

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

1. Transportation Enabling Legislation.
  - a. Federal transit laws codified at 49 U.S.C. chapter 53 (Sections 5301 *et seq.*).
  - b. Title 23, United States Code (Highways).
  - c. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109 -59, Aug. 10, 2005, 23 U.S.C. § 101 note (SAFETEA-LU).
  - d. Transportation Equity Act for the 21st Century, Pub. L. 105-178, June 9, 1998, 23 U.S.C. § 101 note, as amended by the TEA-21 Restoration Act, Pub. L. 105-206, July 22, 1998, 23 U.S.C. § 101, and SAFETEA-LU.
  - e. National Capital Transportation Act of 1969, as amended, D.C. Official Code §§ 9-1111.01 *et seq.*
2. Federal Transit Administration (FTA) Programs.
  - a. Metropolitan Planning Program.
    - (1) 49 U.S.C. § 5305(d).
    - (2) FTA Circular 8100.1B, “Program Guidance and Application Instructions for Metropolitan Planning Program Grants,” 10-25-96, to the extent not superseded by law.
  - b. State Planning and Research.
    - (1) 49 U.S.C. § 5305(e).
    - (2) FTA Circular 8200.A, Research Guidance and Application Instructions for State Planning and Research Program Grants,” 12-07-01, to the extent not superseded by law.
  - c. Urbanized Area Formula Program.
    - (1) 49 U.S.C. § 5307.
    - (2) FTA Circular 9030.1C, “Urbanized Area Formula Program: Grant Application Instructions,” 10-01-98, to the extent not superseded by law.
    - (3) 49 U.S.C. § 5307(a)(2), Designated Recipient.
  - d. Clean Fuels Grant Program.
    - (a) 49 U.S.C. § 5308.
    - (b) FTA regulations, “Clean Fuels Grant Program,” 49 C.F.R. Part 624.
  - e. Capital Investment Program.
    - (1) 49 U.S.C. § 5309.
    - (2) FTA Circular 9300.1A, “Capital Program: Grant Application Instructions,” 10-01-98, to the extent not superseded by law.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

(3) FTA Circular 5200.1A, "Full Funding Grant Agreement Guidance," 12-05-02, to the extent not superseded by law.

f. Alternatives Analysis Program.

(1) 49 U.S.C. § 5339.

g. Programs for Elderly Individuals and Individuals with Disabilities.

(1) Elderly Individuals and Individuals with Disabilities Formula Program.

(a) 49 U.S.C. § 5310.

(b) FTA Circular 9070.1F, "Elderly Individuals and Individuals with Disabilities Program Guidance and Application Instructions.

(2) Elderly Individuals and Individuals with Disabilities Pilot Program.

(a) Section 3012(b) of SAFETEA-LU, 49 U.S.C. § 5310 note.

(b) FTA Circular 9070.1F "Elderly Individuals And Individuals With Disabilities Program Guidance and Application Instructions."

(3) Medical Transportation Demonstration Program.

(a) 49 U.S.C. § 5314(a)(6).

(4) National Technical Assistance Center for Senior Transportation.

(a) 49 U.S.C. § 5314(c).

(5) New Freedom Program.

(a) 49 U.S.C. § 5317.

(b) FTA Circular, 9045.1, "New Freedom Program Guidance And Application Instructions.

h. Nonurbanized Area Programs.

(1) Nonurbanized Area Formula Program.

(a) 49 U.S.C. § 5311.

(b) 49 U.S.C. § 5310(h).

(c) 49 U.S.C. § 5334(h).

(d) FTA Circular 9040.1F, "Nonurbanized Area Formula Program Guidance and Grant Application Instructions," dated April 1, 2007.

(2) Rural Transportation Assistance Program.

(a) 49 U.S.C. § 5311(b)(3).

(3) Over the Road Bus Accessibility Program.

(a) Section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. § 5310 note.

(b) U.S. DOT regulations, "Transportation Services for Individuals with Disabilities

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

- (ADA)," 49 C.F.R. Part 37, Subpart H, "Over the Road Buses."
- (c) Joint U.S. Architectural and Transportation Barriers Compliance Board/U.S. DOT regulations, "Americans With Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 C.F.R. Part 1192 and 49 C.F.R. Part 38.
- (d) FTA Notice, "Over-the-Road Bus Accessibility Program Grants," (Federal Register Notice) [latest].
- i. Research, Development, Demonstration, and Deployment Programs.
- (1) National Research Program.
- (a) 49 U.S.C § 5314(a).
1. Research, Development, Demonstration, and Deployment Program.
- a. 49 U.S.C. § 5312(a).
2. Joint Partnership Program for Deployment of Innovation.
- a. 49 U.S.C. § 5312(b).
3. International Transportation Program.
- a. 49 U.S.C. § 5312(c).
4. National Transit Institute Program.
- a. 49 U.S.C. § 5315.
5. Human Resources – General.
- a. 49 U.S.C. § 5322(a).
6. Human Resources Fellowships.
- a. 49 U.S.C. § 5322(b).
7. National Fuel Cell Bus Technology Development Program.
- a. SAFETEA-LU, § 3045, 49 U.S.C. § 5308 note.
- (2) Transit Cooperative Research Program.
- (a) 49 U.S.C § 5313.
- j. Job Access and Reverse Commute Grant Program.
- (1) 49 U.S.C. § 5316.
- (a) 49 U.S.C. § 5307.
- (b) FTA Circular, 9050.1, "The Job Access And Reverse Commute (JARC) Program Guidance and Application Instructions."
- k. Bus Testing Facility Program.
- (1) 49 U.S.C. § 5318.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

1. Alternative Transportation in Parks and Public Lands Program.
  - (1) 49 U.S.C. § 5320.
    - (a) FTA Notices pertaining to the Alternative Transportation in Parks and Public Lands Program [latest]
  
3. Joint Federal Highway Administration (FHWA)/Federal Transit Administration (FTA) Programs.
  - a. Surface Transportation Program.
    - (1) 23 U.S.C. § 133.
  
  - b. Public Transportation Program.
    - (1) 23 U.S.C. § 142.
  
  - c. Congestion Mitigation and Air Quality Program.
    - (1) 23 U.S.C. § 149.
  
  - d. Federal Lands Highway Program.
    - (1) 23 U.S.C. § 204.
  
  - e. Surface Transportation Research.
    - (1) 23 U.S.C. § 502.
  
  - f. Surface Transportation Deployment.
    - (1) 23 U.S.C. § 133.
  
  - g. Transportation Infrastructure Finance and Innovation (TIFIA) Program
    - (1) Transportation Infrastructure Finance and Innovation Act of 1998, as amended, 23 U.S.C. §§ 601 – 609.
    - (2) 49 U.S.C. §§ 5323(o), 5307, and 5309.
    - (3) Joint U.S. DOT/FTA regulations, "Credit Assistance for Surface Transportation Projects," 49 C.F.R. Parts 80 and 640.
  
  - h. State Infrastructure Bank Program.
    - (1) 23 U.S.C. § 610.
    - (2) Section 1511 of TEA-21, 23 U.S.C. § 181 note.
    - (3) Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. § 101 note.
  
  - i. National Intelligent Transportation Systems Research and Development.
    - (1) SAFETEA-LU, § 5306, 23 U.S.C. 512 note.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

4. FRA Program.
  - (1) AMTRAK, 49 U.S.C. chapter 243.
  
5. Special Notification Requirement for States.
  - (1) Various Appropriations Acts from FY 2001 forward.
  
6. Type of Award.
  - a. Grant Agreement – 31 U.S.C. § 6304.
  - b. Cooperative Agreement – 31 U.S.C. § 6305.
  - c. Procurement Contract – 31 U.S.C. § 6303.
  - d. Line of Credit – 23 U.S.C. § 601(a)(5).
  - e. Loan Guarantee – 23 U.S.C. § 601(a)(6).
  - f. Secured Loan – 23 U.S.C. § 601(a)(11).
  
7. Eligibility for Award.
  - a. Various provisions of FTA and FHWA enabling legislation.
  - b. Suspension and Debarment.
    - (1) U.S. Department of Transportation (U.S. DOT) regulations, "Governmentwide Debarment and Suspension (Nonprocurement)," 49 C.F.R. Part 29.
    - (2) Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note.
  
8. Lobbying.
  - a. Certification and Disclosure.
    - (1) Byrd Amendment 31 U.S.C. § 1352.
    - (2) U.S. DOT regulations, "New Restrictions on Lobbying," 49 C.F.R. Part 20, modified as necessary by. 31 U.S.C. § 1352.
  - b. Restricting use of Federal Funds for Lobbying Congress.
    - (1) Byrd Amendment 31 U.S.C. § 1352.
    - (2) Transportation, Treasury Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, for the Fiscal Year ending September 30, 2006, Div. A, § 830, Pub. L. 109-115, Nov. 10, 1005.
    - (3) Subsequent miscellaneous appropriations provision.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

9. Planning, including Private Enterprise Protections.

- a. 49 U.S.C. §§ 5303, 5304, 5306, and 5323(k).
- b. Joint FHWA/FTA regulations, " Planning Assistance and Standards," 23 C.F.R. Part 450 and 49 C.F.R. Part 613.
- c. FTA regulations, "Major Capital Investment Projects," 49 C.F.R. Part 611, to the extent that those regulations are consistent with Federal law.

10. Management and Monitoring.

- a. Joint FHWA/FTA regulations, "Management and Monitoring Systems," 23 C.F.R. Parts 500 and 626.
- b. Joint FHWA/FTA regulations, "Management and Monitoring Systems" 49 C.F.R. Part 614.

11. General Management Requirements.

- a. U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 C.F.R. Part 18. *(Also applicable to Indian tribal governments).*
- b. U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations," 49 C.F.R. Part 19. *(Also applicable to for-profit organizations unless FTA specifies otherwise).*
- c. FTA Circular 5010.1C, "Grant Management Guidelines," 10-01-98, to the extent not superseded by law.

12. Procurement.

- a. General.
  - (1) 49 C.F.R. § 18.36, to the extent those regulations are consistent with SAFETEA-LU provisions.
  - (2) 49 C.F.R. §§ 19.40 through 19.48, to the extent those regulations are consistent with SAFETEA-LU provisions.
  - (3) FTA Circular 4220.1E, "Third Party Contracting," 06-09-03, to the extent those regulations are consistent with SAFETEA-LU provisions.
  - (4) FTA "Best Practices Procurement Manual," to the extent those regulations are consistent with SAFETEA-LU provisions.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

- b. Special Public Transportation Assistance Procurement Requirements Within 49 U.S.C. chapter 53, and Title 23, United States Code.
- (1) 49 U.S.C. § 5325(a) – Full and Open Competition.
  - (2) 49 U.S.C. § 5325(b) – Special Procurement Procedures for Architectural and Engineering Services.
    - (a) 40 U.S.C. chapter 11.
    - (b) 48 C.F.R. Part 31 – Cost Principles of the Federal Acquisition Regulation.
  - (3) 49 U.S.C. § 5325(c) – Award to Other than the Lowest Bidder.
  - (4) 49 U.S.C. § 5325(d) – Design-Build Authority.
  - (5) 49 U.S.C. § 5325(e)(1) – Multi-Year Options.
  - (6) 49 U.S.C. § 5325(e)(2) – Cooperative Purchases.
  - (7) 49 U.S.C. § 5325(f) – Method of Acquiring Rolling Stock.
  - (8) 49 U.S.C. § 5325(g) – Access to Third Party Contract Records.
  - (9) 49 U.S.C. § 5325(h) – Exclusionary or Discriminatory Specifications.
  - (10) 49 U.S.C. § 5325(i) – In-State Bus Dealer Restrictions.
  - (11) 49 U.S.C. § 5325(j) – Award to Responsible Contractors.
    - (a) 49 U.S.C. § 5309(l)(2) – Contractor Performance Assessment Reports.
  - (12) 49 U.S.C. § 5323(m) – Pre-Award and Post-Delivery Reviews.
    - (a) FTA regulations, “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases,” 49 C.F.R. Part 664, except as superseded by SAFETEA-LU amendments to 49 U.S.C. § 5323(m).
  - (13) 49 U.S.C. § 5318(e) – Bus Testing.
    - (a) FTA regulations, “Bus Testing,” 49 C.F.R. Part 665.
  - (14) SAFETEA-LU, § 5307(c), 23 U.S.C. § 512 note – Intelligent Transportation System Architecture and Standards.
    - (a) FTA Notice, “FTA National ITS Architecture Policy on Transit Projects” 66 *Fed. Reg.* 1455 *et seq.*, January 8, 2001.
- c. Cross-Cutting Laws, Regulations, and Policies.
- (1) Section 306 of the Clean Air Act, as amended, 42 U.S.C. § 7414, and other applicable provisions of the Clean Air Act, as amended, 42 U.S.C. §§ 7401 through 7671q.
  - (2) Section 508 of the Clean Water Act, as amended, 33 U.S.C. § 1368, and other applicable provisions of the Clean Water Act, as amended, 33 U.S.C. §§ 1251 through 1377.
  - (3) Section 6002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6962.
    - (a) U.S. Environmental Protection Agency guidelines, “Comprehensive Procurement Guidelines for Products Containing Recovered Materials,” 40 C.F.R. Part 247.
  - (4) Executive Order No. 13202, “Preservation of Open Competition and Government Neutrality Towards Government Contractors’ Labor Relations on Federal and Federally Funded Construction Projects,” February 17, 2001, amended by Executive Order No. 13208, April 6, 2001, 41 U.S.C. § 251 note.
  - (5) Section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794d.
    - (a) U.S. ATBCB regulations “Electronic Information Technology Accessibility

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

Standards,” 40 C.F.R. Part 1194.

- d. Acquisition by Lease.
  - (1) FTA regulations, "Capital Leases," 49 C.F.R. Part 639.

13. Domestic Preferences.

- a. Buy America.
  - (1) 49 U.S.C. § 5323(j).
    - (a) FTA regulations, "Buy America Requirements," 4 C.F.R. Part 661.
- b. Cargo Preference.
  - (1) 46 App. U.S.C.A. § 46 U.S.C. 55305.
    - (a) U.S. Maritime Administration regulations, "Cargo Preference-U.S.-Flag Vessels." 46 C.F.R Part 381.
- c. Air Carriers.
  - (1) International Air Transportation Fair Competitive Practices Act of 1974, as amended, 49 U.S.C. § 40118.
    - (a) U.S. General Services Administration regulations, "Use of United States-Flag Air Carriers," 41 C.F.R. §§ 301-10.131 through 301-10.143.

14. Relocation and Real Property Acquisition Protections.

- a. 49 U.S.C. § 5324(a), which requires compliance with 42 U.S.C. §§ 4601 *et seq.*
- b. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. §§ 4601 *et seq.*
  - (1) U.S. DOT regulations, "Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs," 49 C.F.R. Part 24, 70 *Fed. Reg.* 590 *et seq.*, January 4, 2005.

15. Property Ownership and Management

- a. General.
  - (1) 49 C.F.R. §§ 18.31 through 18.34, to the extent those regulations are consistent with SAFETEA-LU provisions.
  - (2) 49 C.F.R. §§ 19.30 through 19.37, to the extent those regulations are consistent with SAFETEA-LU provisions.
  - (3) FTA Circular 5010.1C, "Grant Management Guidelines," 10-01-98.
- b. Satisfactory Continuing Control of Property.
  - (1) 49 U.S.C. § 5307(d)(1)(B).

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

(2) 49 U.S.C. § 5309(c)(1)(B)(ii).

c. Insurance.

(1) Section 102(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. § 4012a(a).

d. Patent Rights.

(1) U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.

(2) Presidential Memorandum [Statement] on Government Patent Policy to the Heads of Executive Departments and Agencies, dated February 18, 1983, 19 Weekly Comp. Pres. Doc. 252-253, Feb. 28, 1983.

e. Transfer of Assets.

(1) 49 U.S.C. § 5334(h)(1) through (3) – Transfer of Property to another Public Body.

(2) 49 U.S.C. § 5334(h)(4) – Disposition and Transfer of Property.

f. Export Restrictions.

(1) U.S. Commerce Department, Bureau of Export Administration,  
Department of Commerce regulations pertaining to export control at 49 C.F.R.  
Parts 730 *et seq*

(2) U.S. State Department,

(3) U.S. Treasury Department, and

(4) U.S. Defense Department regulations.

16. Metric Usage.

a. 15 U.S.C. §§ 205a *et seq*.

b. Executive Order No. 12770, "Metric Usage in Federal Government Programs," 15 U.S.C. § 205a note.

17. Private Enterprise Protections.

a. Planning.

(1) 49 U.S.C. § 5306.

(2) Joint FHWA/FTA regulations, " Planning Assistance and Standards," 23 C.F.R.  
Part 450 and 49 C.F.R. Part 613.

b. Property and Operations.

(1) 49 U.S.C. § 5323(a)(1).

c. Charter Service.

(1) 49 U.S.C. §§ 5323(d) and 5323(g).

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

(2) FTA regulations, "Charter Service," 49 C.F.R. Part 604.

d. School Service.

(a) 49 U.S.C. §§ 5323(f) and 5323(g).

(b) FTA regulations, "School Bus Operations," 49 C.F.R. Part 605.

e. Infrastructure Privatization.

(1) Executive Order No. 12803, "Infrastructure Privatization," 31 U.S.C. § 501 note.

(2) Executive Order No. 12893, "Principles for Federal Infrastructure Investments," 31 U.S.C. § 601 note.

18. Labor Protections.

a. Transit Employee Protections.

(1) 49 U.S.C. § 5333(b).

(2) U.S. Department of Labor (U.S. DOL) guidelines, "Section 5333(b), Federal Transit Law," 29 C.F.R. Part 215.

(3) 49 U.S.C. § 5311(i), Special Warranty for the Nonurbanized Area Formula Program.

b. Employees including Construction Employees.

(1) Contract Work Hour and Safety Standards Act, 40 U.S.C. §§ 3701 *et seq.*

(2) U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. Part 5.

(3) Fair Labor Standards Act, as amended, 29 U.S.C. §§ 201 *et seq.*

(4) Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. § 874.

(5) U.S. DOL regulations, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States," 29 C.F.R. Part 3.

c. Construction Employees.

(1) 49 U.S.C. § 5333(a) invoking the Davis-Bacon Act.

(2) Davis-Bacon Act, 40 U.S.C. §§ 3141 *et seq.*

(3) Section 107 of the Contract Work Hour and Safety Standards Act, 40 U.S.C. § 3074.

(4) U.S. DOL regulations, "Safety and Health Regulations for Construction," 29 C.F.R. Part 1926.

19. Civil Rights.

a. Nondiscrimination in Federal Public Transportation Programs.

(1) 49 U.S.C. § 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age and prohibiting discrimination in employment or business opportunity.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

- b. Nondiscrimination in Federally Assisted Programs.
  - (1) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.*
  - (2) U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act," 49 C.F.R. Part 21.
  - (3) FTA Circular 4702.1A, "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients," May 13, 2007.
  
- c. Equal Employment Opportunity in Federal Public Transportation Programs.
  - (1) 49 U.S.C. § 5332, prohibiting employment discrimination on the basis of race, color, creed, national origin, sex, or age and prohibiting discrimination in employment or business opportunity.
  
- d. Equal Employment Opportunity.
  - (1) Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e.
  - (2) U.S. DOL regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 *et seq.*
  - (3) Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order No. 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000(e) note.
  
- e. Disadvantaged Business Enterprise.
  - (1) Section 1101(b) of SAFETEA-LU, 23 U.S.C. § 101 note.
  - (2) U.S. DOT regulations, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 C.F.R. Part 26.
  
- f. Fair Housing.
  - (1) Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601 *et seq.*
  - (2) Executive Order No. 12892, "Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing," 42 U.S.C. § 3608 note.
  
- g. Education.
  - (1) Title IX of the Education Amendments of 1972, as further amended, 20 U.S.C. §§ 1681 *et seq.*
  - (2) U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 C.F.R. Part 25.
  
- h. Age Discrimination.
  - (1) The Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 *et seq.*,
    - (a) U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance, 45 C.F.R. Part 90.
  - (2) The Age Discrimination in Employment Act (ADEA) 29 U.S.C. §§ 621 through 634.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

- (a) U.S. Equal Employment Opportunity Commission (U.S. EEOC) regulations, "Age Discrimination in Employment Act," 29 C.F.R. Part 1625.
- i. Accessibility for Individuals with Disabilities.
- (1) FTA Policy, 49 U.S.C. § 5301(d).
  - (2) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.
  - (3) Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101 *et seq.*
  - (4) Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 *et seq.*
  - (5) U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 C.F.R. Part 37.
  - (6) U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 C.F.R. Part 27.
  - (7) FTA regulations, "Transportation for Elderly and Handicapped Persons," 49 C.F.R. Part 609.
  - (8) Joint U.S. Architectural and Transportation Barriers Compliance Board (ATBCB)/U.S. DOT regulations, "Americans With Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 C.F.R. Part 1192 and 49 C.F.R. Part 38.
  - (9) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability in State and Local Government Services," 28 C.F.R. Part 35.
  - (10) U. S. DOJ regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," 28 C.F.R. Part 36.
  - (11) U.S. General Services Administration (U.S. GSA) regulations, "Accommodations for the Physically Handicapped," 41 C.F.R. Subpart 101-19.
  - (12) U. S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630.
  - (13) U. S. Federal Communications Commission regulations, "Telecommunications Relay Services and Related Customer Premises Equipment for the Hearing and Speech Disabled," 47 C.F.R. Part 64, Subpart F.
  - (14) U.S. ATBCB regulations, "Electronic and Information Technology Accessibility Standards," 36 C.F.R. Part 1194.
- j. Limited English Proficiency.
- (1) Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000, 42 U.S.C. § 2000d-1 note.
  - (2) U.S. DOT Notice "DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency (LEP) Persons," 70 *Fed. Reg.* 74087, December 14, 2005.
- k. Confidentiality – Alcohol Treatment.
- (1) Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1101 *et seq.*

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

- (2) Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4541 *et seq.*
- (3) Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 201 *et seq.*

l. Environmental Justice.

- (1) Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 42 U.S.C. § 4321 note.

20. Environmental Protections

a. General.

- (1) National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 through 4335.
- (2) Executive Order No. 11514, as amended, "Protection and Enhancement of Environmental Quality," 42 U.S.C. § 4321 note.
- (3) 42 U.S.C. § 5159, Exceptions for Stafford Act projects.
- (4) Council on Environmental Quality regulations on compliance with the National Environmental Policy Act of 1969, as amended, 40 C.F.R. Parts 1500 through 1508.
- (5) Joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," 23 C.F.R. Part 771 and 49 C.F.R. Part 622.

b. Special Statutory Requirements for FTA and FHWA.

- (1) 49 U.S.C. § 5324(b) – General Environmental Requirements for EPA.
- (2) 23 U.S.C. §§ 139 and 326 – Environmental Requirements for FHWA.
- (3) Amendments to 23 U.S.C. § 138 – Environmental Requirements for FHWA.
- (4) FHWA/FTA final guidance, "SAFETEA-LU Environmental Review Process (Public Law 109-59)," 71 *Fed. Reg.* 66576 *et seq.* November 15, 2006.
- (6) Department of Transportation Act, 49 U.S.C. §§ 303(b) and 303(c) ["Section 4(f)"], and, when promulgated, implementing joint FHWA/FTA regulations, "Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites," 23 C.F.R. Parts 771 and 774, and 49 C.F.R. Part 622.

c. Air Quality.

- (1) Clean Air Act, as amended, 42 U.S.C. §§ 7401 through 7671q, in particular, Section 176(c) of the Clean Air Act 42 U.S.C. § 7506(c).
- (2) Scattered sections of Title 29, United States Code.
- (3) Section 306 of the Clean Air Act, as amended, 42 U.S.C. § 7414 (notice of violating facilities).
  - (a) Executive Order No. 11738, "Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans," 42 U.S.C. § 7606 note.
- (5) U.S. EPA regulations, "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," 40 C.F.R. Part 51, Subpart T.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

- (6) U.S. EPA regulations, "Determining Conformity of Federal Actions to State or Federal Implementation Plans," 40 C.F.R. Part 93.
  - (7) U.S. EPA regulations, "Control of Air Pollution from Mobile Sources," 40 C.F.R. Part 85.
  - (8) U.S. EPA regulations, "Control of Air Pollution from New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines," 40 C.F.R. Part 86.
  - (9) U.S. EPA regulations, "Fuel Economy of Motor Vehicles," 40 C.F.R. Part 600.
- d. Water.
- (1) Clean Water Act, as amended, 33 U.S.C. §§ 1251 through 1377.
  - (2) Section 508 of the Clean Water Act, as amended, 33 U.S.C. § 1368 (notice of violating facilities).
    - (a) Executive Order No. 11738, "Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans," 42 U.S.C. § 7606 note.
  - (3) Safe Drinking Water Act of 1974, as amended, 42 U.S.C. §§ 300f through 300j-6.
- e. Protection of Public parks and Recreation lands, Wildlife and Waterfowl Refuges, and Historic sites.
- (1) Department of Transportation, 49 U.S.C. §§ 303(b) and 303(c) ["Section 4(f)"].
  - (2) Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. §§ 1271 through 1287.
    - (a) U.S. Forest Service regulations, "Wild and Scenic Rivers," 36 C.F.R. Part 297.
    - (b) U.S. Bureau of Land Management regulations, "Management Areas," 43 C.F.R. Part 8350.
  - (3) Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §§ 1451 through 1465.
  - (4) Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 through 1544.
  - (5) Magnuson Stevens Fisheries Conservation Act, as amended, 16 U.S.C. §§ 1801 *et seq.*
  - (6) Executive Order No. 11990, as amended, "Protection of Wetlands," at 42 U.S.C. § 4321 note.
  - (7) Executive Order No. 11988, as amended, "Floodplain Management," 42 U.S.C. § 4321 note.
  - (8) Section 106 of the National Historic Preservation Act, as amended, 16 U.S.C. § 470f.
  - (9) Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. §§ 469a through 469c.
    - (a) Executive Order No. 11593, "Protection and Enhancement of the Cultural Environment," 16 U.S.C. § 470 note.
    - (b) U.S. Advisory Council on Historic Preservation regulations, "Protection of Historic and Cultural Properties," 36 C.F.R. Part 800.
  - (10) American Indian Religious Freedom Act, 42 U.S.C. § 1996.
    - (a) Executive Order No. 13007, "Indian Sacred Sites," 42 U.S.C. § 1996 note.
- e. Conservation and Recycling.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

- (1) Resource Conservation and Recovery Act, as amended, 42 U.S.C. §§ 6901 through 6992k.
- f. Hazardous Waste.  
(1) Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §§ 9601 through 9675.
21. Energy Conservation.
- a. Energy Policy and Conservation Act, as amended, 42 U.S.C. §§ 6321 *et seq.*
- b. FTA regulations, “Requirements for Energy Assessments,” 49 C.F.R. Part 622, Subpart C.
22. Geographic Information and Related Spatial Data.
- a. OMB Circular A-16, “Coordination of Geographic Information and Related Spatial Data Activities,” August 19, 2002.
23. Security.
- a. Section 101(e) of the Aviation and Transportation Security Act, 49 U.S.C. § 40119(b).  
(1) U.S. DOT regulations, “Protection of Sensitive Security Information,” 49 C.F.R. Part 15, implementing 49 U.S.C. § 40119(b).
- b. 49 U.S.C. § 114(s).  
(1) U.S. Department of Homeland Security, Transportation Security Administration regulations, “Protection of Sensitive Security Information,” 49 C.F.R. Part 1520, implementing 49 U.S.C. § 114(s).
24. Safety.
- a. FTA Circular 5800.1, “Safety and Security Management Guidance for Major Capital Projects,” August 1, 2007.
- b. Facilities and Operations.  
(1) Motor Carrier.  
(a) U.S. FMCSA regulations, “Minimum Levels of Financial Responsibility for Motor Carriers,” 49 U.S.C. Part 387, as modified by 49 U.S.C. § 31138(e)(4).  
(b) U.S. FMCSA regulations, Subpart B, “Federal Motor Carrier Safety Regulations,” at 49 CFR Parts 390 through 396.  
(c) U.S. FMCSA’s regulations, “Commercial Driver’s License Standards, Requirements, and Penalties,” 49 C.F.R. Part 383.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

- (d) U.S. FMCSA's regulations, "Drug and Alcohol Use and Testing Requirements," 49 C.F.R. Part 382.
  
- (2) Rail.
  - (a) 49 U.S.C. § 5330.
  - (b) FTA regulations, "Rail Fixed Guideway Systems; State Safety Oversight," 49 C.F.R. Part 659, as amended at 70 *Fed. Reg.* 22562 *et seq.*, April 29, 2005.
  
- (3) Hazardous Material Shipments.
  - (a) U.S. Pipeline and Hazardous Materials Safety Administration regulations, "Shippers - General Requirements for Shipments and Packagings," 49 C.F.R. Part 173.
  
- (4) Lead Paint.
  - (a) Section 401(b) of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. § 4831(b), and implementing U.S. Housing and Urban Development regulations, "Lead-based Paint Poisoning in Certain Residential Structures," 42 C.F.R. Part 35.1.
  
- (5) Earthquake.
  - (a) Earthquake Hazards Reduction Act of 1977, as amended, 42 U.S.C. §§ 7701 *et seq.*
  - (b) U.S. DOT regulations, "Seismic Safety," 49 C.F.R. Part 41, (specifically, 49 C.F.R. § 41.117).
  - (c) Executive Order No. 12699, "Seismic Safety of Federal and Federally-Assisted or Regulated New Building Construction," 42 U.S.C. § 7704 note.
  
- (6) Seat Belts.
  - (a) Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 1997, 23 U.S.C. § 402 note.
  
- c. Drug and Alcohol.
  - (1) Workplace.
    - (a) Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701 *et seq.*
    - (b) U.S. DOT regulations, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance), 49 C.F.R. Part 32.
  
  - (2) Public Transportation Operations.
    - (a) 49 U.S.C. § 5331.
    - (b) FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655.
  
- d. Research Protections.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

(1) People.

- (a) National Research Act, Pub. L. 93-348, July 12, 1974, as amended, 42 U.S.C. §§ 289 *et seq.*
- (b) U.S. DOT regulations, "Protection of Human Subjects," 49 C.F.R. Part 11.

(2) Animals.

- (a) Laboratory Animal Welfare Act of 1966, as amended, 7 U.S.C. §§ 2131 *et seq.*
- (b) U.S. Department of Agriculture regulations, "Animal Welfare," 9 C.F.R. Subchapter A, Parts 1, 2, 3, and 4.

25. \$1 Coins.

Section 104 of the Presidential \$1 Coin Act of 2005, 31 U.S.C. § 5112(p).

26. Political Activity Restrictions.

a. Hatch Act.

- (1) 5 U.S.C. §§ 1501 through 1508, 7324 through 7326.
  - (a) U.S. Office of Personnel Management regulations, "Political Activity of State or Local Officers or Employees," 5 C.F.R. Part 151.
- (2) 49 U.S.C. § 5307(k)(2)(B) and 23 U.S.C. § 142(g) – exceptions for transit employees.

27. Qualification for Half-Fare Privileges in Certain Programs.

- a. Title II of the Social Security Act, 42 U.S.C. §§ 401 *et seq.*
- b. Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 *et seq.*

28. Cost Participation Restrictions.

- a. Federal/local share requirements – various provisions of FTA and FHWA enabling legislation.
- b. 49 U.S.C. § 5302(a)(8) – definition of net project cost.
- c. 49 U.S.C. § 5323(h) – ordinary governmental or nonproject operating cost.
- d. U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," at 49 C.F.R. § 18.22(b) and U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations," at 49 C.F.R. § 19.27 citing the following Office of Management and Budget U.S. Office of Management and Budget (OMB) circulars and the Federal

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

Acquisition Regulation as follows:

- (1) U.S. OMB Guidance for Grants and Agreements, "Cost Principles for State and Local Governments (OMB Circular A-87)". 2 C.F.R. Part 225.
- (2) U.S. OMB Guidance for Grants and Agreements, "Cost Principles for Educational Institutions (OMB Circular A-21)". 2 C.F.R. Part 220.
- (3) U.S. OMB Guidance for Grants and Agreements, "Cost Principles for Nonprofit Organizations (OMB Circular A-122)". 2 C.F.R. Part 230.
- (4) Federal Acquisition Regulation, 48 C.F.R. Chapter I, Subpart 31.2, "Contracts with Commercial Organizations."

29. Cash Withdrawal Restrictions.

- a. Section 5(b) of the Cash Management Improvement Act of 1990, as amended, 31 U.S.C. § 6503(b).
- b. U.S. Department of Treasury regulations, "Rules and Procedures for Funds Transfers," 31 C.F.R. Part 205.
- c. U.S. Department of Treasury-U.S. Department of Justice regulations, "Standards for the Administrative Collection of Claims," 31 C.F.R. § 901 *et seq.*, in particular, subsection 901.9(i).
- d. U.S. Department of Treasury Circular 1075, Part 205, "Withdrawal of Cash from the Treasury for Advances Under Federal Grants and Other Programs," and Treasury Financial Manual, Vol. 1, Part 6, Chapter 2000, Debt Collection Act of 1982, as amended, 31 U.S.C. §§ 3701 through 3720.
- e. ECHO System Operations Manual, "Guidelines for Disbursements" for FTA Projects.

30. Oversight and Audit.

- a. Project Management Oversight.
  - (1) 49 U.S.C. § 5327(a).
  - (2) FTA regulations, "Project Management Oversight," 49 C.F.R. Part 633.
- b. Audit.
  - (1) Single Audit Amendments of 1996, 31 U.S.C. §§ 7501 *et seq.* 49 C.F.R. § 19.26.
  - (2) U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," at 49 C.F.R. § 18.26 and U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations," at 49 C.F.R. § 19.26.
  - (3) OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised.

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

- (4) OMB A-133 Compliance Supplement provisions for the Department of Transportation.
- (5) U.S. Government Accountability Office, "Government Auditing Standards."
- (6) Federal Cost Principles of:
  - (a) U.S. OMB Guidance for Grants and Agreements, "Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)," 2 C.F.R. Part 225, applies to Project costs incurred by a Recipient that is a State, local, or Indian tribal government.
  - (b) U.S. OMB Guidance for Grants and Agreements, "Cost Principles for Educational Institutions (OMB Circular A-21)," 2 C.F.R. Part 220, applies to Project costs incurred by a Recipient that is an institution of higher education.
  - (c) U.S. OMB Guidance for Grants and Agreements "Cost Principles for Non-profit Organizations (OMB Circular A-122)," 2 C.F.R. Part 230, applies to Project costs incurred by a Recipient that is a private nonprofit organization.
  - (d) Federal Acquisition Regulation, at 48 C.F.R. Chapter I, Subpart 31.2, "Contracts with Commercial Organizations."
- (6) 49 U.S.C. § 5325(g), U.S. DOT, GAO, and, to the extent appropriate, States access to records of Recipient.

31. National Transit Database.

- a. 49 U.S.C. § 5335(a).
- b. FTA regulations, "Uniform System of Accounts and Records and Reporting System," 49 C.F.R. Part 630.

32. Debts and Claims.

- a. Debts.
  - (1) Cash Management Improvement Act of 1990, as amended, 31 U.S.C. § 6503(b), section 5(b).
  - (2) U.S. Treasury regulations, "Rules and Procedures for Efficient Federal-State Funds Transfers," 31 C.F.R. Part 205, cash management requirements for States and State instrumentalities for debts owed by a State that are NOT a claim].
  - (3) Joint U.S. Treasury and U.S. Department of Justice (joint U.S. Treasury/U.S. DOJ) regulations, "Standards for the Administrative Collection of Claims," at 31 C.F.R. § 901.9(i), common law interest requirements for Recipients that are not a State or a State instrumentality.
- b. Claims.
  - (1) Debt Collection Act of 1982, as amended, 31 U.S.C. §§ 3701 *et seq.*
  - (2) Joint U.S. Treasury and U.S. Department of Justice (joint U.S. Treasury/U.S. DOJ) regulations, "Standards for the Administrative Collection of Claims," at 31 C.F.R. § 901.9(a) through (g), interest requirements for Recipients that are a State or a State

**FEDERAL TRANSIT PROGRAMS  
FISCAL YEAR 2008  
CITATIONS TO FEDERAL LAWS, REGULATIONS, AND DIRECTIVES**

instrumentality.

- (3) Joint U.S. Treasury and U.S. Department of Justice (joint U.S. Treasury/U.S. DOJ) regulations, "Standards for the Administrative Collection of Claims," at 31 C.F.R. § 901.9(i), common law interest requirements for Recipients that are not a State or a State instrumentality.

33. Fraud.

a. Civil Fraud.

- (1) Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 *et seq.*  
(2) U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31.

b. Criminal Fraud.

- (1) 18 U.S.C. § 1001.  
(2) 49 U.S.C. § 5323(1), invoking 18 U.S.C. § 1001.