examination in 2012, his optometrist noted, “In my opinion, Mr. Normington has sufficient vision to perform the driving tasks required to safely operate a commercial vehicle.” Mr. Normington reported that he has driven straight trucks for 14 years, accumulating 280,000 miles, and tractor-trailer combinations for 14 years, accumulating 140,000 miles. He holds a Class A CDL from Wyoming. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas L. Terrell

Mr. Terrell, 57, has had a chronic retinal detachment in his left eye due to a traumatic incident in 1984. The best corrected visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2012, his ophthalmologist noted, “He has sufficient vision in his right eye and unless he has some future problem in the right eye, he should have no problems performing his duties of operating a commercial vehicle.” Mr. Terrell reported that he has driven straight trucks for 39 years, accumulating 78,000 miles, and tractor-trailer combinations for 39 years, accumulating 273,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business March 15, 2013. Comments will be available for examination in the docket at the location listed under the ADDRESSES section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable.

In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.


Larry W. Minor,
Associate Administrator for Policy.

DEPARTMENT OF TRANSPORTATION
Federal Transit Administration

Federal Fiscal Year 2013 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of availability.

SUMMARY: The Federal Transit Administration (FTA) is directed to publish annually a list of all certifications required under 49 U.S.C. Chapter 53. For Federal Fiscal Year 2013 (FY 2013), FTA consolidated and updated the various pre-award Certifications and Assurances required to be submitted by an Applicant seeking an award of Federal public transportation assistance (funding) during FY 2013. This notice announces the availability of the FY 2013 Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements and the FTA Master Agreement, both of which are available at the FTA Web site, http://www.fta.dot.gov. This notice also highlights the changes made to FTA’s Certifications and Assurances for FY 2013 that differ from previous provisions and also provides instructions on how and when to submit Certifications and Assurances for FY 2013.

DATES: Effective Date: These FY 2013 Certifications and Assurances are effective October 1, 2012, the first day of Federal Fiscal Year (FY) 2013.

FOR FURTHER INFORMATION CONTACT: The appropriate Regional or Metropolitan Office listed in this Notice. For copies of related documents and information, see our Web site at http://www.fta.dot.gov or contact our Office of Administration at 202–366–4007.

Region 1: Boston
States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; Telephone # 617–494–2055

Region 2: New York
States served: New York, and New Jersey; Telephone # 212–668–2170

Region 3: Philadelphia
States served: Delaware, Maryland, Pennsylvania, Virginia, and West Virginia; Telephone # 215–656–7100

Region 4: Atlanta
States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee; Territories served: Puerto Rico and the U.S. Virgin Islands; Telephone # 404–865–5600

Region 5: Chicago
States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; Telephone # 312–353–2789

Region 6: Dallas/Ft. Worth
States served: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; Telephone # 817–978–0550

Region 7: Kansas City
States served: Iowa, Kansas, Missouri, and Nebraska; Telephone # 816–329–3920

Region 8: Denver
States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; Telephone # 720–963–3300

Region 9: San Francisco
States served: Arizona, California, Hawaii, Nevada, Territories served: Guam, American Samoa, and the Northern Mariana Islands; Telephone # 415–744–3133

Region 10: Seattle
States served: Alaska, Idaho, Oregon, and Washington; Telephone # 206–220–7954

Chicago Metropolitan Office
Area served: Chicago Metropolitan Area; Telephone #312–886–1616

Los Angeles Metropolitan Office
Area served: Los Angeles Metropolitan Area; Telephone # 213–202–3950

Lower Manhattan Recovery Office
Area served: Lower Manhattan; Telephone # 212–668–1770

New York Metropolitan Office
Area served: New York Metropolitan Area; Telephone # 212–668–2201

Philadelphia Metropolitan Office
Area served: Philadelphia Metropolitan Area; Telephone # 215–656–7070

Washington DC Metropolitan Office

SUPPLEMENTARY INFORMATION:

1. What are FTA’s responsibilities?

The second sentence of 49 U.S.C. 5323(a) states in pertinent part that “The Secretary of Transportation shall publish annually a list of all certifications required under this
Below is our list of certifications required for our programs:

1. Required Certifications and Assurances for Each Applicant.
2. Lobbying.
3. Private Sector Protections.
4. Procurement and Procurement System.
5. Rolling Stock Reviews and Bus Testing.
6. Demand Responsive Service.
7. Intelligent Transportation Systems.
8. Interest and Finance Costs and Leasing Costs.
10. Alcohol and Controlled Substances Testing.
11. Fixed Guideway Capital Investment Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP–21.
12. State of Good Repair Program.
13. Fixed Guideway Modernization Grant Program.
15. Urbanized Area Formula Programs and Job Access and Reverse Commute (JARC) Program.
16. Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program.
17. Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.
18. Public Transportation on Indian Reservations and “Tribal Transit Programs.”
19. Low or No Emission/Clean Fuels Grant Programs.
20. Paul S Sarbanes Transit in Parks Program.
22. Public Transportation Relief Program.
23. Expedited Project Delivery Pilot Program.
24. Infrastructure Finance Programs. Since 1995, we have consolidated Certifications and Assurances into a single document for publication in the Federal Register. To receive Federal funding made available or appropriated for the grant and cooperative agreement programs we administer, your Applicant must submit the annual Certifications and Assurances required for the type of funding your Applicant is seeking. We are now publishing our FY 2013 Certifications and Assurances, after our Federal Register publication of our “Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Act (MAP–21) and FTA Fiscal Year 2013 Apportionments, Allocations, Program Information and Interim Guidance.” 77 FR 63670, October 16, 2012 (FTA FY 2013 Apportionments Notice).

In addition to reading the information in this Notice and its Appendix A (located at our Web site, http://www.fta.dot.gov) we strongly advise your Applicant’s certified or authorized representative (you) to read the information accompanying the apportionment tables in the FTA FY 2013 Apportionments Notice, particularly in light of the following legislation signed into law during FY 2012:

- a. The Moving Ahead for Progress in the 21st Century Act (MAP–21) Pub. L. 112–141, July 6, 2012, which is FTA’s most recent authorizing legislation, and

2. What is Their Legal Effect?

- a. With Certain Exceptions, the Latest FTA Certifications and Assurances Control. Certifications and Assurances are pre-award representations typically required by Federal law or regulation that your Applicant must submit before FTA may provide Federal funding for a Project. Typically, FTA’s FY 2013 Certifications and Assurances have superseded any FTA Certifications and Assurances published in an earlier fiscal year, except as FTA determines otherwise in writing. Our annual Certifications and Assurances also supersede other Certifications and Assurances that may have appeared as illustrations in a discontinued FTA circular. For this year, however, certain Certifications and Assurances in effect before MAP–21 became effective will continue to apply to certain Projects and Project activities. For this reason, our Certifications and Assurances have increased to accommodate requirements for Programs funded by MAP–21 and Programs funded in FY 2012 or a previous fiscal year. Therefore, it is critically important that you know the fiscal year in which the funding was awarded for your Project was appropriated.

After publication in the Federal Register, your Applicant must submit sufficient FY 2013 Certifications and Assurances required by Federal law or regulations before FTA may award Federal funds to support your Applicant’s Project.

b. Binding Commitment. An Applicant typically acts through its certified or authorized representative. In that case, your Applicant will be required to comply with any Certifications or Assurances you make on its behalf irrespective of how long you remain your Applicant’s authorized representative. When you provide your Applicant’s Certifications and Assurances to FTA, both you and your Applicant are agreeing to comply with their terms. As a result, when Certifications and Assurances that would apply under MAP–21 differ from Certifications and Assurances that would apply in FY 2012 or a previous fiscal year, we have included both types in the single Group used to support the funding your Applicant’s requests.

c. Length of Commitment. Your Applicant’s FY 2013 Certifications and Assurances remain in effect until its Project is closed or the useful life of its Project property has expired, whichever is later. If your Applicant provides different Certifications and Assurances in a later fiscal year, the later Certifications and Assurances generally will apply to its Project, except as we determine otherwise in writing.

d. Duration. You and your Applicant may use the FY 2013 Certifications and Assurances in Appendix A to support applications for FTA funding until we issue our FY 2014 Certifications and Assurances.

e. Our FY 2013 Certifications and Assurances are an Incomplete List of Federal Requirements. We caution that our FY 2013 Certifications and Assurances focus mainly on those requirements that will apply to your Applicant are agreeing to comply with and that Federal requirements that apply to your Applicant’s Project. Consequently, our Certifications and Assurances do not include many other Federal requirements that will apply to your Applicant and its Project.

f. Federal Requirements. In addition to the information in this Notice and our FTA FY 2013 Apportionments Notice, we also strongly encourage you and your Applicant’s staff and Third Party Participants to review all Federal legislation, regulations, and guidance that apply to your Applicant and its proposed Project. Our FY 2013 Master Agreement identifies many of those requirements and can be accessed at http://www.fta.dot.gov.

g. Penalties for False or Fraudulent Statements. If you or your Applicant provides any false or fraudulent statement to the Federal government, you or your Applicant may incur both Federal civil and criminal penalties. See 49 U.S.C. 3801 et seq.
(2) U.S. Department of Transportation (U.S. DOT) regulations, “Program Fraud Civil Remedies,” 49 CFR part 31, and (3) Section 5323(l)(1) of title 49, U.S.C., which provides for Federal criminal penalties and termination of Federal funding should you or your Applicant provide a false or fraudulent certificate, submission, or statement in connection with the Federal transit program authorized by 49 U.S.C. chapter 53.

3. What are your responsibilities?
   a. Make Sure All Involved With Your Applicant’s Project Understands the Federal Requirements That Will Apply to Your Applicant and Its Project.
   b. Your Applicant will be responsible for compliance with all Federal requirements that apply to itself and its Project. Nevertheless, people and organizations participating in your Applicant’s Project (Third Party Participants) can seriously affect your Applicant’s ability to comply with those Federal requirements. Therefore, all Third Party Participants involved in your Applicant’s Project need to know and agree to comply with the Federal requirements that affect their Project related activities.
   c. Submit Your Applicant’s Certifications and Assurances. You must submit all Groups of the FY 2013 Certifications and Assurances as soon as possible. We expect to receive your FY 2013 Certifications and Assurances within ninety (90) days from the date of this publication or soon after the submittal of your Applicant’s request for FY 2013 funding. Likewise, if your Applicant is a current FTA grantee with an active project funded with FTA capital or formula funds, we expect to receive your FY 2013 Certifications and Assurances within ninety (90) days from the date of this publication or soon after the submission of your Applicant’s request for FY 2013 funding.
   d. Obtain the Affirmation of Your Applicant’s Attorney. You must obtain an affirmation of your Applicant’s Attorney dated in a previous fiscal year for new projects authorized under MAP–21. Funding under the CR is not available for programs that were repealed by MAP–21. For the “MAP–21 cross-cutting” requirements listed in subsection 5.c below, the program and eligibility requirements in effect in FY 2012 or a previous fiscal year apply to the following Projects as of October 16, 2012, the date the FTA FY 2013 Apportionments Notice was published:
      (1) Projects financed with funding made available or appropriated in FY 2012 or a previous fiscal year, which funding FTA has awarded before October 1, 2012, when MAP–21 became effective,
      (2) Projects financed with funding made available or appropriated for FY 2012 or a previous fiscal year, which funding FTA awards or will award after October 1, 2012, when MAP–21 became effective.
   e. When To Submit.
      (1) If your Applicant is applying for funding under any of the discretionary capital programs (New Starts, Small Starts, or Core Capacity Improvement), we expect to receive your FY 2013 Certifications and Assurances within ninety (90) days from the date of this publication or soon after the submittal of your Applicant’s request for FY 2013 funding.
      (2) If your Applicant seeks funding from an FTA program other than a formula program or a discretionary capital program, we expect to receive your Applicant’s FY 2013 Certifications and Assurances as soon as possible.

4. Where are FTA’s FY 2013 certifications and assurances?
   a. Appendix A of this Notice, which is available at our Web site, http://www.fta.dot.gov, and

5. What changes have been made since FY 2012?
   a. Recent Federal Statutes. MAP–21 and the CR have required many changes to FTA’s annual Certifications and Assurances. The projects for which funding was made available or appropriated in FY 2012 or a previous fiscal year apply to Projects as of October 16, 2012, the date the FTA FY 2013 Apportionments Notice was published, as listed in the preceding subsection 5.b above, FTA has determined that the following MAP–21 requirements apply to Projects funded with appropriations for FY 2012 or a previous fiscal year. (FTA refers to these requirements as “MAP–21 cross-cutting” requirements.) As listed in the FTA FY 2013 Apportionments Notice, FTA has determined MAP–21 cross-cutting requirements include, but are not limited to:
      (1) Metropolitan and Statewide Planning,
      (2) Environmental Review Process,
      (3) Agency Safety Plans,
      (4) Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),
      (5) Costs Incurred by Providers of Public Transportation by Vanpool,
      (6) Revenue Bonds as Local Match,
      (7) Debt Service Reserve,
      (8) Government’s Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,
      (9) Private Sector Participation,
      (10) Bus Testing,
      (11) Buy America,
      (12) Corridor Preservation,
      (13) Rail Car Procurements,
      (14) Veterans Preference/ Employment, and
      (15) Alcohol and Controlled Substance Testing.
   b. Application of Statutes. When FTA issued its FY 2013 Certifications and Assurances, the CR provided for continuing projects or activities for which funding was made available in FY 2012, except as provided in section 154 of the CR. In section 154 of the CR, Congress updated the appropriations language for FTA’s formula programs providing an obligation limitation and liquidating authority to reflect changes to FTA’s formula programs authorized in MAP–21. Section 154 of the CR allows FTA to administer FY 2013 funds for formula grant programs according to the terms and conditions established under MAP–21. Funding under the CR is not available for programs that were repealed by MAP–21. For the “MAP–21 cross-cutting” requirements listed in subsection 5.c below, the program and eligibility requirements in effect in FY 2012 or a previous fiscal year apply to the following Projects as of October 16, 2012, the date the FTA FY 2013 Apportionments Notice was published:
      (1) Projects financed with funding made available or appropriated in FY 2012 or a previous fiscal year, which funding FTA has awarded before October 1, 2012, when MAP–21 became effective,
      (2) Projects financed with funding made available or appropriated for FY 2012 or a previous fiscal year, which funding FTA awards or will award after October 1, 2012, when MAP–21 became effective.
   c. Notwithstanding the applicability of program and eligibility requirements in effect in FY 2012 or a previous fiscal year for those Projects listed in the preceding subsection 5.b above, FTA has determined that the following MAP–21 requirements apply to Projects funded with appropriations for FY 2012 or a previous fiscal year. (FTA refers to these requirements as “MAP–21 cross-cutting” requirements.) As listed in the FTA FY 2013 Apportionments Notice, FTA has determined MAP–21 cross-cutting requirements include, but are not limited to:
      (1) Metropolitan and Statewide Planning,
      (2) Environmental Review Process,
      (3) Agency Safety Plans,
      (4) Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),
      (5) Costs Incurred by Providers of Public Transportation by Vanpool,
      (6) Revenue Bonds as Local Match,
      (7) Debt Service Reserve,
      (8) Government’s Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,
      (9) Private Sector Participation,
      (10) Bus Testing,
      (11) Buy America,
      (12) Corridor Preservation,
      (13) Rail Car Procurements,
      (14) Veterans Preference/ Employment, and
      (15) Alcohol and Controlled Substance Testing.

1 FTA may provide unobligated funds made available or appropriated for FY 2012 or a previous fiscal year for new projects authorized under provisions of law that MAP–21 has repealed.

(e) Compliance with All Applicable Requirements.

(1) In the past, we have cautioned Applicants that their Subrecipients may also be responsible for compliance with certain Federal requirements that are not identified in our annual Certifications and Assurances. Now, throughout this Notice and the FY 2013 Certifications and Assurances, we are cautioning your Applicant that its other Third Party Participants may also need to comply with certain Federal requirements, regardless of whether those requirements are identified in our annual Certifications and Assurances, and

(2) Because TEAM-Web has the capacity for only twenty-four (24) Groups of Certifications and Assurances, we have consolidated related Certifications and Assurances, both old and new, into a single group, so that the total number of groups does not exceed twenty-four (24). Should one or more certifications or assurances within a group not apply to your Applicant or its Project, selecting the entire group will not make those inapplicable certifications or assurances then applicable to your Applicant and its Project. Provisions of any Certification or Assurance that do not apply to your Applicant or its Project will not be enforced.

(f) Group 01, Certification D, “Nondiscrimination,” and former Certification E, “Assurance of Nondiscrimination on the Basis of Disability.”

(1) For consistency with the MAP–21 amendment to 49 U.S.C. 5332 that added disability to the list of prohibited reasons for discrimination, we made the following changes:

(a) We consolidated the former Group 01, Certification E, prohibiting discrimination against individuals with disabilities with the former Group 01, Certification D, the “Nondiscrimination” certifications that apply to various other prohibitions against discrimination.

(b) We added “disability” as a prohibited reason for discrimination in Sections 1 and 1.a, and

(c) We substituted “religion for “creed,”” in Sections 1 and 1.a,

(2) We added a reference to U.S. DOT regulations, 49 CFR part 39, in Sections 1.f, and

(3) We added a new Section 2 to obtain your Applicant’s agreement to follow Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA determines otherwise in writing.

(g) Re-numbering. We re-numbered:

(1) Former Group 01, Certification F as Group 01, Certification E, and

(2) Former Group 01, Assurance G, as Group 01, Assurance F.


(i) New Group 03, “Private Sector Protections,” [consolidating former Group 04 “Protection for Private Providers of Public Transportation,” former Group 09 “Charter Service Agreement,” and former Group 10 “School Transportation Agreement”]. We established a new Group 03 focusing on protections for private providers of public transportation:

(1) The “Private Sector Property Protections” of Group 03 include the following:

(a) Private Sector Property Protections, with no substantive changes made,

(b) Charter Service Agreement, with the following substantive changes:

(1) Consistent with the exception for JARC activities authorized in FTA’s Charter Service Regulations, 49 CFR 604.2, for repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, the Federal Transit Administrator has determined that FTA’s Charter Service requirements are not appropriate for the JARC activities that will be funded under 49 U.S.C. 5307, as amended by MAP–21,

(2) Consistent with the exception for New Freedom activities authorized in FTA’s Charter Service Regulations, 49 CFR 604.2, for repealed 49 U.S.C. 5317, the Federal Transit Administrator has determined that FTA’s Charter Service requirements are not appropriate for the New Freedom activities that will be funded under 49 U.S.C. 5310, as amended by MAP–21, and

(3) Use by intercity and charter operators of FTA funded facilities as specified in 49 U.S.C. 5323(e), as amended by MAP–21, will not result in a violation of FTA’s Charter Service Regulations, and

(2) School Bus Agreement, with no substantive changes made.

(j) Re-numbered Group 04, “Procurement and Procurement System” [former Group 03, “Procurement Certification”]. We transferred former Group 03 to Group 04 with no substantive changes.

(k) New Group 05 “Rolling Stock Reviews and Bus Testing” [consolidating former Group 06, “Acquisition of Rolling Stock for Use in Revenue Service,” and Group 08, “Bus Testing”]. We established a new Group 05 focusing certifications that certain reviews and testing required for certain rolling stock have or will be completed:

(1) The following Certifications are included in the new Group 05:

(a) “Rolling Stock Reviews,” required by 49 U.S.C. 5323(m), and

(b) “Bus Testing,” required by 49 U.S.C. 5318, as amended by MAP–21, and

(2) MAP–21 Changes:

(a) MAP–21 did not make any substantive changes to the “Rolling Stock Reviews” certification, but

(b) MAP–21 did change the bus testing requirements, which requirements are now reflected in the FY 2013 “Bus Testing” certification.

(l) Former Group 05 “Public Hearing.” We deleted the former “Public Hearing” certification because MAP–21 amended 49 U.S.C. 5323(b) to repeal FTA’s special statutory public hearing requirements.

(m) Re-numbered Group 06, “Demand Responsive Service.” [former Group 11]. We transferred the “Demand Responsive Service” certification from former Group 11 to Group 06 without making any substantive changes.

(n) Re-numbered Group 07, “Intelligent Transportation Systems,” [former Group 14].

(1) We transferred the “Intelligent Transportation Systems” assurance from former Group 14 to Group 7, and

(2) We changed the assurance to add the new citation to the Intelligent Transportation System statutory provisions now codified at 23 U.S.C. 517.


(1) We established a new Group 08 focused on certifications involving finance that includes the following certifications:

(a) “Interest and Financing Costs,” and

(b) “Acquisition of Capital Assets by Lease,”

(2) In addition to transferring the certifications identified above:

(a) Rather than include in the “Financing and Leasing Costs System” assurance from former Group 14 to Group 8, and

(b) Removed former Group 14 “Capital Procurement Certification.”
certification the several citations to those requirements in 49 U.S.C. chapter 53 (both before and after MAP–21 was signed into law), we have listed the types of projects to which the “Interest and Financing Costs” certifications would apply, and
(b) We made no substantive changes to the “Acquisition of Capital Assets through a Lease” certification.
   p. New Group 09, “Transit Asset Management and Safety Plans.” We established a new Group 09 focused on plans MAP–21 requires:
   (1) The “Transit Asset Management Plan” certification of compliance with the rule issued under 49 U.S.C. 5326(d), as amended by MAP–21, are required by 49 U.S.C. 5337(a)(4), as amended by MAP–21, and
   q. Re-numbered Group 10, “Alcohol and Controlled Substances Testing,” [former Group 12, “Alcohol Misuse and Prohibited Drug Use”]. We transferred former Group 12 to re-numbered Group 10 and revised its provisions to conform to 49 U.S.C. 5331, as amended by MAP–21. We added a provision that should your Applicant reside in a State that permits marijuana use for medical or recreational purposes, your Applicant must comply with Federal (not State) controlled substance testing requirements of 49 CFR part 655.
   r. New Group 11, “Fixed Guideway Capital Investment Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect Before MAP–21.”
   (1) We established a new Group 11 focused on certifications for FTA’s new Fixed Guideway Capital Investment Program, consisting of only the New Starts Program, the Small Starts Program, and the Core Capacity Program.
      (a) Before MAP–21 became effective, the Capital Investment Program under former 49 U.S.C. 5309 consisted of the:
         (i) New Fixed Capital Program,
         (ii) Fixed Guideway Modernization Grant Program, and
         (iii) Buses and Bus Related Equipment and Facilities Program,
         (b) MAP–21:
            (i) Repealed the former Fixed Guideway Modernization Grant Program, and
            (ii) Established the new Bus and Bus Facilities Formula Program in 49 U.S.C. 5339, as amended by MAP–21.
      (c) Therefore, we have established separate certifications for Fixed Guideway Capital Investment Program, encompassing the New Starts Program, the Small Starts Program, and the Core Capacity Program that remain in 49 U.S.C. 5309, as amended by MAP–21, irrespective of whether those programs are:
         (i) Financed with funding that was made available or appropriated for 49 U.S.C. 5309, as amended by MAP–21, or
         (ii) Financed with funding that was made available or appropriated for former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, and
      (2) Your Applicant should provide the certifications in Group 11 if it seeks funding made available or appropriated for:
         (a) 49 U.S.C. 5309, as amended by MAP–21, or
         (b) Former 49 U.S.C. 5309 in effect in FY2012 or a previous fiscal year.
   s. New Group 12, “State of Good Repair Program.” MAP–21 created a new State of Good Repair Program. We request each Applicant for State of Good Repair funding to provide the “State of Good Repair Program” certification in new Group 12.
   t. New Group 13, “Fixed Guideway Modernization Grant Program.” MAP–21 amended 49 U.S.C. 5309 without re-authorizing the Fixed Guideway Grant Modernization Program. Because unobligated funds remain for that Program, we have included a “Fixed Guideway Modernization Grant Program” certification for Applicants seeking those funds.
   u. New Group 14, “Bus and Bus Facilities Programs.”
      (1) MAP–21 amended former 49 U.S.C. 5309 by:
         (a) Changing the Bus and Bus Related Equipment and Facilities Program from a discretionary program to a new formula Bus and Bus Facilities Formula program,
         (b) Establishing the new program under 49 U.S.C. 5339, and
         (c) Repealing the Alternatives Analysis Program under former 49 U.S.C. 5339 in effect in FY 2012 or a previous fiscal year,
      (2) Accordingly, we established a new Group 14 with certifications for Bus and Bus Facilities Projects depending on whether the funding source for those Projects is:
         (a) The Bus and Bus Facilities Formula Program under MAP–21, or
         (b) The Bus and Bus Related Equipment and Facilities Grant Program (Discretionary),
      (3) The “Bus and Bus Facilities Formula Program” certification reflects the provisions of MAP–21, while the “Bus and Bus Related Equipment and Facilities Grant Program (Discretionary)” certification, reflects the provisions of FTA enabling legislation in effect in FY 2012 or a previous fiscal year.
      (1) We established a new Group 15 focused on our public transportation programs in urbanized areas, including separate certifications for each of the following three programs:
         (a) The Urbanized Area Formula Grant Program under MAP–21,
         (b) The Urbanized Area Formula Program in effect in FY 2012 or a previous fiscal year, and
         (c) The Job Access and Reverse Commute (JARC) Program, which authorized the separate JARC program, even though MAP–21 repealed former

2 JARC activities are now eligible for funding made available or appropriated for the Urbanized Area Formula Program authorized by 49 U.S.C. 5307, as amended by MAP–21.
49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, and
(2) Therefore, to assure that FTA can award the type of funding most suitable for your Applicant’s Project, your Applicant should provide the certifications in Group 15 if it seeks funding made available or appropriated for:
(a) 49 U.S.C. 5307, as amended by MAP–21,
(b) Former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, or
(c) Former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year.


(1) New Group 16 focused on our programs that provide specialized public transportation for seniors and individuals with disabilities, including separate certifications for each of the following three programs:
(a) The Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program,
(b) The Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program in effect in FY 2012 or a previous fiscal year, and
(c) The New Freedom Program, even though MAP–21 repealed former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, which authorized the separate New Freedom program.3
(2) Consistent with the legislation under former 49 U.S.C. 5310 in effect in FY 2012 and previous fiscal years, the new Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized by 49 U.S.C. 5310, as amended by MAP–21, must comply with the requirements of 49 U.S.C. 5307, as amended by MAP–21, but does permit exceptions.

Therefore, as authorized by 49 U.S.C. 5310(c)(1), as amended by MAP–21, and consistent with similar determinations made for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program authorized by former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, the Federal Transit Administrator has determined that the following Certifications required by 49 U.S.C. 5307(c)(1), as amended by MAP–21, are not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program:
(a) The half fare requirements of U.S.C. 5307(c)(1)(D), as amended by MAP–21, are not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program because:
(i) The services financed under this Program are designed specifically for and available primarily to seniors and individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design, and
(ii) The half fare provisions that benefit those individuals are focused on peak periods, and peak demand that has not been relevant to the provision of 49 U.S.C. 5310 specialized services,
(b) The public participation, planning, and coordination provisions of 49 U.S.C. 5307(c)(1)(F), as amended by MAP–21, are not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program because 49 U.S.C. 5310, as amended by MAP–21, prescribes specific public participation, planning, and coordination provisions for this Program.
(c) The requirements of 49 U.S.C. 5307(c)(1)(I), as amended by MAP–21, for a “locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation” are not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program because 49 U.S.C. 5310(c)(2)(B), as amended by MAP–21, expressly requires a locally coordinated transportation plan from which projects to support public transportation for seniors and individuals with disabilities are to be selected,
(d) The requirement of 49 U.S.C. 5307(c)(1)(J), as amended by MAP–21, to spend one (1) percent of funds made available for 49 U.S.C. 5310, as amended by MAP–21, for security projects is not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, and
(e) The requirement of 49 U.S.C. 5307(c)(1)(K), as amended by MAP–21, to spend one (1) percent of funds authorized for 49 U.S.C. 5310, as amended by MAP–21, for associated transit improvements is not appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, and
(3) To assure that FTA will be able to award the type of funding most suitable for your Applicant’s Project, your Applicant should provide the certifications in Group 16 if it seeks funding made available or appropriated for:
(a) 49 U.S.C. 5310, as amended by MAP–21,
(b) Former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, or
(c) Former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year.

x. New Group 17, “Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.” [former Group 18, “Nonurbanized Area Formula Program for States”].

(1) We established a new Group 17 focused on our public transportation programs in rural areas, including separate certifications for the following four programs:
(a) The Formula Grants for Rural Areas Program,
(b) The Formula Grants for Other than Urbanized Areas Program,
(c) The Appalachian Development Public Transportation Assistance Program, and
(d) The Over-the-Road Bus Accessibility Program, and
(2) Therefore, to assure that FTA will be able to award the type of funding most suitable for your Applicant’s Project, your Applicant should provide the certifications in Group 17 if it seeks funding made available or appropriated for:
(a) 49 U.S.C. 5311(b), as amended by MAP–21,
(b) Former 49 U.S.C. 5311(b) in effect in FY2012 or a previous fiscal year,
(c) 49 U.S.C. 5311(c)(2), as amended by MAP–21, or
(d) Former section 3038 of the

3 New Freedom activities are now an eligible for funding made available or appropriated for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized by 49 U.S.C. 5310, as amended by MAP–21.
and "Tribal Transit' Programs" [former Group 22, "Tribal Transit Program"].

1. We established a new Group 18 focused on our public transportation programs in Indian tribal areas, including separate certifications for the following two programs:
   (a) The Public Transportation on Indian Reservations Program, and
   (b) The "Tribal Transit Program," and (2) Therefore, to assure that FTA can award the type of funding most suitable for your Applicant’s Project, your Applicant should provide the certifications in Group 18 if it seeks funding made available or appropriated for:
      (a) 49 U.S.C. 5311(c)(1), as amended by MAP–21, or
      (b) Former 49 U.S.C. 5311(c)(1) in effect in FY2012 or a previous fiscal year.

z. New Group 19, "Low or No Emission/Clean Fuels Grant Programs" [former Group 16, "Clean Fuels Grant Program"].

(1) We established a new Group 19 focused on our programs to reduce emissions, including separate certifications for the following two programs:
   (a) The Low or No Emission Vehicle Deployment Program, authorized by 49 U.S.C. 5312(d)(5), as amended by MAP–21, and
   (b) The Clean Fuels Grant Program, authorized by former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year.

(2) Consistent with the determinations made for the Clean Fuels Program authorized by former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year, the new Low or No Emission Vehicle Deployment Program must comply with the requirements of 49 U.S.C. 5307, as amended by MAP–21. The Federal Transit Administrator has determined, however, that the following Certifications required by 49 U.S.C. 5307(c)(1), as amended by MAP–21, are not appropriate for the Low or No Emission Vehicle Deployment Program: (a) The certification required by 49 U.S.C. 5307(c)(1)(K), as amended by MAP–21, to spend one (1) percent of funds made available for 49 U.S.C. 5312(d)(5), as amended by MAP–21, for associated transit improvement projects:
   (i) Does not apply to the Low or No Emission Vehicle Deployment Program, and
   (ii) Does apply to the extent that funds made available or appropriated for 49 U.S.C. 5307 will be used for a project within the Low or No Emission Vehicle Deployment Program, and
   (3) To assure that FTA can award the type of funding most suitable for your Applicant’s Project, your Applicant should provide the certifications in Group 19 if it seeks funding made available or appropriated for:
      (a) 49 U.S.C. 5312(d)(5), as amended by MAP–21, or
      (b) Former 49 U.S.C. 5308 in effect in FY2012 or a previous fiscal year.

aa. Re-Numbered Group 20, "Paul S. Sarbanes Transit in Parks Program," [former Group 21, "Low or No Emission Vehicle Deployment Program"].


bb. New Group 21, "State Safety Oversight Grant Program." MAP–21 created a new State Safety Oversight Grant Program. We request that each Applicant for State Safety Oversight Grant Program to the extent that funds made available or appropriated for 49 U.S.C. 5307 will be used for a project within the Low or No Emission Vehicle Deployment Program.

cc. New Group 22, "Public Transportation Emergency Relief Program." MAP–21 created a new Public Transportation Emergency Relief Program. We request each Applicant for Public Transportation Emergency Relief Program funding to provide the Assurances in new Group 21.

dd. New Group 23, "Expedited Project Delivery Pilot Program." MAP–21 established a new Pilot Program requiring a certification that an Applicant’s public transportation system is in a state of good repair. We request each Applicant for that Pilot Program funding to provide the Assurances in new Group 22.

e. New Group 24, "Infrastructure Finance Programs," [consolidating former Group 23, "TIFIA Projects" and former Group 24, "Deposits of Federal Financial Funding to State Infrastructure Banks"]; (4) To clarify, the Federal Transit Administrator has determined that the following Certifications required by 49 U.S.C. 5307(c)(1), as amended by MAP–21, are not appropriate for the TIFIA or SIB Programs:

(fa) The certification required by 49 U.S.C. 5307(c)(1)(J), as amended by MAP–21, to spend one (1) percent of funds made available for the TIFIA and for the SIB Programs, as amended by MAP–21, for security projects:
   (i) Does not apply to the TIFIA or SIB Programs because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, but
   (ii) Does apply to any TIFIA or SIB Program to the extent that funds made available or appropriated for 49 U.S.C. 5307 will be used for a project within a TIFIA or SIB Program, and
   (b) The certification required by 49 U.S.C. 5307(c)(1)(K), as amended by MAP–21, to spend one (1) percent of funds made available for the TIFIA and for the SIB Programs, as amended by MAP–21, for security projects:
   (i) Does not apply to the Low or No Emission Vehicle Deployment Program because the requirement applies only to the 49 U.S.C. 5307 urbanized area formula apportionments, but
   (ii) Does apply if funds made available or appropriated for 49 U.S.C. 5307 were made available or appropriated for 49 U.S.C. 5307 in a state of good repair. We request each Applicant for that Pilot Program funding to provide the Assurances in new Group 23.

ee. New Group 24, "Infrastructure Finance Programs," [consolidating former Group 23, "TIFIA Projects" and former Group 24, "Deposits of Federal Financial Funding to State Infrastructure Banks"];

5 Apart from having a transit asset management plan, the provisions of 49 U.S.C. 5337, as amended by MAP–21, however, do not add new Certification requirements to those of 49 U.S.C. 5307 or 5309.
5307 will be used for projects within the
Low or No Emission Vehicle
Deployment Program, and
6. How do I submit them?
   a. Electronic Submission. Except in
      unusual circumstances as determined
      by FTA, you must submit your
      Applicant’s FY 2013 Certifications and
      Assurances in TEAM-Web. To submit
      the Certifications and Assurances on
      behalf of your Applicant, you must be
      registered in TEAM-Web.
      The TEAM-Web “Recipients” option
      at the “Certs & Assurances” tab of the
      “View/Modify Recipients” page
      contains fields for selecting among the
      24 Groups of Certifications and
      Assurances that apply to your Applicant
      and also a designated field for selecting
      all 24 Groups of which only the
      requirements that apply to your
      Applicant will be enforced.
      The “Certs & Assurances” tab has a
      field for you to enter your personal
      identification number (PIN), which is
      your electronic signature. There is also
      a field for the Attorney’s PIN, affirming
      your Applicant’s legal authority to make
      and comply with the Certifications and
      Assurances you have selected on your
      Applicant’s behalf. You may enter your
      PIN in place of the Attorney’s PIN,
      provided that your Applicant has on file a
      similar affirmation that has been
      written, dated, and signed by its
      Attorney in FY 2013.
      b. Paper Submission. You may submit
      your Applicant’s FY 2013 Certifications
      and Assurances on paper only if you
      cannot submit them electronically in
      TEAM-Web and FTA agrees to accept
      hard copy submissions. In that case, you
      must submit the Signature Page(s) in
      Appendix A of this Notice indicating the
      Groups of Certifications and
      Assurances your Applicant is providing
      if you cannot submit them
      electronically. You may place a single
      mark in the designated space to signify
      your Applicant’s agreement to comply
      with all Groups of Certifications and
      Assurances to the extent that they apply
      to your Applicant, or select the specific
      Groups of Certifications and Assurances
      that apply to your Applicant and its
      Projects.
      You must enter your signature on the
      Signature Page(s) and provide an
      Affirmation by your Applicant’s
      Attorney concerning your Applicant’s
      legal capacity to make and comply with
      the FY 2013 Certifications and
      Assurances you have selected on your
      Applicant’s behalf. You may enter your
      signature in place of the Attorney’s
      signature in the Affirmation by
      Applicant’s Attorney part of the
      Signature Page, provided that your
      Applicant has on file a similar
      affirmation, written, dated, and signed
      by its Attorney in FY 2013.
      For more information, you may
      contact the appropriate FTA Regional or
      Metropolitan Office.
      Authority. 49 U.S.C. chapter 53; the
      Moving Ahead for Progress in the 21st
      Century Act (MAP–21) Pub. L. 112–141,
      June 6, 2012; other Federal laws administered
      by FTA; U.S. DOT and FTA regulations codified
      or to be codified in Title 49, Code of Federal
      Regulations; and FTA Circulars.
      Issued in Washington, DC, this 7th day of
      February, 2013.
      Peter M. Rogoff,
      Administrator.
      (FR Doc. 2013–03335 Filed 2–12–13; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Agency Information Collection Activity
Under OMB Review; Reports, Forms
and Recordkeeping Requirements

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for
comments.

SUMMARY: In compliance with the
Paperwork Reduction Act of 1995 (44
U.S.C. 3501 et seq.), this notice
announces that the Information
Collection abstracted below has been
forwarded to the Office of Management
and Budget (OMB) for review and
approval. The nature of the information
collection is described as well as its
expected burden. The Federal Register
Notice with a 60-day comment period
soliciting comments on the following
collection of information was published
on October 22, 2012, and comments
were due on December 21, 2012. No
comments were received.

DATES: Comments must be submitted on
or before March 15, 2013.

ADDRESSES: Send comments regarding
this collection to the Office of
Information and Regulatory Affairs,
Office of Management and Budget,
725 17th Street NW., Washington, DC 20503,
Attention: MARAD Desk Officer.
Alternatively comments may be sent via
email to the Office of Information and
Regulatory Affairs, Office of
Management and Budget, at the
following address:
oira.submissions@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Lisa
Simmons, Maritime Administration,
1200 New Jersey Avenue SE.,
Washington, DC 20590. Telephone:
202–366–2321; FAX: 202–366–7901 or
email: lisa.simmons@dot.gov.

Copies of
this collection also can be obtained from
that office.

SUPPLEMENTARY INFORMATION: Maritime
Administration (MARAD).

Title of Collection: Application for
Capital Construction Fund and Exhibits.

OMB Control Number: 2133–0027.

Type of Request: Extension of
currently approved collection.

Affected Public: U.S. citizens who
own or lease one or more eligible
vessels and who have a program to
provide for the acquisition, construction
or reconstruction of a qualified vessel.

Form Number: None.

Abstract: This information collection
consists of an application for a Capital
Construction Fund (CCF) agreement
under 46 U.S.C. Chapter 535 and annual
submissions of appropriate schedules
and exhibits. The Capital Construction
Fund is a tax-deferred ship construction
fund that was created to assist owners
and operators of U.S.-flag vessels in
accumulating the large amount of
capital necessary for the modernization
and expansion of the U.S. merchant
marine. The program encourages
construction, reconstruction, or
acquisition of vessels through the
deferral of Federal income taxes on
certain deposits of money or other
property placed into a CCF.

Annual Estimated Burden Hours:
1790 hours.

Comments Are Invited on: Whether
the proposed collection of information
is necessary for the proper performance
of the functions of the agency, including
whether the information will have
practical utility; the accuracy of the
agency’s estimate of the burden of the
proposed information collection; ways
to enhance the quality, utility and
clarity of the information to be
collected; and ways to minimize the
burden of the collection of information
on respondents, including the use of
automated collection techniques or
other forms of information technology.
A comment to OMB is best assured of
having its full effect if OMB receives it
within 30 days of publication.

Authority: 49 CFR 1.93.

Julie P. Agarwal,
Secretary, Maritime Administration.

[FR Doc. 2013–03297 Filed 2–12–13; 8:45 am]