



Delaware Transit Corporation FY 2024 Application for FTA Section 5310 Program

Due: February 7, 2024

NOTE: Please complete all sections of this application.

Application packages with incomplete information and/or missing information will not be considered for funding.

PURPOSE OF APPLICATION VEHICLE REQUEST _____ TO PROVIDE TRIPS _____

Agency (Applicant) Name:

Duns Number

Physical Address (No P.O. Box)

City

County

Zip

Contact Person

Phone

Fax

E-Mail Address

Name of Authorizing Representative certifying to the information contained in this application is true and accurate:

Printed Name: _____ Title: _____

Signature (Authorizing Representative) _____

Email: _____ Phone Number: _____

Delaware Transit Corporation
DART First State
119 Lower Beech St.
Wilmington, DE 19805

If Agency is interested in providing trips to their facility, please submit a letter of intent.

If Agency is applying for vehicles, please complete the full application.

Coordinated Plan Certification

In 2012, Congress enacted MAP-21 continued the requirement that projects funded with 5310 funds be derived from a locally developed, coordinated public transit-human services transportation plan. For an application to be considered for funding it must be derived from one of the locally developed, coordinated public transit-human services transportation plans for the State of Delaware.

You must list how your request for a vehicle meets an **unmet need or a coordination strategy identified** in the New Castle County, Kent County or Sussex County Coordinated Transit/Transportation Plans.

(These Plans are available on DART'S Website - DARTFIRSTSTATE.com) click on DART programs, then on 5310 programs, the coordination plans can be found under programs.

Section 1 – Service Description

1. Type of Application (Check only one)

(a) Replacement of existing 5310 vehicle

(a) _____

(b) Expansion of current 5310 fleet

(b) _____

(c) New to the 5310 Program

(c) _____

If you are requesting replacement equipment, explain why the vehicle(s) need replacement to ensure continuance of existing services.

Vehicles to be replaced:

Year	VIN Number	Mileage	12 Month Maintenance & Repair Costs

If you are requesting an expansion bus, please explain the new service or growth your agency is experiencing, the projected increase in the number of clients you will serve, and the basis for your estimates. Describe the service area, the type of service the vehicle(s) you are requesting will provide and how it relates to the needs assessment in the Coordinated Plan. Use a separate sheet of paper if necessary.

2. Total size of fleet after acquisition (check only one):

- (a) _____ +10
- (b) _____ 5 - 9
- (c) _____ 4 or less

3. How would you use this equipment if granted (check all that apply):

- Expand to new clients (a) _____
- Expand to non-agency clients (b) _____
- Expand to new area (c) _____
- Extend hours of service (d) _____
- Increase frequency of service (e) _____
- Subcontract services (f) _____
- Maintain existing services (g) _____

4. (A) Anticipated number of **elderly and/or disabled persons** eligible for 5310 transportation service:

_____ number of persons

(B) Anticipated total annual **elderly and/or disabled** passenger trips* per requested vehicle:

_____ number of annual passenger trips

* Passengers are counted each time they board the vehicle and travel from their origin to their destination.

5. Current vehicle fleet (attach additional sheet if necessary) (list vehicles acquired through DTC only)

Year	VIN #	Mileage

Section 2- Type of Equipment (Number your first & second choice) Please note that there is no guarantee that your choices will be awarded.

- 1. Ford E450, 16 passenger paratransit bus _____
- 2. Ford Transit 11 passenger with flip seats _____
 - For up to 3 wheelchairs and 5 seated passengers _____
- 3. Dodge Caravan with a wheelchair ramp for 1 wheelchair and 3 seated passengers _____

Section 3 - Clientele Served:

1. What type of program(s) will request equipment be used for (check all that apply)

Client Type

- Elderly _____
- Disabled _____

Transportation Purpose

- Medical _____
- Education _____
- Nutrition _____
- Shopping/Personal _____
- Recreational/Social _____
- Employment/Training _____
- Other _____

If other, please list:

- 2. Programs listed above are (check only one):
 - Are currently provided by agency (a) _____
 - Would be new service for existing clientele (b) _____
 - Would be new/existing service to increase clientele (c) _____
- 3. Will service with requested equipment be available to non-agency clients?
 - Yes (a) _____
 - No (b) _____

4. (A) Days of the week that the vehicle would be operating (circle all applicable days):
Monday Tuesday Wednesday Thursday Friday Saturday Sunday

(B) Operating hours for vehicle requested: _____ total hours per day.
list hours _____

(C) Geographic operating area currently served (Check all that apply):

New Castle County _____

Kent County _____

Sussex County _____

5. How will the vehicle requested assist the overall transportation needs of the community: Please describe in detail what your agency does, what services for the elderly and/or disabled you provide and how the vehicle will be used within your agency. Submit on a separate sheet if necessary.

If you are new to the 5310 program you must submit with your application any brochure, pamphlet, agency program listing, etc., that validates the description listed below. If you are new to the 5310 Program, but your agency currently has a transportation program please include current operating statistics such as, hours, miles, services days, and daily ridership.

Section 4 - Transportation Alternatives

- 1. Client dependency on agency transportation (**check only one**):
 - entirely dependent on agency, there are no other means of transportation currently available (a) _____
 - partially dependent, other means of transportation are available (b) _____

- 2. DTC fixed-route service is available in the service area?
 - Yes (a) _____
 - No (b) _____

- 3. DTC or other paratransit transportation services are available to meet travel requirements:
 - Yes (a) _____
 - No (b) _____

If no, please explain why? _____

- 4. Will the acquisition of the equipment requested in this application decrease the agency's usage of DTC paratransit service?
 - Yes _____ No _____

- 5. Will the acquisition of the equipment requested in this application decrease the agency's usage of DTC fixed route service?
 - Yes _____ No _____

Section 5 – Appropriateness of Service

- 1. If applicant is unsuccessful in obtaining equipment, the probable consequences are (**check only one**):
 - (A) Programs designed to serve individuals whose needs are now unmet due to a lack of transportation would not be started.
 - (a) _____

Please explain: _____

(B) Existing programs can be maintained but no improvement will be made to the mobility of elderly and disabled persons.

(b) _____

Please explain: _____

(C) Existing programs must be curtailed or eliminated

(c) _____

Please explain: _____

2. Why does your agency want to provide transportation services?

Section 6 - Coordination Efforts

1. Check which of the following your agency has contacted during the past year to coordinate services?

_____ Area Agency on Aging
_____ City Government

_____ County Government
_____ Medical Agency

_____ Group Home
_____ Hospital
_____ Private Operator

_____ Nursing Home
_____ Taxi Operator
_____ Senior Center

Total Number Checked: _____

2. Briefly describe your coordination efforts and the results: _____

3. Are there organizational impediments to coordination within your agency?
(Example: Restrictions described in Charter)
Yes (a) _____
No (b) _____

If yes, please explain: _____

4. Is your agency willing to make organizational changes that will allow it to participate
in a Coordination effort?
Yes (a) _____
No (b) _____

5. Would your agency be interested in an Interagency Agreement to provide service to
other agencies
lacking transportation services?
Yes (a) _____
No (b) _____

Section 7 – Operating Information

1. Driver Training (**check only one**):
- a. Drivers will be given several hours of training and on-the-job instruction. Those assigned to handicapped accessible vehicles will be given additional training.
(a) _____
 - b. Drivers will be given on-the-job training by a supervisor who will accompany the driver on the first several trips.
(b) _____
 - c. No special training will be given
(c) _____

2. Has your organization provided any of the following special training to your employees during the last year? (Check all that apply)

- (a) _____ Emergency Procedures
- (b) _____ Accident Reporting
- (c) _____ Sensitivity Training
- (d) _____ Defensive Driving
- (e) _____ Wheelchair Lift Operations
- (f) _____ Passenger Assistance
- (g) _____ Other: _____

3. Vehicle Storage (**check only one**):
- Vehicle will be stored in a fenced location at agency
(a) _____
 - Vehicle will be stored at home of driver
(b) _____
 - No storage provisions made yet
(c) _____

If not stored at the agency’s location, explain where the vehicle will be stored:

4. When selecting drivers, do you (check all that apply):
- Check driving record (a) _____
 - Required a Class D Driver License to operate vehicle under 26,000lbs
Carrying less than 16 passengers (b) _____
 - Required a Commercial Driver License with Passenger Endorsement (c) _____
 - Require physical examination (d) _____
 - Require illegal substance screening (e) _____

Section 8 - Fiscal, Capital, and Technical Capabilities

1. How many years has your organization provided transportation services in your area? _____ # of years
2. Dependency on Section 5310 funding (check only one)
If funding is not available for equipment purchase, agency could potentially access other funding sources
(a) _____

If funding is not available, equipment will not be acquired.

(b) _____

Has your organization applied for equipment funding from other sources. If so, please list sources and amounts requested:

Yes _____

No _____

<u>Funding Source</u>	<u>Amount Requested</u>
_____	_____
_____	_____
_____	_____

3. Contributed Capital (if your agency pledges any money and is selected for an award, DTC will require that your agency submit the money when the vehicle order is placed)

\$ _____

How will payment of Contributed Capital be made: (i.e. Check from agency or contribution from local elected official)

4. Please indicate the status of your agency (check only one):

- _____ Private nonprofit organization
- _____ Public agency (state or local governmental authority)
- _____ Provider of public transportation services (includes private operators of public transportation services).

5. Who will be responsible for the administration of the 5310 Program within your agency? List their name and phone number along with a summary of their job responsibilities.

6. You must include with this application an organizational chart for your agency that identifies the positions that are responsible for the administration of this program.

NOTE: The following certification must be completed by the person in your agency who is responsible for fiscal management. Failure to complete this portion **will** result in your application not receiving consideration for funding.

I certify that, based on my experience with

_____,
(Agency Name)

and a review of the organizational records, that the organization has the requisite fiscal and managerial capabilities to carry out the proposed project.

Signature of Official of the Organization

Date

Print name of Official of the Organization

Service Breakdown by Racial Classification and National Origin

Agency Name: _____

1. Projected number of individuals to be serviced monthly by Section 5310 vehicle(s):

_____ # of individuals

Number of Black individuals included in #1 _____ %

Number of Hispanic individuals included in #1 _____ %

Number of Asian individuals included in #1 _____ %

Number of White individuals included in #1 _____ %

Other, please specify _____ %

Total (must be 100%) _____ %

Certifications and Assurances Instructions

To receive Section 5310 funding for eligible activities and vehicles, an applicant must provide certain Certifications and Assurances required by Federal Laws and Regulations.

The Certifications and Assurances are a compilation of Federal Certification and Assurance requirements for the Section 5310 Program and represent the Federal Transit Administration's (FTA) current expectations concerning the responsibilities of the grant applicants.

Accompanying the Certifications and Assurances is a signature page which allows the application to certify compliance with all Certifications and Assurances pertinent to the Section 5310 Program,

The signature page is to be signed by the applicant's authorized representative.

Please be advised that these Certifications and Assurances will be updated each Federal Fiscal Year in October.

The Delaware Transit Corporation (DTC) will distribute updated Certifications and Assurances each year and they are required to be signed and returned to DTC.

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision.

Text in italic is guidance to the public. It does not have the force and effect of law and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

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

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728– 4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM’s Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
 - (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination because of race, color, or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21.
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681– 1683, and 1685–1686), which prohibits discrimination because of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25.
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination because of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27.
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101– 6107), which prohibits discrimination because of age.
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination because of drug abuse.
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination because of alcohol abuse or alcoholism.
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records.
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing.
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,

(11) the requirements of any other nondiscrimination statute(s) which may apply to the application.

(g) Will comply, or has already complied, with the requirements of Titles II and III of the

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired because of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

(h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

(i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C.

§§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction sub agreements.

(j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

(k) Will comply with environmental standards which may be prescribed pursuant to the following:

- (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514.
- (2) Notification of violating facilities pursuant to EO 11738.
- (3) Protection of wetlands pursuant to EO 11990.
- (4) Evaluation of flood hazards in floodplains in accordance with EO 11988.
- (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.).

- (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.).
- (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
- (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (Identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, "Audit Requirements", as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
- (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
- (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period that the award is in effect.

- (2) Procuring a commercial sex act during the period that the award is in effect; or
- (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

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

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

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency regarding the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.325, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

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

Federal Awards,” 2 CFR Part 200, particularly 2 CFR §§ 200.317–200.327
“Procurement Standards.

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

1.4. Suspension and Debarment.

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

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

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

1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.

The applicant certifies:

- (a) To the maximum extent possible, funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

1.6. American Rescue Plan Act Funding.

The applicant certifies:

- (a) Funds made available by Section 3401(a)(2)(A) of the American Rescue Plan Act of 2021 (Public Law 117-2) shall be directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a Public Transportation Agency Safety Plan on behalf of a Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) pursuant to 49 CFR § 673.11(d).

This certification is required by 49 U.S.C. § 5307(c)(1)(L), 49 U.S.C. § 5329(d)(1), and 49 CFR § 673.13. This certification is a condition of receipt of Urbanized Area Formula Grants Program (49 U.S.C. § 5307) funding.

This certification does not apply to any applicant that only receives financial assistance from FTA under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C.

§ 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs, unless it operates a rail fixed guideway public transportation system.

If the applicant is an operator, the applicant certifies that it has established a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673; including, specifically, that the board of directors (or equivalent entity) of the applicant has approved, or, in the case of an applicant that will apply for assistance under 49 U.S.C. § 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under 49 U.S.C. § 5329(d)(5), followed by the board of directors (or equivalent entity) of the applicant has approved, the Public Transportation Agency Safety Plan or any updates thereto; and, for each recipient serving an urbanized area with a population of fewer than 200,000, that the Public Transportation Agency Safety Plan has been developed in cooperation with frontline employee representatives.

If the applicant is a State that drafts and certifies a Public Transportation Agency Safety Plan on behalf of a public transportation operator, the applicant certifies that:

(a) It has drafted and certified a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673 for each Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) in the State, unless the Small Public Transportation Provider provided notification to the State that it was opting out of the State-drafted plan and drafting its own Public Transportation Agency Safety Plan; and

(b) Each Small Public Transportation Provider within the State that opts to use a State drafted Public Transportation Agency Safety Plan has a plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 CFR § 673.5), Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5), and, if the Small Public Transportation Provider serves an urbanized area with a population of 200,000 or more, the safety committee of the Small Public Transportation Provider established under 49 U.S.C. § 5329(d)(5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax-exempt status), it must make this certification. Federal appropriations act since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act,

2023, Pub. L. 117-328, div. E, tit. VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

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

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

CATEGORY 4. LOBBYING.

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

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

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

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

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee

of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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

4.2. Statement for Loan Guarantees and Loan Insurance.

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

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

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

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

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

5.1. Charter Service Agreement.

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

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

5.2. School Bus Agreement.

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

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the

Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).

- (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

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

The applicant certifies that it follows 49 CFR Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

7.1. Rolling Stock Buy America Reviews.

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

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

7.2. Bus Testing.

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

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

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program

(49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program

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

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program.
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities; (c) Will maintain equipment and facilities in accordance with the applicant’s transit asset management plan.
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior.
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements).
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements).
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);

- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304.
(Statewide and nonmetropolitan transportation planning).
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation.
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
 - (2) Has decided that the expenditure for security projects is not necessary.
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

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

- (a) The applicant certifies that its state program for public transportation service projects, including agreements with private providers for public transportation service—

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

CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

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

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and

- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants), subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C.

§ 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants), subsection (b) (bus and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.

If the applicant will receive a competitive award under subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) related to zero emissions vehicles or related infrastructure, it must make the following certification. This certification is required by 49 U.S.C. § 5339(d).

The applicant will use 5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) to fund workforce development training as described in section 49 U.S.C. § 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient's plan to address the impact of the transition to zero emission vehicles on the applicant's current workforce; or the applicant certifies a smaller percentage is necessary to carry out that plan.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

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

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

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

49 U.S.C. § 5323(u)(4). Note that this certification is not limited to the use of Federal funds.

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625. If the applicant operates a rail fixed guideway service, the applicant certifies that, in the fiscal year for which an award is available to the applicant under the State of Good Repair Grants Program, 49 U.S.C. § 5337, the applicant will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in 49 U.S.C. § 5323(u)(1).

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

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

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

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

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

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

- (a) Compliant with the requirements of 49 CFR Part 672, “Public Transportation Safety Certification Training Program”; and
- (b) Compliant with the requirements of 49 CFR Part 674, “State Safety Oversight”.

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

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

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

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

CATEGORY 18. INTEREST AND FINANCING COSTS.

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

The applicant certifies that:

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

CATEGORY 19. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

CATEGORY 20. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).

Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines

otherwise in writing. Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, for Awards made on or after December 26, 2014,
 - (2) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR Part 18, specifically former 49 CFR. § 18.36, for Awards made before December 26, 2014, or
 - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
 - (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),

- (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
- (4) Category 09 (Formula Grants for Rural Areas),
- (5) Category 15 (Alcohol and Controlled Substances Testing), and
- (6) Category 17 (Demand Responsive Service).

CATEGORY 21. EMERGENCY RELIEF PROGRAM.

An applicant to the Public Transportation Emergency Relief Program, 49 U.S.C. § 5324, must make the following certification. The certification is required by 49 U.S.C. § 5324(f) and must be made before the applicant can receive a grant under the Emergency Relief program.

The applicant certifies that the applicant has insurance required under State law for all structures related to the emergency relief program grant application.

FEDERAL FISCAL YEAR 2023 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

(Signature pages alternate to providing Certifications and Assurances in the Transit Award Management System (TrAMS.))

Name of Applicant: _____

The Applicant certifies to the applicable provisions of all categories: (*check here*) _____.

Or,

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

Category	Certification
01 Certifications and Assurances Required of Every Applicant	_____
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	_____
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____

- 10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program _____
- 11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs _____
- 12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs _____
- 13 State of Good Repair Grants _____
- 14 Infrastructure Finance Programs _____
- 15 Alcohol and Controlled Substances Testing _____
- 16 Rail Safety Training and Oversight _____
- 17 Demand Responsive Service _____
- 18 Interest and Financing Costs _____
- 19 Cybersecurity Certification for Rail Rolling Stock and Operations _____
- 20 Tribal Transit Programs _____
- 21 Emergency Relief Program _____

CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

AFFIRMATION OF APPLICANT

Name of the Applicant: _____

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

The Certifications and Assurances the Applicant selects apply to each Award for which it now seeks or may later seek federal assistance to be awarded by FTA during the federal fiscal year.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute in signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____

Date _____

Name _____ Authorized Representative of Applicant

Affirmation of Applicant's Attorney

For (Name of Applicant): _____

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

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: _____

Name _____ Attorney for Applicant

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

Title VI Notice to the Public

Long Title VI Public Notice

Your Rights Under Title VI

[Your Agency's Name] operates its program and services with no regard to race, color, or national origin in accordance with Title VI of the 1964 Civil Rights Act. Any person who believes that he or she has been aggrieved by any unlawful discriminatory practice covered under Title VI may file a complaint with our agency.

Any such complaint must be in writing and filed with this agency within 180 days following the date of the alleged discriminatory occurrence.

Form information on our nondiscrimination obligations or how to file a complaint, please contact **[Your Agency's Name]** by any of the methods listed below.

Agency Name and Address: _____

Phone Number: _____

Email Address: _____

Fax Number: _____

If this information is needed in another language, please contact us.

Title VI Notice to the Public

Short Title VI Public Notice

[Your Agency's Name] operates its program and services with no regard to race, color, and national origin in accordance with Title VI of the 1964 Civil Rights Act.

To find out more about our nondiscrimination obligations or to file a complaint, please contact us at **[Your Agency's Phone Number]**.

Name of Agency

2024 – 2025 Title VI Implementation Plan

[Insert Agency brand, logo here or put this cover page on agency letterhead]

Adopted date:

Month __, 20__

Note: Throughout this document **Yellow highlighted** text represents instruction for the non-profit agency.

Note: Throughout this document, **Red highlighted** text represents actual sample documents and/or material to provide by the non-profit agency.

Table of Contents

<u>Chapter Number</u>	<u>Chapter Title</u>
1.	Introduction
2.	Overview of Services
3.	Policy Statement and Authorities
4.	Annual Nondiscrimination Assurance to DTC
5.	Plan Approval Document
6.	Organization and Title VI Program Responsibilities
7.	General Reporting Requirements

8. Appendices
 - A Title VI Notice to the Public; List of Locations
 - B Title VI Complaint Form
 - C Investigations, Lawsuits and Complaints Document/Log
 - D Public Participation Plan (PPP)
 - E Language Assistance Plan (LAP) Plan
 - F Table – Minority representation on Committees by Race

Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination because of race, color, or national origin in programs and activities receiving Federal Financial Assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Delaware Transit Corporation (DTC) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how **[Name of Agency]**, a private non-profit organization, incorporates nondiscrimination policies and practices in providing transportation services to its clients.

2. Overview of Services

[Insert description about your organization and the transportation services you provide. Please be mindful to describe your overall agency and mission with emphasis on how your federally funded transportation component fits in and serves your clients. This description should parallel the service description provided in your latest 5310 grant application, but with enough detail so that there is a thorough understanding of where and when your transportation services are provided and to exactly whom under what restrictions or program requirements]

3. Policy Statement and Authorities

Title VI Policy Statement

[Name of Agency] is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

[Name of Agency]'s Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Signature of Authorizing Official

Date

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted);

U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

4. Nondiscrimination Assurances to DTC

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when the Delaware Transit Corporation (DTC) submits its annual certifications and assurances to FTA. DTC shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to DTC at the time of grant application and award, **[Name of Agency]** submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination because of a disability (ADA).

In signing and submitting the assurance, **[Name of Agency]** confirms to DTC our commitment to nondiscrimination and compliance with Federal and State requirements.

5. Plan Approval Document

[The agency's Title VI Plan must be approved by the agency's governing body. Below is sample approval language the agency may use to do so.]

I hereby acknowledge the receipt of the [Name of Agency] Title VI Implementation Plan 2023-2024. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in or denied the benefits of [Name of Agency's] transportation services because of race, color, or national origin, as protected by Title VI according to C 4702.1B Title VI requirements and guidelines for Federal Transit Administration sub-recipients.

Signature of Authorizing Official
Name, Title
Agency Name

Date

NOTE: Provide here or as an Appendix, a copy of meeting minutes, resolution, or other appropriate documentation showing that the Board of Directors or appropriate Governing Entity or Official(s) responsible for policy decisions has reviewed and approved the Title VI Program.

6. Organization and Title VI Program Responsibilities

Under the authority of **[Name of Agency]**, the **[Agency Authorizing Official's title]** will serve as the Title VI Manager and is responsible for ensuring implementation of the agency's Title VI program. **(Note: More than one official may be designated to serve as the Title VI official).** The specific areas of responsibility are described below.

Overall Organization for Title VI

The Title VI Manager and staff are responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

Title VI Manager Responsibilities

The Title VI Manager is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received.
2. Collect statistical data (race, color, or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of Federal aid funded contracts administered through the agency.
5. Conduct training programs on Title VI and other related statutes for agency employees.
6. Prepare a yearly report of Title VI accomplishments and goals, as required.
7. Develop Title VI information for dissemination to the public client group(s) served and, where appropriate, in languages other than English.
8. Identify and eliminate discrimination.
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.

General Title VI Responsibilities of the Agency

The Title VI Manager is responsible for substantiating that these elements of the plan are appropriately implemented and maintained, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

1. Data Collection

To ensure that Title VI reporting requirements are met, [**Name of Agency**] will maintain:

- A database or log of Title VI complaints received. The investigation of and response to each complaint is tracked within the database or log.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

2. Annual Report and Updates

As a sub-recipient of FTA funds, [**Name of Agency**] is required to submit a Quarterly Report Form to DTC that documents any Title VI complaints received during the preceding quarter and for each year. [**Name of Agency**] will also maintain and provide DTC on an annual basis, the log of public outreach and involvement activities undertaken to ensure that client minority and low-income people have had meaningful access to these activities.

Further, we will submit to DTC updates to any of the following items since the previous submission, or a statement to the effect that these items have not been changed since the previous submission date:

- A copy of any compliance report regarding reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations.
- Public Participation Plan (PPP).
- Language Assistance Plan (LAP).
- Procedures for tracking and investigating Title VI complaints.
- A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submission.
- A copy of the agency notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint.
- Minority Representation on Committees Log.

3. Annual Review of Title VI Program

Each year, in preparing for the Annual Report and Updates, the Title VI Manager will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of Information Related to the Title VI Program

Information on our Title VI program will be disseminated to agency employees, contractors, and beneficiaries, as well as to program beneficiaries, as described in the "Public Outreach and Involvement" section of this document, and in other languages when needed according to the LAP plan as well as Federal and State laws/regulations.

5. Resolution of Complaints

Any individual may exercise his or her right to file a complaint if that person believes that he, she or any other program beneficiaries have been subjected to prohibited non-discrimination requirements or to unequal treatment or discrimination in the receipt of benefits/services. **[Name of Agency]** will report the complaint to DTC within three business days (per DTC requirements), and make a concerted effort to resolve complaints locally, using the agency's Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under Element 1, Data Collection, and reported annually (in addition to immediately) to DTC.

6. Written Policies and Procedures

Our Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the Annual Title VI Program Review (Element 3 above), the Title VI Manager will determine whether an update is needed.

7. Internal Education

Our employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, our obligations under Title VI (LEP requirements included), required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint.

Title VI training is the responsibility of **[Title of responsible individual(s)].**

8. Title VI Clauses in Contracts

In all Federal procurements requiring a written contract or Purchase Order (PO), **[Name of Agency]**'s contract/PO will include appropriate non-discrimination clauses. The Title VI Manager will work with the **[Title of individual(s)]** who is/are responsible for procurement contracts and PO's to ensure appropriate Federal non-discrimination clauses are included.

7. General Reporting Requirements

Requirement to Provide a Title VI Public Notice

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, [**Name of Agency**] shall disseminate this information to the public by posting a Title VI notice on the agency's website, in public areas of the agency's office(s), including the reception desk, meeting rooms, in all Federally funded vehicles, etc. ***The following Sample Public Notice is to be included as APPENDIX A- Title VI Notice to the Public; List of Locations and displayed in your vehicles and facilities. Place Notice on agency letterhead:***

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

(Agency Name) is committed to ensuring that no person is excluded from participation in or denied the benefits of its transportation services based on race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you need more information or feel you are being denied participation in or being denied benefits of the transit services provided by **(Agency Name)**, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

Name
Title
Agency Name
Address
City, State Zip code
Telephone Number
Email address

As part of Title VI requirements, subrecipients are also required to maintain a list of locations where their Title VI Notices have been posted or displayed. This list is to be included as part of APPENDIX A - Title VI Notice to the Public: List of Locations.

Title VI Complaint Procedures

Requirement to develop Title VI Complaint Procedures and Complaint Form.

To comply with the reporting requirements established in 49CFR Section 21.9(b), **[Name of Agency]** shall develop procedures for investigating and tracking Title VI complaints filed against us and will make these procedures for filing a complaint available to members of the public. **[Name of Agency]** has also developed a Title VI complaint form. The form and procedure for filing a complaint are available on the **[Name of Agency]** website and at their facilities.

Sample of Narrative

Any individual may exercise his or her right to file a complaint with **[Name of Agency]** if that person believes that he or she have been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to DTC within three business days (per DTC requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to DTC.

A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th floor – TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.

[Name of Agency] includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

[Name of Agency] is committed to ensuring that no person is excluded from participation in or denied the benefits of its transportation services based on race, color, or national origin, as protected by Title VI in the Federal Transit Administration (FTA) Circular 4702.1B. For additional information on [Name of Agency]'s nondiscrimination policies and procedures, or to file a complaint, please visit the website at _____ or contact (Name, Title, and Mailing address of the Title VI Manager).

A copy of the Title VI Complaint Form is attached as APPENDIX B and a sample the subrecipient may use is provided below.

Sample Title VI Complaint Form – Page 1:



Delaware Transit Corporation
Title VI Complaint Form



Section 1:

Name: _____

Address: _____

Telephone (Cell): _____	Telephone (Home): _____	Telephone (Work): _____
-------------------------	-------------------------	-------------------------

Email Address: _____

Accessible Format Requirements Needed?	Large Print _____	Audio Tape _____
	TDD _____	Other _____

Section 2:

Are you filing this complaint on your own behalf:	Yes* _____	* If you answered "Yes" to this question, go to Section 3.
	No _____	

If you answered "No", please supply the name and relationship of the person for whom you are complaining: _____

Please explain why you have filed for a third party: _____

Please confirm that you have obtained the permission of the aggrieved party if you are filing on the behalf of a third party.	Yes _____	No _____
---	-----------	----------

Section 3:

I believe that the discrimination I have experienced was based on (Check all that apply):

Race Color National Origin Sex Age Disability Low Income

Date of Alleged Discrimination (Month, Day, Year): _____

On a separate sheet of paper that must accompany to this complaint form when it is submitted, please explain as clearly as possible what happened and why you believe you were discriminated against. Please describe all persons who were involved, and include the name and contact information of the person (s) who discriminated against you (if known) as well as names and contact information of any witnesses.

Section 4:

Have you previously filed a Title VI complaint with this agency?	Yes _____
	No _____

Section 5:

Have you filed this complaint with any other Federal, State, or Local Agency, or with any Federal or State Court?

Yes No

If you answered "Yes", please check all that apply:

Federal Agency: _____ State Agency: _____

Federal Court: _____ Local Agency: _____

State Court: _____

Please provide information about the contact person at the agency or court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone Number: _____

Sample Title VI Complaint Form – Page 2:

Section 6:	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone Number:	
Please attach any additional materials or information that you believe is relevant to your complaint.	
Signature and date are required below:	
_____	_____
Signature	Date
Please mail to or submit this form in person at the address below:	
Delaware Transit Corporation	
Crystal Alexander-Wilson	
Contract Coordinator	
119 Lower Beech Street	
Wilmington, DE 19805	
Please submit this form by email to:	
dart5310program@delaware.gov	



Procedures for Handling and Reporting Investigations/Complaints and Lawsuits

Instructions for filing Title VI complaints are posted on the agency's website and provided below. Should any Title VI investigations be initiated by FTA or DTC, or should any Title VI lawsuits be filed against [**Name of Agency**], the agency will follow these procedures:

Procedures

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination based on race, color, or national origin may file a written complaint with the Title VI Manager.

The complaint is to be filed in the following manner:

- a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
- b. The complaint should include:
 - Complainant's name, address, and contact information (i.e., telephone number, email address, etc.)
 - Date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance).
 - Description of the alleged act of discrimination.
 - Location(s) of the alleged act of discrimination (include vehicle number if appropriate).
 - Explanation of why the complainant believes the act to have been discriminatory because of race, color, or national origin.
 - If known, the names and/or job titles of those individuals perceived as parties in the incident.
 - Contact information for any witnesses.
 - Indication of any related complaint activity (i.e., was the complaint also submitted to DTC or FTA?).
- c. The complaint shall be submitted to the Title VI Manager at [**Mailing address**] and/or [**email address**].

- d. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager.
2. Upon receipt of the complaint, the Title VI Manager will immediately:
 - a. Notify DTC (no later than 3 business days from receipt).
 - b. Notify [**Name of Agency**] Authorizing Official.
 - c. Ensure that the complaint is entered in the complaint database.
 3. Within 3 business days of receipt of the complaint, the Title VI Manager will contact the complainant by telephone to set up an interview.
 4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
 5. If DTC has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.
 6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
 7. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
 8. The investigation may also include:
 - a. Investigating contractor operating records, policies or procedures.
 - b. Reviewing routes, schedules, and fare policies.
 - c. Reviewing operating policies and procedures.
 - d. Reviewing scheduling and dispatch records.
 - e. Observing behavior of the individual whose actions were cited in the complaint.
 9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
 10. The Title VI Manager will contact the complainant at the conclusion of the investigation (but prior to writing the final report) and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.

11. At the conclusion of the investigation and **within 60 days** of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Authorizing Official, the DTC, and if appropriate our legal counsel.
12. The Title VI Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to DTC in the event the complainant wishes to appeal the determination. This letter will be copied to DTC.
13. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. An interview cannot be scheduled with the complainant after reasonable attempts.
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.

Transportation-Related Title VI Investigations, Complaints, and Lawsuits

Background

All sub-recipients shall prepare and maintain a list/log of any of the following that allege discrimination because of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA.
- Lawsuits.
- Complaints naming the recipient.

This list/log shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list/log shall be included in the Title VI Program submitted to DTC every three years and information shall be provided to DTC quarterly and annually.

NOTE, the sample below is provided for the purposes of tracking and documenting your civil rights (Title VI, EEO and ADA) investigations, lawsuits and/or complaints. It may be modified to suit your agency

needs but must include all essential elements described above, and it may not be used to replace the agency's Complaint Form. Provide your list/log as APPENDIX C.

Sample list of Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color or national origin)	Status	Action(s) taken
Investigations				
1.				
Lawsuits				
1.				
Complaints				
1.				

Public Outreach and Involvement- Public Participation Plan

Introduction

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that [**Name of Agency**] utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and Limited English Proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under Federal regulations, 5310 service providers must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include:

- Public participation design factors.
- A range of public participation methods to provide information to invite participation and/or to seek input.
- Examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized.
- Performance measures and objectives to ensure accountability and a means for improving over time.

[Name of Agency] established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

[Name of Agency] will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

NOTE: FTA has developed a Circular, 4703.1, “Environmental Justice Policy Guidance for Federal Transit Administration Recipients,” that includes many examples of effective strategies for engaging minority and low-income populations. FTA Chap. III-5 FTA C 4702.1B encourages recipients to review that Circular for ideas when developing their public engagement strategy.

A sample of effective public outreach practices follows. It is possible that a private non-profit agency may not have to employ many or any of these practices, but you must document this if such is the case.

Effective Public Outreach Practices Include:

- Determining and identifying what meetings and program activities lend themselves to client public participation.
- Scheduling meetings at times and locations that are convenient and accessible for
- minority and LEP communities.
- Employing different meeting sizes and formats.
- Coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

You will submit as part of APPENDIX D-Public Participation Plan a summary of the public outreach activities your organization has participated over the past year(s) which may include the specific practices above and/or others your agency has been engaged in.

Access for Limited English Proficient (LEP) Persons

Language Assistance Plan (LAP)

Introduction and Legal Basis

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13116, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities.

As required, [**Name of Agency**] developed a written LAP Plan (below) to address the needs of the LEP population(s) it serves. Using 2010 and American Community Survey (ACS) Census data, [**Name of Agency**] has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

Assessment of Needs and Resources

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

- Factor 1: Assessment of the number and proportion of LEP persons likely to be served or encountered in the eligible service population.
- Factor 2: Assessment of frequency with which LEP individuals come into contact with the transit services or system.
- Factor 3: Assessment of the nature and importance of the transit services to the LEP population.
- Factor 4: Assessment of the resources available to the agency and costs.

This Language Access Plan (LAP) is to be included as: APPENDIX E

LANGUAGE ACCESS PLAN (LAP) TEMPLATE

AGENCY NAME

Language Access Plan

1. Introduction

The Agency has prepared this Language Access Plan (“LAP” or “Plan”), which defines the actions to be taken by Agency to ensure meaningful access to agency services, programs, and activities on the part of persons who have limited English proficiency. The Agency will review and update this LAP to ensure continued responsiveness to community needs. This Plan meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13116, Improving Access to Services for Persons with Limited English Proficiency (LEP).

2. Purpose

The purpose of this plan is to ensure clients of the Agency meaningful access to services, programs, and activities although they may be limited in their English language proficiency.

The Agency is committed to this Language Access Plan as the appropriate response to meeting our clients’ needs.

Consistent with the guidance of objectives set forth in Title VI of the Civil Rights Act and Executive Order 13116, Improving Access to Services for Persons with Limited English Proficiency (LEP), a Limited English Proficient (“LEP”) person is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with Agency staff. A client maintains the right to self-identify as a LEP person.

3. Agency Description

The Agency should use this section to describe the Agency, its mission, services, programs and activities as fully but as succinctly as possible.

4. Language Access Plan (LAP):

Approach: The Agency Language Access Plan shall be fully implemented subject to the availability of fiscal resources to implement said language access plan. This Language Access Plan represents Agency administrative blueprint to provide meaningful access to Agency services, programs and activities on the part of LEP individuals. This Language Access Plan outlines the tasks Agency will undertake to meet this objective.

Language Access Plan (LAP):

1. Agency Language Access Coordinator:
 - a. Identify the Language Access Coordinator, agency contact information including address, telephone number and email address.
2. Agency Language Access Needs Assessment:
 - a. Based on the services, programs and activities listed above prioritize and describe the steps the agency will take to ensure such services, programs and activities provide meaningful access to the populations whose language meet or exceed the 5% threshold.
 - b. Language makeup of client population:
 - Each language and the percentage of the language's presence should be identified and listed in this section.
 - c. Points of contact between agency and client population.
 - Agency Office, website address (es), main telephone numbers, etc.
3. Language Resources Assessment:
 - a. Identification of existing staff who are linguistically, culturally, and technically able to deliver services in a language other than English and/or to serve as interpreters.
 - Actual staff need not be identified; languages spoken should be.
 - b. Community-based resources available to be deployed to assist agency in meeting language access needs.
4. Language Service Protocols:
 - a. Which language services are required to implement the Language Access Plan.
 - In this section, the Agency shall indicate the specific types of resources – in-person interpretation, phone interpretation, community-based resources, etc., that are available to provide language access and how the resources will be deployed to meet language access needs.
 - b. Define and describe Agency's language access protocols for providing interpretation services.

- c. Define how a client will be able to access and utilize the resources identified in paragraphs (a) and (b).

5. Vital Document Translation:

- a. Agency to identify, by list, the name of vital documents, in whole or in part, to translate including timeframe for translation.
- b. Agency website content, by list, to translate including timeframe for translation.

6. Stakeholder Consultations:

- a. Did the Agency consult stakeholders in the development of this Language Access Plan?
 - o Description of consultation.

7. Staff Training:

- a. Describe the Agency's plan to implement staff training activities.

8. Notice to Public.

- a. Describe the Agency's plan to notify clients of free language assistance and how a client may access such assistance.

9. Agency Monitoring:

- a. Describe the agency's monitoring plan.

10. Complaints:

- a. Agency should identify the process by which a client or client representative may file a complaint with the Title Six Manager.

Name of Agency Head

Date

Language Access Complaint Procedure *(Note, your Title VI Complaint Form and Procedure can be used for LEP/LAP complaints as long as your Title VI Complaint Form and Procedure acknowledges and accepts LEP/LAP complaints as separate and distinct from Title VI).*

(To be included as an attachment to LAP)

You may file a complaint with the Agency Title VI Manager if you believe you have been denied the benefits of this Plan. You must file your written complaint within ____ of the alleged denial.

Submit the written complaint to:

Name of Title VI Manager:

Agency Name:

Business Address:

City, State Zip:

Email Address:

Minority Representation on Planning and Advisory Committees

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

[Name of Agency] has transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which we select.

1. *Please provide a description of your selection process, including recruitment efforts made to encourage the participation of minorities on such committee(s)*

2. *Please provide a table(s) depicting the racial breakdown of the membership of those committees*

The sample below is provided for the purposes of guidance only.

Committee	Black or African American	White/ Caucasian	Latino/ Hispanic	American Indian or Alaska Native	Asian	Native Hawaiian or other Pacific Islander	Other *Note	Totals
Citizens Advisory Committee (CAC)	7	6	0	0	0	0	2	15
% of CAC Committee	46.6	40.0	0	0	0	0	13.3	99.9
Citizens Advisory Committee on Accessible Transportation (CACAT)	8	5	0	0	0	0	1	14
% of CACAT Committee	57.0	35.7	0	0	0	0	7.0	99.7

***Note – Other races reported: Lithuania, Ukrainian, and Polish.**