



Board of Directors Regular Meeting Agenda

Wednesday, February 23, 2022

1:30 p.m.

MTA Board of Directors

Saprina Rodriguez, Chair
Jim Tarbell, Vice Chair
Bruce Richard
Tess Albin-Smith
Eric Dahlhoff
Maureen Mulheren
Josefina Dueñas

Pursuant to Governor Newsom's Executive Orders N-29-20 revised on June 11, 2021 and Executive Order N-08-21 revised on June 11, 2021, and pursuant to AB 361, members of the MTA Board of Directors will participate in this meeting via teleconference or videoconference.

Please press mute on your phone or computer until public comments are open. The Chair will call for public comments during the Public Comment section of the agenda as well as during each agenda item discussion. Members of the public may also submit questions via email to sara@mendocinotransit.org and these comments will be read aloud during the public comment section of the meeting and be made part of the official record of the meeting. Comments must be submitted prior to the close of the comment period.

Mendocino Transit Authority is inviting you to a scheduled Zoom meeting.

Topic: MTA Board Meeting

Time: Feb 23, 2022 01:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/82185943624>

Meeting ID: 821 8594 3624

Passcode: 800511

One tap mobile

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+12532158782,,82185943624# US (Tacoma)

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February 23, 2022 MTA Board of Directors Regular Meeting Agenda

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Meeting ID: 821 8594 3624

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Please visit <https://mendocinotransit.org/board-of-directors/> to view available agenda background documents.

AGENDA ITEMS

A. CALL TO ORDER

B. PUBLIC COMMENT

MTA Board of Directors welcomes participation in its meetings. Comments shall be limited to three (3) minutes per person so that everyone may be given an opportunity to be heard. To expedite matters and avoid repetition, whenever any group of persons wishes to address the MTA Board of Directors on the same subject matter, the Chair may request that a spokesperson be chosen by the group. This item is limited to matters under the jurisdiction of the Mendocino Transit Authority which are not on the posted agenda. Public criticism of the MTA Board will not be prohibited. No action shall be taken.

C. CONSENT CALENDAR

- 1. Approval of Minutes of January 26, 2022 Regular Board Meeting**
- 2. Acceptance of Service Performance Report**
- 3. Acceptance of Financial Reports – July 2021 through December 2021**
- 4. Adoption of Resolution No. 2022-03 Authorizing Remote Teleconference Meetings of the Board of Directors of Mendocino Transit Authority for the period of February 23, 2022, through March 23, 2022 Pursuant to Brown Act Provisions.**
- 5. Approval of Executive Director Conference Request – CALACT Spring Conference & Expo April 19-22, 2022**

D. ACTION & DISCUSSION

- 1. Unmet Needs: Solicit Public Input**
- 2. Discussion and Possible Adoption of Resolution 2022-04 Approving Grant Application for 5310 to Continue MTA's Mobility Management Program and Authorizing MTA Executive Director, Jacob King, to apply for 5310 Grant Funding in the amount of \$300,000.**
- 3. Discussion and Possible Adoption of Resolution 2022-05 Approving Federal**

Transit Administration Certifications and Assurances Fiscal Year 2022.

E. DIRECTOR AND MANAGEMENT REPORTS

- 1. Matters from Management**
- 2. Matters from Directors**

F. CLOSED SESSION

Closed Session Pursuant to Government Code 54957: Public Employee Performance Evaluation – Executive Director

G. ANNOUNCEMENT OUT OF CLOSED SESSION

H. ADJOURN

Anticipated adjournment is 3:30 p.m.

Americans with Disabilities Act (ADA) Compliance

Mendocino Transit Authority complies with AMERICANS WITH DISABILITIES ACT (ADA). Upon request, MTA will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats pursuant to Government Code Section 54953.2 and Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132). Anyone requiring reasonable accommodation in order to participate in the meeting should contact Heather Lindsteadt at Mendocino Transit Authority by calling (707) 234-6447 or by email at sara@mendocinotransit.org at least 72 hours prior to the meeting.



Board of Directors Regular Meeting Minutes

Wednesday, January 26 2022

1:30 p.m.

MTA Directors in Attendance

Bruce Richard
Jim Tarbell
Tess Albin-Smith
Eric Dahlhoff
Saprina Rodriguez

MTA Directors Absent

Josefina Dueñas
Maureen Mulheren

Staff in Attendance

Jacob King, Executive Director
Mark Harvey, CFO
Heather Lindsteadt, HR Director
Dawn White, Mobility Manager
Bob Butler, Maintenance Manager
Sara Marquez, Assistant Clerk of the Board

Staff Absent

Due to the Shelter in Place Order issued by Mendocino County Public Health on March 17, 2020, and pursuant to Governor Newsom's Executive Orders N-33-20 and N-25-20, members of the MTA Board of Directors participated in this meeting via teleconference or videoconference.

AGENDA ITEMS

A. CALL TO ORDER

Chair Rodriguez called the meeting to order at 1:30 p.m.

B. PUBLIC COMMENT

No public comments.

C. CONSENT CALENDAR

1. Approval of Minutes of December 8, 2021 Regular Board Meeting
2. Approval of Minutes of January 6, 2022 Special Board Meeting Minutes
3. Acceptance of Service Performance Report
4. Acceptance of Financial Reports – July 2021 through November 2021
5. Adoption of Resolution No. 2022-02 Authorizing Remote Teleconference Meetings of the Board of Directors of Mendocino Transit Authority for the period of January 26, 2022, through February 26, 2022, Pursuant to Brown Act Provisions.

Upon Motion by Director **Dahlhoff** seconded by Director **Albin-Smith** the Board approved Consent Calendar items C.1 through C.5 by roll call vote. **AYES:** Tarbell, Albin-Smith, Dahlhoff, Chairwoman Rodriguez **NOES:**0, **ABSTAIN:** 0, **ABSENT:** Mulheren, Richard, Dueñas

D. ACTION & DISCUSSION

1. Unmet Needs: Solicit Public Input
2. Discussion and Possible Approval of MTA Special Event: Blue Economy Symposium Event Fort Bragg on May 21, 2022 and May 22, 2022.

Director Albin-Smith requested donation of a bus for the Ocean Festival which will be held on May 21 and May 22 from 10:00 a.m. to 3:00 p.m. Director Albin-Smith stated that the City of Fort Bragg had budgeted funds to go toward the operation of the vehicle if needed.

Executive Director King stated that MTA would have a vehicle available for the event.

Upon Motion by Director **Tarbell** seconded by Director **Dahlhoff** the Board approved of MTA Special Event: Blue Economy Symposium Event Fort Bragg on May 21, 2022 and May 22, 2022 by roll call vote. **AYES:** Tarbell, Richard, Dahlhoff, Chairwoman Rodriguez **NOES:**0, **ABSTAIN:** Albin-Smith 0, **ABSENT:** Mulheren, Dueñas

Director Richard joined the meeting at 1:44pm

3. Discussion and Possible Adoption of Resolution Approving Grant Application for 5339 Funding for All Electric 35-Foot Electric Coach and Authorizing MTA Executive Director, Jacob King, to apply for 5339 Funding.

Item pulled from agenda.

4. Presentation, Discussion and Possible Action Approval of a Three-Year Contact between Swiftly and Mendocino Transit Authority for GTFS Real Time for \$172,260.00

Item pulled from Agenda.

5. Presentation, Discussion and Possible Action Approval of Contract for Validator Contactless Payment Between Cal-ITP and Mendocino Transit Authority.

Item pulled from Agenda.

E. DIRECTOR AND MANAGEMENT REPORTS

1. Matters from Management

Jacob King, Executive Director, reported that MTA did not have to reduce service as noted at the January meeting. Mr. King also mentioned that he has been working with Dawn White, MTA's Mobility Manager, the Seniors Centers, Caltrans and MCOG on the 5310 program to assist the Senior Center in their application to the 5310 grant program.

Mr. King reported that he is continuing to work with Cal-ITP on the fare validators and he will return that item to a future board meeting agenda.

Maintenance Manager Bob Butler reported that the Fort Bragg yard building painting has been completed and he continues to work with PG&E on the Ukiah Fort Bragg yard electric conversion. Mr. Butler reported that the 2 electric vehicles were not accepted due to issues he found, and he hopes he can accept delivery in February.

Heather Lindsteadt, HR Director reported that MTA will be hosting a Hiring Event in Fort Bragg on January 27, 2022, from 10:00 a.m. to 2:00 p.m. and pre-registration is recommended for the event.

Mark Harvey, CFO reported that he is working on the audit.

2. Matters from Directors

Director Tarbell, asked when the new electric buses will be delivered and in service.

Mr. King reported that he doesn't have a date yet but that there are 2 buses being built and 3 others are on order.

Director Albin-Smith asked if MA has submitted a letter of support for the newly formed RuralREN AdHoc Committee. **Chair Rodriguez** ask Executive Director King to follow up on this matter.

Director Richard requested an expanded performance and productivity report at the February meeting.

Chairwoman Rodriguez said that she appreciates all the good work from staff even through all the challenges related to Covid and thanked everyone for their effort.

F. CLOSED SESSION

Closed session pursuant to Government Code 54957: Public Employee Performance Evaluation – Executive Director

Closed session pursuant to Government Code 54957.6: Conference with Labor Negotiator

Agency Designated Representative: Agency Chair

Unrepresented Employee: Executive Director

G. ANNOUNCEMENT OUT OF CLOSED SESSION

Chair Rodriguez reported that during closed session that the board of director approved a one-year contract for Executive Director Jacob King for the period of January 27, 2022, to January 27, 2023 increasing salary of 3.5% to Step D - \$119,523 and all benefits to remain the same. She reported that the evaluation was satisfactory and requested staff to agendaize a Closed Session for the February meeting for Employee Performance Evaluation of the Executive Director.

H. ADJOURN

Chair Rodriguez adjourned the meeting at 2:35pm



FY 21-22 RIDERSHIP PERFORMANCE BY ROUTE

	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	2021-22 YTD	2020-21 YTD	# Change	% Change
01 - Willits Local	587	593	481	497	456	431	400	0	0	0	0	0	3445	2281	1,164	51%
03 - Ukiah - DAR	1068	971	976	961	890	1013	663	0	0	0	0	0	6542	4137	2,405	58%
04 - Fort Bragg - DAR	580	572	574	574	548	593	502	0	0	0	0	0	3943	3097	846	27%
05 - BraggAbout	498	484	461	390	409	378	308	0	0	0	0	0	2928	3445	(517)	-15%
07 - Jitney	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
08 - Ukiah Evening-Not Operating	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
09 - Ukiah Local	3096	3006	3191	3286	3087	2861	2880	0	0	0	0	0	21407	16132	5,275	33%
20 - Willits - Ukiah	966	1085	1336	1382	1189	1089	1149	0	0	0	0	0	8196	4505	3,691	82%
60 - Coaster	235	251	293	295	266	256	248	0	0	0	0	0	1844	1515	329	22%
64 - Ukiah to Fort Bragg-Not Operating	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
65 - Fort Bragg to Santa Rosa	557	470	466	406	405	434	406	0	0	0	0	0	3144	0	3,144	0%
65A - New Route 65-Not Operating	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
74 - Saturday Gualala-Ukiah	77	43	35	52	33	28	25	0	0	0	0	0	293	185	108	58%
75 - M-F Gualala to Ukiah	259	411	522	448	374	406	328	0	0	0	0	0	2748	1584	1,164	73%
95 - Pt. Arena to Santa Rosa	200	183	192	179	204	192	172	0	0	0	0	0	1322	330	992	301%
97 - Redwood Coast Regional	86	113	204	180	180	183	74	0	0	0	0	0	1020	0	1,020	0%
Monthly Totals	8209	8182	8731	8650	8041	7864	7155	0	0	0	0	0	56832	37211	19,621	53%



Meeting Date: February 23rd, 2022

Agenda Item: # C.3

AGENDA SUMMARY REPORT

SUBJECT:

Preliminary Unaudited Financial Statements July - December 2021

SUMMARY:

Preliminary Unaudited Financial Reports for the Months of July through December 2021 from MTA's QuickBooks accounting system including the Statement of Net Position and Statement of Revenues and Expenses.

Revenue of \$2,812,409 is 44.0% of budgeted revenue of \$6,389,846 for the year, with 50.0% of year elapsed.

Expenses of \$2,572,767 are 44.2% of budgeted expenses of \$5,819,293 for the year, with 50.0% of year elapsed.

STAFF RECOMMENDATION:

Accept Unaudited Financial Statements for July through December 2021.

ATTACHMENTS:

Statement of Net Position as of December 31st, 2021
Statement of Revenues and Expenses July - December 2021

Mendocino Transit Authority
Statement of Net Position
As of December 31st, 2021

February 23rd, 2022
Agenda Item #C.3

ASSETS

Current Assets

Checking/Savings

101.900 - Cash

101.100 - Cash-Operating

Operating Cash 678,065

LCTOP Operating 164,669

Senior Operating 220,321

Payroll & Benefits Operating 140,331

Total 101.100 - Cash-Operating Total 1,203,386

101.200 - Cash-Capital

101.202 - Capital Wkg-MUNIS #4100 542,290

101.203 - Cap CALOES -MUNIS #4140 2,304

101.204 - Capital PTMISEA-MUNIS #4230 271,358

101.227 - Cap LCTOP-Umpqua #2776 19

Total 101.200 - Cash-Capital 815,971

Total 101.900 - Cash 2,019,357

Total 102.000 - Accounts Receivable 460,797

Other Current Assets

Total 102.300 - Grants Receivable 979,089

Total 102.100 - Accounts Receivable Other 88,600

Total 103.990 - Inventory 20,393

Total 104.199 - Prepaid Expenses Total 174,920

Total 104.200 - Undeposited Funds 29,199

Total Other Current Assets 1,292,200

Total Current Assets 3,772,355

Fixed Assets

Total 111.900 - Fixed Assets 21,124,454

Total 111.910 - Accumulated Depreciation -12,927,964

Total 115.900 - Construction in Progress 39,592

Total 121.900 - Intangible Total 15,000

Total 121.910 - Accum Amortization Total -15,000

Total Fixed Assets 8,236,081

Other Assets

Total 131.900 - Deferred Outflows of Resource 773,800

Total Other Assets 773,800

TOTAL ASSETS 12,782,235

Mendocino Transit Authority
Statement of Net Position
As of December 31st, 2021

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

Total Accounts Payable 276,542

Total Credit Cards 11,007

Other Current Liabilities

Deferred Grant Revenue 820,227

CalPERS Loan Repayments 1,243

205.700 - Uncashed Checks 8,862

205.900 - Accruals Total

203.140 - Misc Deductions 2,036

205.200 - Accrued Payroll 54,566

205.300 - Accrued Retirement 7,065

205.400 - Accrued Deferred Comp 4,612

205.500 - Accrued Vacation 143,470

205.600 - Accrued Sick Leave 76,384

Total 205.900 - Accruals Total 288,132

Total Other Current Liabilities 1,118,464

Total Current Liabilities 1,406,014

Long Term Liabilities

231.900 - Prov-Restricted Funds

231.100 - Provision for Liability 29,505

231.200 - Provision for Vehicle Damage 10,103

231.300 - Provision for Unemployment 109,545

231.400 - Provision for Cafeteria Plan 20,824

231.500 - Provision for Worker's Comp 199

Total 231.900 - Prov-Restricted Funds 170,176

235.300 - Deferred Inflows of Resource 140,738

235.910 - Pension Liabilities 2,079,339

Total Long Term Liabilities 2,390,254

Total Liabilities 3,796,267

Equity

Total 399.900 - Equity 9,274,626

Net Income -288,658

Total Equity 8,985,968

TOTAL LIABILITIES & EQUITY 12,782,235

Mendocino Transit Authority
Statement of Revenues, Expenses
 July 2021-December 2021

February 23rd, 2022
 Agenda Item #C.3

	TOTAL		
	Jul '21 - Dec '21	Budget	% of Budget
Ordinary Income/Expense			
Income			
411.000 · OPERATING REVENUE.			
401.100 · Fares-Passengers	86,325	460,000	18.8%
413.000 · Redwood Coast Regional Center	46,419	65,000	71.4%
409.200 · Sonoma County Contract	88,600	177,200	50.0%
Total 411.000 · OPERATING REVENUE.	221,344	702,200	31.5%
420.000 · REVENUES FROM OTHER SOURCES			
413.113 · 5311 CARES Assistance	0	650,000	0.0%
406.100 · Advertising Contract	72,224	100,000	72.2%
Total 407.100 · Maintenance Revenue	13,291	49,500	26.9%
407.400 · Investment(Interest) Income	2,931	7,500	39.1%
407.500 · Other - Fuel Rebates, Etc.	9,312	4,000	232.8%
409.100 · Local Transportation Fund (LTF)	1,717,146	3,434,291	50.0%
409.110 · State Transit Assistance (STA)	327,611	455,221	72.0%
413.101 · 5311 Operating Assistance	36,459	552,134	6.6%
413.110 · 5311(f) Operating Assistance	265,860	300,000	88.6%
411.100 · LCTOP Cap & Trade - Operating	0	90,000	0.0%
426.000 · Ag Van Leases	26,836	45,000	59.6%
409.101 · MCOG - SGR/Caltrans SB1	119,396	0	0.0%
Total 420.000 · REVENUES FROM OTHER SOURCES	2,591,065	5,687,646	45.6%
Total Income	2,812,409	6,389,846	44.0%
Expense			
Total 501.100 · WAGES	1,437,143	2,934,832	49.0%
Total 510.000 · BENEFITS	479,874	1,456,831	32.9%
520.000 · SERVICE/USER FEES			
521.000 · Vehicle Technical Services	-603	8,500	-7.1%
521.250 · Towing	517	3,200	16.2%
521.500 · Property Maintenance Services	75	2,750	2.7%
521.700 · Contract IT Services	9,500	30,000	31.7%
503.202 · Legal Counsel	2,601	25,000	10.4%
508.100 · Purch. Trans (Willits DAR)	536	2,400	22.3%
523.000 · Marketing	8,337	8,000	104.2%
509.300 · Advertising, Legal Notices	24,677	18,000	137.1%
524.000 · Software Maintenance Fees	27,928	45,000	62.1%
524.200 · Drug & Alcohol Services	3,246	6,000	54.1%
525.000 · Facility Security System	629	1,500	41.9%
525.500 · Accident / Incident Payables	270	15,000	1.8%
503.200 · Professional & Technical Svcs	39,347	134,380	29.3%
Total 520.000 · SERVICE/USER FEES	117,060	299,730	39.1%
530.000 · MATERIALS & SUPPLIES			
504.110 · Fuel	168,157	400,000	42.0%
504.120 · Tires	2,806	35,000	8.0%
504.115 · Lubrication	6,571	25,000	26.3%
532.500 · Tools	487	1,500	32.5%
Total 504.100 · Vehicle Maint & Repair Parts	33,104	50,000	66.2%
Total 504.200 · Expensed Parts	2,531	2,500	101.2%
504.610 · Shop Supplies	1,564	20,000	7.8%
504.620 · Facilities,Maint & Repair Parts	26,896	35,000	76.8%
504.400 · Office Supplies	12,993	25,000	52.0%
509.200 · Printing (Schedules,brochures)	3,913	7,000	55.9%
536.700 · Computer Programs & Supplies	8,084	4,500	179.6%
537.000 · Safety & Emergency Supplies	2,414	1,500	160.9%

Mendocino Transit Authority
Statement of Revenues, Expenses
July 2021-December 2021

February 23rd, 2022
Agenda Item #C.3

	TOTAL		
	Jul '21 - Dec '21	Budget	% of Budget
537.500 · Other Materials & Supplies	16,444	14,000	117.5%
Total 530.000 · MATERIALS & SUPPLIES	285,964	621,000	46.0%
540.000 · UTILITIES.			
541.000 · MTA Base -Water, Sewer & Waste	4,389	15,000	29.3%
541.250 · FB-Water,Sewer, Waste & Propane	2,321	6,000	38.7%
541.500 · Willits-Water, Sewer & Waste	1,342	3,000	44.7%
542.000 · PG&E-Ukiah, Fort Bragg,Willits	4,130	7,600	54.3%
543.000 · TPX- Ukiah Phones / Internet	20,267	42,000	48.3%
543.250 · Comcast-Fort Bragg Phones/Inter	660	1,100	60.0%
544.000 · Verizon-Admin / OPS Cellular	11,440	12,000	95.3%
Total 540.000 · UTILITIES.	44,550	86,700	51.4%
Total 560.000 · VEHICLE,CASUALTY & LIABILITY	177,264	360,000	49.2%
570.000 · TAXES			
571.000 · Taxes-State Bd of Equalization	252	600	42.0%
572.000 · Vehicle Licensing & Reg Fees	83	1,700	4.9%
Total 570.000 · TAXES	335	2,300	14.6%
580.000 · MISCELLANEOUS			
504.510 · Dues & Subscriptions	2,876	16,000	18.0%
502.700 · Travel	16,641	30,000	55.5%
582.250 · Board Expenses	0	500	0.0%
583.000 · Safety Program	0	1,000	0.0%
509.800 · Training	3,578	4,500	79.5%
584.500 · CDL & DOT Physical Expenses	3,150	3,500	90.0%
Total 580.000 · MISCELLANEOUS	26,244	55,500	47.3%
590.000 · LEASES & RENTALS			
591.000 · Leases & Rentals	4,333	2,400	180.6%
Total 590.000 · LEASES & RENTALS	4,333	2,400	180.6%
Total Expense	2,572,767	5,819,293	44.2%
 Net Income Before Depreciation	 239,642	 570,553	 42.0%
 Depreciation Expense	 528,300		
 Net Income After Depreciation	 -288,658		



Meeting Date: February 23, 2022

Agenda Item: C.4

AGENDA SUMMARY REPORT

SUBJECT:

Discussion and Possible Adoption of Resolution No. 2022-03 Authorizing Remote Teleconference Meetings of the Board of Directors of Mendocino Transit Authority for the period of February 23, 2022, through March 23, 2022 Pursuant to Brown Act Provisions.

SUMMARY:

The purpose of this item is to decide if Mendocino Transit Authority Board of Directors will continue virtual meetings or return to pre pandemic in-person meetings. In accordance with AB 361 the MTA Board must consider adoption of subsequent resolutions every 30 days to continue conducting virtual meetings during a declared State of Emergency in California.

The MTA Board of Directors has adopted the following Resolutions related to AB 361:

- Resolution 2021-18 on September 30, 2021, which authorized virtual Board meetings through October 30, 2021.
- Resolution 2021-19 on October 27, 2021 which authorized virtual Board meetings through November 27, 2021.
- Resolution 2021-21 on November 18, 2021 which authorized virtual Board meetings through December 18, 2021.
- Resolution 2021-22 on December 8, 2021 which authorized virtual Board meetings through January 8, 2022.
- Resolution 2022-01 on January 6, 2022 which authorized virtual Board meetings through February 5, 2022.
- Resolution 2022-01 on January 26, 2022 which authorized virtual Board meetings through February 26, 2022.

The next Regular Board Meeting is scheduled for March 30, 2022. If the Board declines approval of the attached resolution, staff will begin preparations for an in-person meeting on March 30, 2022. If the Board would like to conduct the March 30, 2022 meeting virtually, a Special Meeting will need to be scheduled in early March.

STAFF RECOMMENDATION:

1. Adopt Resolution 2022-03 Authorizing virtual Board Meetings for the period of February 23, 2022 through March 23, 2022 and authorize staff to schedule a Special Board meeting in early March to extend the AB 361 Resolution beyond March 23, 2022.

ATTACHMENTS

Resolution 2022-03 Authorizing Remote Teleconference Meetings of the Board of Directors of Mendocino Transit Authority for the period of February 23, 2022 through March 23, 2022, Pursuant to Brown Act Provisions.



RESOLUTION NO. 2022-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MENDOCINO TRANSIT AUTHORITY PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2021, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS OF MENDOCINO TRANSIT AUTHORITY FOR THE PERIOD FEBRUARY 23, 2022 THROUGH MARCH 23, 2022 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, MENDOCINO TRANSIT AUTHORITY is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Mendocino Transit Authority's Board of Directors are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Agency's Board conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of the Board of Directors, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Agency's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person may present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 2021-18 on September 29, 2021, finding that the requisite conditions exist for the Board of Directors of Mendocino Transit Authority to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the MTA Jurisdiction, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the MTA jurisdiction, specifically, a State of Emergency remains active related to the SARS-CoV-2 pandemic, and

WHEREAS, the Board of Directors of Mendocino Transit Authority does hereby find that the SARS-CoV-2 virus continues to impact our community, and, in-person meetings may create an environment where transmission of SARS-CoV-2 could be spread and has caused, and will continue to cause,

conditions of peril to the safety of persons within the Agency that are likely to be beyond the control of services, personnel, equipment, and facilities of the Agency, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the Board of Directors of Mendocino Transit Authority shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, Mendocino Transit Authority Board of Directors will continue to post an Agenda online, in accordance with Brown Act requirements, make the meetings available and accessible online, and allow for public participation in the meetings of the Board of Directors.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF MENDOCINO TRANSIT AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the MTA jurisdiction and proclaims that a local emergency persists, and meeting in-person would create an imminent risk.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2021.

Section 4. Remote Teleconference Meetings. The MTA Executive Director and staff and Board of Directors of Mendocino Transit Authority are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) March 23, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors of Mendocino Transit Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Mendocino Transit Authority this 23th day of February, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

MTA Board Chair, Saprina Rodriquez



Meeting Date: February 23 2022

Agenda Item: C.5

MEMO

SUBJECT:

Approval of Executive Director Conference Request – CALACT Spring Conference & Expo April 19-22, 2022

SUMMARY:

The California Association for Coordinated Transportation (CALACT) is conducting its annual Spring Conference & Expo in Newport Beach on April 19-22. The 2022 Annual Spring Conference & Expo will offer dedicated time to learn about ZEB plans, discuss driver shortages & retention, and facilitate conversations and workshops around the transit industry's most pressing issues. Executive Director King has attended the CALACT conferences 4 times over the last 3 years.

The cost of the conference (all days) and lodging is approximately \$1,600.00.

Approve MTA's Executive Director to attend the 2022 CALACT Spring Conference & Expo Newport Beach, CA April 19-22, 2022.

2020-2021 UNMET NEEDS REQUESTS

Date	City	Requestor	Service Requested
7/29/2020		Director Richard	Round Trip service from Ukiah to South Coast and round trip service from Ukiah to Fort Bragg/Mendocino
1/27/2021	Point Arena	Director Dahlhoff	Addition of local South Coast service Gualala to Manchester
1/28/2021	Potter Valley	Community Member	Addition of transit service to Potter Valley
1/28/2021	Mendocino County	MTA/MCOG Identified Need	Micro transit services for the communities of Brooktrails, Potter Valley, Hopland, Covelo and Laytonville
2/24/2021	MTA Board Meeting	Director Tarbell	Service to the towns both inland and coastal communities with possible one day per week service roundtrip (Covelo, Leggett, Westport, Comptche, etc.)
2/24/2021	MTA Board Meeting	Director Tarbell	The Woods retirement community
3/31/2021	MTA Board Meeting	Director Tarbell	Resumption of Route #60
05/12/2021	MTA Board Meeting	Chair Rodriguez	Service to Covelo and Laytonville.



Meeting Date: February 23, 2022

Agenda Item: D.3

AGENDA SUMMARY REPORT

SUBJECT:

Discussion and Possible Adoption of Resolution 2022-05 Approving Federal Transit Administration Certifications and Assurances Fiscal Year 2022.

SUMMARY:

Prior to FTA award of federal assistance for public transportation in the form of a federal grant certain pre-award Certifications and Assurances are required. In addition, the MTA Board of Directors must authorize a representative to select and sign its Certifications and Assurances and bind MTA's compliance. The attached authorizing resolution hereby designates the MTA's Executive Director, Jacob King, as the authorized representative to select and sign all Certifications and Assurances that MTA must provide, to support each application it submits, to FTA for federal assistance during federal fiscal year (FY) 2022.

If approved, the Certifications and Assurances attached will be signed by the Executive Director and MTA's Legal Counsel and will be in effect for Fiscal Year 2022.

STAFF RECOMMENDATION:

Adopt Resolution 2022-05 Approving the Fiscal Year 2022-2023 FTA Certifications and Assurances and Authorize Executive Director King to sign and submit to the FTA.

ATTACHMENTS:

Resolution 2022-05
Certifications and Assurances FY 2022

**Mendocino Transit Authority Resolution No. 2022-05
AUTHORIZATION FOR THE EXECUTION OF THE
CERTIFICATIONS AND ASSURANCES
FOR FEDERAL TRANSIT ADMINISTRATION (FTA) FUNDING**

WHEREAS, the Mendocino Transit Authority is an eligible project sponsor and may receive federal funding from the Federal Transit Administration now or sometime in the future for transit projects; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing FTA funds to eligible project sponsors (local agencies); and

WHEREAS, the Mendocino Transit Authority wishes to delegate authorization to execute these documents and any amendments thereto to the MTA Executive Director, Jacob King.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Mendocino Transit Authority that the fund recipient agrees to comply with all conditions and requirements set forth in the attached Certification and Assurances document and applicable statutes, regulations and guidelines for all FY 2022 federally funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Executive Director, Jacob King, of Mendocino Transit Authority be authorized to execute all required documents of the FY 2022 federal grant programs and any Amendments thereto with the Federal Transit Administration.

Adoption of Resolution 2022-05 was MOVED by Director _____ and SECONDED by Director _____ at a regular meeting of the Board of Directors on February 23, 2022 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

AGENCY BOARD DESIGNEE:

Chairwoman, Saprina Rodriguez

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. Refer to FTA's accompanying Instructions document for more information.

Text in italics 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 on the basis 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 on the basis 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 on the basis 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 on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis 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 on the basis 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 as a result 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 subagreements.
- (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 of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time 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 with regard to 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 § 200.324, 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 §§ 200.317–200.326 “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 into 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
- (a) 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 pursuant to 49 CFR § 673.11(d). This certification is required by 49 U.S.C. § 5329(d)(1) and 49 CFR § 673.13.

This certification does not apply to any applicant that receives financial assistance from FTA exclusively 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.

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.

If the applicant is a State, the applicant certifies that:

- (a) It has drafted a public transportation agency safety plan for each small public transportation provider within 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 has a public transportation agency safety plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 CFR § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5).

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 acts 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, 2021, Pub. L. 116-260, div. E, title 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 into 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 into 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 will apply 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 is in compliance with 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 post-delivery 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 amounts 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 with regard to 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; and
- (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), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019). 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 2022 CERTIFICATIONS AND ASSURANCES FOR FTA
ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in 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.



Meeting Date: February 23, 2022

Agenda Item: D.3

AGENDA SUMMARY REPORT

SUBJECT:

Adoption of Resolution No. 2022-05 Authorizing the Federal Funding under FTA Section 5310 with the California Department of Transportation.

SUMMARY:

The goal of the 5310 program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available. The FTA 5310 program provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities.

This program provides grant funds for capital, mobility management, and operating expenses.

The next two-year cycle for 5310 funds is open. The application is due on Wednesday, March 2, 2022. MTA is applying for \$300,000 to continue its current program.

STAFF RECOMMENDATION:

1. Adopt Resolution No. 2022-05 Authorizing the Federal Funding Under FTA Section 5310 with the California Department of Transportation.

or

2. Do not apply for Federal 5310 grant funds.

ATTACHMENTS: Resolution No. 2022-05



Authorizing Resolution
RESOLUTION NO. 2022-05

RESOLUTION AUTHORIZING THE FEDERAL FUNDING UNDER FTA SECTION 5310 (49 U.S.C. SECTION 5310) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION

WHEREAS, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support capital projects for non-urbanized public transportation systems under Section 5310 of the Federal Transit Act (**FTA C 9070.1G**); and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5310 grants for transportation projects for seniors and individuals with disabilities; and

WHEREAS, *MENDOCINO TRANSIT AUTHORITY* desires to apply for said financial assistance to permit provided continued funding for the MTA Mobility Management Program in MENDOCINO COUNTY, CA and;

WHEREAS, the *MENDOCINO TRANSIT AUTHORITY* has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the *MENDOCINO TRANSIT AUTHORITY* does hereby authorize *Jacob King, Executive Director*, to file and execute applications on behalf of *MENDOCINO TRANSIT AUTHORITY* with the Department to aid in the financing of capital projects pursuant to Section 5310 of the Federal Transit Act (**FTA C 9070.1G**),

That *Jacob King, Executive Director*, is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

That *Jacob King, Executive Director*, is authorized to provide additional information as the Department may require in connection with the application for the Section 5310 projects.

That *Jacob King, Executive Director*, is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5310 project/s.

PASSED AND ADOPTED by the *MENDOCINO TRANSIT BOARD OF DIRECTORS* of the *MENDOCINO COUNTY*, State of California, at a regular meeting of the MTA Board of Directors held on the 23rd day of February 2022 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Attest:

Saprina Rodriguez, Chair