

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****Public Transportation on Indian Reservations Program; Tribal Transit Program Under the American Recovery and Reinvestment Act of 2009**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of Funding Availability: Solicitation of Grant Applications for ARRA Tribal Transit Program Funds.

**SUMMARY:** This notice announces the availability of \$17 million in funding provided by the American Recovery and Reinvestment Act (ARRA) for the Public Transportation on Indian Reservations Program (Tribal Transit Program (TTP)), a program authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Section 3013 (c). This notice is a national solicitation for grant applicants to be selected on a competitive basis, and includes grant terms, conditions, and reporting requirements; application procedures; and the criteria that FTA will utilize to select ARRA TTP projects. ARRA TTP funding may be used only for capital expenditures. FTA will announce the availability of, and competition for, the FY 2009 (annual) TTP in a separate notice.

**DATES:** Applicants must submit completed applications by May 22, 2009. FTA will announce grant awards in the **Federal Register** when the competitive selection process is complete.

Applicants should be aware that materials sent through the U.S. Postal Service are subject to significant delays in delivery due to the security screening process. Use of courier or express delivery services is recommended.

**ADDRESSES:** FTA has posted a synopsis of this announcement on the government-wide electronic grants Web site at: <http://www.grants.gov>. Applicants may submit applications by either delivering five hard copies to FTA, 1200 New Jersey Avenue, SE., Washington, DC 20590, Attn: Lorna R. Wilson, or by sending via e-mail to [fta.tribalprogram@dot.gov](mailto:fta.tribalprogram@dot.gov). FTA will not accept applications via facsimile. The APPLY functionality in Grants.Gov is not available for this announcement or other ARRA opportunities.

**FOR FURTHER INFORMATION CONTACT:** Contact the appropriate FTA Regional Tribal Liaison (Appendix B) for application-specific information. For general program information, contact Lorna R. Wilson, Office of Transit

Programs, at (202) 366-2053, e-mail: [Lorna.Wilson@dot.gov](mailto:Lorna.Wilson@dot.gov). A TDD is available at 1-800-877-8339 (TDD/FIRS).

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**I. Overview of This Notice**

The “American Recovery and Reinvestment Act, 2009” (Pub. L. 111-5 or “ARRA”), signed into law by President Barack Obama on February 17, 2009, provides appropriations and tax law changes totaling approximately \$787 billion to support multi-pronged efforts to stimulate the economy. Appropriations in ARRA include \$8.4 billion to preserve and create jobs and promote economic recovery through investment in public transportation.

Formula transit programs provided in ARRA were the subject of FTA’s March 5, 2009, **Federal Register** notice. The March 5 notice further provided an overview of the ARRA’s transit provisions and established the principles, policies, and procedures that would apply to all ARRA formula transit programs. Readers interested in how FTA intends to implement ARRA’s formula transit program resources should refer to the March 5 notice for more information.

ARRA’s Transit Capital Assistance program authorizes \$6.9 billion in funding for capital expenses as defined by 49 U.S.C. 5302(a)(1). Most of this funding is appropriated by formula, and was apportioned by the March 5 notice. Ten percent of funding under the program was apportioned for grants under 49 U.S.C. section 5311 (Nonurbanized Area Formula Program). Of this amount, 2.5 percent has been set-aside for discretionary allocation through FTA’s Public Transportation on Indian Reservations program (Tribal Transit program (TTP)), as established by Section 3013(c) of SAFETEA-LU. SAFETEA-LU’s TTP authorizes direct grants “under such terms and conditions as may be established by the Secretary” to Indian tribes for any purpose eligible under FTA’s Nonurbanized Area Formula Program, 49 U.S.C. 5311 (Section 5311 program). However, ARRA specifies that funds it appropriates are to be used only for capital expenditures. This means that only items defined as capital under 49 U.S.C. Chapter 53 are eligible activities under the ARRA TTP program.

The ARRA TTP program provides \$17 million in capital funding intended to preserve or create jobs, contribute to cleaning our environment through green purchases, retrofitting existing facilities, making public transportation opportunities available to more people, and helping ease local fiscal problems.

This notice presents the eligibility, project selection process, and grant application process for TTP funds made available by the ARRA. Additional information on program grant and ARRA’s unique—and extensive—reporting requirements will be made available in the notice of selection.

**II. Eligibility Information****A. Eligible Applicants**

Eligible applicants include federally-recognized Indian tribes or Alaska Native villages, groups, or communities as identified by the Bureau of Indian Affairs (BIA) in the Department of the Interior (DOI). To be an eligible recipient, a tribe must have the requisite legal, financial and technical capabilities to receive and administer Federal funds under this program. A newly recognized tribe may submit a copy of the most up-to-date **Federal Register** notice published by DOI, BIA: Entities Recognized and Eligible to Receive Service from the United States Bureau of Indian Affairs to establish eligibility.

### B. Eligible Projects

Eligible recipients may use ARRA TTP funds for any capital expense as defined by 49 U.S.C. 5302(a)(1). Eligible capital projects include but are not limited to: Preventive maintenance; acquiring, constructing, supervising, or inspecting equipment or a facility for use in public transportation (including engineering, designing, location surveying, mapping, and acquiring right-of-way) transit-related ITS; rehabilitating buses; remanufacturing a bus; overhauling rail rolling stock; leasing a facility or equipment for use in public transportation where more cost-effective than purchase or construction; public transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to public transportation facilities, construction or renovation of intercity bus and rail stations and terminals, renovation and improvements of historic transportation facilities, where the improvement enhances the effectiveness of a public transportation project and is physically or functionally related to that public transportation project, or creates a new or enhanced coordination between public transportation and other transportation and provides a fair share of revenue to be used in public transportation; eligible crime prevention and security expenses; establishing a debt service reserve; and mobility management.

### III. Local Match

Under the ARRA, the Federal share of a TTP grant is up to 100 percent of the net project cost of capital projects.

### IV. Terms and Conditions

Section 3013 of SAFETEA-LU amended 49 U.S.C. section 5311(c) by authorizing funds for the TTP “under such terms and conditions as may be established by the Secretary.” Pursuant to this discretionary statutory authority in SAFETEA-LU, FTA published a **Federal Register** notice dated March 22, 2006 (71 FR 14618), “Public Transportation on Indian Reservations Program (49 U.S.C. 5311(c)(1)): Notice of Public Meetings, Proposed Grant Program Provisions,” and proposed certain statutory and regulatory terms and conditions that should apply to grants awarded under the TTP.

FTA received a substantial number of comments from Indian tribes and other groups concerning certain proposed terms and conditions for the TTP. FTA addressed these comments in a **Federal Register** notice dated August 15, 2006

(71 FR 46878) and established appropriate grant requirements for the TTP.

The terms and conditions established in the August 15, 2006, notice equally apply to ARRA TTP program funds, and are summarized below. In addition, ARRA specifies additional grant requirements that apply to its funding programs, including the ARRA TTP, which are also provided below.

#### A. General Grant Requirements

1. Common Grant Rule (49 CFR part 18), “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.” This is a government-wide requirement that applies to all Federal assistance programs.

2. Civil Rights Act of 1964, as amended (42 U.S.C. 2000d). Unless Indian tribes are specifically exempted from civil rights statutes, compliance with civil rights statutes is required, including compliance with equity in service. However, Indian tribes will not be required to comply with FTA program-specific guidance for Title VI and Title VII.

3. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act (ADA) requirements in 49 CFR parts 27, 37, and 38. Section 504 is a government-wide requirement that applies to all Federal programs, and the implementing regulations of the ADA apply to public transportation.

4. Drug and Alcohol Testing requirements (49 CFR part 655). FTA will apply this requirement because it addresses a national safety issue for operators of public transportation.

5. National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*). This is a government-wide requirement that applies to all Federal programs.

6. Charter Service and School Bus transportation requirements in 49 CFR parts 604 and 605. The definition of “public transportation” in 49 U.S.C. section 5302 specifically excludes school bus and charter service.

7. National Transit Database (NTD) Reporting requirement. Title 49 U.S.C. section 5335 requires NTD reporting for recipients of Section 5311 funds. The TTP is a Section 5311 program that will provide funds directly to Indian tribes. Therefore, this reporting requirement applies.

8. Bus Testing requirements (49 CFR part 665). To ensure that vehicles acquired under this program will meet adequate safety and operational standards, this requirement will apply.

9. Labor Protections (49 U.S.C. section 5333(b)). At the time of the August 15, 2006, notice, FTA indicated that labor protective arrangements would be required but that FTA would not implement this requirement until the Department of Labor (DOL) revised its procedures to provide a relevant arrangement for tribes. On October 1, 2008, DOL began using a revised special warranty for the Section 5311 program which is appropriate for use with TTP grants. All TTP grants (ARRA and annual) awarded after October 1, 2008, will be subject to the special warranty for labor protective arrangements under the Section 5311 program, which will be incorporated by reference in the grant agreement.

A comprehensive list and description for all of the statutory and regulatory terms and conditions that apply to the TTP are set forth in FTA’s Master Agreement for the TTP available on FTA’s Web site at: [http://www.fta.dot.gov/17861\\_18441\\_ENG\\_HTML.htm](http://www.fta.dot.gov/17861_18441_ENG_HTML.htm). Selected grantees are required to formally designate, by resolution or other formal tribal action, an authorized representative who will have the authority to execute grant agreements on behalf of the Indian tribe with FTA and who will also have the authority on behalf of the Indian tribe to execute FTA’s Annual List of Certifications and Assurances and the Section 1511 certification for ARRA program described in Section V, A of this notice. The Annual List of Certifications and Assurances is attached in Appendix A for informational purposes only. The Certification and Assurances must be signed by a legal entity. FTA has provided information concerning Certifications and Assurances in Appendix A of this notice. Tribes are required to select categories 01 and 22 for the purpose of the TTP.

#### B. ARRA-Specific Requirements

1. A successful applicant for competitive ARRA TTP funding, must submit a separate ARRA grant application electronically to the appropriate FTA regional office through TEAM-Web.

2. Grantees may not commingle ARRA funds into a grant application that contains FTA funding authorized under SAFETEA-LU or any prior authorization. Furthermore, grantees cannot apply for funding allocated under separate ARRA programs in a single grant. In other words, if a Tribe is selected for funding under the annual TTP program and/or the State’s annual Section 5311 apportionment and/or the State’s ARRA Section 5311

apportionment, FTA will not combine the ARRA TTP funds in a grant award with any other source of funds the tribe may be receiving. The tribe may, however, use different sources of funds to support a single project at the local level, provided the tribe can track and report on the funds separately.

3. FTA will process ARRA grants promptly upon receipt of a completed application. ARRA funds must be obligated in a grant before September 30, 2010. If the tribe selected for funding has not received a grant by then, the funds will no longer be available to the tribe. A tribe selected for ARRA TTP funding must promptly submit a grant application to FTA and provide all information the region requests as necessary to obligate the funds in a grant award. In order to assure that project funds will begin to flow into the economy as quickly as possible, all ARRA grants should be for a project that the tribe expects to implement quickly. Grant application information must include milestones appropriate to the scale of the project to allow adequate oversight to monitor the progress of projects from the start through completion and closeout. [Note: Grantees will be expected to update activity milestones and financial status report on a quarterly basis for ARRA grants.]

4. Before FTA can award grants for discretionary projects and activities, notification of the award must be given to members of Congress, and in the case of awards greater than \$500,000, to the House and Senate authorizing and appropriations committees at least three days before award.

5. Before executing an ARRA grant, the executing official must inform FTA via the TEAM system of the (1) purpose of the investment, and (2) the rationale for the investment. Grantees must select one or more of the following purposes before the grant can be executed:

- a. To preserve and create jobs and promote economic recovery.
- b. To assist those impacted by the recession.
- c. To provide investments needed to increase economic efficiency by spurring technological advances.
- d. To invest in infrastructure that will provide long-term economic benefits.
- e. To stabilize State and local government budgets, in order to minimize reductions in essential services and counterproductive State and local tax increases.

In addition, grantees must also select one or more of the following rationale:

- a. Project is ready to go (all applicable federal requirements are complete).

b. Use of Recovery funds for this project frees up other FTA/State/local resources for other purposes.

c. Project is high local/regional priority.

d. Project could not have been implemented without supplemental funding.

e. Funding accelerates completion and decreases over-all project costs.

f. Project provides equipment or facilities to increase transit ridership.

g. Project is a needed investment to bring assets to a state of good repair.

h. Project addresses immediate maintenance needs.

6. Other important issues that affect FTA grant processing activities are discussed below.

a. Special Conditions of Grant Award—Recipients applying for grants that contain ARRA funds must agree to the following grant conditions that will be included in the grant application.

1. Recipient of ARRA funds agrees to comply with reporting requirements and deadlines set out in section 1201(c) of Public Law 111–5.

2. Recipient of ARRA funds agrees to comply with reporting requirements and deadlines set out in section 1512 of Public Law 111–5.

3. Recipient of ARRA funds agrees that all data submitted to FTA in compliance with the requirements of Public Law 111–5 is accurate, objective, and of the highest integrity.

4. Recipient of ARRA funds acknowledges that receipt of ARRA funds is a “one-time” disbursement that does not create any future obligation by the FTA to advance similar funding amounts.

5. Recipient of ARRA funds agrees to display any program logos as may be required by FTA.

6. Recipient of ARRA funds agrees that it or its sub-recipients shall report any credible evidence that a principal, employee, agent, contractor, sub-recipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of law pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving ARRA funds.

b. Buy America—The Buy America requirements under 49 U.S.C. 5323(j) that typically apply to projects accepting Federal assistance under the Federal Transit program authorized under Chapter 53 of title 49, United States Code, apply to all capital public transportation projects funded with amounts appropriated in the ARRA. Therefore, an applicant, in carrying out a procurement financed with Federal assistance authorized under the ARRA

must comply with applicable Buy America requirements in 49 U.S.C. section 5323(j) and 49 CFR Part 661.

#### V. Reporting Requirements and Certifications Applicable to Recipients of ARRA Funds

As a condition of award, grantees receiving ARRA funds will be required to report on grant activities on a routine basis. FTA grantees will be responsible for reporting up-to-date and accurate information in the milestone status report and financial status report on a quarterly basis, as well as additional data elements that are required to be reported in <http://www.recovery.gov>. Additionally, special certifications and grant conditions will also be required of ARRA grant recipients. FTA will issue specific guidance on reporting requirements in the near future for your information. The ARRA statutory reporting requirements and certifications are identified below:

##### A. Section 1511: Certifications

For covered funds made available to State or local governments, including Tribes, for infrastructure investments, the Governor, mayor, or other chief executive, as appropriate, are required to certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Such certification must include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and must be posted on a specified Web site. A State or local agency or tribe may not receive infrastructure investment funding from funds made available under ARRA unless this certification is made and posted. For ARRA TTP grants, this certification must be made by the Tribal official authorized to execute grant agreements and execute certifications and assurances, as noted in Section IV.A, above, before FTA can award a grant. The certifying official must also provide a list of projects selected to receive ARRA funds. DOT will post the certification and project list to a public Web site linked to <http://www.recovery.gov>, as required by law.

##### B. Section 1512: Reports on Use of Funds

*Recipient Reports.*—Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains—

(i) The total amount of recovery funds received from that agency;

(ii) The amount of recovery funds received that were expended or obligated to projects or activities; and

(iii) a detailed list of all projects or activities for which recovery funds were expended or obligated, including—

(1) The name of the project or activity;

(2) A description of the project or activity;

(3) An evaluation of the completion status of the project or activity;

(4) An estimate of the number of jobs created and the number of jobs retained by the project or activity; and

(5) For infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under ARRA, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(iv) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

The data elements required to comply with Public Law 109–282 are: name of entity receiving the award; the amount of the award; information on the award including transaction type, funding agency, the North American Industry Classification System Code or Catalog of Federal Domestic Assistance number (where applicable); program source; and an award title descriptive of the purpose of each funding action.

FTA will extract as much as possible of this information from grant information and standard quarterly reports provided through the TEAM electronic grants award and management system. Supplemental reporting may be required, however, to provide the project and contract level information. FTA will provide further reporting instructions at a later date. FTA is working with other modal administrations within the Department of Transportation (DOT) to standardize the information required from all DOT recipients. DOT will post the information the tribe reports in response to this requirement on <http://www.recovery.gov> to satisfy the transparency requirements of the ARRA.

#### C. Section 1512(h): Registration

Recipients of ARRA funds must register with Central Contractor

Registration database (CCR) or complete other registration requirements as determined by the Director of the Office of Management and Budget (OMB). CCR registration can be completed at <http://www.ccr.gov>. CCR registration must be completed before the first quarterly Section 1512 report is due (ten days after the end of the first quarter after the tribe receives an ARRA grant). OMB has issued guidance requiring FTA and other Federal agencies to ensure that grantees and first tier subawardees (subrecipients and contractors) obtain a DUNS number, or update their DUNS record if necessary. DUNS registration can be completed at <http://www.dnb.com>. OMB has not yet issued a final determination on the extent to which subawardees will be required to register in CCR.

#### D. Section 1201(a): Maintenance of Effort

Not later than March 19, 2009 for each amount that is distributed to a State or agency thereof from an appropriation in ARRA for a covered program, the Governor of State is required to certify to the Secretary of Transportation that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation. As part of this certification, the Governor is required to submit to the Secretary of Transportation a statement identifying the amount of funds the State planned to expend from State sources as of February 17, 2009, during the period of February 17, 2009 through September 30, 2010, for the types of projects that are funded by the appropriation.

This requirement applies only to State funding for transportation projects eligible for ARRA funding. DOT will treat this maintenance of effort requirement through one consolidated certification from the Governor to the Secretary, which should include State funding for transit projects, as well as highway and other transportation modal projects. The tribe is not required to complete this certification, but must report any State transportation funding received in its quarterly Section 1201(c)(2) report.

#### E. Section 1201(c)(2): Periodic Reports

For amounts received under each covered program by a grant recipient under ARRA, the grant recipient shall include in the periodic reports information tracking:

(A) The amount of Federal funds appropriated, allocated, obligated, and outlayed under the appropriation;

(B) The number of projects that have been put out to bid under the appropriation;

(C) The number of projects for which contracts have been awarded under the appropriation and the amount of Federal funds associated with such contracts;

(D) The number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;

(E) The number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts;

(F) The number of direct, on-project jobs created or sustained by the Federal funds provided for projects under the appropriation and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since February 17, 2009; and

(G) The actual aggregate expenditures by each grant recipient from State sources for projects eligible for funding under the program during the period of February 17, 2009 through September 30, 2010, as compared to the level of such expenditures that were planned to occur during such period as of the date of enactment of ARRA.

Each grant recipient is required to submit the first of the periodic reports including the Section 1201(c)(2) data required above not later than 90 days from February 17, 2009 and is required to submit updated reports not later than 180 days, one year, two years, and three years from February 17, 2009.

FTA will extract as much as possible of this information from grant information and standard quarterly reports provided through the TEAM electronic grants award and management system. Supplemental reporting may be required, however, to provide the project and contract level information. FTA will provide further reporting instructions at a later date. FTA is working with other modal administrations within DOT to standardize the information required from all DOT recipients, including the possibility of generating the required jobs data through the use of economic models and factors applied to the data provided in the grant awards and other information reported by the grant.

#### F. Section 1607

Section 1607 requires that the Governor certify within 45 days of enactment (April 3, 2009) that, for funds provided, the state will request and use funds provided by this Act and the

funds will be used to create jobs and promote economic health. If the Governor does not provide this certification, then the state legislature may act to accept the funds. This requirement applies to all ARRA programs across the government and is not directly applicable to the ARRA TTP.

#### G. Section 1609

Under section 1609(c), FTA is required to report to certain congressional committees every 90 days following enactment on the status and progress of projects funded or proposed for funding under the Act with respect to compliance with NEPA and its implementing regulations. FTA will necessarily ask recipients for assistance in compiling this quarterly report.

#### H. Other Reporting

To satisfy the needs for transparency and accountability related to funding appropriated under the ARRA, grantees may be required to provide additional information not yet specified in response to requests from the Office of Management and Budget (OMB), the Congressional Budget Office (CBO), the Government Accountability Office (GAO), or the DOT Inspector General (IG). FTA will inform grantees if and when such additional reports are required.

### VI. Application Content

The following information must accompany all requests for ARRA TTP funding. Information such as the identity of the applicant need not be repeated, but the project description and budget must clearly indicate capital activities for which the tribe seeks ARRA TTP funding, and the application must specifically address the ARRA related aspects of the evaluation criteria.

#### A. Applicant Information

1. Name of federally recognized tribe and, if appropriate, the specific tribal agency submitting the application.
2. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number if available. (Note: If selected, applicant will be required to provide DUNS number prior to grant award.)
3. Contact information including: contact name, title, address, fax and phone number, and e-mail address if available.
4. Description of public transportation services including areas currently served by tribe, if any.
5. Name of person(s) authorized to apply on behalf of tribe (signed transmittal letter) must accompany application.

#### B. Technical, Legal, and Financial Capacity To Implement the Proposed Project

Tribes that cannot demonstrate adequate capacity in technical, legal and financial areas will not be considered for funding. Every application must describe the tribe's legal, technical, and financial capacity to implement the proposed project.

1. *Legal Capacity:* Provide documentation or other evidence to show that the applicant is a federally recognized tribe. Also, who is the authorized representative to execute legal agreements with FTA on behalf of the tribe? Does the tribe have appropriate Federal or State operating authority?
2. *Technical Capacity:* Give examples of the tribe's management of other Federal projects. What resources does the tribe have to implement a transit project?
3. *Financial Capacity:* Does the tribe have adequate financial systems in place to receive and manage a Federal grant? Describe the tribe's financial systems and controls.

#### C. Project Information

1. *Budget:* Provide the Federal amount requested for each purpose for which funds are sought and any funding from other sources that will be provided.
2. *Project Description:* Provide a summary description of the proposed project and how it will be implemented (e.g., number and type of vehicles, service area, schedules, type of services, fixed route or demand responsive), route miles (if fixed route), major origins and destinations, population served, and whether the tribe provides the service directly or contracts for services and how will vehicles be maintained. Note that while application must include a description of how equipment requested will be used and maintained, only capital expenses are eligible under the ARRA. Costs of operations are not eligible under this program. Include a summary discussion of how the project is consistent with the objectives of the ARRA.
3. *Project Timeline:* Include significant milestones such as date of contract for purchase of vehicle(s), actual or expected delivery date of vehicles, and service start up dates.

#### D. Application Evaluation Criteria

Applications for funding of transit services should address the application criteria based on project to be funded (for more detail see section VI below). Note that while these are the same criteria used for FTA's annual TTP

program, special attention for these ARRA TTP resources will be placed upon the readiness of the project to be implemented (within criterion 1) and the estimated number of jobs created or sustained (within criterion 3).

1. *Criterion 1:* Project Planning and Coordination.
2. *Criterion 2:* Demonstration of Need.
3. *Criterion 3:* Project Benefits.
4. *Criterion 4:* Financial Commitment and Operating Capacity.

#### E. Intergovernmental Review

This program is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

#### F. Funding Restrictions

FTA will consider applications for funding only from eligible recipients for eligible capital activities (see section II). Due to funding limitations, applicants that are selected for funding may receive less than the amount requested. Current TTP grantees applying for ARRA funding must be in an active status to receive additional funding.

### VII. How Proposals Will Be Evaluated

#### A. Competitive Selection Process

FTA intends to award \$17 million in ARRA TTP funding. If a tribe applies for funding both under this announcement (ARRA) and under the FY 2009 annual TTP announcement, FTA will consider both applications in relationship to each other, as appropriate. FTA encourages applicants to review the evaluation criteria and all other related application information prior to preparation of an application. Applicants may receive technical assistance for application development by contacting their FTA regional Tribal liaison, or the National Rural Transportation Assistance Program (RTAP) office. Contact information for technical assistance can be found in Appendix C.

#### B. Evaluation Criteria

1. Project Planning and Coordination (25 points)

In this section, the applicant should describe how the proposed project was developed and demonstrate that there is a sound basis for it. Additionally, the applicant must provide evidence that the project is ready for implementation as soon as a grant is awarded. Information may vary depending upon whether the tribe has a formal plan that includes transit.

- a. Applicants without a formal plan that includes transit are advised to consider and address the following areas:

- i. Provide a detailed project description.
  - ii. Identify existing transportation services available to the tribe and discuss whether the proposed project will provide opportunities to coordinate service with existing transit services, including human service agencies, intercity bus services, or other public transit providers.
  - iii. Discuss the level of support either by the community and/or tribal government for the proposed project.
  - iv. Describe the implementation schedule for the proposed project, such as time frame, staffing, and procurement. Evidence that project implementation can begin immediately upon grant award is desired.
  - b. Applicants with a formal transit plan are advised to consider and address the following areas:
    - i. Describe the planning document and/or the planning process conducted to identify the proposed project.
    - ii. Describe how the mobility and client-access needs of tribal human service agencies were considered in the planning process.
    - iii. Describe what opportunities for public participation were provided in the planning process and how the proposed project has been coordinated with transportation provided for the clients of human service agencies, with intercity bus transportation in the area, or with any other rural public transit providers.
    - iv. Describe how the proposed project complements rather than duplicates any currently available facilities, equipment, or services.
    - v. Describe the implementation schedule for the proposed project, including time frame, staffing, procurement, etc. Evidence that project implementation can begin immediately upon grant award is desired.
    - vi. Describe any other planning or coordination efforts that were not mentioned above.
  - c. Based on the information provided as discussed in the above section, proposals will be rated on the following:
    - i. Is there a sound basis for the proposed project?
    - ii. Is the project ready to implement?
- 2. Demonstration of Need (25 points)**
- In this section, the application should demonstrate the transit needs of the tribe and discuss how the proposed project will address the identified transit needs. Applications may include information such as destinations and services not currently accessible by transit, need for access to jobs or health care, special needs of the elderly and individuals with disabilities, income-

based community needs, or other mobility needs.

Based on the information provided, the proposals will be rated on the following:

- a. Is there a demonstrated need for the project?
- b. How well does the project fulfill the need?

**3. Project Benefits (25 points)**

In this section, applications should identify expected project benefits. Possible examples include increased ridership and daily trips, improved service, improved operations and coordination, and economic benefits to the community. Consistent with the objectives of the ARRA, the number of estimated jobs created or sustained should also be provided.

Benefits can be demonstrated by identifying the population of tribal members and non-tribal members in the proposed project service area and estimating the number of daily one-way trips the transit service will provide and/or the number of individual riders. There may be many other, less quantifiable, benefits to the tribe and surrounding community from this project. Please document, explain or show the benefits in whatever format is reasonable to present them.

Based on the information provided proposals will be rated based on:

- a. Will the project improve transit efficiency or increase ridership?
- b. Will the project improve mobility for the tribe?
- c. Will the project improve access to important destinations and services?
- d. How many jobs will the proposed project create or sustain?
- e. Are there other qualitative benefits?

**4. Financial Commitment and Operating Capacity (25 points)**

In this section, the application should identify any other funding sources used by the tribe to support the proposed project, including human service transportation funding, Indian Reservation Roads, or other FTA programs such as Job Access and Reverse Commute (JARC), New Freedom, section 5311, section 5310, or section 5309 bus and bus facilities funding.

The application should show how ARRA TTP funding will supplement (not duplicate or replace) current funding sources. If the transit system was previously funded under section 5311 through the State's apportionment or the annual TTP, describe how requested ARRA TTP funding will expand facilities, and/or other capital resources.

Describe any other resources the tribe will contribute to the project, including in-kind contributions, commitments of support from local businesses, donations of land or equipment, and human resources, and describe to what extent the new project or funding for existing service leverages other funding.

The tribe should show its ability to manage programs by demonstrating the existing programs it administers in any area of expertise such as human services. Based upon the information provided, the proposals will be rated on the extent to which the proposal demonstrates that:

- a. This project provides new services or complements existing service;
- b. TTP funding does not replace existing funding;
- c. The tribe has or will provide non-financial support to project;
- d. The tribe has demonstrated ability to provide other services or manage other programs; and
- e. Project funds are used in coordination with other services for efficient utilization of funds.

**C. Continuation Projects**

If an applicant is proposing to fund, with ARRA resources, the continuation of a project funded previously with FY 06–08 TTP funding, tribes must demonstrate that their project(s) are in an active status to receive additional funding. Along with the criteria listed in Section B, proposals should state that the applicant is a current TTP grantee and provide information on their transit project(s) status including services now being provided and how the new funding will complement the existing service. Please provide any data that would be helpful to project evaluators, i.e., ridership, increased service hours, extended service routes, stops, etc. If you received a planning grant in previous fiscal years, please indicate the status of your planning study and how this project relates to that study.

**D. Review and Selection Process**

Each application will be screened by a panel of members, including FTA Headquarters and regional staff. Incomplete or non-responsive applications will be disqualified. FTA will make an effort to award grants to as many qualified applicants as possible.

**VIII. Award Administration Information**

FTA will award grants directly to Federally-recognized Indian tribes for the projects selected through this competition. Following publication of the selected recipients, projects, and amounts, FTA regional staff will assist

the successful applicants in preparing electronic applications for grant awards. At that time, the tribe will be required to sign the Certification and Assurances contained in Appendix A. The Master Agreement is available on FTA's Web site at [http://www.fta.dot.gov/17861\\_18441\\_ENG\\_HTML.htm](http://www.fta.dot.gov/17861_18441_ENG_HTML.htm).

FTA will notify all applicants, both those selected for funding and those not selected, when the competitive selection process is complete. Projects selected for funding will be published in a **Federal Register** notice, along with any additional grants and reporting requirements for ARRA funds.

### IX. Technical Assistance

Technical assistance regarding these requirements is available from each FTA regional office. The regional offices will contact those applicants selected for funding regarding general and ARRA-specific grants and reporting requirements and will provide assistance in preparing the documentation necessary for the grant award. Contact the appropriate FTA regional Tribal Liaison (Appendix B) for application specific information and issues. For general program information, contact Lorna R. Wilson, Office of Transit Programs, at (202) 366-2053, e-mail: [Lorna.Wilson@dot.gov](mailto:Lorna.Wilson@dot.gov). A TDD is available at 1-800-877-8339 (TDD/FIRS).

Issued in Washington, DC, this 18th day of March, 2009.

**Matthew J. Welbes,**

*Acting Deputy Administrator.*

### Appendix A

*Federal Fiscal Year 2009 Certifications and Assurances for the Federal Transit Administration Public Transportation on Indian Reservation Program*

### 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 2008. 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." 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. FTA's annual certifications and assurances permit the

Applicant to select a single certification which can 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(14) for Federal Fiscal Year 2008 at the FTA Web site <http://www.fta.dot.gov/documents/14-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 ensure 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 Master Agreement or an alternative 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.

### 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 ensures 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 issued for its project with FTA. 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 ensures 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 ensures 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 derived from 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 ensures 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 ensures that:

(1) Each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements imposed by or issued pursuant to 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 ensures 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 the Act, 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 ensures 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 ensures 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 ensures 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 ensure 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 Federal or 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 ensures 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 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 ensure 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 ensure 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; 300f through 300j-6;

(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 Laboratory Animal Welfare Act of 1966, 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, regulations, and directives governing the project, except to the extent that FTA has expressly approved otherwise in writing.

## 22. Tribal Transit Program

Each Applicant for Tribal Transit Program assistance must provide all certifications and assurance 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 ensures as follows:

### A. The Applicant ensures 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.

## Appendix B

### FTA Regional Offices and Tribal Transit Liaisons

Region I—Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont and Maine, Richard H. Doyle, FTA Regional Administrator, Volpe National Transportation Systems Center, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, Phone: (617) 494-2055, Fax: (617) 494-2865, Regional Tribal Liaison: Judi Molloy.

Region II—New York, New Jersey, Brigid Hynes-Cherin, FTA Regional Administrator, One Bowling Green, Room 429, New York, NY 10004-1415, Phone: (212) 668-2170, Fax: (212) 668-2136, Regional Tribal Liaison: Rebecca Reyes-Alicea.

Region III—Pennsylvania, Maryland, Virginia, West Virginia, Delaware, Washington, DC, Letitia Thompson, FTA Regional Administrator, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Phone: (215) 656-7100, Fax: (215) 656-7260, Regional Tribal Liaison: NA.

Region IV—Georgia, North Carolina, South Carolina, Florida, Mississippi, Tennessee, Kentucky, Alabama, Puerto Rico, Virgin Islands, Yvette G. Taylor, FTA Regional Administrator, 230 Peachtree St., NW., Suite 800, Atlanta, GA 30303, Tel.: 404-865-5600, Fax: 404-865-5605, Regional Tribal Liaisons: Jamie Pfister and James Garland.

Region V—Illinois, Indiana, Ohio, Wisconsin, Minnesota, Michigan, Marisol R. Simon, FTA Regional Administrator, 200 West Adams Street, Suite 320, Chicago, IL 60606-5232, Phone: (312) 353-2789, Fax: (312) 886-0351, Regional Tribal Liaisons: William Wheeler, Joyce Taylor.

Region VI—Texas, New Mexico, Louisiana, Arkansas, Oklahoma, Robert Patrick, FTA Regional Administrator, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Phone: (817) 978-0550, Fax: (817) 978-0575, Regional Tribal Liaison: Lynn Hayes.

Region VII—Iowa, Nebraska, Kansas, Missouri, Mokhtee Ahmad, FTA Regional Administrator, 901 Locust Street, Suite 404, Kansas City, MO 64106, Phone: (816) 329-3920, Fax: (816) 329-3921, Regional Tribal Liaisons: Joni Roeseler and Cathy Monroe.

Region VIII—Colorado, North Dakota, South Dakota, Montana, Wyoming, Terry Rosapep, FTA Regional Administrator, 12300 West Dakota Avenue, Suite 310, Lakewood, CO 80228-2583, Phone: (720) 963-3300, Fax: (720) 963-3333, Regional Tribal Liaisons: Jennifer Stewart and David Beckhouse.

Region IX—California, Arizona, Nevada, Hawaii, American Samoa, Guam, Leslie Rogers, FTA Regional Administrator, 201 Mission Street, Suite 1650, San Francisco, CA 94105-1831, Phone: (415) 744-3133, Fax: (415) 744-2726, Regional Tribal Liaison: Lorraine Lerman.

Region X—Washington, Oregon, Idaho, Alaska, Richard Krochalis, FTA Regional Administrator, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, Phone: (206) 220-7954, Fax: (206) 220-7959, Regional Tribal Liaisons: Bill Ramos and Annette Clothier.

### Appendix C

#### Technical Assistance Contacts

Alaska Tribal Technical Assistance Program, Kim Williams, University of Alaska, Fairbanks, P.O. Box 756720, Fairbanks, AK 99775-6720, (907) 842-2521, (907) 474-5208, [williams@nushtel.net](mailto:williams@nushtel.net), <http://community.uaf.edu/~alaskattac>. Service area: Alaska.

National Indian Justice Center, Raquelle Myers, 5250 Aero Drive, Santa Rosa, CA 95403, (707) 579-5507 or (800) 966-0662, (707) 579-9019, [nijc@aol.com](mailto:nijc@aol.com), <http://www.nijc.org/ttap.html>. Service area: California, Nevada.

Tribal Technical Assistance Program at Colorado State University, Ronald Hall, Rockwell Hall, Room 321, Colorado State

University, Fort Collins, CO 80523-1276, (800) 262-7623, (970) 491-3502, [ronald.hall@colostate.edu](mailto:ronald.hall@colostate.edu), <http://ttap.colostate.edu/>. Service area: Arizona, Colorado, New Mexico, Utah.

Tribal Technical Assistance Program (TTAP), Bernie D. Alkire, 301-E Dillman Hall, Michigan Technological University, 1400 Townsend Drive, Houghton, MI 49931-1295, (888) 230-0688, (906) 487-1834, [balkire@mtu.edu](mailto:balkire@mtu.edu), <http://www.ttap.mtu.edu/>. Service area: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania.

Northern Plains Tribal Technical Assistance Program, Dennis Trusty, United Tribes Technical College, 3315 University Drive, Bismarck, ND 58504, (701) 255-3285 ext. 1262, (701) 530-0635, [nddennis@hotmail.com](mailto:nddennis@hotmail.com), <http://www.uttc.edu/forum/ttap/ttap.asp>. Service area: Montana (Eastern), Nebraska (Northern), North Dakota, South Dakota, Wyoming.

Northwest Tribal Technical Assistance Program, Richard A. Rolland, Eastern Washington University, Department of Urban Planning, Public & Health Administration, 216 Isle Hall, Cheney, WA 99004, (800) 583-3187, (509) 359-7485, [rrolland@ewu.edu](mailto:rrolland@ewu.edu), <http://www.ewu.edu/TTAP/>. Service area: Idaho, Montana (Western), Oregon, Washington.

Tribal Technical Assistance Program at Oklahoma State University, James Self, Oklahoma State University, 5202 N. Richmond Hills Road, Stillwater, OK 74078-0001, (405) 744-6049, (405) 744-7268, [jim.self@okstate.edu](mailto:jim.self@okstate.edu), <http://ttap.okstate.edu/>. Service area: Kansas, Nebraska (Southern), Oklahoma, Texas.

#### Other Technical Assistance Resources

National RTAP (National Rural Transit Assistance Program), Contact: Nichole Goldsmith, Executive Director, 10 G Street NE., Suite 710, Washington, DC 20002, Telephone: (202) 248-5044, Fax: (202) 289-6539, <http://www.nationalrtap.org>.  
Community Transportation Association of America, The Resource Center—800-891-0590, <http://www.ctaa.org/>.

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