b> Food Bank of Western Mass, Greater Springfield Senior Services, King Street Family Life Center, Martin Luther King Jr. Com. Center, Mason Square Senior Center, Mass Career Development Institute, Mount Zion Baptist Church, Old Hill Neighborhood Council, Open Pantry Community Services, Open Pantry Loaves and Fishes Kitchen, Partners for a Healthier Com., Project Bread, Save Our Kids, Springfield Partners for Community Action</p>	<ul style="list-style-type: none"> <li>• Transit access to local grocery stores (Big Y and Stop and Shop) in Springfield.</li> <li>• Need for information displays on transit for food stamp program.</li> <li>• Need for more information on Transit</li> </ul>
<p><b>Springfield Walks</b> McKnight Senior Center, Springfield Dept. of Health and Human Services, McKnight Neighborhood Council ,Springfield Planning Dept, Rails to Trails Conservancy National Park Service, Mason Square Neighborhood Health Center</p>	<ul style="list-style-type: none"> <li>• Barriers exist to walking in the Bay, McKnight, Old Hill neighborhoods.</li> <li>• Need for more opportunities for walking.</li> <li>• Need for walking programs</li> <li>• Need Educational outreach on benefits of walking.</li> <li>• Reduce pedestrian fatalities/injury</li> <li>• Encourage economic development that includes pedestrian amenities.</li> </ul>

PVTA maintains contact with, and gathers information about the needs of LEP persons from the community based organizations and committees of the region listed on page 7.

## 2.2 Factor 2: Frequency of Contact with LEP Persons

Employees of PVTA and its operating companies are in contact with LEP persons on a daily basis. The most frequent type of encounter is between bus driver and passenger. The second most frequent contact is via telephone on the PVTA Information Center line.

- Bus driver and passenger conversations.
- Inquiries to operations staff at the Springfield Bus Terminal (up to 10 inquiries from LEP persons per day).
- Walk-in customers to PVTA Information Center (10-15 LEP persons per week).
- Customer telephone calls to PVTA Information Center (1-2 LEP callers per day).
- Bus rider forums.
- Quarterly meetings with paratransit riders.
- Public hearings.
- Meetings with community based organizations.

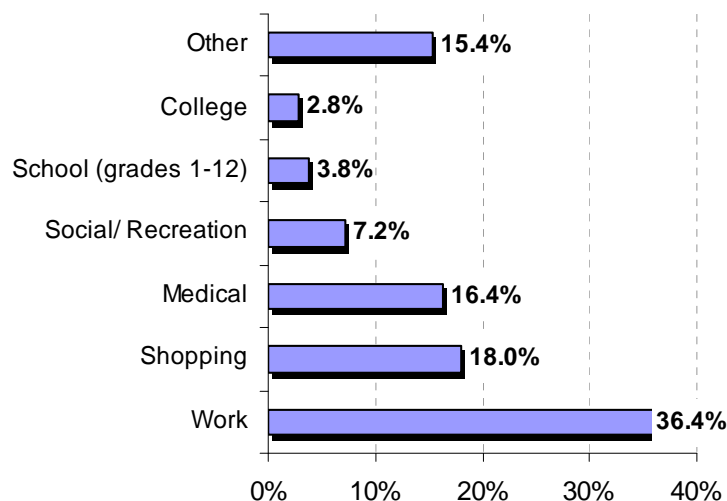
## 2.3 Factor 3: Nature and Importance of PVTA Service to LEP Community

PVTA is committed to making its services available and as accessible as possible to all persons living within its service area. PVTA is also committed to providing opportunities for all persons to participate in transit planning processes.

This outreach to LEP persons is important to PVTA service because: 1) the proportion of LEP people in the service area exceeds that of the MPO regional average; 2) LEP persons may tend to be more dependent on transit service than English speakers in the region

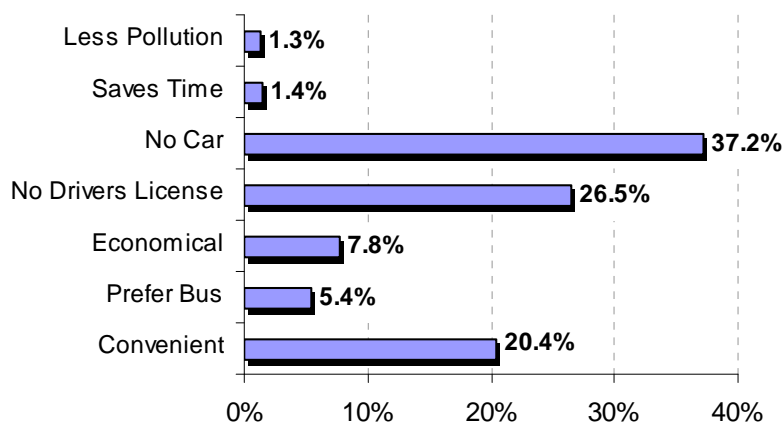
Any denial, delay or reduction in access to PVTA services because of language-related barriers is unacceptable to PVTA. PVTA recognizes that thousands of persons depend on transit each day in its service region for critical mobility needs, such as traveling to medical appointments, shopping for food, commuting to work, and getting to school. The chart below reports the principal trip purposes from the 2008 survey of 22 routes in PVTA's southern service area.

**Figure 2.3-1: PVTA Onboard Rider Survey 2008 Southern Service Area**  
What is the Main Purpose of Your Trip?



In addition, more than 3 of 5 respondents (62.7%) ride the bus because they do not have a car or driver's license. This finding is consistent with other recent surveys of PVTA riders in other service regions. It is a strong indication that PVTA riders dependent on this service to a very high degree for their regular mobility—and a majority of current users would not be able to get around without it.

**Figure 2.3-2: PVTA Onboard Rider Survey 2008 Southern Service Area**  
What is the main reason you ride the bus?



#### **2.4 Factor 4: Resources Available to PVTA and Overall Cost**

PVTA utilizes federal and state sources of operating and capital assistance to support LEP programs and services. LEP is tightly integrated with operations and customer services.

In the future, PVTA will continue to identify LEP concerns and seek appropriate additional funding that may be available for LEP programs and services.



### **3.0 SAFE HARBOR STIPULATION**

Federal law provides a “safe harbor” stipulation so that recipients can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A safe harbor means that if a recipient provides written translations in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not required. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under safe harbor includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. PVTA’s translation of other documents, if needed, can be provided orally.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

In five PVTA communities (Chicopee, Holyoke, Springfield, West Springfield and Westfield), the size of LEP language groups constitutes the typical 5% or 1,000 persons of population threshold for which written translations of key documents can be provided meet the safe harbor standard.

## **4.0 IMPLEMENTATION PLAN FOR LANGUAGE ASSISTANCE**

This section describes PVRTA's current and future plans for providing language assistance to LEP persons in the service area.

### **4.1. Identifying LEP Persons Who Need Language Assistance**

PVRTA identifies LEP persons who need language assistance through the following programs, activities and services:

- Telephone assistance and assessment by Information Center operators.
- Conversational assessment of walk-in customers at the Information Center.
- Conversation with PVRTA bus operators and field personnel.
- Inclusion of instructions for requesting language translation on public meeting notices.
- Asking persons attending public hearings if Spanish language translation and/or signing interpreter services are desired or needed (services are always available).
- Demographic assessment of census data to ascertain likely geographic location of potential LEP customers.
- Outreach to community based organizations and municipal agencies to ask their assistance in identifying LEP persons who may need language assistance.

### **4.2. Providing Language Assistance**

This section describes the current and future services that PVRTA provides for enhancing the access of its system to LEP persons.

Information regarding PVRTA services is made available through multiple means, including website translation services, system maps and providing a bilingual staff whenever possible. There are no costs to users for these services.

#### **4.2.1 Existing LEP Programs and Services**

Following is a summary of the language assistance, programs and services currently provided:

- Three of the six staff persons at the PVRTA Information Center are bilingual (Spanish).
- Information Center staff regularly evaluate customers' LEP needs and options to better serve them.
- Information Center staff are trained in the use of online translation services for other languages (i.e., Russian, Portuguese, Vietnamese) to assist customers.
- Spanish translation of PVRTA policies and services on the system map.
- Onboard passenger surveys available in Spanish administered by bilingual surveyors.
- Translation and interpretation services are available upon request at (877) 779-7882.
- Many PVRTA vehicle operators are bilingual (Spanish).
- Many vehicle operators are also familiar with common phrases used by customers in languages other than English.
- Announcements and other onboard notices printed in English and Spanish.
- Professional language interpreter (Spanish) available at all public meetings.
- Website translation function (list of languages available included in appendix).

- Translation of key PVTa documents available upon request.
- Meeting notices include explanation of procedures to request language translation.
- Meetings with community based organizations.

PVTa defines an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

#### **4.2.2 Future LEP Programs and Services**

PVTa's proposed future programs and services to enhance accessibility of transit services to LEP persons include:

- Partnerships with community organizations to develop a list of language translation volunteers who are available for public meetings. This option could be used where advanced notice is provided that translator services are needed. This option may also help increase the number of languages for which translation services are available.
- Development of written translation and oral interpreter service providers database. This would improve the speed and convenience with which written documents can be translated for the public, and reduce the need to have public requests for them.
- Use of PVMPO's LEP services outlined in the organization's LEP plan, as developed.
- Ensure other PVMPO members are aware of the USDOT LEP guidance and support their LEP planning activities, as appropriate.
- Updates to the PVTa LEP Plan, as needed by new events, such as the release of language-related demographic data from the 2010 decennial census and/or indications of increases in LEP population.
- Identify community based organizations that are not being contacted through existing outreach.
- Incorporate services to assist LEP customers in forthcoming intelligent transportation system (ITS) passenger information capabilities, including onboard audio announcement in multiple languages and multiple language capability on electronic vehicle signs.

#### **4.2.3 PVTa LEP Coordination with Regional MPO**

PVTa also participates in the public involvement activities of the Pioneer Valley Metropolitan Planning Organization (PVMPO) for capital planning. The PVMPO works to engage persons with LEP in regionwide planning activities, such as the adoption of the Regional Transportation Plan (RTP), Unified Planning Work Program (UPWP), transit studies, and the regular updating of the Transportation Improvement Plan (TIP). The PVMPO does this through outreach to Spanish-speaking residents, which represent the largest group of LEP people in the region. The PVMPO publishes meeting notices are published in Spanish, and provides translation services upon request within 10 business days of a scheduled meeting. PVMPO provides translated summaries of key reports in Spanish upon request.

PVMPO also engages LEP persons in the region in special activities focused that may be on a specific neighborhood or corridor. This is accomplished by producing maps that depict the distribution of non-English speaking persons at the beginning of any such project to assess whether or not outreach in languages other than English are needed. If it is determined that such outreach is needed, PVMPO consults with neighborhood groups, ethnic associations and religious organizations to identify the best methods and channels for reaching and involving LEP residents.

#### **4.3. Training Staff**

PVTA's existing staff training for better serving LEP transit customers includes:

- Bus driver training (for new and existing drivers) that addresses the needs of LEP persons and helps drivers learn key phrases in Spanish and other languages for better communication with non English speakers.
- Regular discussion, assessment and refinement of practices for communicating with LEP persons who call the PVTA Information Center by telephone.
- Regular discussion, assessment and refinement of practices for communicating with LEP persons who are walk-in customers to the PVTA Information Center.
- Regular discussion, assessment and refinement of practices for communicating with LEP persons who are walk-in customers to PVTA terminal facilities.

Anticipated LEP training activities in the future will include:

- Assessment and refinement of LEP training for bus drivers.
- Assessment and refinement of LEP training for Information Center staff.
- Design and implementation of LEP training for all agency staff is forthcoming.

#### **4.4. Providing Notice to LEP Persons**

USDOT LEP guidance states: "Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons can understand.

PVTA provides this notification through the following:

1. Meeting notices include instructions on how to request language assistance (with advance notice).
2. Stating in outreach documents that language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individual of the recipient's services, including the availability of language assistance services.
4. Using automated telephone voice mail attendant or menu which can provide information about available language assistance services and how to get them.
5. Including notices in local newspapers in languages other than English.

Future notification services are expected to include:

- An inventory of existing public service announcements and community outreach the agency currently performs.
- Greater incorporation of notices of language assistance availability into existing outreach.
- Targeted community outreach to LEP persons, especially via community based organizations that serve and represent them.
- Providing notices on non-English-language radio and television states about the available language assistance services and how to get them.
- Providing presentations and/or notices at schools and religious organizations.

#### **4.5. Monitoring and Updating This LEP Plan**

PVTA continues to develop a process for monitoring and updating this LEP Plan. Related activities will likely include:

- Establishing and implementing a process to obtain feedback from LEP persons, directly, as well as community members and agencies.
- Conducting internal monitoring and random spot checks of LEP services.
- Refining and improving the LEP Plan described above consistent with feedback received.
- Considering new language assistance needs when expanding service.
- Regularly updating the plan (annual basis) or when significant new language-related demographic data becomes available.

## **Appendix 5: Public Involvement Plan**

The most recent version of this plan is attached.

**Pioneer Valley Transit Authority  
Public Involvement Program  
June 30, 2009**

PVTA's principal goals for this Public Involvement Program (PIP) are to seek out and integrate the needs and views of all transit customers, especially those of minority, low-income and LEP populations—people who may have fewer resources to present their concerns about transit.

This PIP is structured to offer regular and continuous opportunities for the public to be involved in the agency's planning and operational decisions. Multiple channels of communication are available to PVTA customers, businesses served by PVTA and non-riders of the region. PVTA staff is accessible by telephone, e-mail, and in person. Agency contact information is posted on the website ([www.pvta.com](http://www.pvta.com)), on transit vehicles, on route schedules, and in all publications. Public meetings are held in transit accessible locations, with notices posted on vehicles and the agency's website. PVTA also utilizes local media (i.e., newspapers, television stations, websites) to publicize public meetings and events. Further, public participation in transit planning activities is encouraged through the Pioneer Valley Metropolitan Planning Organization, of which PVTA is a member.

Following are the principal elements and supporting activities of the PVTA's Public Involvement Plan.

1. PVTA Advisory Board

- Full board meetings (monthly)
- Subcommittees (as scheduled)

2. PVTA Information Center (1331 Main Street, Springfield)

- Customer service (schedule and fare information, travel/route information, pass sales, Elderly/Disabled photo identification cards, bilingual customer service representatives)
- Paratransit eligibility determination and registration
- Complaint recording and tracking (service complaints, Title VI)

3. Public Information, Reporting and Marketing

- Service advisories and media releases
- Website updates and surveys
- Responses to media inquiries
- Project planning and related events
- Annual reports
- Outreach to schools and business
- Promotion and marketing of specific bus routes

#### 4. Rider Participation

- Bus Rider Forums (twice per year at two geographically diverse locations)
- Paratransit riders committees (quarterly meetings at two geographically diverse locations)

#### 5. Stakeholder Outreach

- Employers
- Businesses associations/chambers of commerce
- Community-based organizations, neighborhood associations

#### 6. Limited English Proficient (LEP) Program and Implementation Plan

- Assessment of LEP customer needs
- Outreach and engagement with community organizations agencies, cultural organizations to develop strategies to improve LEP services
- Compliance

#### 7. Surveys

- Onboard rider surveys (southern and northern regions every three years)
- Paratransit riders (systemwide every three to five years)
- Individual route surveys (as needed to support service planning)
- Non-rider (regional every five to seven years)
- Online surveys

#### 8. Municipal and Agency Participation

- Coordination with municipal officials, mayors, select board members, town administrators and appointed committees
- Northampton Public Transportation Committee
- Amherst Public Transportation Committee
- Route 9 Northampton/Hadley/Amherst Corridor Transportation Stakeholders Group

#### 9. Fare Increase/Service Change Public Process

- Compliance with relevant policy(ies) enacted by PVTA Advisory Board
- Impact analysis as required by FTA Title VI and other regulations

#### 10. Participation in Pioneer Valley Metropolitan Planning Organization (PVMPO)

- PVTA coordination with PVMPO for inclusion of capital projects on the TIP, as required by FTA for Program of Projects (POP) public involvement.
- PVTA membership on PVMPO board.
- PVTA membership on MPO's Joint Transportation Committee (JTC).
- PVTA coordination with PVMPO staff for support of public involvement activities.



## Appendix 6: Title VI Public Notice



### Title VI Policy

In compliance with FTA Circular 4702.1A, this policy establishes guidelines to effectively monitor and ensure that PVTA complies with all FTA Title VI requirements and regulations in order to carry out the provisions of the Department of Transportation's (DOT) Title VI Regulations at 49 CFR Part 21. Title VI of the Civil Rights Act of 1964 (as amended) prohibits discrimination on the basis of race, color and national origin, in programs and activities receiving federal financial assistance.

#### I. POLICY STATEMENT

The Pioneer Valley Transit Authority (PVTA) is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities. Therefore, it is PVTA's policy to ensure that no person is subjected to discrimination, excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin. PVTA will ensure that its programs, policies, and activities all comply with Title VI regulations and will take whatever preventive and/or corrective action necessary for behavior or actions that are contrary to this policy.

Consequently, PVTA is committed to:

- A. Ensuring the level and quality of service is provided without regard to race, color, or national origin.
- B. Identifying and addressing, as appropriate, adverse effects of services on minority and low-income populations.
- C. Promoting the full and fair participation of all affected populations in transportation decision making.
- D. Preventing the denial, reduction, or delay in services to minority and/or low-income populations.
- E. Ensuring meaningful access to the benefits, services, information, and other important portions of its programs and activities for individuals who are Limited English Proficient (LEP).
  - Information regarding PVTA services is made available through multiple means, including website translation services, system maps and providing a bilingual staff

whenever possible. PVTA provides translation and interpretation services upon request by calling 1-877-779-7882. There are no costs associated with these services.

- F. Notifying members of the public of the protections afforded to them by Title VI, and keeping the public informed of PVTA's Title VI obligations.
- PVTA does this by disseminating notification through multiple means, including but not limited to its website, system maps, and informational flyers placed at the Customer Service Center.

The Title VI Coordinator (Manager of Customer Services) is responsible for the day-to-day operations of this portion the PVTA's Title VI program. He/she will receive and investigate Title VI complaints which come through the complaint procedure. However, all managers, supervisors and employees share the responsibility of making PVTA's Title VI program a success.

PVTA includes in its annual application to the FTA for financial assistance an assurance that it will carry out its Title VI program, in compliance with Title VI of the Civil Rights Act of 1964, as amended. PVTA provides the FTA with certain general information to determine compliance with Title VI requirements, which includes submission of its Title VI Program to the Civil Rights Officer at the FTA regional office.

## **II. TITLE VI COMPLAINT PROCEDURE**

PVTA has developed procedures for investigating and tracking Title VI complaints. The Title VI Complaint and Investigation procedures are outlined below and can be made available in languages other than English upon request.

Any individual who believes discrimination prohibited under Title VI has occurred may file a complaint with the PVTA. The PVTA will make every effort to investigate and resolve such complaints at the lowest level possible. The process and procedures discussed below do not prohibit a Complainant from filing a formal complaint with other state or federal agencies, or from seeking private legal counsel for complaints alleging discrimination.

### How to file a Title VI Complaint

A Title VI complaint must be filed no later than one hundred and eighty (180) days from the date the alleged discrimination occurred. Complainants are encouraged to submit Title VI complaints in writing using the *Title VI Complaint* form.

*You may obtain a Title VI Complaint form one of the following methods:*

**Mail:** Request a form by mail by writing to: PVTA Customer Service Center, Attention: Title VI Coordinator, 1341 Main Street, Springfield, MA 01103

**Website:** Download a form from our website at [www.pvta.com](http://www.pvta.com).

**Phone:** Request a form by phone by calling the Customer Service Center at 1-877-779-7882.

The complaint should include:

1. Your name, signature, address, and current contact information (i.e. telephone number, mailing address, etc);
2. The time and date of the alleged discrimination;
3. A description of how, when, where, the alleged discrimination occurred;
4. A description of why you believe you were discriminated against, including a detailed description of why you believe you were treated differently than others;
5. Names and contact information of any witness; and
6. Any other information you believe is relevant to your complaint.

#### Methods of Filing a Complaint

**Mail:** The preferred method is to mail your complaint in writing using the Title VI complaint form. Complaints should be mailed to: Pioneer Valley Transit Authority, Attention: Title VI Coordinator, 1341 Main Street, Springfield, MA 01103.

**Phone:** You may call in your complaint to our Customer Service Center at 1-877-779-7882. If it is determined that your complaint is a Title VI complaint, you will be asked to complete a Title VI Complaint form, which will be sent to you via mail or email, based on your preference.

**Incomplete Complaints:** When a complaint is deemed incomplete, or additional information is needed during the investigation process, a PVTA representative will contact the Complainant in writing within fifteen (15) working days from the date the complaint is received to request the additional information. The Complainant will have thirty (30) business days to submit the required information. Failure to provide the requested information by the required date may result in administrative closure of the complaint.

**Assistance filing the complaint:** In the case where a Complainant is unable to provide a written statement, a verbal complaint of discrimination may be made to the Title VI Coordinator by calling 1-877-779-7882. If the Complainant needs assistance in-person, he/she may make an appointment with the Title VI Coordinator. Appointments are held at the Customer Service Center, 1341 Main Street in downtown Springfield, MA. Under these circumstance, the Title VI Coordinator will interview the Complainant and assist with completing the *Title VI Complaint* form.

### **III. INVESTIGATION OF TITLE VI COMPLAINTS**

1. All Title VI complaints alleging discrimination based on race, color or national origin are recorded and entered into PVTA's complaints database immediately upon receipt. All complaints will be investigated promptly, and reasonable measures will be taken to preserve any information that is confidential.

2. Within fifteen (15) business days of receiving the complaint, the Title VI Coordinator will provide written acknowledgement of the complaint. The acknowledgement will include a determination as to whether or not the PVTA has jurisdiction over the matter, and, if so, whether or not the complaint has sufficient merit to warrant a formal investigation.
3. If it is determined that the complaint is to be investigated, the Director of Public Relations or authorized designee will instruct the Title VI Coordinator conduct a formal investigation into the complaint.
4. An investigative report will be submitted to the Director of Public Relations within sixty (60) days from receipt of the complaint. The report will include a description of the incident, summaries of all statements from persons interviewed, the finding/s, and recommendation for proposed resolution where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate parties and request the needed extension.
5. The Director of Public Relations or authorized designee will issue letters of finding to the Complainant stating the final decision as a result of the investigation process.
6. If the Complainant wishes to appeal the decision, he or she may do so in writing to the appeal directly to the PVTA Administrator, 2808 Main Street, Springfield, MA 01107.
7. If the Complainant is dissatisfied with the PVTA's resolution of the complaint, he or she has the right to file a complaint with Civil Rights Officer at the Federal Transit Administration's Office of Civil Rights, Federal Transit Administration Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590, Region I Office Phone: (617) 494-2055, Fax: (617) 494-2865

PVTA will prepare and maintain a list of any active investigations conducted by any entity other than the FTA, including lawsuits or complaints which name the PVTA alleging discrimination on the basis of race, color, or national origin. This list includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint. The PVTA Title VI Coordinator (Manager of Customer Services) maintains these files. PVTA further understands its obligation to provide to the FTA upon request, any additional information other than that required by Circular 4702.1A in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

## **Appendix 7: List of Preparers**

This submittal was prepared by:

### **Pioneer Valley Transit Authority**

Nicole Rohan, Deputy Administrator of Operations

### **Pioneer Valley Planning Commission**

David Elvin, Senior Transit Planner

Molly Jackson-Watts, Regional Information and Policy Center Manager

Dave Johnson, Transportation Planner Specialist

James Maxwell, Transportation Planning Intern

Jeff McCollough, Senior Transportation Planner

James Scace, Senior Planner and GIS Specialist

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

**PREFACE**

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

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

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

*Because many requirements of these certifications and assurances will require the compliance of the subrecipient of an Applicant, we strongly recommend that each Applicant, including a State, that will be implementing projects through one or more subrecipients, secure sufficient documentation from each subrecipient to assure compliance, not only with these certifications and assurances, but also with the terms of the Grant Agreement or Cooperative Agreement for the project, and the applicable Master Agreement for its project, if applicable, incorporated therein by reference. Each Applicant is ultimately responsible for compliance with the provisions of the certifications and assurances applicable to itself or its project irrespective of participation in the project by any subrecipient. The Applicant understands and agrees that when it applies for FTA assistance on behalf of a consortium, joint venture, partnership, or team, each member of that consortium, joint venture, partnership, or team is responsible for compliance with the certifications and assurances the Applicant selects.*

*FTA strongly encourages each Applicant to submit its certifications and assurances through TEAM-Web, FTA's electronic award and management system, at <http://ftateamweb.fta.dot.gov>. Twenty-four (24) Categories of certifications and assurances are listed by numbers 01 through 24 in the TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of "View/Modify Recipients."*

## **01. ASSURANCES REQUIRED FOR EACH APPLICANT**

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

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

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

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

### **B. Standard Assurances**

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

### **C. Intergovernmental Review Assurance**

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

Applicants for Federal assistance under FTA's Tribal Transit Program, 49 U.S.C. 5311(c)(1).

D. Nondiscrimination Assurance

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

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

- (1) Each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project.
- (2) It will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FTA. Upon request by U.S. DOT or FTA, the Applicant assures that it will submit the required information pertaining to its compliance with these provisions.
- (3) It will include in each subagreement, property transfer agreement, third party contract, third party subcontract, or participation agreement adequate provisions to extend the requirements imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d and 49 CFR part 21 to other parties involved therein including any subrecipient, transferee, third party contractor, third party subcontractor at any level, successor in interest, or any other participant in the project.
- (4) Should it transfer real property, structures, or improvements financed with Federal assistance provided by FTA to another party, any deeds and instruments recording the transfer of that property shall contain a covenant running with the land assuring nondiscrimination for the period during which the property is used for a purpose for which the Federal assistance is extended or for another purpose involving the provision of similar services or benefits.
- (5) The United States has a right to seek judicial enforcement with regard to any matter arising under Title VI of the Civil Rights Act, U.S. DOT implementing regulations, and this assurance.
- (6) It will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may



request to achieve compliance with the requirements imposed by or issued pursuant to 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21.

E. Assurance of Nondiscrimination on the Basis of Disability

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

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

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

- (1) Has the legal authority to apply for Federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project cost) to assure proper planning, management, and completion of the project described in its application;
- (2) Will give FTA, the Comptroller General of the United States, and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives;
- (3) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain;
- (4) Will initiate and complete the work within the applicable project time periods following receipt of FTA approval;
- (5) Will comply with all applicable Federal statutes relating to nondiscrimination including, but not limited to:
  - (a) Title VI of the Civil Rights Act, 42 U.S.C. 2000d, which prohibits discrimination on the basis of race, color, or national origin;
  - (b) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 through 1683, and 1685 through 1687, and U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25, which prohibit discrimination on the basis of sex;

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

- (f) In acquiring real property, the Applicant will be guided to the greatest extent practicable under State law, by the real property acquisition policies of 42 U.S.C. 4651 and 4652;
  - (g) The Applicant will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, with the understanding that FTA will provide Federal financial assistance for the Applicant's eligible costs of providing payments for those expenses, as required by 42 U.S.C. 4631;
  - (h) The Applicant will execute such amendments to third party contracts and subagreements financed with FTA assistance and execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement the assurances provided herein; and
  - (i) The Applicant agrees to make these assurances part of or incorporate them by reference into any third party contract or subagreement, or any amendments thereto, relating to any project financed by FTA involving relocation or land acquisition and provide in any affected document that these relocation and land acquisition provisions shall supersede any conflicting provisions;
- (7) To the extent applicable, will comply with the Davis-Bacon Act, as amended, 40 U.S.C. 3141 *et seq.*, the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*, regarding labor standards for federally assisted projects;
  - (8) To the extent applicable, will comply with the flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), requiring the Applicant and its subrecipients in a special flood hazard area to participate in the program and purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;
  - (9) To the extent applicable, will comply with the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures;
  - (10) To the extent applicable, will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities on which a construction project supported with FTA assistance takes place without permission and instructions from FTA;
  - (11) To the extent required by FTA, will record the Federal interest in the title of real property, and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project;
  - (12) To the extent applicable, will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications of any construction project supported with FTA assistance. As required by U.S. DOT regulations, "Seismic Safety," 49 CFR 41.117(d), before accepting delivery of any building financed with FTA assistance, it will obtain a certificate of compliance with the seismic design and construction requirements of 49 CFR part 41;
  - (13) To the extent applicable, will provide and maintain competent and adequate engineering supervision at the construction site of any project supported with FTA assistance to assure that the complete work conforms with the approved plans and specifications, and will furnish progress reports and such other information as may be required by FTA or the State;
  - (14) To the extent applicable, will comply with any applicable environmental standards that may be prescribed to implement the following Federal laws and executive orders:

- (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 through 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note;
  - (b) Notification of violating facilities pursuant to Executive Order No. 11738, 42 U.S.C. 7606 note;
  - (c) Protection of wetlands pursuant to Executive Order No. 11990, 42 U.S.C. 4321 note;
  - (d) Evaluation of flood hazards in floodplains in accordance with Executive Order No. 11988, 42 U.S.C. 4321 note;
  - (e) Assurance of project consistency with the approved State management program developed pursuant to the requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 through 1465;
  - (f) Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 through 7671q;
  - (g) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f through 300j-6;
  - (h) Protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 through 1544; and
  - (i) Environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation project as required by 49 U.S.C. 303(b) and 303(c);
  - (j) Protection of the components of the national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 through 1287; and
  - (k) Provision of assistance to FTA in complying with section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f; with the Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 through 469c ; and with Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note;
- (15) To the extent applicable, will comply with the requirements of the Hatch Act, 5 U.S.C. 1501 through 1508 and 7324 through 7326, which limit the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds including a Federal loan, grant agreement, or cooperative agreement except, in accordance with 49 U.S.C. 5307(k)(2) and 23 U.S.C. 142(g), the Hatch Act does not apply to a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA assistance to whom that Act does not otherwise apply;
- (16) To the extent applicable, will comply with the National Research Act, Pub. L. 93-348, July 12, 1974, as amended, 42 U.S.C. 289 *et seq.*, and U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11, regarding the protection of human subjects involved in research, development, and related activities supported by Federal assistance;
- (17) To the extent applicable, will comply with the Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and U.S. Department of Agriculture regulations, "Animal Welfare," 9 CFR

- subchapter A, parts 1, 2, 3, and 4, regarding the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal assistance;
- (18) Will have performed the financial and compliance audits as required by the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*, OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised, and the most recent applicable OMB A-133 Compliance Supplement provisions for the U.S. DOT; and
  - (19) To the extent applicable, will comply with all applicable provisions of all other Federal laws or regulations, and follow Federal directives governing the project, except to the extent that FTA has expressly approved otherwise in writing.

## 02. LOBBYING CERTIFICATION

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

- A. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," at 49 CFR 20.110, the Applicant's authorized representative certifies to the best of his or her knowledge and belief that for each application to FTA for Federal assistance exceeding \$100,000:
  - (1) No Federal appropriated funds have been or will be paid by or on behalf of the Applicant to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress regarding the award of Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and
  - (2) If any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application for Federal assistance, the Applicant assures that it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," including information required by the instructions accompanying the form, which form may be amended to omit such information as authorized by 31 U.S.C. 1352.
  - (3) The language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, subagreements, and contracts under grants, loans, and cooperative agreements).
- B. The Applicant understands that this certification is a material representation of fact upon which reliance is placed by the Federal government and that submission of this certification is a prerequisite for providing Federal assistance for a transaction covered by 31 U.S.C. 1352. The Applicant also understands that any person who fails to file a required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **03. PROCUREMENT COMPLIANCE**

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

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

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

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

As required by 49 U.S.C. 5323(a)(1), the Applicant certifies that before it acquires the property or an interest in the property of a private provider of public transportation or operates public transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing public transportation company, it has or will have:

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

### **05. PUBLIC HEARING**

*An Applicant seeking Federal assistance authorized under 49 U.S.C. chapter 53 for a capital project that will substantially affect a community or a community's public transportation service is required to provide the following certification. FTA may not award Federal assistance for a capital project of that type until the Applicant provides this certification by selecting Category "05."*

As required by 49 U.S.C. 5323(b), for a proposed capital project that will substantially affect a community, or the public transportation service of a community, the Applicant certifies that it has, or before submitting its application, it will have:

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

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

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

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

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

*An Applicant that intends to request the use of Federal assistance authorized under 49 U.S.C. chapter 53 to acquire capital assets by lease is required to provide the following certifications. FTA may not provide Federal assistance to support those costs until the Applicant provides this certification by selecting Category "07."*

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

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

## 08. BUS TESTING

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

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

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

## 09. CHARTER SERVICE AGREEMENT

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

- A. As required by 49 U.S.C. 5323(d) and (g) and FTA regulations at 49 CFR 604.4, the Applicant understands and agrees that it and each subrecipient, lessee, third party contractor, or other participant in the project at any tier may provide charter service for transportation projects that uses equipment or facilities acquired with Federal assistance authorized under the Federal transit laws (except as permitted by 49 CFR 604.2), or under 23 U.S.C. 133 or 142, only in compliance with those laws and FTA regulations, "Charter Service," 49 CFR part 604, the terms and conditions of which are incorporated herein by reference.
- B. The Applicant understands and agrees that:
  - (1) The requirements of FTA regulations, "Charter Service," 49 CFR part 604, will apply to any charter service it or its subrecipients, lessees, third party contractors, or other participants in the project provide,
  - (2) The definitions of FTA regulations, "Charter Service," 49 CFR part 604, will apply to this Charter Service Agreement, and
  - (3) A pattern of violations of this Charter Service Agreement may require corrective measures and imposition of remedies, including barring the Applicant, subrecipient, lessee, third party contractor, or other participant in the project that has engaged in that pattern of violations from receiving FTA financial assistance, or withholding an amount of Federal assistance as set forth in FTA regulations, "Charter Service," 49 CFR part 604, Appendix D.

## 10. SCHOOL TRANSPORTATION AGREEMENT



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

- A. As required by 49 U.S.C. 5323(f) and (g) and FTA regulations at 49 CFR 605.14, the Applicant understands and agrees that it and each subrecipient, lessee, third party contractor, or other participant in the project at any tier may engage in school transportation operations in competition with private school transportation operators that uses equipment or facilities acquired with Federal assistance authorized under the Federal transit laws or under 23 U.S.C. 133 or 142, only in compliance with those laws and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) or (g), the terms and conditions of which are incorporated herein by reference.
- B. The Applicant understands and agrees that:
- (1) The requirements of FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) or (g), will apply to any school transportation service it or its subrecipients, lessees, third party contractors, or other participants in the project provide,
  - (2) The definitions of FTA regulations, "School Bus Operations," 49 CFR part 605 will apply to this School Transportation Agreement, and
  - (3) If there is a violation of this School Transportation Agreement, FTA will bar the Applicant, subrecipient, lessee, third party contractor, or other participant in the project that has violated this School Transportation Agreement from receiving Federal transit assistance in an amount FTA considers appropriate.

## **11. DEMAND RESPONSIVE SERVICE**

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

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

## 12. ALCOHOL MISUSE AND PROHIBITED DRUG USE

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

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

## 13. INTEREST AND OTHER FINANCING COSTS

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

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

## 14. INTELLIGENT TRANSPORTATION SYSTEMS

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

As used in this assurance, the term Intelligent Transportation Systems (ITS) project is defined to include any project that in whole or in part finances the acquisition of technologies or systems of

technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the "National ITS Architecture."

- A. As provided in SAFETEA-LU section 5307(c), 23 U.S.C. 512 note, apart from certain exceptions, "intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, [shall] conform to the national architecture, applicable standards or provisional standards, and protocols developed under [SAFETEA-LU, section 5307] subsection (a)." To facilitate compliance with SAFETEA-LU section 5307(c), 23 U.S.C. 512 note, the Applicant assures it will comply with all applicable provisions of Section V (Regional ITS Architecture) and Section VI (Project Implementation) of FTA Notice, "FTA National ITS Architecture Policy on Transit Projects," at 66 FR 1455 *et seq.*, January 8, 2001, and other FTA policies that may be issued in connection with any ITS project it undertakes financed with funds authorized under Title 49 or Title 23, United States Code, except to the extent that FTA expressly determines otherwise in writing.
- B. With respect to any ITS project financed with Federal assistance derived from a source other than Title 49 or Title 23, United States Code, the Applicant assures that it will use its best efforts to assure that any ITS project it undertakes will not preclude interface with other intelligent transportation systems in the Region.

## 15. URBANIZED AREA FORMULA PROGRAM

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

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

*FTA may not award Urbanized Area Formula Program assistance to any Applicant that is required by 49 U.S.C. 5307(d)(1)(K) to expend one (1) percent of its Urbanized Area Formula*

*Program assistance for eligible transit enhancements unless that Applicant's quarterly report for the fourth quarter of the preceding Federal fiscal year has been submitted to FTA and includes the requisite list or the Applicant attaches in TEAM-Web or includes in its quarterly report information sufficient to demonstrate that the Designated Recipients in its area together have expended one (1) percent of the amount of Urbanized Area Program assistance made available to them for transit enhancement projects.*

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

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

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

services assisted by another Federal government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final program of projects; and (7) has made or will make the final program of projects available to the public;

- G. In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5307(e) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;
- H. In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);
- I. In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation;
- J. In compliance with 49 U.S.C. 5307(d)(1)(J), each Federal fiscal year, the Applicant will spend at least one (1) percent of its funds authorized by 49 U.S.C. 5307 for public transportation security projects, unless the Applicant has certified to FTA that such expenditures are not necessary. Public transportation security projects include increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation; and
- K. In compliance with 49 U.S.C. 5307(d)(1)(K), if the Applicant is a Designated Recipient serving an urbanized area with a population of at least 200,000, (1) the Applicant certifies either that it has expended or will expend for transit enhancements as defined at 49 U.S.C. 5302(a)(15) not less than one (1) percent of the amount of the Urbanized Area Formula Assistance it receives this Federal fiscal year, or that at least one Designated Recipient in its urbanized area has certified or will certify that the Designated Recipients within that urbanized area together have expended or will expend for transit enhancements as defined at 49 U.S.C. 5302(a)(15) not less than one (1) percent of the amount of the total amounts the Designated Recipients receive each Federal fiscal year under 49 U.S.C. 5307, and (2) either the Applicant has listed or will list the transit enhancement projects it has carried out with those funds, or at least one Designated Recipient in the Applicant's urbanized area has listed or will list the transit enhancement projects carried out with funds authorized under 49 U.S.C. 5307. If the Designated Recipient's quarterly report for the fourth quarter of the preceding Federal fiscal year includes a list of transit enhancement projects the Designated Recipients in its urbanized area have implemented during that preceding Federal fiscal year using those funds, the information in that quarterly report will fulfill the requirements of 49 U.S.C. 5307(d)(1)(K)(ii), and thus that quarterly report will be incorporated by reference and made part of the Designated Recipient's and Applicant's certifications and assurances.

## 16. CLEAN FUELS GRANT PROGRAM

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

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

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

- private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has assured or will assure that the proposed projects provide for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects; and (7) has made or will make the final list of projects available to the public;
- G. In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5308(d)(2) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;
  - H. In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with: (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);
  - I. In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation; and
  - J. The Applicant certifies will operate vehicles purchased with Federal assistance provided under the Clean Fuels Grant Program, 49 U.S.C. 5308 only with clean fuels.

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

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

*Individuals with Disabilities Formula Grant Program and, if applicable, the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by 49 U.S.C. 5310 and Section 3012 of SAFETEA-LU, respectively. The State is thus requested to select Category "(17)."*

- A. As required by 49 U.S.C. 5310(d), which makes the requirements of 49 U.S.C. 5307 applicable to the Elderly Individuals and Individuals with Disabilities Formula Grant Program to the extent that the Federal Transit Administrator or his or her designee determines appropriate, and 49 U.S.C. 5307(d)(1), the State or State organization serving as the Applicant (State) and that administers, on behalf of the State, the Elderly Individuals and Individuals with Disabilities Program authorized by 49 U.S.C. 5310, and, if applicable, the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by subsection 3012(b) of SAFETEA-LU, 49 U.S.C. 5310 note, certifies and assures on behalf of itself and its subrecipients as follows:
- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
  - (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
  - (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
  - (4) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5310 or subsection 3012(b) of SAFETEA-LU: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
  - (5) The State has or will have available and will provide the amount of funds required by 49 U.S.C. 5310(c), and if applicable by section 3012(b)(3) and (4), for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and
  - (6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
    - (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil);
    - (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and
    - (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);
- B. The State assures that each subrecipient either is recognized under State law as a private nonprofit organization with the legal capability to contract with the State to carry out the proposed project, or is a public body that has met the statutory requirements to receive Federal assistance authorized for 49 U.S.C. 5310.
- C. The private nonprofit subrecipient's application for 49 U.S.C. 5310 assistance contains information from which the State concludes that the transit service provided or offered to be provided by existing public or private transit operators is unavailable, insufficient, or



- inappropriate to meet the special needs of the elderly and persons with disabilities.
- D. In compliance with 49 U.S.C. 5310(d)(2)(A) and section 3012(b)(2), the State certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project will have been or will have been coordinated with private nonprofit providers of services under 49 U.S.C. 5310;
  - E. In compliance with 49 U.S.C. 5310(d)(2)(C), the State certifies that allocations to subrecipients of financial assistance authorized under 49 U.S.C. 5310 or subsection 3012(b) of SAFETEA-LU will be distributed on a fair and equitable basis; and
  - F. In compliance with 49 U.S.C. 5310(d)(2)(B) and Subsection 3012(b)(2) of SAFETEA-LU, the State certifies that: (1) projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

#### **18. NONURBANIZED AREA FORMULA PROGRAM FOR STATES**

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

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

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

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

#### **19. JOB ACCESS AND REVERSE COMMUTE FORMULA GRANT PROGRAM**

*Each Applicant for Job Access and Reverse Commute (JARC) Formula Grant Program assistance authorized under 49 U.S.C. 5316 is required to provide the following certifications on behalf of itself and any subrecipient that may be implementing its project. Unless FTA determines otherwise in writing, the Applicant itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its prospective subrecipients, the Applicant is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances the Applicant has made to FTA. FTA may not award Federal assistance for the JARC Formula Grant Program until the Applicant provides these certifications by selecting Category "19."*

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

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

- subrecipients of financial assistance authorized under 49 U.S.C. 5316 will be distributed on a fair and equitable basis;
- D. In compliance with 49 U.S.C. 5316(g)(2), the Applicant certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project will have been or will have been coordinated with private nonprofit providers of services;
  - E. In compliance with 49 U.S.C. 5316(g)(3), the Applicant certifies that: (1) the projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public; and
  - F. In compliance with 49 U.S.C. 5316(c)(3), before the Applicant uses funding apportioned under 49 U.S.C. 5316(c)(1)(B) or (C) for projects serving an area other than that specified in 49 U.S.C. 5316(2)(B) or (C), the Applicant certifies that the chief executive officer of the State, or his or her designee will have certified to the Federal Transit Administrator, apart from these certifications herein, that all of the objectives of 49 U.S.C. 5316 are being met in the area from which such funding would be derived.

## 20. NEW FREEDOM PROGRAM

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

- A. As required by 49 U.S.C. 5317(e)(1), which makes the requirements of 49 U.S.C. 5310 applicable to New Freedom grants to the extent the Federal Transit Administrator or his or her designee determines appropriate, by 49 U.S.C. 5310(d)(1), which makes the requirements of 49 U.S.C. 5307 applicable to Elderly Individuals and Individuals with Disabilities Formula grants to the extent the Federal Transit Administrator or his or her designee determines appropriate, and by 49 U.S.C. 5307(d)(1), the Applicant for New Freedom Program assistance authorized under 49 U.S.C. 5317 certifies and assures on behalf of itself and its subrecipients, if any, as follows:
  - (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
  - (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
  - (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the

- project equipment and facilities;
- (4) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5317: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
  - (5) The Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5317(g) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and
  - (6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
    - (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil);
    - (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);
- B. In compliance with 49 U.S.C. 5317(d), the Applicant certifies that (1) with respect to financial assistance authorized under 49 U.S.C. 5317(c)(1)(A), it will conduct in cooperation with the appropriate MPO an areawide solicitation for applications, and make awards on a competitive basis and (2) with respect to financial assistance authorized under 49 U.S.C. 5317(c)(1)(B) or 49 U.S.C. 5317(c)(1)(C), it will conduct a statewide solicitation for applications, and make awards on a competitive basis;
- C. In compliance with 49 U.S.C. 5317(f)(2), the Applicant certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project has been or will have been coordinated with private nonprofit providers of services;
- D. In compliance with 49 U.S.C. 5317(e)(2), the Applicant certifies that any allocations to subrecipients of financial assistance authorized under 49 U.S.C. 5317 will be distributed on a fair and equitable basis; and
- E. In compliance with 49 U.S.C. 5317(f)(3), the Applicant certifies that: (1) projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public

## **21. PAUL S. SARBANES TRANSIT IN PARKS PROGRAM**

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

- A. As required by 49 U.S.C. 5320(i), which makes the requirements of 49 U.S.C. 5307

applicable to the Paul S. Sarbanes Transit in Parks Program to the extent the Federal Transit Administrator or his or her designee determines appropriate, and 49 U.S.C. 5307(d)(1), the Applicant certifies as follows:

- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed project, including the safety and security aspects of that project;
  - (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
  - (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
  - (4) In compliance with 49 U.S.C. 5307(d)(1)(E) in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5320, the Applicant: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
  - (5) In compliance with 49 U.S.C. 5307(d)(1)(F) and with 49 U.S.C. 5320(e)(2)(C), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, it: (1) has made available, or will make available, to the public information on the amounts available for the Paul S. Sarbanes Transit in Parks Program, 49 U.S.C. 5320, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, projects to be financed; (3) has published or will publish a list of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has assured or will assure that the proposed projects provide for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects; and (7) has made or will make the final list of projects available to the public;
  - (6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
    - (1) 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil);
    - (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements).
  - (7) In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation.
- B. In compliance with 49 U.S.C. 5320(e)(2)(A), (B), and (D), the Applicant assures that it will:
- (1) Comply with the metropolitan planning provisions of 49 U.S.C. 5303;
  - (2) Comply with the statewide planning provisions of 49 U.S.C. 5304; and

- (3) Consult with the appropriate Federal land management agency during the planning process.

## 22. TRIBAL TRANSIT PROGRAM

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

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

- A. The Applicant assures that:
  - (1) It has or will have the necessary legal, financial, and managerial capability to apply for, receive, and disburse Federal assistance authorized for 49 U.S.C. 5311; and to carry out each project, including the safety and security aspects of that project;
  - (2) It has or will have satisfactory continuing control over the use of project equipment and facilities;
  - (3) The project equipment and facilities will be adequately maintained; and
  - (4) Its project will achieve maximum feasible coordination with transportation service assisted by other Federal sources.
- B. In accordance with 49 CFR 18.36(g)(3)(ii), the Applicant certifies that its procurement system will comply with the requirements of 49 CFR 18.36, or will inform FTA promptly that its procurement system does not comply with 49 CFR 18.36.
- C. To the extent applicable to the Applicant or its Project, the Applicant certifies that it will comply with the certifications, assurances, and agreements in Category 08 (Bus Testing), Category 09 (Charter Bus Agreement), Category 10 (School Transportation Agreement), Category 11 (Demand Responsive Service), Category 12 (Alcohol Misuse and Prohibited Drug Use), and Category 14 (National Intelligent Transportation Systems Architecture and Standards) of this document.
- D. If its application exceeds \$100,000, the Applicant agrees to comply with the certification in Category 02 (Lobbying) of this document.

## 23. INFRASTRUCTURE FINANCE PROJECTS

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

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

- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including the safety and security aspects of that program;
- (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
- (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
- (4) In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will assure that any elderly individual, any individual with disabilities, or any person presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 *et seq.* or 42 U.S.C. 1395 *et seq.*), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized under 23 U.S.C. chapter 6, not more than fifty (50) percent of the peak hour fare;
- (5) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 23 U.S.C. chapter 6: (1) will use competitive procurement (as defined or approved by FTA), (2) will not use exclusionary or discriminatory specifications in its procurements, (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
- (6) In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, it: (1) has made available, or will make available, to the public information on the amounts available for Infrastructure Finance assistance, 23 U.S.C. chapter 6, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, the proposed projects to be financed; (3) has published or will publish a list of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has assured or will assure that the proposed projects provide for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects; and (7) has made or will make the final list of projects available to the public;
- (7) In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;
- (8) In compliance with 49 U.S.C. 5307(d)(1)(H), (1) the Applicant will comply with: 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil); (2) 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for



- elderly individuals and individuals with disabilities); and (3) 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);
- (9) In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation;
- (10) To the extent that the Applicant will be using funds authorized under 49 U.S.C. 5307 for the project, in compliance with 49 U.S.C. 5307(d)(1)(J), each Federal fiscal year, the Applicant will spend at least one (1) percent of those funds authorized under 49 U.S.C. 5307 for public transportation security projects (this includes only capital projects in the case of a Applicant serving an urbanized area with a population of 200,000 or more), unless the Applicant has certified to FTA that such expenditures are not necessary. Public transportation security projects include increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation; and
- (11) To the extent that the Applicant will be using funds authorized under 49 U.S.C. 5307 for the project, in compliance with 49 U.S.C. 5309(d)(1)(K): (1) an Applicant that serves an urbanized area with a population of at least 200,000 will expend not less than one (1) percent of the amount it receives each Federal fiscal year under 49 U.S.C. 5307 for transit enhancements, as defined at 49 U.S.C. 5302(a), and (2) if it has received transit enhancement funds authorized by 49 U.S.C. 5307(k)(1), its quarterly report for the fourth quarter of the preceding Federal fiscal year includes a list of the projects it has implemented during that Federal fiscal year using those funds, and that report is incorporated by reference and made part of its certifications and assurances.
- B. As required by 49 U.S.C. 5323(o), which makes the requirements of 49 U.S.C. 5309 applicable to Applicants seeking Infrastructure Finance assistance authorized under 23 U.S.C. chapter 6, and by 49 U.S.C. 5309(g)(2)(B)(iii), 5309(g)(3)(B)(iii), and 5309(i)(2)(C), the Applicant certifies that it will not seek reimbursement for interest and other financing costs incurred in connection with the Project unless it is eligible to receive Federal assistance for those expenses and its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.

#### **24. DEPOSITS OF FEDERAL FINANCIAL ASSISTANCE TO STATE INFRASTRUCTURE BANKS**

*The State organization that administers the State Infrastructure Bank (SIB) Program on behalf of a State (State) and that is also an Applicant for Federal assistance authorized under 49 U.S.C. chapter 53 that it intends to deposit in its SIB is requested to provide the following assurances on behalf of itself, its SIB, and each subrecipient. Unless FTA determines otherwise in writing, the State itself is ultimately responsible for compliance with its certifications and assurances even though the SIB and a subrecipient may participate in that project. Consequently, in providing certifications and assurances that involve the compliance of its SIB and prospective*

*subrecipients, the State is strongly encouraged to take the appropriate measures, including but not limited to obtaining sufficient documentation from the SIB and each subrecipient, to assure the validity of all certifications and assurances the State has made to FTA. FTA may not award Federal assistance for the SIB Program to the State until the State provides these assurances by selecting Category "24."*

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

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

##

*Selection and Signature Page(s) follow.*

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

*(Signature page alternative to providing Certifications and Assurances in TEAM-Web)*

Name of Applicant: Pioneer Valley Transit Authority

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

OR

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

<u>Category</u>	<u>Description</u>	
01.	Assurances Required For Each Applicant.	<u>yes</u>
02.	Lobbying.	<u>yes</u>
03.	Procurement Compliance.	<u>yes</u>
04.	Protections for Private Providers of Public Transportation.	<u>yes</u>
05.	Public Hearing.	<u>yes</u>
06.	Acquisition of Rolling Stock for Use in Revenue Service.	<u>yes</u>
07.	Acquisition of Capital Assets by Lease.	<u>yes</u>
08.	Bus Testing.	<u>yes</u>
09.	Charter Service Agreement.	<u>yes</u>
10.	School Transportation Agreement.	<u>yes</u>
11.	Demand Responsive Service.	<u>yes</u>
12.	Alcohol Misuse and Prohibited Drug Use.	<u>yes</u>
13.	Interest and Other Financing Costs.	<u>yes</u>
14.	Intelligent Transportation Systems.	<u>yes</u>
15.	Urbanized Area Formula Program.	<u>yes</u>
16.	Clean Fuels Grant Program.	<u>yes</u>
17.	Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.	<u>yes</u>
18.	Nonurbanized Area Formula Program for States.	<u>yes</u>
19.	Job Access and Reverse Commute Program.	<u>yes</u>
20.	New Freedom Program.	<u>yes</u>
21.	Paul S. Sarbanes Transit in Parks Program.	<u>yes</u>
22.	Tribal Transit Program.	<u>n/a</u>
23.	Infrastructure Finance Projects.	<u>yes</u>
24.	Deposits of Federal Financial Assistance to a State Infrastructure Banks.	<u>n/a</u>

**FEDERAL FISCAL YEAR 2009 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**  
*(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)*

AFFIRMATION OF APPLICANT

Name of Applicant: Pioneer Valley Transit Authority

Name and Relationship of Authorized Representative: Mary L. MacInnes, Administrator

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

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

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute

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

Signature  Date: 6/30/09

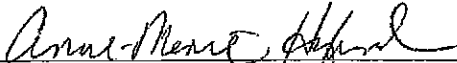
Name Mary MacInnes  
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Pioneer Valley Transit Authority

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

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

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

Name Kopelman and Paige, P.C., Anne-Marie M. Hyland, Esq.  
Attorney for Applicant

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