

FEDERAL TRANSIT PROGRAMS--FISCAL YEAR 2003 REQUIREMENTS

1. Transportation 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. 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 note (TEA-21).

2. FTA Programs
 - a. Planning Program – 49 U.S.C. § 5303, and FTA Circular 8100.1B, “Program Guidance and Application Instructions for Metropolitan Planning Program Grants,” 10-25-96.
 - b. Urbanized Area Formula Program -- 49 U.S.C. § 5307, and FTA Circular 9030.1C, “Urbanized Area Formula Program: Grant Application Instructions,” 10-01-98.
 - c. Capital Investment Program -- 49 U.S.C. § 5309, and FTA Circular 9300.1A, “Capital Program: Grant Application Instructions,” 10-01-98.
 - d. Elderly and Persons with Disabilities Program -- 49 U.S.C. § 5310, and FTA Circular 9070.1E, “Elderly and Persons with Disabilities Program Guidance and Application Instructions,” 10-01-98.
 - e. Nonurbanized Area Formula Program - 49 U.S.C. § 5311, and FTA Circular 9040.1E, “Nonurbanized Area Formula Program Guidance and Grant Application Instructions,” 10-01-98.
 - f. National Research Program – 49 U.S.C §§ 5312 and 5314.
 - g. State Planning and Research Program – 49 U.S.C. § 5313(b).
 - h. Job Access and Reverse Commute Grant Program – Section 3037 of TEA 21, 49 U.S.C. § 5309 note.
 - i. Over the Road Bus Program – Section 3038 of TEA-21, 49 U.S.C. § 5310 note, U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 C.F.R. Part 37, Subpart H, "Over-the-Road Buses," 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, and FTA Notice, "Over-the-Road Bus Accessibility Program Grants," 67 Fed. Reg. 16,799 - 16,810 (April 8, 2002).
 - j. State Infrastructure Bank Program - Section 350 of the National Highway System Designation Act of 1995, as amended, (NHS Act), 23 U.S.C. § 101 note, and Section 1511 of TEA-21, 23 U.S.C. § 181 note.
 - k. Transportation Infrastructure Finance Program -- Transportation Infrastructure Finance and Innovation Act of 1998, 23 U.S.C. §§ 181 *et seq.*, 49 U.S.C. §§ 5323(o), 5307, and 5309, and Joint U.S. DOT/FTA regulations, "Credit Assistance for Surface Transportation Projects," 49 C.F.R. Parts 80 and 640.
 - l. Clean Fuels Program -- 49 U.S.C. § 5308, and FTA regulations, “Clean Fuels Formula Grant Program,” 49 C.F.R. Part 624

3. 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.

4. Eligibility for Award.
 - a. Various provisions of FTA and FHWA enabling legislation.
 - b. U.S. Department of Transportation (U.S. DOT) regulations, "Governmentwide Debarment and Suspension (Nonprocurement)," 49 C.F.R. Part 29 implementing Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note.

5. Lobbying
 - a. U.S. DOT regulations, "New Restrictions on Lobbying," 49 C.F.R. Part 20, modified as necessary by 31 U.S.C. § 1352.
 - b. Section 325 of the DOT Appropriations Act for Fiscal Year 2002, Pub. L. 107-87, Dec. 18, 2001, restricting lobbying of Congress and state legislatures.

6. Planning and Private Enterprise
 - a. Joint Federal Highway Administration (FHWA)/FTA regulations, "Planning Assistance and Standards," at 23 C.F.R. Part 450 and 49 C.F.R. Part 613.
 - b. Joint FHWA/FTA regulations, "Management and Monitoring Systems," 23 C.F.R. Parts 500 and 626, and 49 C.F.R. Part 614.
 - c. FTA regulations, "Major Capital Investment Projects," 49 C.F.R. Part 611.

7. 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.

8. Cost Participation Restrictions
 - a. Federal/local share requirements – various provisions of FTA and FHWA enabling legislation.
 - b. "Net Project Cost" defined by 49 U.S.C. § 5302(a)(8).
 - c. Office of Management and Budget (OMB) Circular A-87, Revised, "Cost Principles for State and Local Governments."
 - d. OMB Circular A-21, Revised, "Cost Principles for Educational Institutions."
 - e. OMB Circular A-122, Revised, "Cost Principles for Non-Profit Organizations."
 - f. Federal Acquisition Regulation, 48 C.F.R. Chapter I, Subpart 31.2, "Contracts with Commercial Organizations."

9. Cash Withdrawal Restrictions
 - a. 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.
 - b. U.S. Department of Treasury regulations, "Rules and Procedures for Funds Transfers," 31 C.F.R. Part 205 implementing Section 5(b) of the Cash Management Improvement Act of 1990, as amended, 31 U.S.C. § 6503(b).
 - 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).

10. Private Enterprise Protections
 - a. Federal Transportation Administration (FTA) regulations, "Charter Service," 49 C.F.R. Part 604, implementing 49 U.S.C. § 5323(d).
 - b. FTA regulations, "School Bus Operations," 49 C.F.R. Part 605, implementing 49 U.S.C. § 5323(f).
 - c. Executive Order No. 12803, "Infrastructure Privatization," 31 U.S.C. § 501 note, and Executive Order No. 12893, "Principles for Federal Infrastructure Investments," 31 U.S.C. § 501 note.

11. Labor Protections
 - a. 49 U.S.C. § 5333(b), and implementing U.S. Department of Labor (U.S. DOL) guidelines, "Section 5333(b), Federal Transit Law," 29 C.F.R. Part 215.
 - b. Davis-Bacon Act, 40 U.S.C. §§ 276a - 276a(7) and the Contract Work Hour and Safety Standards Act, 40 U.S.C. §§ 327 through 332 and implementing 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.
 - c. Section 107 of the Contract Work Hour and Safety Standards Act, 40 U.S.C. § 333 and implementing U.S. DOL regulations, "Safety and Health Regulations for Construction," 29 C.F.R. Part 1926.
 - d. Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. § 874 and 40 U.S.C. § 276c and implementing 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.
 - e. Fair Labor Standards Act, as amended, 29 U.S.C. §§ 201 *et seq.*

12. Civil Rights
 - a. 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.
 - b. Section 1101(b) of TEA-21, 23 U.S.C. § 101 note, and implementing U.S. DOT regulations, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 C.F.R. Part 26.

- c. 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, implementing Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.*
- d. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, providing for equal employment opportunity.
- e. U.S. DOL regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 *et seq.*, implementing Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000(e) note.
- f. Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601 *et seq.* and Executive Order No. 12892, "Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing," 42 U.S.C. § 3608 note.
- g. Title IX of the Education Amendments of 1972, as further amended, 20 U.S.C. §§ 1681 *et seq.* and implementing 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 Act of 1975, as amended, 42 U.S.C. §§ 6101 *et seq.*
- i. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.
- j. Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101 *et seq.*
- k. Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 *et seq.*
- l. U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 C.F.R. Part 37.
- m. 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.
- n. 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.
- o. FTA regulations, "Transportation for Elderly and Handicapped Persons," 49 C.F.R. Part 609.
- p. U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability in State and Local Government Services," 28 C.F.R. Part 35.
- q. U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," 28 C.F.R. Part 36.
- r. U.S. General Services Administration (U.S. GSA) regulations, "Accommodations for the Physically Handicapped," 41 C.F.R. Subpart 101-19.
- s. 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.
- t. 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.
- u. Architectural and Transportation Barriers Compliance Board regulations, "Electronic and Information Technology Accessibility Standards," 36 C.F.R. Part

- 1194, implementing section 508 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794d.
- v. U.S. DOT Notice, "DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries," 66 Fed. Reg. 6733 *et seq.*, January 22, 2001, implementing Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000, 42 U.S.C. § 2000d-1 note.
 - w. Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 42 U.S.C. § 4321 note.
13. Political Activity Restrictions
- a. Hatch Act, 5 U.S.C. §§ 1501-1508, 7324-7326, modified by 23 U.S.C. § 142(g); and implementing U.S. Office of Personnel Management regulations, "Political Activity of State or Local Officers or Employees," 5 C.F.R. Part 151.
14. Relocation and Real Property Acquisition Protections
- a. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. §§ 4601 *et seq.* and implementing U.S. DOT regulations, "Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs," 49 C.F.R. Part 24.
15. Environmental Protections
- a. FTA statutory requirements on environmental matters at 49 U.S.C. § 5324(b).
 - b. Department of Transportation Act on the use of Public Lands, 49 U.S.C. § 303.
 - c. National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 *et seq.*; and implementing Executive Order No. 11514, as amended, "Protection and Enhancement of Environmental Quality," 42 U.S.C. § 4321 note.
 - d. Council on Environmental Quality regulations on compliance with the National Environmental Policy Act of 1969, as amended, 40 C.F.R. Part 1500 *et seq.*
 - e. Joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," 23 C.F.R. Part 771 and 49 C.F.R. Part 622.
 - f. Clean Air Act, as amended, 42 U.S.C. §§ 7401 *et seq.* and scattered sections of 29 U.S.C.
 - g. 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; and "Determining Conformity of Federal Actions to State or Federal Implementation Plans," 40 C.F.R. Part 93.
 - h. U.S. EPA regulations, "Control of Air Pollution from Motor Vehicles and Motor Vehicle Engines," 40 C.F.R. Part 85;
 - i. U.S. EPA regulations, "Control of Air Pollution from New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures" 40 C.F.R. Part 86.
 - j. U.S. EPA regulations, "Fuel Economy of Motor Vehicles," 40 C.F.R. Part 600.
 - k. Federal Water Pollution Control Act, as amended, 33 U.S.C. §§ 1251 *et seq.*
 - l. Safe Drinking Water Act of 1974, as amended, 42 U.S.C. §§ 300h *et seq.*

- m. 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.
- n. Resource Conservation and Recovery Act, as amended, 42 U.S.C. §§ 6901 *et seq.*
- o. Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §§ 9601 *et seq.*
- p. Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §§ 1451 *et seq.*
- q. Wild and Scenic Rivers Act of 1968, as amended, 15 U.S.C. §§ 1271 *et seq.*
- r. Executive Order No. 11990, as amended, "Protection of Wetlands," 42 U.S.C. § 4321 note.
- s. Executive Order No. 11988, as amended, "Floodplain Management" 42 U.S.C. § 4321 note.
- t. Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 *et seq.*
- u. Section 106 of the National Historic Preservation Act, as amended, 16 U.S.C. § 470f and implementing Executive Order No. 11593, "Protection and Enhancement of the Cultural Environment," 16 U.S.C. § 470 note.
- v. Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. §§ 469a *et seq.*
- w. Advisory Council on Historic Preservation regulations, "Protection of Historic and Cultural Properties," 36 C.F.R. Part 800.

16. Energy Conservation

- a. Energy Policy and Conservation Act, 42 U.S.C. §§ 6321 *et seq.*

17. Safety and Security

- a. Facilities and Operations Safety.
 - (1) FTA regulations, "Rail Fixed Guideway Systems; State Safety Oversight," 49 C.F.R. Part 659, implementing 49 U.S.C. § 5330.
 - (2) U.S. DOT regulations, "Seismic Safety," 49 C.F.R. Part 41, (specifically, 49 C.F.R. § 41.117) implementing the Earthquake Hazards Reduction Act of 1977, as amended, 42 U.S.C. §§ 7701 *et seq.*, and Executive Order No. 12699, "Seismic Safety of Federal and Federally-Assisted or Regulated New Building Construction," 42 U.S.C. § 7704 note.
 - (3) Research and Special Programs Administration, "Shippers - General Requirements for Shipments and Packagings," 49 C.F.R. Part 173.
 - (4) Section 102(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. § 4012a(a).
 - (5) Section 401(b) of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. § 4831(b).
 - (6) Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 1997, 23 U.S.C. § 402 note.
- b. Drug and Alcohol
 - (1) U.S. DOT regulations, "Drug-Free Workplace Requirements (Grants)," 49 C.F.R. Part 29, Subpart F, as modified by 41 U.S.C. § 702.
 - (2) FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655.

- (3) Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1174 *et seq.*
- (4) Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4581 *et seq.*
- (5) Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 290dd-3 and 290ee-3.
- c. Research Safety Protections
 - (1) National Research Act, Pub. L. 93-348, July 12, 1974, as amended, 42 U.S.C. §§ 289 *et seq.*, and implementing U.S. DOT regulations, "Protection of Human Subjects," 49 C.F.R. Part 11.
 - (2) Laboratory Animal Welfare Act of 1966, as amended, 7 U.S.C. §§ 2131 *et seq.*, and implementing U.S. Department of Agriculture regulations, "Animal Welfare," 9 C.F.R. Subchapter A, Parts 1, 2, 3, and 4.
- d. Security
 - (1) Section 101(e) of the Aviation and Transportation Security Act, 49 U.S.C. 40119(b), and implementing U.S. Transportation Security Administration regulations, "Protection of Sensitive Security Information," 49 C.F.R. Part 1520.

18. Procurement

- a. FTA Circular 4220.1D, "Third Party Contracting," 04-15-96, as amended by Change 1, 08-04-98.
- b. FTA "Best Practices Procurement Manual."
- c. 49 U.S.C. § 5323(h)(2) prohibits exclusionary or discriminatory specifications.
- d. 49 U.S.C. § 5325(b), special procurement procedures for architectural and engineering services.
- e. 49 U.S.C. § 5326(c), acquisition of rolling stock.
- f. 49 U.S.C. § 5326(b)(1), multi-year options.
- g. 49 U.S.C. § 5325(c), award to other than the low bidder.
- h. 49 U.S.C. § 5325(a), access to records.
- i. 49 U.S.C. § 5323(e) to acquire bus seats.
- j. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 C.F.R. Part 663, implementing 49 U.S.C. § 5323(m).
- k. FTA regulations, "Bus Testing," 49 C.F.R. Part 665, implementing 49 U.S.C. § 5323(c).
- l. FTA Notice, "FTA National ITS Architecture Policy on Transit Projects" 66 Fed. Reg. 1455 *et seq.*, January 8, 2001.
- m. FTA regulations, "Capital Leases," 49 C.F.R. Part 639.
- n. 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 *et seq.*
- o. Section 508 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1368, and other applicable provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§ 1251 *et seq.*
- p. U.S. Environmental Protection Agency "Comprehensive Procurement Guidelines for Products Containing Recovered Materials," 40 C.F.R. Part 247, implementing section 6002 of the Resource Conservation and Recovery Act, as amended, 42

- U.S.C. § 6962.
- q. 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.
19. Domestic Preferences
- a. FTA regulations, "Buy America Requirements," 49 C.F.R. Part 661.
 - b. U.S. Maritime Administration regulations, "Cargo Preference--U.S.-Flag Vessels," 46 C.F.R. Part 381.
 - c. U.S. General Services Administration regulations, "Use of United States-Flag Air Carriers," 41 C.F.R. §§ 301-10.131 through 301-10.143 implementing the International Air Transportation Fair Competitive Practices Act of 1974, as amended, 49 U.S.C. § 40118.
20. Property Ownership and Management
- a. 49 U.S.C. §§ 5334(g) -- transfer of project assets.
 - b. FTA Circular 7020.1, "Cross-Border Leasing Guidelines," April 26, 1990.
 - c. 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 (implementing the 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).
 - d. 15 U.S.C. §§ 205a *et seq.*; Executive Order No. 12770, "Metric Usage in Federal Government Programs," 15 U.S.C. § 205a note
21. Oversight and Audit
- a. FTA regulations, "Project Management Oversight," 49 C.F.R. Part 633.
 - b. OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," and OMB A-133 Compliance Supplement provisions for the Department of Transportation, March, 2002, implementing the Single Audit Amendments of 1996, 31 U.S.C. §§ 7501 *et seq.*
 - c. U.S. Comptroller General, "Government Auditing Standards."
22. Fraud
- a. Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 *et seq.* and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31.
 - b. 18 U.S.C. § 1001 (Criminal Fraud Statute).