

STATE OF MONTANA
Application for Financial Assistance
(Agencies applying for capital must complete this page!)

AGENCY PROFILE

A. Organization

1. Legal Name of Applicant Agency:

City of Billings – Aviation and Transit Department – MET Transit _____

Name of Transit Program: MET Special Transit _____

Transit Coordinator: Ron Wenger, Transit Manager _____

Street Address: 1705 Monad Road _____

Mailing Address: P.O. Box 1178 _____

City: Billings _____ State: MT _____ Zip Code: 59103 _____

County: Yellowstone _____

Phone Number: 406-657-8221 _____ Fax Number: 406-657-8419 _____

E-mail Address: wengerr@ci.billings.mt.us _____

Web Site Address (if available): www.mettransit.com _____

Tax ID #: 81-6001237 _____

Fiscal Year: July 1, 2011 _____ to June 30, 2012 _____
(start date) (end date)

Coordination Plan Approval Date: November 10, 2010 _____

2. Agency Sponsor: check

- City
- County
- Tribal
- Private Non-profit*
- Transit District
- Transportation Improvement Area
- Other (specify) _____

*Attach a copy of your IRS 501(c) or 501(a)

3. Board of Directors: List all. (This is the governing board for the lead agency.)

Name	Term of Office	Affiliation
Mayor Thomas W. Hanel	1 st Term	City of Billings
Peggie Denney Gaghen	2 nd Term	City of Billings
Jim Ronquillo	2 nd Term	City of Billings
Angela Cimmino	1 st Term	City of Billings
Denis Pitman	1 st Term	City of Billings
Vince Ruegamer	2 nd Term	City of Billings
Richard McFadden	1 st Term	City of Billings
Ed Ulledalen	2 nd Term	City of Billings
Jani McCall	1 st Term	City of Billings
Richard Clark	2 nd Term	City of Billings
Mark Astle	1 st Term	City of Billings

4. Structure of the Lead Agency: Include the number of paid full- and part-time positions.

	Number	Full Time	Part Time
Executive	6	X	
Office Staff	1	X	
Drivers	40	X	
Dispatch	3	X	
Mechanics	4	X	
Janitorial	2	X	X

➤ Attach a copy of your organizational chart.

5. Union Affiliation (if applicable):

Union Name: Teamster Union

Contact: Joe Dwyer

Address: P.O. Box 50969

City: Billings State: MT Zip Code: 59105

Phone: (406) 248-2658 E-mail Address: teamsters190.com

B. System Description

1. Type of Service (check all that apply):

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Local | <input checked="" type="checkbox"/> Demand/Response*** |
| <input type="checkbox"/> Fixed Route* | <input type="checkbox"/> Deviated Fixed Route |
| <input type="checkbox"/> Intercity** | <input type="checkbox"/> Regional |

*If Fixed Route, describe how you meet the requirements of the Americans with Disabilities Act. *A copy of your Complementary Paratransit Plan must be on file at the MDT Transit Office.*

**If Intercity, describe frequency of service and areas served.

***If Demand/Response is this:

- | |
|--|
| <input checked="" type="checkbox"/> Curb-to-curb |
| <input checked="" type="checkbox"/> Door-to-door |
| <input checked="" type="checkbox"/> Through the door |
| <input checked="" type="checkbox"/> Reservations required* |

*If reservations are required, how far in advance? Up to two weeks

2. Service Area:

Circle one: City, County, District, Reservation, Other (specify) _____

3. Population:

What is the population of your service area? 104,000

4. Connectivity:

Do you connect with other modes? Check all that apply.

- | | |
|--|---|
| <input type="checkbox"/> Urban Public Systems | <input type="checkbox"/> Airports/Trains |
| <input type="checkbox"/> Park and Ride Lots | <input type="checkbox"/> Intercity Carriers |
| <input type="checkbox"/> Other Operators in Your Region (<i>please list below</i>) | |

C. Level and Use of Service

1. Ridership:

Estimate the average number of rides – per day 256, per year 66,560
*Projected growth over last year: rides per day 257, per year 66,820

2. Passenger Type: Indicate percent. Must total 100%.

65 Elderly (60 and over)
35 Disabled
 Under 60

3. Minority Populations Served: Check all that apply. **See Guidance for breakout.**

 Black
 Hispanic
 Asian
 American Indian/Alaskan Native
 Other (specify) _____

4. Trip Purpose: Indicate percent.

1% Nutrition 45% Employment
2% Education 40% Medical
10% Shopping 2% Recreation
 Other (specify) _____

5. Days/Hours of Service:

List days of the week and hours you are in service. **See Guidance. **

Monday – Friday from 6:00 am to as late as 6:00 pm. Saturday from 8:15 am to as late as 5:15 pm.

6. Marketing or Advertising:

Explain how people know about or can access your service.

MET Transit has route and schedule booklets and system maps distributed throughout various places in the City (i.e. City Hall, Library, schools, shopping malls, Hotels, Resource Center, Chamber of Commerce, Social Service Agencies, Hospitals, medical clinics, etc.); a website; phone book listing; a DVD presentation; mass mailings; Senior Health Fairs; paratransit handbook, and our Paratransit Coordinator meetings with numerous agencies within the area.

7. Annual Miles of Service:

Total annual mileage of all vehicles: 202,487

* Describe Projected Growth in Coordination Plan

FINANCIAL INFORMATION - TRANSADA

D. Operating Expenses

	Direct Cost	In-kind	DBE
1. Labor			
Driver Wages	\$ 31,794.93	_____	
Mechanic Wages	\$ 4,636.75	_____	
Dispatcher Wages	\$ 7,727.96	_____	
2. Fringe Benefits			
Driver/Mechanic/Dispatcher Fringe Benefits Distribution	\$ 17,151.48	_____	
3. Services			
Professional and Technical Services (itemize on page 10)	\$ 52.94	_____	_____
Advertising Fees	_____	_____	_____
Custodial Services (bus-related only)	_____	_____	_____
Other Services (itemize on page 10)	\$ 1,404.49	_____	_____
4. Materials and Supplies Consumed			
Fuel and Lubricants	\$ 5,986.78	_____	_____
Other Materials and Supplies	\$ 65.26	_____	_____
5. Purchased Transportation Service			
Purchased Transportation Service	\$ 11,556.29	_____	_____
6. Taxes			
Vehicle Licensing and Registration Fees	_____	_____	
7. Other Operating Expenses			
Other Expenses (itemize on page 10)	\$ 1,020.30	_____	_____
TOTAL OPERATING EXPENSES	\$ 81,397.18	\$ -	\$ -



E. Administrative Expenses

	Direct Cost	In-kind	DBE
1. Labor			
Manager/Coordinator, Admin. Personnel (itemize on page 10)	\$ 5,297.44	_____	
2. Fringe Benefits			
Manager/Coordinator, Admin. Personnel Fringe Benefits Distribution	\$ 1,688.17	_____	
3. Materials and Supplies			
Office Supplies	\$ 123.28	_____	_____
4. Casualty and Liability Costs			
Casualty and Liability Costs	\$ 2,212.83	_____	_____
5. Utilities			
Utilities (Gas, Electric, Sewer, Phone and Internet)	\$ 1,159.75	_____	_____
6. Taxes			
Property Tax	_____	_____	
7. Leases and Rentals			
Vehicle (itemize on page 10)	_____	_____	_____
Facilities (itemize on page 10)	_____	_____	_____
8. Miscellaneous Expense			
Dues and Subscriptions (transit-related)	\$ 25.38	_____	
Travel and Meetings (transit-related)	\$ 87.02	_____	
Drug Testing	_____	_____	_____
Promotion for Coordination & Ridesharing	_____	_____	_____
Indirect Cost (prior approval required from MDT) *Attach Cost Allocation Plan	_____	_____	_____
9. Other Administrative Expenses			
Other Expenses (itemize on page 10)	\$ 248.00	_____	\$ 18.35
TOTAL ADMINISTRATIVE EXPENSES	\$ 10,841.87	\$ -	\$ 18.35



F. Maintenance Expenses

	Direct Cost	In-kind	DBE
1. Maintenance			
Vehicle Maintenance Parts and Service (itemize on page 10)	\$ 1,087.38	_____	_____
Tires and Tubes	\$ 390.28	_____	_____
TOTAL MAINTENANCE EXPENSES	\$ 1,477.66	\$ -	\$ -

G. Reimbursement Calculations

1. Total Operating Expenses	\$ 81,397.18 *		
2. Total Amount of Fares/Donations	\$ 5,202.53		
3. Total Amount of Advertising/Rent/Misc. Fees**	_____		
4. Net Operating Deficit	\$ 76,194.65		
5. Eligible Operating Reimbursement at 54%		\$ 41,228.93	
6. Total Administrative Expenses	\$ 10,841.87 *		
7. Eligible Administrative Reimbursement at 70%		\$ 7,589.31	
8. Total Maintenance Expenses	\$ 1,477.66 *		
9. Eligible Maintenance Reimbursement at 80%		\$ 1,182.13	
10. FEDERAL OPERATING GRANT AMOUNT		\$ 50,000.36	
Eligible In-kind @ 15% of Federal Operating Grant Amount	\$ 7,500.05		

Once approved funding cannot be transferred between categories without prior written approval from your regional planner.

LOCAL MATCH

Operating	\$ 34,965.72
Administrative	\$ 3,252.56
Maintenance	\$ 295.53
TOTAL LOCAL MATCH NEEDED	\$ 38,513.82

* This dollar amount must include the total direct costs and the total in-kind costs.

**Include revenue from rent, storage, etc.



H. Match Revenue

1. List sources and amounts of contracts, cash sources including public or private funds, local taxes, and/or federal funds from U.S. Department of Health and Human Services programs. FTA Section 5311(c) is not eligible match for other FTA funds.

Source	Amount
State of Montana	\$90,000
Yellowstone County Council on Aging	30,000
Nursing Homes	3,642
Senior Life Partners	8,000
Montana Medicaid	27,720
Remainder of match required will come from	
Tax Revenue	

I. List of Itemized Expenses and In-Kind

1. Identify and list those expenses as requested including the amount. Also, identify those items provided as in-kind. Non-transportation activities are not eligible in-kind costs.

Item	Amount
D. Operating Expenses	
3a. Professional/Tech Services – DOT Physicals	\$ 52.94
3.d Other Services-Radio Maint (parts,labor)	262.22
Dispatch Software maint/updates	1,142.27
7a. Other Operating Expenses – Uniforms	91.73
Building maint, supplies, etc.	239.30
Radio Access/Operation Monthly Charge	675.13
CDL Renewals	14.14
E. Administrative Expenses	
1a. Labor – Paratransit Coordinator	4,628.62
Transit Manager, Planner, Support Staff	668.82
9a. Other Expenses – Computer Equipment	50.76

I. List of Itemized Expenses and In-Kind (continued)

Item	Amount
Postage	\$43.51
Printing	56.56
Publication of Notices	10.15
Consultant Services	72.52
Skills Improvement for Staff	14.50
F. Maintenance Expenses	
1a. Vehicle Maintenance Parts & Services	
Motor Vehicle Parts (maintenance/pm, etc.)	1,043.87
Vehicle Body Repair	43.51

DESCRIPTION of Project: Section 5317 (New Freedom) Attachment A

The City of Billings' MET Special Transit (MST) provides a very valuable service to the City and its community. MST addresses the needs of people whose disabling conditions prevent their use of the regular fixed route MET Transit bus service. This is done through contracts with some agencies/entities and through MET-Plus, which is a service operated in accordance with the requirements of the Federal Americans with Disabilities Act of 1990 (ADA). New Freedom funding will allow the MET to provide service that will go above and beyond the requirements of ADA. This funding will allow MST to provide rides to newly annexed areas outside of the "¼ mile of a fixed route" requirement and to accommodate clients over 600 lbs. MET-Plus provides transportation to medical appointments, rehabilitation programs, dialysis, work, school, group homes, day care program, job training, senior centers, shopping, etc.

JARC New Freedom

FINANCIAL INFORMATION - NEW FREEDOM

D. Operating Expenses

	Direct Cost	In-kind	DBE
1. Labor			
Driver Wages	\$ 46,697.54	_____	_____
Mechanic Wages	\$ 6,810.04	_____	_____
Dispatcher Wages	\$ 11,350.13	_____	_____
2. Fringe Benefits			
Driver/Mechanic/Dispatcher Fringe Benefits Distribution	\$ 25,190.56	_____	_____
3. Services			
Professional and Technical Services (itemize on page 10)	\$ 77.75	_____	_____
Advertising Fees	_____	_____	_____
Custodial Services (bus-related only)	_____	_____	_____
Other Services (itemize on page 10)	\$ 2,062.79	_____	_____
4. Materials and Supplies Consumed			
Fuel and Lubricants	\$ 8,792.84	_____	_____
Other Materials and Supplies	\$ 95.85	_____	_____
5. Purchased Transportation Service			
Purchased Transportation Service	\$ 16,972.85	_____	_____
6. Taxes			
Vehicle Licensing and Registration Fees	_____	_____	_____
7. Other Operating Expenses			
Other Expenses (itemize on page 10)	\$ 1,498.53	_____	_____
TOTAL OPERATING EXPENSES	\$ 119,548.88	\$ -	\$ -



E. Administrative Expenses

	Direct Cost	In-kind	DBE
1. Labor			
Manager/Coordinator, Admin. Personnel (itemize on page 10)	\$ 7,780.40	_____	
2. Fringe Benefits			
Manager/Coordinator, Admin. Personnel Fringe Benefits Distribution	\$ 2,479.44	_____	
3. Materials and Supplies			
Office Supplies	\$ 181.06	_____	_____
4. Casualty and Liability Costs			
Casualty and Liability Costs	\$ 3,250.00	_____	_____
5. Utilities			
Utilities (Gas, Electric, Sewer, Phone and Internet)	\$ 1,703.33	_____	_____
6. Taxes			
Property Tax	_____	_____	
7. Leases and Rentals			
Vehicle (itemize on page 10)	_____	_____	_____
Facilities (itemize on page 10)	_____	_____	_____
8. Miscellaneous Expense			
Dues and Subscriptions (transit-related)	\$ 37.28	_____	
Travel and Meetings (transit-related)	\$ 127.81	_____	
Drug Testing	_____	_____	_____
Promotion for Coordination & Ridesharing	_____	_____	_____
Indirect Cost (prior approval required from MDT) *Attach Cost Allocation Plan	_____		
9. Other Administrative Expenses			
Other Expenses (itemize on page 10)	\$ 364.25	_____	\$ 26.95
TOTAL ADMINISTRATIVE EXPENSES	\$ 15,923.57	\$ -	\$ 26.95



F. Maintenance Expenses

	Direct Cost	In-kind	DBE
1. Maintenance			
Vehicle Maintenance Parts and Service (itemize on page 10)	\$ 1,597.04	_____	_____
Tires and Tubes	\$ 573.21	_____	_____
TOTAL MAINTENANCE EXPENSES	\$ 2,170.25	\$ -	\$ -

G. Reimbursement Calculations

1. Total Operating Expenses	\$ 119,548.88 *		
2. Total Amount of Fares/Donations	\$ 7,642.48		
3. Total Amount of Advertising/Rent/Misc. Fees**	_____		
4. Net Operating Deficit	\$ 111,906.40		
5. Eligible Operating Reimbursement at 50%		\$ 55,953.20	
6. Total Administrative Expenses	\$ 15,923.57 *		
7. Eligible Administrative Reimbursement at 50%		\$ 7,961.79	
8. Total Maintenance Expenses	\$ 2,170.25 *		
9. Eligible Maintenance Reimbursement at 50%		\$ 1,085.13	
10. FEDERAL OPERATING GRANT AMOUNT		\$ 65,000.11	
Eligible In-kind @ 15% of Federal Operating Grant Amount	\$ 9,750.02		

Once approved funding cannot be transferred between categories without prior written approval from your regional planner.

LOCAL MATCH

Operating	\$ 55,953.20
Administrative	\$ 7,961.79
Maintenance	\$ 1,085.13
TOTAL LOCAL MATCH NEEDED	\$ 65,000.11

* This dollar amount must include the total direct costs and the total in-kind costs.

**Include revenue from rent, storage, etc.



H. Match Revenue

2. List sources and amounts of contracts, cash sources including public or private funds, local taxes, and/or federal funds from U.S. Department of Health and Human Services programs. FTA Section 5311(c) is not eligible match for other FTA funds.

Source	Amount
<u>State of Montana</u>	<u>\$90,000</u>
<u>Yellowstone County Council on Aging</u>	<u>30,000</u>
<u>Nursing Homes</u>	<u>3,642</u>
<u>Senior Life Partners</u>	<u>8,000</u>
<u>Montana Medicaid</u>	<u>27,720</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u>Remainder of match required will come from</u>	<u> </u>
<u>Tax Revenue</u>	<u> </u>

I. List of Itemized Expenses and In-Kind

1. Identify and list those expenses as requested including the amount. Also, identify those items provided as in-kind. Non-transportation activities are not eligible in-kind costs.

Item	Amount
<u>D. Operating Expenses</u>	<u> </u>
<u>3a. Professional/Tech Services – DOT Physicals</u>	<u>\$ 77.75</u>
<u>3d. Other Services-Radio Maint (parts, labor)</u>	<u>385.12</u>
<u> Dispatch Software maint/updates</u>	<u>1,677.67</u>
<u>7a. Other Operating Expenses - Uniforms</u>	<u>134.73</u>
<u> Building maint, supplies,etc.</u>	<u>351.47</u>
<u> Radios Access/Operation Monthly Charge</u>	<u>991.56</u>
<u> CDL Renewals</u>	<u>20.77</u>
<u>E. Administrative Expenses</u>	<u> </u>
<u>1a. Labor – Paratransit Coordinator</u>	<u>6,798.11</u>
<u> Transit Manager, Planner, Support Staff</u>	<u>982.29</u>
<u>9a. Other Expenses – Computer Equipment</u>	<u>74.55</u>

I. List of Itemized Expenses and In-Kind (continued)

Item	Amount
<u>Postage</u>	<u>\$ 63.90</u>
<u>Printing</u>	<u>83.08</u>
<u>Publication of Notices</u>	<u>14.91</u>
<u>Consultant Services</u>	<u>106.51</u>
<u>Skills Improvement for Staff</u>	<u>21.30</u>
<u>F. Maintenance Expenses</u>	<u></u>
<u>1a. Vehicle Maintenance Parts & Service</u>	<u></u>
<u>Motor Vehicle Parts (maintenance/pm, etc.)</u>	<u>1,533.14</u>
<u>Vehicle Body Repair</u>	<u>63.90</u>

The City of Billings, MET Special Transit (MST) provides a very valuable service to the City of Billings. It seeks to address the transportation needs of low-income people with disabling conditions. In the past this has been accomplished through contracts with the Department of Public Health and Human Services (DPHHS) and other social service agencies. However, due to recent changes in DPHHS funding, MST is in need of finding alternative revenue to help fund the cost of transporting the disabled, low-income/welfare residents of Billings to and from their respective work sites and training programs. The new contract with DPHHS will provide for up to 37,000 rides to those individuals. The actual cost for providing those rides by MST, based on a cost-per-ride rate of \$15.24, is approximately \$564,620 and the new contract through DPHHS will only pay up to \$90,000 of MST's costs. Without the assistance of JARC funding to help provide this valuable service, many low-income/disabled individuals may find themselves without transportation to their work sites and training programs.

JARC New Freedom

FINANCIAL INFORMATION - JARC

D. Operating Expenses

	Direct Cost	In-kind	DBE
1. Labor			
Driver Wages	\$ 107,763.22		
Mechanic Wages	\$ 15,715.42		
Dispatcher Wages	\$ 26,192.53		
2. Fringe Benefits			
Driver/Mechanic/Dispatcher Fringe Benefits Distribution	\$ 58,131.89		
3. Services			
Professional and Technical Services (itemize on page 10)	\$ 179.42		
Advertising Fees			
Custodial Services (bus-related only)			
Other Services (itemize on page 10)	\$ 4,760.27		
4. Materials and Supplies Consumed			
Fuel and Lubricants	\$ 20,291.11		
Other Materials and Supplies	\$ 221.20		
5. Purchased Transportation Service			
Purchased Transportation Service	\$ 39,167.99		
6. Taxes			
Vehicle Licensing and Registration Fees			
7. Other Operating Expenses			
Other Expenses (itemize on page 10)	\$ 3,458.12		
TOTAL OPERATING EXPENSES	\$ 275,881.17	\$ -	\$ -



E. Administrative Expenses

	Direct Cost	In-kind	DBE
1. Labor			
Manager/Coordinator, Admin. Personnel (itemize on page 10)	<u>\$ 17,954.72</u>	<u> </u>	
2. Fringe Benefits			
Manager/Coordinator, Admin. Personnel Fringe Benefits Distribution	<u>\$ 5,721.76</u>	<u> </u>	
3. Materials and Supplies			
Office Supplies	<u>\$ 417.83</u>	<u> </u>	<u> </u>
4. Casualty and Liability Costs			
Casualty and Liability Costs	<u>\$ 7,499.98</u>	<u> </u>	<u> </u>
5. Utilities			
Utilities (Gas, Electric, Sewer, Phone and Internet)	<u>\$ 3,930.76</u>	<u> </u>	<u> </u>
6. Taxes			
Property Tax	<u> </u>	<u> </u>	<u> </u>
7. Leases and Rentals			
Vehicle (itemize on page 10)	<u> </u>	<u> </u>	<u> </u>
Facilities (itemize on page 10)	<u> </u>	<u> </u>	<u> </u>
8. Miscellaneous Expense			
Dues and Subscriptions (transit-related)	<u>\$ 86.02</u>	<u> </u>	
Travel and Meetings (transit-related)	<u>\$ 294.94</u>	<u> </u>	
Drug Testing	<u> </u>	<u> </u>	<u> </u>
Promotion for Coordination & Ridesharing	<u> </u>	<u> </u>	<u> </u>
Indirect Cost (prior approval required from MDT) *Attach Cost Allocation Plan	<u> </u>	<u> </u>	<u> </u>
9. Other Administrative Expenses			
Other Expenses (itemize on page 10)	<u>\$ 840.57</u>	<u> </u>	<u>\$ 62.18</u>
TOTAL ADMINISTRATIVE EXPENSES	<u>\$ 36,746.58</u>	<u>\$ -</u>	<u>\$ 62.18</u>



F. Maintenance Expenses

	Direct Cost	In-kind	DBE
1. Maintenance			
Vehicle Maintenance Parts and Service (itemize on page 10)	\$ 3,685.47		
Tires and Tubes	\$ 1,322.79		
TOTAL MAINTENANCE EXPENSES	\$ 5,008.26	\$ -	\$ -

G. Reimbursement Calculations

1. Total Operating Expenses	\$ 275,881.17 *		
2. Total Amount of Fares/Donations	\$ 17,635.44		
3. Total Amount of Advertising/Rent/Misc. Fees**			
4. Net Operating Deficit	\$ 258,245.73		
5. Eligible Operating Reimbursement at 50%		\$ 129,122.87	
6. Total Administrative Expenses	\$ 36,746.58 *		
7. Eligible Administrative Reimbursement at 50%		\$ 18,373.29	
8. Total Maintenance Expenses	\$ 5,008.26 *		
9. Eligible Maintenance Reimbursement at 50%		\$ 2,504.13	
10. FEDERAL OPERATING GRANT AMOUNT		\$ 150,000.29	
Eligible In-kind @ 15% of Federal Operating Grant Amount	\$ 22,500.04		

Once approved funding cannot be transferred between categories without prior written approval from your regional planner.

LOCAL MATCH

Operating	\$ 129,122.87
Administrative	\$ 18,373.29
Maintenance	\$ 2,504.13
TOTAL LOCAL MATCH NEEDED	\$ 150,000.29

* This dollar amount must include the total direct costs and the total in-kind costs.

**Include revenue from rent, storage, etc.



H. Match Revenue

3. List sources and amounts of contracts, cash sources including public or private funds, local taxes, and/or federal funds from U.S. Department of Health and Human Services programs. FTA Section 5311(c) is not eligible match for other FTA funds.

Source	Amount
<u>State of Montana</u>	<u>\$90,000</u>
<u>Yellowstone County Council on Aging</u>	<u>30,000</u>
<u>Nursing Homes</u>	<u>3,642</u>
<u>Senior Life Partners</u>	<u>8,000</u>
<u>Montana Medicaid</u>	<u>27,720</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u>Remainder of match required will come from</u>	<u> </u>
<u>Tax Revenue</u>	<u> </u>

I. List of Itemized Expenses and In-Kind

1. Identify and list those expenses as requested including the amount. Also, identify those items provided as in-kind. Non-transportation activities are not eligible in-kind costs.

Item	Amount
<u>D. Operating Expenses</u>	<u> </u>
<u>3a. Professional/Tech Services – DOT Physicals</u>	<u>\$ 179.42</u>
<u>3d. Other Services – Radio Maint (parts, labor)</u>	<u>888.74</u>
<u>Dispatch Software maint/updates</u>	<u>3,871.53</u>
<u>7a. Other Operating Expenses - Uniforms</u>	<u>310.91</u>
<u>Building maint, supplies, etc.</u>	<u>811.07</u>
<u>Radios Access/Operation Monthly Charge</u>	<u>2,288.21</u>
<u>CDL Renewls</u>	<u>47.93</u>
<u>E. Administrative Expenses</u>	<u> </u>
<u>1a. Labor – Paratransit Coordinator</u>	<u>15,687.89</u>
<u>Transit Manager, Planner, Support Staff</u>	<u>2,266.83</u>
<u>9a. Other Expenses – Computer Equipment</u>	<u>172.05</u>

I. List of Itemized Expenses and In-Kind

Item	Amount
<u>Postage</u>	<u>\$ 147.47</u>
<u>Printing</u>	<u>191.71</u>
<u>Publication of Notices</u>	<u>34.41</u>
<u>Consultant Services</u>	<u>245.78</u>
<u>Skills Improvement for Staff</u>	<u>49.15</u>
<u>F. Maintenance Expenses</u>	<u></u>
<u>1a. Vehicle Maintenance Parts & Service</u>	<u></u>
<u> Motor Vehicle Parts (maintenance/pm, etc.)</u>	<u>3,538.00</u>
<u> Vehicle Body Repair</u>	<u>147.47</u>

AUTHORIZATION TO MAKE APPLICATION

Name of Applicant Agency: City of Billings

BY SIGNING BELOW, I Mayor, Thomas W. Hanel (name),

on behalf of the City of Billings (applicant),

declare that this **Applicant** has duly authorized me to make these certifications and assurances and bind the applicant's compliance. Thus, the **Applicant** agrees to comply with all state and federal statutes, regulations, executive orders and administrative guidance required by the State of Montana and Federal Transit Administration.

Further, I hereby authorize this **Applicant** to be the Lead Agency in this service area. I assure the **Applicant** has the fiscal, managerial, and legal capabilities to administer the transit program and to receive and disburse federal funds. I also assure that some combination of private, local, state, or federal funds have or will be committed to provide the required local match.

Signature: _____

Title: Mayor

Date: _____

ASSURANCES
AND
CERTIFICATIONS

APPLICANT ORGANIZATION ASSURANCES

The Montana Department of Transportation (MDT) and the Applicant understand and agree that not every provision of these certifications and assurances will apply to every Applicant or every project for which funding is provided. The type of project and the section of the statute authorizing Federal financial assistance for the project will determine which provisions apply. The terms of these certifications and assurances reflect applicable requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109 -59, Aug. 10, 2005.

The Applicant also understands and agrees that these certifications and assurances are special pre-award requirements specifically prescribed by Federal law or regulation and do not encompass all Federal laws, regulations, and directives that may apply to the Applicant or its project. A comprehensive list of those Federal laws, regulations, and directives is contained in the current FTA Master Agreement MA(12) for Federal Fiscal Year 2006 at the FTA website http://www.fta.dot.gov/16874_16882_ENG_HTML.htm. The certifications and assurances in this document have been streamlined to remove most provisions not covered by statutory or regulatory certification or assurance requirements.

01. FOR EACH APPLICANT

A. The Applicant assures that it meets the required Section 5310, Section 5311 or TransADE program requirements as specified in the Application Guide.

B. Assurance of Authority of the Applicant and Its Representative

The authorized representative of the Applicant who signs these certifications, assurances, and agreements affirm that both the Applicant and its authorized representative have adequate authority under applicable state and local law and the Applicant's by-laws or internal rules to:

- (1) Execute and file the application for Federal assistance on behalf of the Applicant;
- (2) Execute and file the required certifications, assurances, and agreements on behalf of the Applicant binding the Applicant; and
- (3) Execute grant agreements and cooperative agreements with MDT on behalf of the Applicant.

C. Standard Assurances

The Applicant assures that it will comply with all applicable Federal statutes and regulations in carrying out any project supported by an MDT grant. The Applicant agrees that it is under a continuing obligation to comply with the terms and conditions of the grant agreement or cooperative agreement issued for its project with MDT. The Applicant recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation. The Applicant understands that Presidential executive orders and Federal directives, including Federal policies and program guidance may be issued concerning matters affecting the Applicant or its project. The Applicant agrees that

the most recent Federal laws, regulations, and directives will apply to the project, unless MDT issues a written determination otherwise.

D. Nondiscrimination Assurance

The Applicant assures that it will comply with all applicable civil rights requirements and has signed the Nondiscrimination Assurance attached to this document.

E. U.S. Office of Management and Budget (OMB) Assurances

Consistent with OMB assurances set forth in SF-424B and SF-424D, the Applicant assures that, with respect to itself or its project, the Applicant:

- (1) 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 its application;
- (2) Will give FTA, the Comptroller General of the United States, and MDT, 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;
- (3) 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;
- (4) Will initiate and complete the work within the applicable project time periods following receipt of MDT approval;
- (5) Will comply with all applicable Federal statutes relating to nondiscrimination including, but not limited to:
 - (a) Title VI of the Civil Rights Act, 42 U.S.C. 2000d, which prohibits discrimination on the basis of race, color, or national origin;
 - (b) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 through 1683, and 1685 through 1687, and U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25, which prohibit discrimination on the basis of sex;
 - (c) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability;
 - (d) The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 through 6107, which prohibits discrimination on the basis of age;
 - (e) The Drug Abuse Office and Treatment Act of 1972, Pub. L. 92-255, March 21, 1972, and amendments thereto, 21 U.S.C. 1174 *et seq.* relating to nondiscrimination on the basis of drug abuse;
 - (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, Pub. L. 91-616, Dec. 31, 1970, and amendments thereto, 42 U.S.C. 4581 *et seq.* relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (g) The Public Health Service Act of 1912, as amended, 42 U.S.C. 290dd-3 and 290ee-3, related to confidentiality of alcohol and drug abuse patient records;

- (h) Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*, relating to nondiscrimination in the sale, rental, or financing of housing; and
 - (i) Any other nondiscrimination statute(s) that may apply to the project;
- (6) To the extent applicable, will comply with, or has complied with, the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Relocation Act) 42 U.S.C. 4601 *et seq.*, which, among other things, provide for fair and equitable treatment of persons displaced or persons 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 and displacement caused by the project regardless of Federal participation in any purchase. As required by sections 210 and 305 of the Uniform Relocation Act, 42 U.S.C. 4630 and 4655, and by U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR 24.4, the Applicant assures that it has the requisite authority under applicable state and local law to comply with the requirements of the Uniform Relocation Act, 42 U.S.C. 4601 *et seq.*, and U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR part 24, and will comply with that Act or has complied with that Act and those implementing regulations, including but not limited to the following:
- (a) The Applicant will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24;
 - (b) The Applicant will provide fair and reasonable relocation payments and assistance as required by 42 U.S.C. 4622, 4623, and 4624; 49 CFR part 24; and any applicable FTA procedures, to or for families, individuals, partnerships, corporations, or associations displaced as a result of any project financed with FTA assistance;
 - (c) The Applicant will provide relocation assistance programs offering the services described in 42 U.S.C. 4625 to such displaced families, individuals, partnerships, corporations, or associations in the manner provided in 49 CFR part 24;
 - (d) Within a reasonable time before displacement, the Applicant will make available comparable replacement dwellings to displaced families and individuals as required by 42 U.S.C. 4625(c)(3);
 - (e) The Applicant will carry out the relocation process in such manner as to provide displaced persons with uniform and consistent services, and will make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin;
 - (f) In acquiring real property, the Applicant will be guided to the greatest extent practicable under state law, by the real property acquisition policies of 42 U.S.C. 4651 and 4652;
 - (g) The Applicant will pay or reimburse property owners for necessary expenses as specified in 42 U.S.C. 4653 and 4654, with the understanding that FTA will provide Federal financial assistance for the Applicant's eligible costs of providing payments for those expenses, as required by 42 U.S.C. 4631;
 - (h) The Applicant will execute such amendments to third party contracts and subagreements financed with MDT/FTA assistance and execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement the assurances provided herein; and

- (i) The Applicant agrees to make these assurances part of or incorporate them by reference into any third party contract or subagreement, or any amendments thereto, relating to any project financed by FTA involving relocation or land acquisition and provide in any affected document that these relocation and land acquisition provisions shall supersede any conflicting provisions;
- (7) To the extent applicable, will comply with the Davis-Bacon Act, as amended, 40 U.S.C. 3141 *et seq.*, the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*, regarding labor standards for federally assisted projects;
- (8) To the extent applicable, will comply with the flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), requiring the Applicant and its subrecipients in a special flood hazard area to participate in the program and purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;
- (9) To the extent applicable, will comply with the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures;
- (10) To the extent applicable, 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 on which a construction project supported with MDT/FTA assistance takes place without permission and instructions from MDT/FTA;
- (11) To the extent required by MDT/FTA, will record the Federal interest in the title of real property, 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;
- (12) To the extent applicable, will comply with MDT/FTA provisions concerning the drafting, review, and approval of construction plans and specifications of any construction project supported with FTA assistance. As required by U.S. DOT regulations, "Seismic Safety," 49 CFR 41.117(d), before accepting delivery of any building financed with FTA assistance, it will obtain a certificate of compliance with the seismic design and construction requirements of 49 CFR part 41;
- (13) To the extent applicable, will provide and maintain competent and adequate engineering supervision at the construction site of any project supported with MDT/FTA assistance to ensure that the complete work conforms with the approved plans and specifications, and will furnish progress reports and such other information as may be required by FTA or MDT;
- (14) To the extent applicable, will comply with any applicable environmental standards that may be prescribed to implement the following Federal laws and executive orders:
 - (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 through 4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note;
 - (b) Notification of violating facilities pursuant to Executive Order No. 11738, 42 U.S.C. 7606 note;
 - (c) Protection of wetlands pursuant to Executive Order No. 11990, 42 U.S.C. 4321 note;
 - (d) Evaluation of flood hazards in floodplains in accordance with Executive Order No. 11988, 42 U.S.C. 4321 note;

- (e) Assurance of project consistency with the approved state management program developed pursuant to the requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 through 1465;
 - (f) 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 through 7671q;
 - (g) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f through 300j-6;
 - (h) Protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 through 1544; and
 - (i) Environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, state, or local significance or any land from a historic site of national, state, or local significance to be used in a transportation project as required by 49 U.S.C. 303(b) and 303(c);
 - (j) Protection of the components of the national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 through 1287; and
 - (k) Provision of assistance to MDT/FTA in complying with section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f; with the Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 through 469c ; and with Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note;
- (15) To the extent applicable, will comply with the requirements of the Hatch Act, 5 U.S.C. 1501 through 1508 and 7324 through 7326, which limit the political activities of state and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds including a Federal loan, grant agreement, or cooperative agreement except, in accordance with 49 U.S.C. 5307(k)(2) and 23 U.S.C. 142(g), the Hatch Act does not apply to a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA assistance to whom that Act does not otherwise apply;
- (16) To the extent applicable, will comply with the National Research Act, Pub. L. 93-348, July 12, 1974, as amended, 42 U.S.C. 289 *et seq.*, and U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11, regarding the protection of human subjects involved in research, development, and related activities supported by Federal assistance;
- (17) To the extent applicable, will comply with the Laboratory Animal Welfare Act of 1966, as amended, 7 U.S.C. 2131 *et seq.*, and U.S. Department of Agriculture regulations, "Animal Welfare," 9 CFR subchapter A, parts 1, 2, 3, and 4, regarding the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal assistance;
- (18) Will have performed the financial and compliance audits as required by the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*, OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised, and the most recent applicable OMB A-133 Compliance Supplement provisions for the U.S. DOT; and

- (19) To the extent applicable, will comply with all applicable provisions of all other Federal laws, regulations, and directives governing the project, except to the extent that MDT/FTA has expressly approved otherwise in writing.

02. LOBBYING CERTIFICATION

- A. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," at 49 CFR 20.110, the Applicant's authorized representative certifies to the best of his or her knowledge and belief that for each application to MDT for Federal assistance exceeding \$100,000:
- (1) No Federal appropriated funds have been or will be paid by or on behalf of the Applicant to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress regarding the award of Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and
 - (2) If any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application for Federal assistance, the Applicant assures that it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," including information required by the instructions accompanying the form, which form may be amended to omit such information as authorized by 31 U.S.C. 1352.
 - (3) The language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, subagreements, contracts under grants, loans, and cooperative agreements).
- B. The Applicant understands that this certification is a material representation of fact upon which reliance is placed by the Federal Government and that submission of this certification is a prerequisite for providing Federal assistance for a transaction covered by 31 U.S.C. 1352. The Applicant also understands that any person who fails to file a 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.

03. PROCUREMENT COMPLIANCE

The Applicant certifies that its procurements and procurement system will comply with all applicable third party procurement provisions of Federal laws, regulations, and directives, except to the extent MDT has expressly approved otherwise in writing.

04. PRIVATE PROVIDERS OF PUBLIC TRANSPORTATION

As required by 49 U.S.C. 5323(a)(1), the Applicant certifies that before it acquires the property or an interest in the property of a private provider of public transportation or operates public transportation equipment or facilities in competition with, or in addition to, transportation service provided by an existing public transportation company, it has or will

have:

- A. Determined that the assistance is essential to carrying out a program of projects as required by 49 U.S.C. 5303, 5304, and 5306;
- B. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible; and
- C. Paid just compensation under state or local law to the company for any franchise or property acquired.

05. PUBLIC HEARING

As required by 49 U.S.C. 5323(b), the Applicant certifies that it has, or before submitting its application, it will have:

- A. Provided an adequate opportunity for public review and comment on the project preceded by adequate prior public notice of the proposed project, including a concise description of the proposed project, published in a newspaper of general circulation in the geographic area to be served;
- B. Held a public hearing on the project if the project affects significant economic, social, or environmental interests after providing adequate notice as described above;
- C. Considered the economic, social, and environmental effects of the proposed project; and
- D. Determined that the proposed project is consistent with official plans for developing the urban area.

06. ACQUISITION OF ROLLING STOCK

As required by 49 U.S.C. 5323(m) and implementing FTA regulations at 49 CFR 663.7, the Applicant certifies that it will comply with the requirements of 49 CFR part 663 when procuring revenue service rolling stock. Among other things, the Applicant agrees to conduct or cause to be conducted the requisite pre-award and post-delivery reviews, and maintain on file the certifications required by 49 CFR part 663, subparts B, C, and D.

07. ACQUISITION OF CAPITAL ASSETS BY LEASE

As required by FTA regulations, "Capital Leases," at 49 CFR 639.15(b)(1) and 639.21, if the Applicant acquires any capital asset by lease financed with Federal assistance authorized for 49 U.S.C. chapter 53, the Applicant certifies as follows:

- (1) It will not use Federal assistance authorized to finance the cost of leasing any capital asset until it performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset; and It will complete these calculations before entering into the lease or before receiving a capital grant for the asset, whichever is later; and
- (2) It will not enter into a capital lease for which FTA can provide only incremental Federal assistance unless it has adequate financial resources to meet its future obligations under the lease if Federal assistance is not available for capital projects in the subsequent years.

08. BUS TESTING

As required by 49 U.S.C. 5318 and FTA regulations, "Bus Testing," at 49 CFR 665.7, the Applicant certifies that, before expending any Federal assistance to acquire the first bus of any new bus model or any bus model with a new major change in configuration or components, or before authorizing final acceptance of that bus (as described in 49 CFR part 665), the bus model:

- A. Will have been tested at FTA's bus testing facility; and
- B. Will have received a copy of the test report prepared on the bus model.

09. CHARTER SERVICE AGREEMENT

- A. As required by 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," at 49 CFR 604.7, the Applicant agrees that it and each subrecipient and third party contractor at any tier will:
 - (1) Provide charter service that uses equipment or facilities acquired with Federal assistance authorized under 49 U.S.C. chapter 53 (except 49 U.S.C. 5310 or 5317), or under 23 U.S.C. 133 or 142 for transportation projects, only to the extent that there are no private charter service operators willing and able to provide the charter service that it or its subrecipients or third party contractors at any tier desire to provide, unless one or more of the exceptions in 49 CFR 604.9 applies; and
 - (2) Comply with the requirements of 49 CFR part 604 before providing any charter service using equipment or facilities acquired with Federal assistance authorized under 49 U.S.C. chapter 53 (except 49 U.S.C. 5310 or 5317), or under 23 U.S.C. 133 or 142 for transportation projects.
- B. The Applicant understands that:
 - (1) The requirements of 49 CFR part 604 will apply to any charter service it or its subrecipients or third party contractors provide,
 - (2) The definitions of 49 CFR part 604 will apply to this Charter Service Agreement, and
 - (3) A violation of this Charter Service Agreement may require corrective measures and imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

10. SCHOOL TRANSPORTATION AGREEMENT

- A. As required by 49 U.S.C. 5323(f) and (g) and FTA regulations at 49 CFR 605.14, the Applicant agrees that it and each subrecipient or third party contractor at any tier will:
 - (1) Engage in school transportation operations in competition with private school transportation operators only to the extent permitted by 49 U.S.C. 5323(f) and (g), and Federal regulations; and
 - (2) Comply with the requirements of 49 CFR part 605 before providing any school transportation using equipment or facilities acquired with Federal assistance authorized under 49 U.S.C. chapter 53 or under 23 U.S.C. 133 or 142 for transportation projects.
- B. The Applicant understands that:

- (1) The requirements of 49 CFR part 605 will apply to any school transportation service it or its subrecipients or third party contractors provide,
- (2) The definitions of 49 CFR part 605 will apply to this School Transportation Agreement, and
- (3) A violation of this School Transportation Agreement may require corrective measures and imposition of penalties, including debarment from the receipt of further Federal assistance for transportation.

11. DEMAND RESPONSIVE SERVICE

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," at 49 CFR 37.77(d), the Applicant certifies that its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities. When the Applicant's service is viewed in its entirety, the Applicant's service for individuals with disabilities is provided in the most integrated setting feasible and is equivalent with respect to: (1) response time, (2) fares, (3) geographic service area, (4) hours and days of service, (5) restrictions on trip purpose, (6) availability of information and reservation capability, and (7) constraints on capacity or service availability.

12. ALCOHOL MISUSE AND PROHIBITED DRUG USE

As required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR part 655, subpart I, the Applicant certifies that it has established and implemented an alcohol misuse and anti-drug program, and has complied with or will comply with all applicable requirements of FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655.

13. NONURBANIZED AREA FORMULA PROGRAM

The Applicant assures on behalf of itself and its subrecipients as follows:

- A. The Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
- B. The Applicant assures that the project equipment and facilities will be adequately maintained;
- C. In compliance with 49 U.S.C. 5311(b)(2)(C)(ii), the Applicant's program provides or will provide the maximum feasible coordination of public transportation service to receive assistance under 49 U.S.C. 5311 with transportation service assisted by other Federal sources;
- D. The projects in the state's Nonurbanized Area Formula Program are included in the Statewide Transportation Improvement Program and, to the extent applicable, the projects are included in a metropolitan Transportation Improvement Program;
- E. The Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5311(g) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;
- F. The Applicant assures, as a minimum, that insurance coverage will be provided on all

vehicles and/or equipment purchased under this program grant sufficient to protect MDT/FTA's matching share for the lifetime of the project;

- G. The applicant assures that it has or will have available at the time of delivery, sufficient funds to operate and maintain the vehicles and equipment purchased with State or Federal assistance awarded for this project;
- H. The Applicant has complied or will comply with the transit employee protective provision of 49 U.S.C. 5333(b) and has signed the "Labor Warranty Section 13(c)" certification attached to this document; and
- I. Unless otherwise noted, each of the Applicant's projects qualifies for a categorical exclusion and does not require further environmental approvals, as described in the joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," at 23 CFR 771.117(c).

14. JOB ACCESS AND REVERSE COMMUTE FORMULA GRANT PROGRAM

Each Applicant for Job Access and Reverse Commute (JARC) Formula Grant Program assistance authorized under 49 U.S.C. 5316 is required to provide the following certifications on behalf of itself and any subrecipient that may be implementing its project.

- A. As required by 49 U.S.C. 5316(f)(1), which makes the requirements of 49 U.S.C. 5307 applicable to Job Access and Reverse Commute (JARC) formula grants, and 49 U.S.C. 5307(d)(1), the Applicant for JARC Formula Program assistance authorized under 49 U.S.C. 5316, certifies on behalf of itself and its subrecipients, if any, as follows:
 - (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including safety and security aspects of that program;
 - (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
 - (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
 - (4) In compliance with 49 U.S.C. 5307(d)(1)(D), the Applicant will ensure that elderly individuals and individuals with disabilities, or any person presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 *et seq.* or 42 U.S.C. 1395 *et seq.*), will be charged for transportation during non-peak hours using or involving a facility or equipment of a project financed with Federal assistance authorized under 49 U.S.C. 5316 not more than fifty (50) percent of the peak hour fare;
 - (5) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5316:
 - (1) will use competitive procurement (as defined or approved by the Secretary),
 - (2) will not use exclusionary or discriminatory specifications in its procurements,
 - (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
 - (6) In compliance with 49 U.S.C. 5307(d)(1)(F), the Applicant has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, it: (1) has

made available, or will make available, to the public information on the amounts available for the JARC Formula Grant Program, 49 U.S.C. 5316, and the projects it proposes to undertake; (2) has developed or will develop, in consultation with interested parties including private transportation providers, the proposed projects to be financed; (3) has published or will publish a list of projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant; (4) has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects; (5) has ensured or will ensure that the proposed projects provide for the coordination of transportation services assisted under 49 U.S.C. 5336 with transportation services assisted by another Federal Government source; (6) has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects; and (7) has made or will make the final list of projects available to the public;

- (7) In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5316(g) for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law;
- (8) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
 - 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil);
 - 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for elderly individuals and individuals with disabilities); and
 - 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements); and
- (9) In compliance with 49 U.S.C. 5307(d)(1)(I), the Applicant has a locally developed process to solicit and consider public comment before raising a fare or implementing a major reduction of public transportation;
- B. In compliance with 49 U.S.C. 5316(d), the Applicant certifies that (1) with respect to financial assistance authorized under 49 U.S.C. 5316(c)(1)(A), it will conduct in cooperation with the appropriate MPO an areawide solicitation for applications, and make awards on a competitive basis and (2) with respect to financial assistance authorized under 49 U.S.C. 5316(c)(1)(B) or 49 U.S.C. 5316(c)(1)(C), it will conduct a statewide solicitation for applications, and make awards on a competitive basis;
- C. In compliance with 49 U.S.C. 5316(f)(2), the Applicant certifies that any allocations to subrecipients of financial assistance authorized under 49 U.S.C. 5316 will be distributed on a fair and equitable basis;
- D. In compliance with 49 U.S.C. 5316(g)(2), the Applicant certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project will have been coordinated with private nonprofit providers of services;
- E. In compliance with 49 U.S.C. 5316(g)(3), the Applicant certifies that: (1) the projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the

- public; and
- F. In compliance with 49 U.S.C. 5316(c)(3), before the Applicant uses funding apportioned under 49 U.S.C. 5316(c)(1)(B) or (C) for projects serving an area other than that specified in 49 U.S.C. 5316(2)(B) or (C), the Applicant certifies that the chief executive officer of the State, or his or her designee will have certified to the Federal Transit Administrator, apart from these certifications herein, that all of the objectives of 49 U.S.C. 5316 are being met in the area from which such funding would be derived.

15. NEW FREEDOM PROGRAM

Each Applicant for New Freedom Program assistance authorized under 49 U.S.C. 5317 must provide the following certifications on behalf of itself and any subrecipient that may be implementing its project.

- A. As required by 49 U.S.C. 5317(e)(1), which makes the requirements of 49 U.S.C. 5310 applicable to New Freedom grants to the extent the Federal Transit Administrator or his or her designee determines appropriate, by 49 U.S.C. 5310(d)(1), which makes the requirements of 49 U.S.C. 5307 applicable to Elderly Individuals and Individuals with Disabilities Formula grants to the extent the Federal Transit Administrator or his or her designee determines appropriate, and by 49 U.S.C. 5307(d)(1), the Applicant for New Freedom Program assistance authorized under 49 U.S.C. 5317 certifies and assures on behalf of itself and its subrecipients, if any, as follows:
- (1) In compliance with 49 U.S.C. 5307(d)(1)(A), the Applicant has or will have the legal, financial, and technical capacity to carry out its proposed program of projects, including safety and security aspects of that program;
 - (2) In compliance with 49 U.S.C. 5307(d)(1)(B), the Applicant has or will have satisfactory continuing control over the use of project equipment and facilities;
 - (3) In compliance with 49 U.S.C. 5307(d)(1)(C), the Applicant will adequately maintain the project equipment and facilities;
 - (4) In compliance with 49 U.S.C. 5307(d)(1)(E), the Applicant, in carrying out a procurement financed with Federal assistance authorized under 49 U.S.C. 5317:
 - (1) will use competitive procurement (as defined or approved by the Secretary),
 - (2) will not use exclusionary or discriminatory specifications in its procurements,
 - (3) will comply with applicable Buy America laws, and (4) will comply with the general provisions for FTA assistance of 49 U.S.C. 5323 and the third party procurement requirements of 49 U.S.C. 5325;
 - (5) In compliance with 49 U.S.C. 5307(d)(1)(G), the Applicant has or will have available and will provide the amount of funds required by 49 U.S.C. 5317(g), and if applicable by section 3012b(3) and (4), for the local share, and that those funds will be provided from approved non-Federal sources except as permitted by Federal law; and
 - (6) In compliance with 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
 - 49 U.S.C. 5301(a) (requirements for public transportation systems that maximize the safe, secure, and efficient mobility of individuals, minimize environmental impacts, and minimize transportation-related fuel consumption and reliance on foreign oil);
 - 49 U.S.C. 5301(d) (special efforts to design and provide public transportation for

elderly individuals and individuals with disabilities); and 49 U.S.C. 5303 through 5306 (planning and private enterprise requirements);

- B. In compliance with 49 U.S.C. 5317(d), the Applicant certifies that (1) with respect to financial assistance authorized under 49 U.S.C. 5317(c)(1)(A), it will conduct in cooperation with the appropriate MPO an areawide solicitation for applications, and make awards on a competitive basis and (2) with respect to financial assistance authorized under 49 U.S.C. 5317(c)(1)(B) or 49 U.S.C. 5317(c)(1)(C), it will conduct a statewide solicitation for applications, and make awards on a competitive basis;
- C. In compliance with 49 U.S.C. 5317(f)(2), the Applicant certifies that, before it transfers funds to a project funded under 49 U.S.C. 5336, that project will have been or will have been coordinated with private nonprofit providers of services;
- D. In compliance with 49 U.S.C. 5317(e)(2), the Applicant certifies that any allocations to subrecipients of financial assistance authorized under 49 U.S.C. 5317 will be distributed on a fair and equitable basis; and
- E. In compliance with 49 U.S.C. 5317(f)(3), the Applicant certifies that: (1) projects it has selected or will select for assistance under that program were derived from a locally developed, coordinated public transit-human services transportation plan; and (2) the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public

Signed by _____

Organization Name City of Billings

Date _____

NON-DISCRIMINATION ASSURANCE

During the performance of this Agreement, the Applicant (hereafter in this Section "the Party"), for itself, its assignees and successors in interest, agrees as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Transit Administration (FTA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FTA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FTA determines appropriate, including, but not limited to,
 - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
 - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FTA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State,

and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Signed by _____

Organization Name City of Billings

Date _____

LABOR WARRANTY
SECTION 13(c)

The Applicant hereby certifies that the terms and conditions of the Warranty still apply for the protection of the transportation-related employees of any employer providing transportation services assisted by the project and the transportation-related employers of any other surface public transportation provider in the transportation service area of this project as defined in 49 U.S.C. 5333(b).

Signed by _____

Organization Name City of Billings _____

Date _____