

HANDBOOK

ON

APPLICATIONS FOR ASSISTANCE

Section 5316

JOB ACCESS AND REVERSE COMMUTE

GRANT PROGRAM

For

SMALL URBANIZED AREA PROJECTS

And

NONURBANIZED (RURAL) PROJECTS

Missouri Department Of Transportation
P.O. Box 270
Jefferson City, Missouri 65102

Revision:
August 14, 2009

TABLE OF CONTENTS

	PAGE
Introduction	1
Steps in the Application Process	2
Eligible Activities	3
Project Selection Criteria	3
Applicant's Letter Requesting Assistance	4
Application Cover Page for Section 5316 Assistance	5
Capital Project Budget	6
Vehicle Roster	7
Commitment of Local Share	8
Operating Budget	9
Contracts over \$1,000	11
Authorizing Ordinance for Public Entities	12
Authorizing Resolution for Nonprofit Corporations	13
Legal Opinion	14
Civil Rights and Title VI Assurance	15
Exhibits	
A Labor Union Information for Small Urban Projects	17
B-1 Acceptance of Special 5333(b) Warranty for Nonurban Projects	18
B-2 Listing of Recipients, Eligible Transportation Providers – Nonurban Projects	19
C Public Hearing	20
C-1 Sample Notice of Public Hearing	21
D Compliance with Drug and Alcohol Misuse	22
E Certification of Lower Tier Participants	23
F Restrictions on Lobbying	24
G ADA Certification (PUBLIC ENTITIES)	26
G-1 ADA Certification (NON-PROFIT)	27
Signature Page in lieu of Individually Signed Certifications and Assurances	28
H Charter and School Bus	29
I Program Fraud and False/Fraudulent Statements	29
J Breaches and Dispute Resolution	30
K Clean Water Requirements	30
L Federal Changes	31
M Energy Conservation Requirements	31
N Disadvantaged Business Enterprises Requirements	31
O Procurement Provisions of FTA Circular 4220.1F	32
P Termination Provision	32
Q Clean Air Requirements	33
R Privacy Act Requirement	33
S No Government Obligation to Third Parties	33
T Certification of Section 5323(a)(1) Requirements	34
U FTA ITS Architecture Policy	34
V Compliance with FTA Terms	34

INTRODUCTION

The Job Access and Reverse Commute (JARC) grant program, Title 49, **USC** 5316, provides capital and operating assistance to public transportation systems in large urbanized, small urbanized, and nonurbanized areas. The Missouri Department of Transportation (MoDOT) administers the program for small urbanized areas (50,000-200,000 population) and nonurbanized areas (areas outside urban areas of 50,000 plus inhabitants and their densely settled fringe areas).

Eligible applicants of Section 5316 assistance must be either public bodies or private nonprofit corporations. Private for profit providers of service are eligible through purchase of service agreements with a local public body for the provision of public transportation services.

Section 5316 provides operating and capital assistance to those systems providing employment related transportation. Capital projects are funded at the ratio of 80 percent federal funds with 20 percent local match required; operating projects are funded at a ratio of 50 percent federal funds with 50 percent local funds. Due to high demand for funding, projects may be funded at a lesser percentage of federal funding.

This document is intended to acquaint applicants with the administrative requirements for federal capital and operating assistance and to provide specific information on the contents and format of a Section 5316 application.

Applicants from Small Urbanized Areas: MoDOT will select the projects to be funded on a competitive basis and will administer the funds. Grants will be awarded for projects of up to 24 months duration. Solicitations for small urbanized area projects will be issued for the FFY2008 and FFY2009 funding.

Applicants from Nonurbanized Areas: MoDOT will select the projects to be funded on a competitive basis and will administer the funds. Grants will be awarded for projects of up to 24 months duration. Solicitations for small urbanized area projects will be issued for the FFY2008 and FFY2009 funding.

If you have any questions concerning this program, please contact the:

**Transit Section – Multimodal Operations Division
Missouri Department of Transportation
P. O. Box 270
Jefferson City, Missouri 65102
(573) 751-7481**

**RECOMMENDED STEPS IN COMPLETING APPLICATIONS RECOMMENDED
FOR SECTION 5316 ASSISTANCE**

An application must be submitted no less than 60 days prior to project start date. All applicants are required to furnish the data requested in this handbook. MoDOT recommends the following areas be given first priority as they require substantial time to complete:

Project Selection Criteria (Page 3)

Operating/capital budget (See pages 6 and 9-10).

Public hearing process (See page 20).

Authorizing resolution from your governing body. (See page 12 or 13).

Legal opinion to determine if any pending legal issue prevents the applicant from submitting an application or carrying out the responsibilities of a Section 5316 grant (See page 14).

All applicants should carefully review the section on holding a public hearing (**See pages 20 – 21**). Failure to schedule a proper public hearing may cause an applicant to have to reschedule another public hearing or delay the project.

The balance of the assurances and exhibits may be completed at the project manager's discretion. Please review your application for completeness prior to submitting to MoDOT. **A complete application, with the exception of the publisher's affidavit, must be submitted before the starting date of the project.**

ELIGIBLE ACTIVITIES

Section 5316 funds may be used for operating expenses and/or capital acquisitions that support the development and maintenance of transportation services designed to transport low-income individuals to and from jobs and activities related to their employment. Due to the limited amount of funding available for JARC projects, MoDOT has decided to fund within the capital acquisitions category vehicles and equipment only; no facilities. Planning activities will not be funded in Section 5316 competitive grants.

Eligible projects may include, but are not limited to:

- Late-night and weekend, guaranteed ride home, and shuttle service;
- Expanding fixed-route public transit routes;
- Demand/responsive van service;
- Ridesharing and carpooling activities;
- Transit related aspects of bicycling (such as adding bike racks to transit vehicles);
- Implementing intelligent transportation systems (ITS);
- Promoting and supporting voucher programs; and
- Establishing mobility management or brokerage activities.

PROJECT SELECTION CRITERIA

The Section 5316 program has one major goal: to provide access to transportation service to employment and employment related activities for welfare recipients and eligible low-income individuals. The program is designed to assist locally supported employment related transportation.

Projects selected for funding must be derived from one or more strategies included in a locally developed, coordinated public transit-human services transportation plan as described in FTA circular C9050.1 for the JARC program, Chapter V.

If funding requests exceed the amount of funding available, the applications will be evaluated based on the following criteria:

- | | |
|---|-----------|
| 1. Is the project a continuation of an existing project already funded through the JARC program? | 25 points |
| 2. What is the percentage of low-income persons in the service area compared to the state of Missouri as a whole? | 15 points |
| 3. Has local funding for the project been secured? | 10 points |
| 4. Will the local funding provide more than 50% of the cost? | 10 points |
| 5. Will the project be integrated in with existing transportation? | 10 points |
| 6. What percentage of the funding requested will be used for administrative costs? (Lower percentage = more points) | 10 points |
| 7. Is the project listed as a priority in the local coordination plan? | 5 points |
| 8. Are local employers involved in the project and providing local match? | 5 points |
| 9. Will the transportation provided take employees to full-time, year-round employment? | 5 points |
| 10. Estimated number of persons to be served (methodology must be submitted with application) | 5 points |

The application must include the following information for MoDOT's use in the evaluation process:

1. If this is an existing project, what was the start date?
If this is a new project, what is the projected start date?
2. Submit demographic information on the unemployment rate and percentage of low-income persons in the service area as compared to statewide data.
3. Describe the source and amount of local funding available for the project. If cash is not in hand, submit written letters of commitment from the funding sources.
4. List all transportation providers who are participating in the project.
5. List all potential employment sites and the degree of participation that is anticipated by each employer (whether funding or other support).
6. Describe the employment opportunities available, i.e. full-time/half-time, year-round/seasonal, entry level, etc.

A letter from your agency addressed to the Missouri Department of Transportation requesting assistance must be submitted with the application..

EXAMPLE:

Dear Sir:

The _____ (name of applicant) is applying for a grant of \$ _____ .00 under Section 5316 of title 49, United States Code, to assist in financing a project to provide employment related transportation to welfare recipients and other low-income individuals. The applicant affirms that the data shown in this application are true and correct.

Sincerely,

Authorized Official

**APPLICATION FOR SECTION 5316 ASSISTANCE
PROJECT PERIOD (-)**

Date: _____
 Applicant's Name: _____
 Mailing Address: _____
 Street Address: _____
 City, State, Zip: _____
 County: _____
 Contact Person: _____
 Phone Number: _____
 Fax Number: _____
 Email Address: _____
 U. S. Congressional District(s): _____
 Missouri Senate District(s): _____
 Missouri Representative District(s): _____

This project was derived from one or more strategies included in: (name of the locally developed, coordinated transit human services plan) **developed by:** (name of regional planning commission or metropolitan planning organization)
Cite strategy/activity and its page number in the plan from which this proposed project is derived: _____

Attach a description of the project, including how the project meets the criteria listed on Page 3 of this application (maximum of three pages).

Proposed Capital Funding:

Federal \$ _____
 Local \$ _____
 TOTAL \$ _____

Proposed Operating Funding:

Federal \$ _____
 Local \$ _____
 Fares \$ _____
 TOTAL \$ _____

 Authorized Official

SAMPLE
CAPITAL PROJECT BUDGET

PROJECT PERIOD: _____

CAPITAL PURCHASES

ITEM 1	Purchase of four new 25-passenger gasoline powered small city buses, air conditioned, wheelchair lift equipped*.	\$177,000
ITEM 2	Purchase of four two-way radios (\$2,000) and one base station (\$5,000)	\$7,000
	SUBTOTAL	\$184,000
	Federal Share (80%)	\$147,200
	Local Cash Share (20%)	\$36,800
	TOTAL	\$184,000

Prioritize items in order of importance, i.e., the most important item should be listed first, the second most important item should be listed second, etc.

* Please state if vehicles being requested are for expansion or replacement purposes. This can be identified on the vehicle roster page that follows.

SAMPLE VEHICLE ROSTER

Model Year	Type of Vehicle	Mileage	Current Status of vehicle	Vehicle Identification Number	Will vehicle be replaced or not	Lift or Ramp Equipped
2001	Van	120,000	Active		No	no
2002	Van/Mini-Bus	143,000	Active		Yes	lift
1995	School Bus	180,000	Back-up		Yes	no
2004	Van	101,000	Active		No	ramp
2005	Van	99,000	Active		No	lift

Spare ratio of vehicles is currently _____%
 (Applicants must compute spare ratio. In the example, the spare ratio is 20%)

If an applicant operates a fixed route system, please indicate how many vehicles are needed to operate a peak period service. Also, for fixed route service, please include how many vehicles will be dedicated to provide ADA complementary paratransit service.

Federal funds will not support vehicle acquisitions that result in a spare ratio greater than 30% for systems with more than four vehicles. **The Missouri Department of Transportation will not apply for vehicles if the applicant's vehicle spare ratio exceeds 30%.**

All new vehicles requested must be identifiable as being for replacement purposes or expansion of service if that is anticipated

ATTACHMENT B

COMMITMENT OF THE LOCAL SHARE

The local contribution for capital purchases will be made in cash by the

(Applicant)

from sources other than USDOT Federal funds or transit revenues. Funds are currently available in the account for matching capital transit assistance.

Note: If funds are not currently available describe expected source.

It is further understood that no refund or reduction of the local contribution shall be made at any time unless there is at the same time a refund of a proportional amount of the federal grant.

Mayor/Authorized Official

ATTEST:

City Clerk/Secretary

SAMPLE

PROJECTED OPERATING BUDGET

If Project Time Period is longer than 12 months, submit an annual budget for each 12 month period as well as an overall budget.

Project Period: _____

A. Total Operating Expenses

1. Project Administrative Costs

501.04	Project Manager's Salary	20,500	
502.01	Fringes	3,050	
501.99	Secretary/Bookkeeper	12,000	
502.01	Fringes	1,200	
509.03	Office Supplies	4,450	
505.00	Building Utilities (lights, heat, water)	1,000	
505.02	Telephone	300.00	
506.00	Insurance	12,010	
509.02	Conferences (requires prior approval from MoDOT)	1,000	
514.02	Promotion	800.00	
509.02	Travel (mileage)	1,000	
509.01	9 Memberships	1,000	
514.01	Advertising (notices in newspapers)	200	
	TOTAL ADMINISTRATIVE EXP		\$58,510
501.01	Driver Salaries	200,000	
502.01	Fringe Benefits	22,500	
520.02	Volunteer Dispatcher	9,500	
504.03	Maintenance (Labor and Parts)	16,000	
504.01	Fuel and Oil	17,000	
508.00	Cab Coupon Program	20,000	
	TOTAL OPERATING EXPENSE		\$285,000
	TOTAL EXPENSE		\$343,510

2. Less Ineligible Expenses

a. Charter Bus Operating Expenses	\$10,000
b. Excess Unrestricted Federal Funds	
(1) ACTION	\$ 510
	<u>\$10,510</u>

3. Eligible Expense \$333,000

4.	Revenue		
	a. Passenger Farebox Income		\$40,000
	b. School Passes		15,000
	c. Federal Gas Tax Refund		<u>5,000</u>
	Total fare box and other revenue applied against Eligible Expenses not included as local share.		\$60,000
5.	Net Project Costs		\$273,000
6.	LOCAL Share: 50% (must come from non-DOT sources)		\$136,500
	(1) Advertising Income	\$ 500	
	(2) General Fund	44,500	
	(3) Donated/Contributed Services	9,500	
	(4) Employers' Contributions	25,000	
	(5) Vocational Rehab	4,000	
	(7) Department of Labor	31,000	
	(8) County of xxxxx	<u>22,000</u>	
		\$136,500	
	Section 5316 Funds Requested		\$136,500

SAMPLE

CITY OF _____

ORDINANCE NO. _____

BILL NO. _____

An Ordinance to authorize the Mayor to apply for federal financial assistance on behalf of the City of _____ and to execute any contract(s) resulting from such application for any grants between the City of _____ and the Missouri Highways and Transportation Commission providing for capital, operating, and/or marketing assistance, comprised of federal funds to be expended for Commission-approved transit projects.

Be it ordained by the City Council of _____ as follows:

Section 1. That the Mayor is hereby authorized to apply for federal financial assistance on behalf of the City of _____ and to execute any contract(s) resulting from such application for any grants between the City of _____ and the Missouri Highways and Transportation Commission providing for capital, operating, and/or marketing assistance, comprised of federal funds to be expended for Commission-approved transit projects.

Section 2. That all ordinances or parts of ordinances therefore enacted that are in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval. Read two times, passed and approved on the day of _____, 20____.

APPROVED AS TO FORM

City Attorney

Mayor

Attest:

Presiding Officer

City Clerk

Chairman of the Board

SAMPLE
AUTHORIZING RESOLUTION
FOR
NONPROFIT CORPORATIONS

WHEREAS, the Missouri Department of Transportation is authorized to make grants for employment related transportation projects; and,

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is the goal of the applicant to provide the best transportation that can be provided with the funds available.

NOW THEREFORE, be it resolved by the _____ (applicant) as follows:

1. That the Executive Director is authorized to execute and file applications for Section 5316 assistance on behalf of the _____ (applicant), a non-profit corporation, with the Missouri Department of Transportation to aid in the financing of an employment transportation system.
2. That the Executive Director is authorized to furnish such additional information as the Missouri Department of Transportation may in require in connection with the application for the project.
3. That the President or Chairperson is authorized to execute grant agreement(s) on behalf of _____ (applicant) with the Highways and Transportation Commission for aid in the financing of a Section 5316 project.

Adopted this _____ day of _____, 20_____.

Signature_____

Typed Name_____

ATTEST

Title_____

Secretary of the Board

SAMPLE
LEGAL OPINION

Date _____

The Honorable John Doe
Mayor of _____
City Hall
City of _____, Missouri

OR M. _____
Executive Director
Organization
Address
City, MO

Dear _____

This communication will serve as the requisite opinion of counsel to be filed with the Missouri Department of Transportation in connection with the application of the (City of xxxx, Missouri/Organization) for financial assistance pursuant to the provisions of the Section 5316 Job Access and Reverse Commute Transportation Assistance Program, herein referred to as 5316. I understand that the (City of xxxx, Missouri/Organization) has been duly designated a recipient in accordance with the provisions of Section 5316, and that the Missouri Department of Transportation has concurred in the designation. The legal authority for the (City of xxxx/Organization)'s ability to carry out the project directly, by lease, contract, or otherwise is set forth below:

1. The (City of xxxx Missouri/Organization) is authorized under Chapter 77, RSMO 1969 (OR 355.131 for non-profits), as amended, to provide and assist employment related transportation activities through acquisition of equipment and/or operation of a transit system. This assistance may be provided directly by the (City of xxxx, Missouri/Organization), and/or purchase of service or lease arrangements with other parties.
2. I have reviewed the pertinent federal, state, and local laws, and I am of the opinion that there is no legal impediment to making this application. Furthermore, as a result of my examinations, I find that there is no pending or threatened litigation that might in any way adversely affect the proposed project, or the ability of the (City of xxxx, Missouri/Organization), to carry it out.

Respectfully submitted,

City Attorney/Organization's Legal
Counsel

**CERTIFICATION OF COMPLIANCE WITH
CIVIL RIGHTS**

**29 U.S.C. § 623, 42 U.S.C. § 2000 42 U.S.C. § 6102, 42 U.S.C. § 12112 42 U.S.C. §
12132, 49 U.S.C. § 5332 29 CFR Part 1630, 41 CFR Parts 60 et seq.**

Civil Rights - The following requirements apply to the underlying contract:

(1) Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the _____ (applicant) agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Applicant agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

(2) Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:

(a) Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Applicant agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq ., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Applicant agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.

(b) Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and Federal transit law at 49 U.S.C. § 5332, the Applicant agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.

(b) Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and Federal transit law at 49 U.S.C. § 5332, the Applicant agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.

(c) Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Applicant agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.

(3) The Applicant also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

The following information is required by the Federal Transit Administration. The economic/racial/ethnic composition of your governing body or riders will not be considered as a factor in awarding grants.

Check yes or no:

Our governing body (board of director, city council, etc.) is made up predominantly of minority and/or low-income individuals. yes no

Potential riders/clients of our transportation service will be predominantly minority and/or low-income individuals. yes no

Signature _____

Title _____

Date _____

EXHIBIT A

LABOR UNION INFORMATION FOR SMALL URBAN PROJECTS

Name of Applicant: _____

Project Description: _____

Union Representation of Applicant's Employees

Organization Name: _____

Contact Person: _____

Address: _____

Telephone: _____

E-Mail (required): _____

Other Surface Transportation Providers in Service Area	Union Representation of Employees, if Applicable
	Organization: Contact Person: Address: Telephone: E-Mail:
	Organization: Contact Person: Address: Telephone: E-Mail:
	Organization: Contact Person: Address: Telephone: E-Mail:

**ACCEPTANCE OF SPECIAL 5333(B) OF TITLE 49, UNITED STATES CODE
WARRANTY FOR NONURBAN PROGRAM PROJECTS**

Name of Applicant: _____

Address: _____

Telephone: _____

The _____ (Applicant), for and in consideration of a transportation grant to be made available to the recipient, pursuant to Section 5316 of Title 49, United States Code, hereby agrees to accept the terms and conditions of the Special 5333 (b) Warranty, incorporated herein and made a part hereof by reference, absent a waiver by the U.S. Department of Labor.

The applicant hereby agrees that it is the exclusive designated legally responsible party under the terms of the Special Section 5333 (b) Warranty and that the state of Missouri, acting through the Missouri Department Of Transportation, assumes no obligation under the terms of the Special Warranty which are not otherwise part of its normal obligation as a grant administering agency.

The applicant hereby authorizes the presentation of this acceptance by the state of Missouri to the U.S. Department of Labor as evidence of the Recipient's commitments above described.

Signature: _____

Title: _____

Date: _____

EXHIBIT B-2

**LISTING OF RECIPIENTS, ELIGIBLE SURFACE TRANSPORTATION PROVIDERS AND LABOR REPRESENTATION
NONURBAN PROJECTS**

(1) Project	(2) Grant Applicant	(3) Other Surface Public Transportation Providers in Service Area	(4) Union Representation of Employees, if any
Cite project by name, description	Identify recipient of transportation assistance	Identify other eligible surface public transportation providers	Key to employees of providers in Columns 2 and 3
-			

Example (Ray County Transportation application) :

R.Bus	Ray County Transportation	OATS Greyhound	None None ATU
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PUBLIC HEARING REQUIREMENT

All applicants for Section 5316 Assistance are required to schedule a public hearing on the proposed Section 5316 project. The intent of the public hearing is to notify the public of the transportation activities the applicant wishes to carry out under the Section 5316 project. The public hearing process should begin two months prior to the submittal of the application and involves the posting of **two notices** regarding the hearing in a local general circulation newspaper.

Applicants must post the **first notice** regarding a public hearing no less than 30 days before the scheduled date of the public hearing.

The **second notice** of a public hearing must appear no less than 7 days before the hearing date.

A copy of the publisher's affidavit and a transcript of the public hearing are required in the application.

EXHIBIT C-1

**SAMPLE
NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held by _____, on April 15, 20xx, at 7:00 p.m. to consider a project partially funded by the Missouri Department of Transportation, pursuant to the Section 5316 Job Access and Reverse Commute Transportation Assistance Program.

1. Purchase of four (4) buses. The vehicles will all be lift equipped and will have two-way radios.
2. Request financial assistance in an amount necessary to complete funding and operate the city's/organization's services.
3. The location of the project will be 50 N. Torrence to serve (city/county/service area), Missouri.
4. The total estimated cost of the project is \$527,510

Federal Funds	283,700
Local Funds	243,810
5. The source of the local match will be from _____ (list main sources) funds.
6. At the hearing, the (applicant) will afford an opportunity for interested persons or agencies to be heard regarding the project. Interested persons may submit orally, or in writing, evidence and recommendations with respect to said project. If no person(s) request to give either oral or written evidence and recommendations three days prior to the public hearing, the applicant is not required to hold the hearing.
7. Organizations interested in the proposed service may request information concerning the project from the applicant.
8. Any person requesting information or requiring special accommodations to attend the hearing may contact: (name, address, and telephone number of contact person).

**CERTIFICATION OF COMPLIANCE WITH
DRUG AND ALCOHOL MISUSE
RULE FOR FTA RECIPIENTS**

49 CFR Part 655 and Amended Part 40

DATE: _____

Missouri Department of Transportation
Attention: Transit
P. O. Box 270
Jefferson City, MO 65102

I, _____, _____, certify that
(Name) (Title)

_____ (applicant) has established and implemented a drug and alcohol prevention and testing program and have conducted employee training complying with the requirements of 49 CFR Part 655 and Amended CFR Part 40; and that we have no employees regulated by the U.S. Federal Railroad Administration (FRA).

Signature of Authorized Official

Name and Title of Authorized Official

Date

This requirement is not applicable to applicants who receive only JARC funds. However, applicants must still comply with Federal Motor Carrier Safety Administration requirements for employees who hold Commercial Drivers Licenses. JARC recipients who receive funding under other FTA programs that require substance abuse programs should include employees funded under the JARC program in their testing and prevention program.

**CERTIFICATION OF PRIMARY AND LOWER-TIER
PARTICIPANTS REGARDING
DEBARMENT, SUSPENSION, AND OTHER INELIGIBILITY
AND VOLUNTARY EXCLUSION**

49 CFR Part 29
Executive Order 12549

Executive Order 12549, as implemented by 49 CFR, prohibits FTA recipients and subrecipients from contracting for goods and services from organizations that have been suspended or debarred from receiving Federally assisted contracts. As part of their applications each year, recipients are required to submit a certification to the effect that they will not enter into contracts over \$100,000 with suspended or debarred contractors and that they will require their contractors (and their subcontractors) to make the same certification to them.

The Primary Participant submitting this application under FTA assistance, the Missouri Highways and Transportation Commission, certifies, by admission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

The Lower-Tier Participant under contract with the primary participant, the _____ (applicant) certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certifies certification and understands that the provisions of 31 U.S.C., Sections 3801 et seq. are applicable thereto.

Signature of Lower-Tier Participant

The undersigned legal counsel for _____ (applicant) has authority under State and Local law to comply with the subject assurances and that the certification above has been legally made.

Signature of Lower-Tier Participant's Attorney

Date

**CERTIFICATION
OF
RESTRICTIONS ON LOBBYING**

I, _____ (name and title of applicant's mayor/chair/president),
hereby certify on behalf of _____ (applicant)

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of congress in connection with the awarding of any Federal contract, the making of any Federal grant, the agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an officer in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard Form LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (3) The undersigned shall require that language of this certification be included in the award documents for all subawards at all tiers, (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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

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

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

Signature of Authorized Official

Name and Title of Authorized Official

Date

**ADA CERTIFICATION FOR PUBLIC ENTITIES
(When exclusively operating demand-response service)**

Certification of Equivalent Service

_____ (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. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

1. Response time
2. Fares
3. Geographic service areas
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.

In accordance with 49 CFR 37.77, public entities operating demand responsive systems for the general public which receive financial assistance under Chapter 53 of Title 49, United States Code must file this Certification with the appropriate state program office before procuring any inaccessible vehicle. Such public entities not receiving any Federal Transit Administration (FTA) funds shall also file the certification with the appropriate state program office. Such public entities receiving FTA funds under Chapter 53 of Title 49, United States Code must file the certification with the appropriate FTA regional office. **This certification is valid for no longer than one year from its date of filing.**

Name of Official

Signature

Title

Date

**ADA CERTIFICATION FOR NON-PROFIT CORPORATIONS
(When exclusively operating demand-response service)**

Certification of Equivalent Service

_____ (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. Such service, when viewed in its entirety, is provided in the most integrated setting feasible and is equivalent with respect to:

1. Response time
2. Fares
3. Geographic service areas
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.

In accordance with 49 CFR 37.103 not-for-profit organizations operating demand responsive systems for the general public that receive financial assistance under Chapter 53 of Title 49, United States Code must file this Certification with the appropriate state program office. **This certification is valid for no longer than one year from its date of filing.**

Name of Official

Signature

Title

Date

**FEDERAL TRANSIT ADMINISTRATION
CERTIFICATIONS AND ASSURANCES**

(Signature Page alternative to signing individual Certifications and Assurances)

Name of Applicant: _____

The applicant agrees to comply with applicable requirements it has selected as shown in Exhibits H-V on the following pages:

		check all that apply
Exhibit H	Assurance of Charter and School Bus	_____
Exhibit I	Program Fraud and False/Fraudulent Statements	_____
Exhibit J	Breaches and Dispute Resolution	_____
Exhibit K	Clean Water Requirements	_____
Exhibit L	Federal Changes	_____
Exhibit M	Energy Conservation Requirements	_____
Exhibit N	Disadvantaged Business Enterprises Requirements	_____
Exhibit O	Procurement Provisions of FTA Circular 4220.1F	_____
Exhibit P	Termination Provision	_____
Exhibit Q	Clean Air Requirements	_____
Exhibit R	Privacy Act Requirements	_____
Exhibit S	No Government Obligation to Third Parties	_____
Exhibit T	Certification of Section 5333(a)(1) Requirements (public entities only)	_____
Exhibit U	Certification of Compliance with FTA ITS Architecture Policy	_____
Exhibit V	Compliance with FTA Terms	_____

By signing below, I declare the applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance.

Signature

Title

Date

**CERTIFICATION OF COMPLIANCE
CHARTER SERVICE AND SCHOOL BUS REGULATIONS
49 CFR Part 605**

School Bus Operations – the applicant agrees to comply with 69 U.S.C. 5323(f) and 49 CFR Part 605, which provides that recipients and subrecipients of FTA assistance may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators unless qualified under specified exemptions. When operating exclusive school bus service under an allowable exemption, recipients and subrecipients may not use federally funded equipment, vehicles, or facilities.

**49 U.S.C. 5323(d)
49 CFR Part 604**

Charter Service Operations – the applicant agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 CFR 604.9. Any charter service provided under one of the exceptions must be "incidental," i.e., it must not interfere with or detract from the provision of mass transportation.

**CERTIFICATION OF COMPLIANCE
PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS
AND RELATED ACTS
31 U.S.C. 3801 et seq. 49 CFR Part 31 18 U.S.C. 1001 49 U.S.C. 5307**

Program Fraud and False or Fraudulent Statements or Related Acts.

(1) The applicant acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801 *et seq.* and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Applicant certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Applicant further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Applicant to the extent the Federal Government deems appropriate.

(2) The Applicant also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. § 5307, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(n)(1) on the Applicant, to the extent the Federal Government deems appropriate.

(3) The Applicant agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

EXHIBIT J

**CERTIFICATION OF COMPLIANCE
BREACHES AND DISPUTE RESOLUTION
49 CFR Part 18
FTA Circular 4220.1F**

Disputes - Disputes arising in the performance of this Contract that are not resolved by agreement of the parties shall be decided in writing by the applicant's authorized representative. This decision shall be final and conclusive unless within [ten (10)] days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the applicant's authorized representative. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the applicant's authorized representative shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by the applicant, Contractor shall continue performance under this Contract while matters in dispute are being resolved.

Claims for Damages - Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others for whose acts he is legally liable, a claim for damages therefore shall be made in writing to such other party within a reasonable time after the first observance of such injury or damage.

Remedies - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the applicant and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the applicant is located.

Rights and Remedies - The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by Applicant, Architect or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

EXHIBIT K

**CERTIFICATION OF COMPLIANCE WITH CLEAN WATER REQUIREMENTS
33 U.S.C. 1251**

Clean Water - (1) The applicant agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. The Applicant agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(2) The Applicant also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

EXHIBIT L

**CERTIFICATION OF COMPLIANCE WITH FEDERAL CHANGES
49 CFR Part 18**

Federal Changes - The applicant shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Agreement (Form FTA MA (15) dated October, 2008) between MoDOT and FTA, as they may be amended or promulgated from time to time during the term of this contract. Applicant's failure to so comply shall constitute a material breach of this contract.

EXHIBIT M

**CERTIFICATION OF COMPLIANCE
ENERGY CONSERVATION REQUIREMENTS
49 CFR Part 18
42 U.S.C. 6321 et seq.**

Energy Conservation - The applicant agrees to comply with mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

EXHIBIT N

**CERTIFICATION OF COMPLIANCE
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
49 CFR Part 26**

To the extent authorized by Federal law, the Recipient (the "applicant") agrees to facilitate participation by Disadvantaged Business Enterprises (DBE) in the Project and assures that each subrecipient, lessee, and third party contractor at any tier of the Project will facilitate participation by DBEs in the Project to the extent applicable. Therefore:

(1) The Recipient agrees and assures that it will comply with section 1101(b) of SAFETEA-LU, 23 U.S.C. § 101 note, and U.S. DOT regulations, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 C.F.R. Part 26.

(2) The Recipient agrees and assures that it shall not discriminate on the basis of race, color, sex, or national origin in the award and performance of any third party contract, or subagreement supported with Federal assistance derived from U.S. DOT in the administration of its DBE program and will comply with the requirements of 49 C.F.R. Part 26. The Recipient agrees to take all necessary and reasonable steps set forth in 49 C.F.R. Part 26 to ensure nondiscrimination in the award and administration of all third party contracts and subagreements supported with Federal assistance derived from U.S. DOT. As required by 49 C.F.R. Part 26 and approved by U.S. DOT, the Recipient's DBE program, if any, is incorporated by reference and made part of the Grant Agreement or Cooperative Agreement for the Project. The Recipient agrees that implementation of this DBE program is a legal obligation, and that failure to carry out that DBE program shall be treated as a violation of the Grant Agreement or Cooperative Agreement for the Project and the Master Agreement. Upon notification by U.S. DOT to the Recipient of its failure to implement its approved DBE program, U.S. DOT may impose sanctions as provided for under 49 C.F.R. Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001, and/or the Program Fraud Civil Remedies Act, 31 U.S.C. §§ 3801 *et seq.*

EXHIBIT O

**COMPLIANCE WITH
PROCUREMENT PROVISIONS OF
FTA CIRCULAR 4220.1 F**

The applicant certifies that its procurements and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA circular 4220.1F "Third Party Contracting Requirements," and other implementing requirements FTA may issue. The Applicant certifies that it will include in its contracts financed in whole or in part with FTA assistance all clauses required by Federal laws, executive orders, or regulations, and will ensure that each subrecipient and each applicant will also include in its subagreements and contracts financed in whole or in part with FTA assistance all applicable clauses required by Federal laws, executive orders, or regulations.

EXHIBIT P

**COMPLIANCE WITH TERMINATION PROVISION
49 U.S.C. Part 18 FTA Circular 4220.1F**

a. Termination for Convenience (General Provision) The Missouri Highways and Transportation Commission (the "Commission") may terminate this contract, in whole or in part, at any time by written notice to the Applicant when it is in the Government's best interest. The Applicant shall be paid its costs, including contract closeout costs, and profit on work performed up to the time of termination. The Applicant shall promptly submit its termination claim to the Commission to be paid the Applicant. If the Applicant has any property in its possession belonging to the Commission, the Applicant will account for the same, and dispose of it in the manner the Commission directs.

b. Termination for Default [Breach or Cause] (General Provision) If the Applicant does not deliver supplies in accordance with the contract delivery schedule, or, if the contract is for services, the Applicant fails to perform in the manner called for in the contract, or if the Applicant fails to comply with any other provisions of the contract, the Commission may terminate this contract for default. Termination shall be effected by serving a notice of termination on the applicant setting forth the manner in which the Applicant is in default. The applicant will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner of performance set forth in the contract.

If it is later determined by the Commission that the Applicant had an excusable reason for not performing, such as a strike, fire, or flood, events which are not the fault of or are beyond the control of the Applicant, the Commission, after setting up a new delivery of performance schedule, may allow the Applicant to continue work, or treat the termination as a termination for convenience.

c. Opportunity to Cure (General Provision) The Commission in its sole discretion may, in the case of a termination for breach or default, allow the Applicant 60 calendar days in which to cure the defect. In such case, the notice of termination will state the time period in which cure is permitted and other appropriate conditions

If Applicant fails to remedy to Commission's satisfaction the breach or default or any of the terms, covenants, or conditions of this Contract within [ten (10) days] after receipt by Applicant or written notice from Commission setting forth the nature of said breach or default, Commission shall have the right to terminate the Contract without any further obligation to Applicant. Any such termination for default shall not in any way operate to preclude Commission from also pursuing all available remedies against Applicant and its sureties for said breach or default.

d. Waiver of Remedies for any Breach In the event that Commission elects to waive its remedies for any breach by Applicant of any covenant, term or condition of this Contract, such waiver by Commission shall not limit Commission's remedies for any succeeding breach of that or of any other term, covenant, or condition of this Contract.

EXHIBIT Q

**CERTIFICATION OF COMPLIANCE WITH CLEAN AIR
42 U.S.C. 7401 et seq 40 CFR 15.61 49 CFR Part 18**

Clean Air - (1) The Applicant agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq. The Applicant agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(2) The Applicant also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

EXHIBIT R

**CERTIFICATION OF COMPLIANCE WITH FEDERAL PRIVACY ACT REQUIREMENTS
5 U.S.C. 552**

Contracts Involving Federal Privacy Act Requirements – Drug or Alcohol Abuse-Confidentiality and Other Civil Rights Protections.

The applicant agrees to comply with the confidentiality and other civil rights provisions of the Drug Abuse Office and Treatment Act of 1972, Pub. L. 92-255, March 21, 1972, as amended, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, Pub. L. 91-616, Dec. 31, 1970, as amended, and the Public Health Service Act of 1912, amended, 49 U.S.C. 290dd-3 and 2390ee-3, and any subsequent amendments to these acts.

EXHIBIT S

CERTIFICATION OF NO GOVERNMENT OBLIGATION TO THIRD PARTIES

No Obligation by the Federal Government.

- (1) The Purchaser and Applicant acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Purchaser, Applicant, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.
- (2) The Applicant agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

EXHIBIT T

**CERTIFICATION OF SECTION 5333(a)(1) REQUIREMENTS
(FOR PUBLIC ENTITIES ONLY)**

Section 5333(a)(1) Requirements - As required by 49 U.S.C. 5333(a)(1), the Applicant certifies that before it acquires property or an interest in property of a private mass transportation company or operates mass transportation equipment or a facility in competition with or in addition to transportation service provided by an existing mass transportation company it has or will have:

A. Found that the assistance is essential to carrying out a program of projects as determined by the plans and programs of the metropolitan planning organization;

B. Provided for the participation of private mass transportation companies to the maximum extent feasible;

C. Paid just compensation under State or local law to a private mass transportation company for its franchises or property acquired and;

D. Acknowledged that the assistance falls within the labor standards compliance requirements of 49 U.S.C. 5333(a) and 5333(b).

EXHIBIT U

CERTIFICATION OF COMPLIANCE WITH FTA ITS ARCHITECTURE POLICY

In compliance with Section VII of "FTA National ITS Architecture Policy on Transit Projects" at 66 FR 1459, January 8, 2001, in the course of implementing an ITS project, the Grantee assures it will comply, and require any third party contractor to comply, with all applicable requirements imposed by Section V and Section VI of that notice.

EXHIBIT V

**CERTIFICATION OF COMPLIANCE
INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS**

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by the Department of Transportation (DOT), whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Master Agreement, FTA MA(15), dated October 1, 2008, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Applicant shall not perform any act, fail to perform any act, or refuse to comply with any requests that would cause the applicant to be in violation of the FTA terms and conditions.