

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 Ext. 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 DUNS #: 801334830

Fiscal Year: July 1, 2013 to June 30, 2014
(start date) (end date)

Coordination Plan Approval Date: December 13, 2012

2. Agency Sponsor: check

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

*Retain in your file 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
Brent Cromley	1 st Term	City of Billings
Jim Ronquillo	2 nd Term	City of Billings
Denis Pitman	2 nd Term	City of Billings
Angela Cimmino	1 st Term	City of Billings
Becky Bird	1 st Term	City of Billings
Richard McFadden	1 st Term	City of Billings
Jani McCall	2 nd Term	City of Billings
Ed Ullendalen	2 nd Term	City of Billings
Ken Crouh	1 st 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: Jim Larson

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? 105,636

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 196, per year 52,056

*Projected growth over last year: rides per day 207, per year 55,314

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.**

 X Black

 X Hispanic

 X Asian

 X 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 at our Paratransit Coordination meetings with numerous agencies within the area.

7. Annual Miles of Service:

Total annual mileage of all vehicles: 301,690

* Describe Projected Growth in Coordination Plan

J. Capital Expenses

1. List of Suggested Vehicles

Vehicle Description	Pass. No.	Fuel Option	Floor Type	GVWR (Approx.)	W/C Stations	No. Units	Cost Estimate	Total Cost
Vans:								
Minivan	6	Gas	Reg.	6,050#	None		\$29,000	
Accessible Van	5	Gas	Low	5,300#	One		\$45,000	
High-Top	5	Gas	Reg.	9,500#	Two		\$55,000	
High-Top	9	Gas	Reg.	9,500#	One		\$55,000	
Extended	12	Gas	Reg.	9,500#	None		\$45,000	
Body On Van Chassis Cutaway:								
Small - ADA	12	Both	Reg.	9,500#	Six		\$64,000	
Small	13	Both	Reg.	9,500#	Two		\$67,000	
Small	15	Both	Low	14,500#	One		\$120,000	
Medium	17	Both	Reg.	14,500#	Two		\$70,000	
Medium	19	Both	Reg.	14,500#	Two	1	\$75,000	\$75,000
Medium	19	Both	Low	14,500#	Three		\$135,000	
Body On Truck Chassis Cutaway:								
Large	23	Both	Reg.	19,500#	Three		\$90,000	
Large	27	Both	Reg.	19,500#	Three		\$95,000	
Body On Truck Chassis Medium-Duty Bus:								
Small	19	Diesel	Reg.	20,500#	Three		\$90,000	
Medium	23	Diesel	Reg.	20,500#	Three		\$100,000	
Medium	23	Diesel	Low	23,000#	Three		\$185,000	
Medium	27	Diesel	Reg.	20,500#	Three		\$100,000	
Medium	27	Diesel	Low	23,000#	Three		\$190,000	
Large	35	Diesel	Reg.	23,000#	Three		\$110,000	
Large	35	Diesel	Low	23,000#	Three		\$195,000	
Other Equipment:								
Vehicle Passenger Signal System							\$2,000	
Vehicle Front & Side Destination Signs							\$4,000	\$4,000
Passenger Shelters							\$8,800	
Routing Software Package							\$50,000	
Facility							Quote	

Total Estimated Capital Costs 100% \$79,000

Total Federal Capital Assistance Request 86.58 or 80.00%* \$63,200

Total Local Match Capital Assistance Request 13.42 or 20.00%* \$15,800

*5310 is 80/20 and 5311 is 86.58/13.42

2. List all Variations to the Capital Requested Above

AUTHORIZATION TO MAKE APPLICATION

Name of Applicant Agency: City of Billing

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 the 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 MAP-21 (Moving Ahead for Progress) Chapter 53 of Title 49 Dated July 06, 2012.

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 (18) for Federal Fiscal Year 2012 at the FTA website. 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;
 - (j) 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
 - (k) 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 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 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. ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES FORMULA GRANT PROGRAM AND PILOT PROGRAM

The following certifications and assurances apply to each State or State organization serving as Applicant for funding and each subrecipient of funding under the Elderly Individuals and Individuals with Disabilities Formula Grant Program authorized under 49 U.S.C. 5310.

1. The State or State organization Applicant assures that:

a. Each subrecipient is:

- (1) Recognized under State law as a private nonprofit organization with the legal capability to contract with the State to carry out the proposed project, or
- (2) A public body that has met the statutory requirements to receive Federal funding authorized for 49 U.S.C. 5310,

- (1) The projects it has selected or will select for funding under that program were derived from a public transit-human services transportation plan that has been:
- (a) Locally developed, and Coordinated, and
- (2) That locally developed, coordinated plan was produced through a process that included:
- (a) Representatives of public, private, and nonprofit transportation providers, nonprofit human services providers, and
 - (c) Participation by the public.
- a. As required by 49 U.S.C. 5307(d)(1)(A), it and each subrecipient has or will have the:
- (1) Legal capacity to carry out its proposed projects,
 - (2) Financial capacity to carry out its proposed projects,
 - (3) Technical capacity to carry out its proposed projects,
 - (4) Safety aspects of its proposed projects, and
 - (5) Security aspects of its proposed projects.
- b. As required by 49 U.S.C. 5307(d)(1)(B), it and each subrecipient has or will have satisfactory continuing control over the use of project equipment and facilities,
- c. As required by 49 U.S.C. 5307(d)(1)(C), it and each subrecipient will maintain the project equipment and facilities adequately.
- e. As required by 49 U.S.C. 5307(d)(1)(G), it and each subrecipient:
- (1) Has or will have the amount of funds required for the local share,
 - (a) As required by 49 U.S.C. 5310(c), and
 - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - (3) Will provide the local share funds when needed, and
- f. As required by 49 U.S.C. 5307(d)(1)(H), it and each subrecipient will comply with:
- (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (a) Maximize the safe, secure, and efficient mobility of people,
 - (b) Minimize environmental impacts, and
 - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
 - (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - (a) Design public transportation for elderly individuals and individuals with disabilities, and
 - (b) Provide public transportation for elderly individuals and individuals with disabilities, and
 - (3) The requirements of 49 U.S.C. 5303 – 5306 for:
 - (a) Metropolitan and State Planning, and
 - (b) Private enterprise participation.

14. 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).

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 _____