

KINGSPORT METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION



TITLE VI PLAN

Updated 03/28/22

Contents

| | |
|---|----|
| Self-Certification | 3 |
| Abbreviations..... | 4 |
| Title VI Plan | 5 |
| 1. Metropolitan Planning | 5 |
| 2. Title VI Abstract..... | 7 |
| 3. Title VI Program | 7 |
| 3.1 Communications and Public Participation | 8 |
| 3.2 Planning and Programming..... | 8 |
| 3.3 Advertisements and Consultant Contracts | 9 |
| 3.4 Education and Training | 10 |
| 3.5 Other Requirements | 10 |
| a) Annual Certification and Assurance..... | 10 |
| b) Complaint Process..... | 11 |
| c) Record Title VI Activities | 11 |
| d) Access for LEP Persons..... | 11 |
| e) Timely Submission | 11 |
| f) Reporting and Subrecipients..... | 11 |
| g) Compliance and Enforcement..... | 11 |
| h) Title VI Investigations, Complaints, and Lawsuits | 12 |
| i) Title VI Coordinator..... | 12 |
| 4. Environmental Justice | 12 |
| Appendix A – Title VI Policy Statement..... | 13 |
| Appendix B – Title VI Complaint Investigation Procedure and Form..... | 14 |
| Appendix C – List of Active Lawsuits..... | 20 |
| Appendix D – Limited English Proficiency Plan | 22 |
| Appendix E – Title VI Nondiscrimination Assurances for FHWA..... | 29 |
| Appendix F – Title VI Certifications and Assurances for FTA | 39 |

Self-Certification

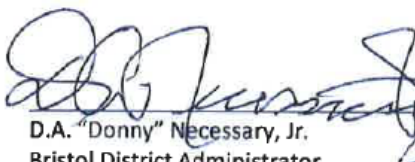
METROPOLITAN TRANSPORTATION PLANNING PROCESS CERTIFICATION

In accordance with 23 CFR 450.336, the Kingsport Metropolitan Transportation Planning Organization, the Tennessee Department of Transportation, and the Virginia Department of Transportation hereby certify that the metropolitan transportation planning process is addressing major issues facing the Kingsport, TN-VA urbanized area, and is being carried out in accordance with the following requirements:

- I. 23 U.S.C. 134 and 135, 49 U.S.C. 5303 and 5304 (Highways and Transit).
- II. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000 d-1) and 49 CFR part 21.
- III. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity.
- IV. Section 1101 (b) of the FAST-Act (Pub. L 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT-funded projects.
- V. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts.
- VI. Provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq) and 49 CFR parts 27, 37, and 38.
- VII. In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended, 42 U.S.C. 7504, 7506 (c) and (d), and 40 CFR part 93.
- VIII. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance.
- IX. Section 324 of Title 23 U.S.C. regarding the prohibition of discrimination based on gender.
- X. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.


James Phillips, Chairman
Kingsport MTPO Executive Board
11/15/19
Date


Lesley Phillips
Kingsport MTPO Staff
11/15/19
Date


D.A. "Donny" Necessary, Jr.
Bristol District Administrator
Virginia Department of Transportation
11/18/19
Date


Ronnie Porter
Director, TDOT Program Development
& Administration Division
11/18/19
Date

Abbreviations

| | |
|------|--|
| 3C | Continuous, Cooperative, Comprehensive Transportation Planning Process |
| CFR | Code of Federal Regulations |
| DOT | Department of Transportation |
| DRPT | Department of Rail and Public Transportation |
| FHWA | Federal Highway Administration |
| FTA | Federal Transit Administration |
| LEP | Limited English Proficiency |
| LRTP | Long Range Transportation Plan |
| MPA | Metropolitan Planning Area |
| MPO | Metropolitan Planning Organization |
| MTPO | Metropolitan Transportation Planning Organization |
| PPP | Public Participation Plan |
| RFQ | Request for Qualifications |
| RFP | Request for Proposal |
| TCC | Technical Coordinating Committee |
| TDOT | Tennessee Department of Transportation |
| TIP | Transportation Improvement Program |
| USC | United States Code |
| VDOT | Virginia Department of Transportation |

Title VI Plan

1. Metropolitan Planning

Under current federal law, any urbanized area with a population over 50,000 must be in a Metropolitan Planning Area (MPA) for a Metropolitan Planning Organization (MPO). Urbanized Areas are determined by the United States Census Bureau. The MPA is the geographic area determined by agreement between the MPO for the area and the Governor, in which the metropolitan transportation planning process is carried out. At a minimum, the MPA must encompass the Census Urbanized Area and the contiguous geographic area likely to become urbanized within the next twenty (20) years. MPOs are important because they direct where and how available state and federal dollars for transportation improvements will be spent. Federal law requires the MPO to conduct transportation planning activities within the Urbanized Area in a continuous, cooperative, and comprehensive (3C) process as defined in federal legislation and regulations.

The Kingsport metropolitan area became eligible for MPO status with the 1970 census. The Kingsport Metropolitan Transportation Planning Organization (MTPO) was established in 1977 through the efforts of the Tennessee Department of Transportation (TDOT), the Virginia Department of Transportation (VDOT), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). The Kingsport MTPO is a bi-state MPO meaning the Kingsport Urbanized Area lies in two states (Tennessee and Virginia). In Tennessee, the Kingsport MTPO MPA consists of the City of Church Hill, the Town of Mount Carmel, the City of Kingsport, and portions of Hawkins County, Sullivan County, Washington County, and Greene County. In Virginia, the Kingsport MTPO MPA consists of the Town of Weber City, the Town of Gate City, and a portion of Scott County. **Figure 1** shows the Kingsport MTPO Urbanized Area and the MPA boundary.

The Kingsport MTPO is comprised of an Executive Board, a Technical Coordinating Committee (TCC), and administrative staff. The Executive Board is the overall governing body for the Kingsport MTPO. The Executive Board has the authority to adopt regional transportation plans and programs. The TCC will make recommendations to the MTPO Executive Board at key points during the planning process. The MTPO administrative staff is responsible for all planning and administrative functions of the MTPO and is housed as a division of the Public Works Department of the City of Kingsport. **Figure 2** shows the Organizational Structure of the Kingsport MTPO. The MTPO staff serves as a liaison between the MTPO Executive Board, the Tennessee Department of Transportation, the Virginia Department of Transportation, the Virginia Department of Rail and Public Transportation (DRPT), the Federal Highway Administration, and the Federal Transit Administration, local governments, and other groups and individuals interested in transportation issues within the MTPO area. The MTPO staff takes direction from, and is accountable to the MTPO Executive Board.

Figure 1 – Kingsport MTPO Planning Area

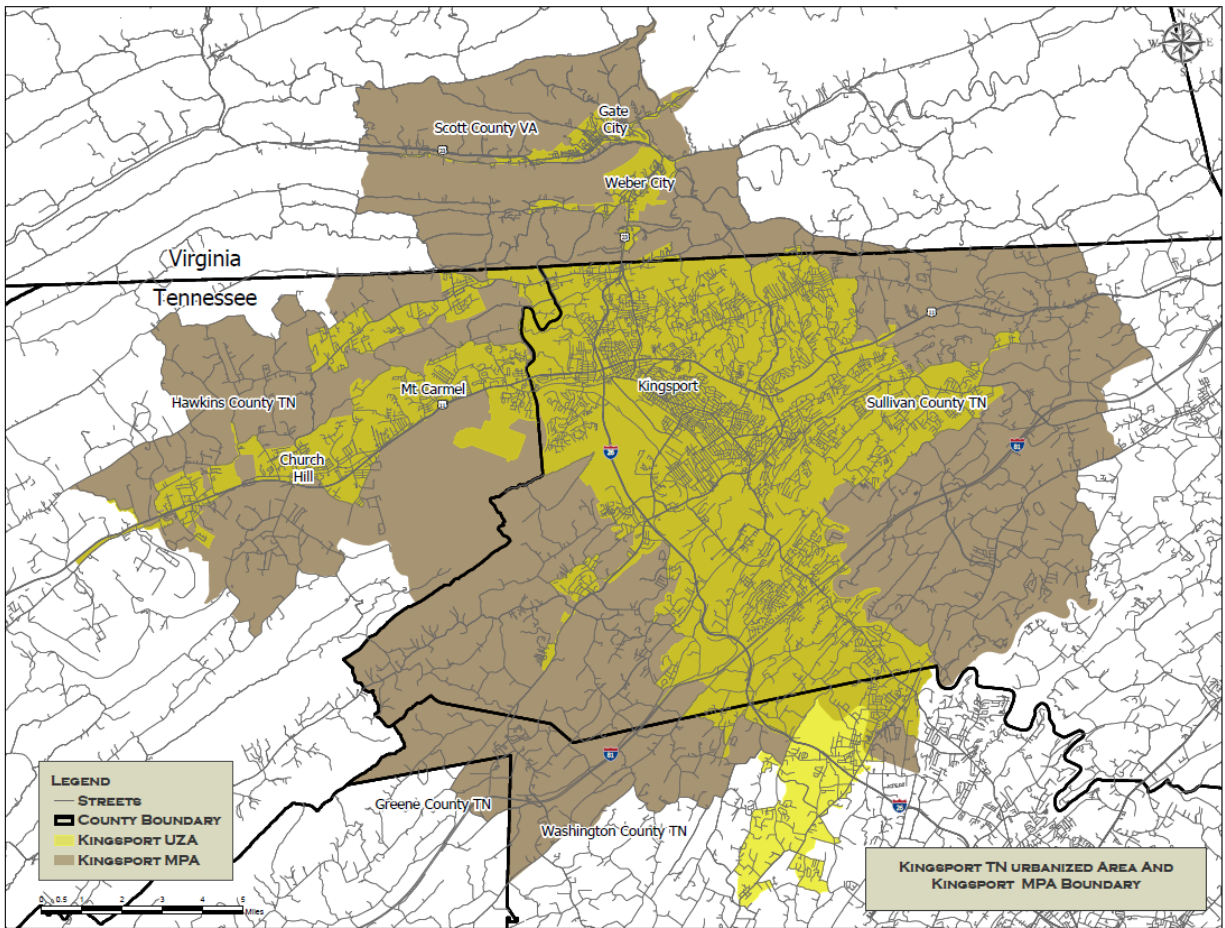
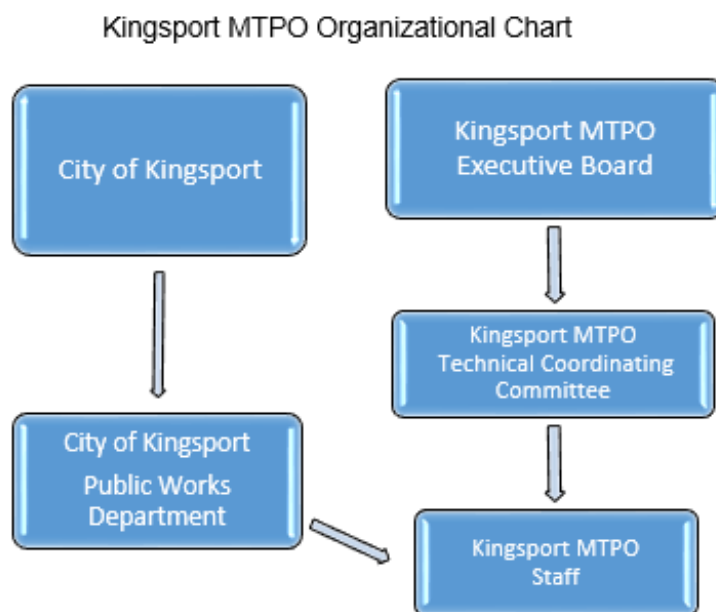


Figure 2 – Kingsport MTPO Organizational Chart



2. Title VI Abstract

Title VI, 42 USC 2000d et seq. was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

More specifically, Title VI of the Civil Rights Act of 1964 states: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 U.S. Code 2000d)

Title VI applies to all organizations that receive federal funds. The Kingsport Metropolitan Transportation Planning Organization (MTPO) receives federal funds from the U.S. Department of Transportation (DOT), distributed through TDOT, VDOT, and DRPT. Therefore, the Kingsport MTPO is required to develop policies, programs, and practices that ensure transportation planning activities are performed in a manner that is nondiscriminatory as required under Title VI.

In addition to Title VI, this document provides information regarding two Presidential Executive Orders pertaining to fairness and inclusiveness. Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” mandates that federal agencies address equity and fairness, or Environmental Justice, toward low-income and minority populations. Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP)” mandates that federal agencies ensure that people who have Limited English Proficiency (LEP) have meaningful access to federally conducted and/or federally funded programs and activities.

The MTPO’s Title VI, Environmental Justice, and Limited English Proficiency (LEP) policies and procedures are documented in this plan and its appendices. This plan will be updated periodically to incorporate changes and additional responsibilities that arise.

3. Title VI Program

To ensure Title VI compliance, Kingsport MTPO staff and the decision makers of its organizations and programs will not discriminate on the basis of race, color, or national origin.

Kingsport MTPO staff evaluate and monitor compliance with nondiscrimination authorities in its:

- Communications and Public Participation
- Planning and Programming
- Advertisements and Consultant Contracts
- Education and Training

To comply with Title VI, Kingsport MTPO:

- Maintains current Title VI Assurances (Appendix E and Appendix F)
- Promptly corrects any identified deficiency
- Conducts regular reviews of program areas and contractors
- Documents and prepares reports of Title VI efforts

3.1 Communications and Public Participation

In compliance with 49 CFR 21.9(d), the MTPO shall provide information to the public regarding its Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI by the following notice:

The Kingsport MTPO operates its programs without regard to race, color, or national origin. For inquiries about the MTPO's nondiscrimination policies, or to file a discrimination complaint, contact the Title VI Coordinator in the City of Kingsport Human Resources Office at 423-229-9401 or HROffice@KingsportTN.gov.

The MTPO shall seek out and consider viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. The MTPO shall make every effort to include the following practices, consistent with the MTPO's adopted Public Participation Plan (PPP):

1. Coordination with individuals, institutions, or organizations and implementing community based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
2. Provision of opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;
3. Utilization of locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities;
4. Utilization of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities; and
5. Implementation of the state Department of Transportation's policy guidance regarding the responsibilities to LEP persons.
6. The MTPO maintains a website where all current information is posted. Social media accounts operated by the City of Kingsport are also utilized. Email comments may be submitted through MTPO@KingsportTN.gov at any time.

3.2 Planning and Programming

The MTPO is responsible for developing long and short-range transportation plans and programs to provide efficient transportation services for the Kingsport Metropolitan Area. A comprehensive process is used which entails the monitoring and collection of various data pertaining to transportation issues. To ensure compliance in planning and programming, MTPO staff will:

- Ensure that all aspects of the planning and programming process comply with nondiscrimination authorities.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
- Use US Census Bureau Decennial data, US Census Bureau American Community Survey data, and local knowledge of the area to identify the locations and needs of socioeconomic groups, including low-income, LEP, and minority populations. Other potential sources of data include school districts, forms or surveys, land use plans, geographic information systems, and transportation models.

- Review directives to determine if there are Title VI implications and interpret how directives impact Title VI program areas. Types of data analysis to address compliance with Title VI may include:
 - Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
 - Allocation of funds by mode (highway, transit, etc.);
 - Impact of investments on race, color, or national origin;
 - Projected population increases versus planned facilities and types of facilities;
 - Impacts of the location of existing or proposed facilities connected with a project;
 - Alternatives to modes, locations, and types of facilities;
 - Language needs assessment (see Appendix D – Limited English Proficiency Plan for a breakdown of Race and Language Spoken at Home demographics);
 - Transportation needs of all persons within boundaries of plans or projects;
 - Persons included in the decision-making process;
 - Strategies to address impacts;
 - Priorities for investments;
 - Strategies to disseminate information.
- When determining compliance with Title VI, the Kingsport MTPO may consider the following:
 - The manner in which services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services on the basis of their race, color, or national origin as defined by Title VI authorities;
 - The population eligible to be served by race, color, and national origin;
 - The location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the bases of prohibited discrimination;
 - Where determination of location is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color, and national origin.
- Continue to ensure that staff makes concerted efforts to involve members of all social, economic, and ethnic groups in the planning process.

3.3 Advertisements and Consultant Contracts

The following language will be included in all Kingsport MTPO Requests for Proposals (RFP) and Requests for Qualifications (RFQ): *“The Kingsport MTPO in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*

The provisions of U.S. DOT 1050.2A Appendix A and Appendix E will be included in contracts and agreements initiated by the Kingsport MTPO. DOT Order 1050.2A Standard Title VI Assurances and Non-Discrimination Provisions (which includes the appendices referenced above) is attached as Appendix E.

The Kingsport MTPO is responsible for selection, negotiation, and administration of its contractor/consultant contracts. The Kingsport MTPO operates under its internal contract procedures and all applicable federal and state laws. Kingsport MTPO staff will:

- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals (RFP) and Requests for Qualifications (RFQ).
- Contractors/consultants must implement policies and procedures prohibiting discrimination.
- Kingsport MTPO staff and the Title VI Coordinator will periodically monitor Title VI plans and program implementation.
- Ensure that all contractors/consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
- On an annual basis, Kingsport MTPO staff will conduct a review of select contractors/consultants to ensure they are complying with Title VI requirements and that federal funds are not being spent in any way that results in discrimination (intentional or unintentional).
- During a review, the task of MTPO staff is to evaluate whether the contractor/consultant is effectively implementing Title VI requirements.
- If a contractor/consultant is found to be in noncompliance with nondiscrimination authorities, the Title VI Coordinator and relevant staff will work with the contractor/consultant to resolve the deficiency status and write a remedial action if necessary. See section 3.5-g (Compliance and Enforcement) for more details.
- Review outreach activities to ensure small, disadvantaged, minority, women, and disabled veteran businesses are not excluded to participate in opportunities to compete for contractor/consultant contracts.

3.4 Education and Training

All Kingsport MTPO staff most recently completed Title VI training in Fall 2021 as required by the City of Kingsport Human Resources Department. To ensure compliance through education and training, nondiscrimination training will be made available to all Kingsport MTPO staff to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes.

Under the category of education and training, nondiscrimination responsibilities include:

- Distribution of information to Kingsport MTPO staff on training programs regarding Title VI and related statutes.
- Tracking staff participation in nondiscrimination training.
- Maintain and update nondiscrimination training as necessary.
- Maintain and update the Kingsport MTPO Title VI Plan as necessary.

3.5 Other Requirements

a) Annual Certification and Assurance

As part of the annual Certifications and Assurances, the MTPO submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as other nondiscrimination regulations and statutes. In signing and submitting this assurance, the MTPO confirms the agency's commitment to nondiscrimination and compliance with federal and state requirements.

b) **Complaint Process**

In compliance with 49 CFR Section 21.9(b), the MTPO has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. The MTPO's complaint investigation procedures and complaint form are contained herein as Appendix B.

c) **Record Title VI Activities**

In compliance with 49 CFR Section 21.9(b), the City shall prepare and maintain a list of any active investigations, lawsuits, or complaints naming the MTPO or City that allege discrimination on the basis of race, color, or national origin. Record logs are contained herein as Appendix C. Such list on the log sheet shall include:

1. Date the investigation, lawsuit, or complaint was filed;
2. Summary of the allegation(s);
3. Status of the investigation, lawsuit, or complaint; and
4. Actions taken by the City/MTPO in response to the investigation, lawsuit, or complaint.

d) **Access for LEP Persons**

The MTPO shall take steps to ensure meaningful access to the benefits, services, information, and other important portions of the programs and activities for individuals who are Limited English Proficient (LEP). The MTPO will assist persons with Limited English Proficiency to participate in the transportation planning process. MTPO staff will make every effort to provide translators and document translation, where feasible, upon request. The LEP Plan is contained herein as Appendix D.

e) **Timely Submission**

The MTPO acknowledges that its Title VI submissions and/or updates thereto, shall be supplied once every three (3) years, or as requested. The submission shall include, but is not limited to:

1. A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;
2. The process for persons with Limited English Proficiency (LEP);
3. Title VI Complaint and Tracking procedures;
4. A list of any Title VI investigations, complaints, or lawsuits filed since the last submission;
5. A copy of the public notice regarding Title VI compliance and public access and instructions for the Title VI complaint procedures.

f) **Reporting and Subrecipients**

The Kingsport MTPO is a subrecipient to TDOT, VDOT, and DRPT. The Civil Rights Offices of TDOT and VDOT monitor the Kingsport MTPO for civil rights compliance. A triennial assessment report is required to be submitted to the Civil Rights Office and Title VI assurances are provided annually. No funds are passed through the Kingsport MTPO to subrecipients, so the subject of monitoring subrecipients will not be addressed in this document.

g) **Compliance and Enforcement**

Kingsport MTPO staff will perform periodic self-assessments for Title VI compliance of MTPO plans, programs, and activities including contractor/consultant activities. If deficiencies are found, the Title VI Coordinator will provide technical assistance, as needed, and work with the MTPO

staff, contractors/consultants to ensure the deficiency is corrected and compliance is achieved and maintained. Voluntary compliance is preferred; therefore, the Title VI Coordinator will first attempt to secure compliance through informal means. If the matter cannot be resolved informally, a Letter of Findings will be issued informing the MTPO staff/contractor/consultant of the areas of noncompliance and the steps that must be taken to correct the noncompliance. If the issue is still not resolved, the matter will be elevated to TDOT/VDOT and FHWA.

h) **Title VI Investigations, Complaints, and Lawsuits**

To date, the Kingsport Metropolitan Transportation Planning Organization has had no Title VI investigations, complaints, or lawsuits filed against them.

i) **Title VI Coordinator**

The City of Kingsport Human Resources Director is the designated Title VI Coordinator: Tyra Copas, (423) 224-2448, email TyraCopas@KingsportTN.gov. The secondary contact for Title VI issues is Tonya Fletcher, (423) 224-2471, email TonyaFletcher@KingsportTN.gov.

4. Environmental Justice

Presidential Executive Order 12898, signed in 1994, directed every Federal agency to make Environmental Justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority populations and low-income populations. According to the FHWA, the U.S.DOT's Environmental Justice initiatives accomplish this goal by involving the potentially affected public in developing transportation projects that fit harmoniously within their communities without sacrificing safety or mobility.

The Kingsport MTPO serves as the primary forum for TDOT, VDOT, DRPT, transit providers, local agencies and jurisdictions, and the public to develop local transportation plans and programs that address our area's needs. As such, in order to comply with Title VI and address Environmental Justice, the MTPO needs to:

- Enhance their analytical capabilities to ensure that the Long Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP) comply with Title VI.
- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate and – where necessary – improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

The Kingsport MTPO will ensure that its planning and decision making process follows the requirements for Title VI and Environmental Justice.

Appendix A – Title VI Policy Statement

EQUAL OPPORTUNITY TITLE VI POLICY STATEMENT

IT IS THE POLICY OF THE CITY OF KINGSPORT TO ENSURE COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964; 49 CFR, PART 21; RELATED STATUTES AND REGULATIONS TO THE END THAT NO PERSON SHALL BE EXCLUDED FROM PARTICIPATION IN OR BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE ON THE GROUNDS OF RACE, COLOR, SEX, AGE, DISABILITY OR NATIONAL ORIGIN.



PATRICK W. SHULL, MAYOR



CHRIS MCCARTT, CITY MANAGER

ANY PERSON WHO BELIEVES HE OR SHE HAS BEEN DISCRIMINATED AGAINST SHOULD CONTACT:

TITLE VI COORDINATOR
HUMAN RESOURCES DEPARTMENT
415 BROAD STREET, SUITE 319
KINGSPORT, TN 37660
TELEPHONE (423) 229-9401

06/01/2021

Appendix B – Title VI Complaint Investigation Procedure and Form

Kingsport Metropolitan Transportation Planning Organization (MTPO) Title VI Complaint Investigation Procedure

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and are intended to provide aggrieved persons an avenue to file complaints of discrimination regarding the Kingsport Metropolitan Transportation Planning Organization’s (MTPO) programs and activities. Intimidation or retaliation of any kind is prohibited by law. These procedures do not deny the right of the complainant to file formal complaints with other local, state, or federal agencies, or to seek private counsel for complaints alleging discrimination.

Persons Eligible to File a Complaint:

Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin in the programs and activities of the Kingsport MTPO may file a Title VI complaint.

Complaint Basis:

Complaints of alleged discrimination must be based on issues involving race, color, or national origin. Discrimination under Title VI is an act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, or national origin has been otherwise subjected to unequal treatment or disparate impact under any program or activity receiving federal financial assistance.

Filing Time:

According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

Form of Complaints:

- Complaint shall be in writing and signed by the complainant(s) or representative(s).
- Complainant’s name, address, and telephone number, or other means by which the complainant may be contacted.
- Include the date of the alleged act of discrimination.
- Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint issue.

- Allegations received by fax or email will be acknowledged and processed once the identity(ies) of the complainant(s) has been confirmed. The complainant is required to mail a signed, original copy of the fax or email transmittal before the complaint can be processed.
- Allegations received by phone will be reduced to writing and provided to complainant for confirmation, revision, and signature before processing.

Complaint Review Process:

A *Title VI Complaint Form* has been prepared for complainants to use, at their discretion, to file their complaint with the City of Kingsport, the Federal Highway Administration (FHWA), the Tennessee Department of Transportation (TDOT), or the Virginia Department of Transportation (VDOT). Contact information for each agency is included on the complaint form. The investigation will address only those issues relevant to the allegations in the complaint. Confidentiality will be maintained to the fullest extent possible.

Upon receipt of the complaint, the City of Kingsport Title VI Coordinator will review it to ensure that relevant information is provided, the complaint is timely, and is within the correct jurisdiction. The Title VI Coordinator will maintain a log of all complaints.

Complaints filed **against the Kingsport MTPO or contractors, sub-contractors, consultants, etc. of the MTPO** will follow these procedures:

- All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR), through the appropriate hierarchy, for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against TDOT/VDOT, the Kingsport MTPO, or contractors/sub-contractors/consultants of the MTPO.
- Complaints will be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with the Kingsport MTPO, that agency should forward the complaint to TDOT/VDOT (within three business days), which should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR. If a complaint is filed with TDOT/VDOT, then that agency should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR.
- TDOT/VDOT and the Kingsport MTPO must log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, TDOT/VDOT, and the Kingsport MTPO (where applicable).



Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The purpose of this form is to assist you in filing a Title VI complaint against the Kingsport Metropolitan Transportation Planning Organization (MTPO), a department of the City of Kingsport or contractors, sub-contractors, consultants, etc. of the MTPO.

This form can be found online at: <https://www.kingsporttn.gov/city-services/kmtpo/civil-rights/>

Written, signed complaints should be submitted to:

City of Kingsport – Human Resources
Title VI Coordinator
415 Broad Street
Kingsport, TN 37660

Phone: 423-224-2448
Email: TyraCopas@KingsportTN.gov

If you wish to file directly with another agency, you may use this form to file a Title VI complaint with the Civil Rights Division of the Federal Highway Administration (FHWA), Tennessee Department of Transportation (TDOT), or Virginia Department of Transportation (VDOT). You are not required to use this form. A letter containing the same information is sufficient; however, all information included in this form is necessary to assist in processing your complaint. If you require assistance in completing this form, please let us know.

A written, signed complaint must be filed within 180 calendar days after the date of the alleged discrimination.

Federal Highway Administration
US Department of Transportation
Office of Civil Rights
1200 New Jersey Ave, SE
8th Floor E81-105
Washington, DC 20590
Phone: 202-366-0693
Email: FHWA.TitleVIcomplaints@dot.gov

Tennessee Department of Transportation
Civil Rights Division
Attention: Title VI Program Director
505 Deaderick Street, Suite 1800
Nashville, TN 37243
Phone: 615-741-3681
Email: Cynthia.Howard@tn.gov

Virginia Department of Transportation
Civil Rights Division
Attention: Civil Rights Division Administrator
1401 E Broad Street
Richmond, VA 23219
Phone: 804-786-2085
Email: Sandra.Norman@vdot.virginia.gov

Title VI Complaint Information

1. Complainant Information

Name: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Email: _____

2. Person(s) Discriminated Against (if someone other than complainant)

Name: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Email: _____

3. Agency and Department/Program Complaint is Filed Against

Agency/Department/Program: _____

Individual (if known): _____

Address: _____

City, State, Zip: _____

Telephone: _____ Email: _____

4. Which of the following best describes the reason you believe the discrimination took place? Was it because of:

- ☐ Race
- ☐ Color
- ☐ National Origin

5. What date did the alleged discrimination occur? _____

6. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Include all relevant information. Please use additional sheets if necessary and attach a copy of written materials pertaining to your case.

7. Please list below any persons (witnesses, employees, supervisors, others), if known, whom we may contact for additional information to support of clarify your complaint.

| Name | Phone # |
|-------|---------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

8. Have you, or the person discriminated against, filed the same or any other complaints with any other federal, state, or local agency; or with any federal or state court?

☐ Yes

☐ No

If Yes, provide the date and the complaint was filed: _____

Contact person at the agency/court where the complaint was filed:

Name: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Email: _____

9. Please sign and date below. A complaint that has not been signed cannot be accepted.

Signature

Date

Please attach any written materials/other information you think are relevant to your complaint.

Appendix C – List of Active Lawsuits

Requirement To Record Title VI

Investigations, Complaints and Lawsuits

List of Active Lawsuits

No lawsuits, investigations, or complaints alleging discrimination on the basis of race, color or national origin have been filed against the City of Kingsport Tennessee with respect to transit service or other transit benefits during the past three (3) years. The City of Kingsport does include Title VI Assurances in all agreements concerning transportation contractors in all public transportation procurements contracts.

Diane Denton
City of Kingsport, Title VI Coordinator

3/4/2021
Date

APPROVED AS TO FORM:

J. Manabolyan
City Attorney

3/9/2021
Date

KINGSPORT METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION (MTPO)

[illegible]

Appendix D – Limited English Proficiency Plan

LIMITED ENGLISH PROFICIENCY PLAN

This document serves as the plan for the Kingsport Metropolitan Transportation Planning Organization (MTPO) to provide services to Limited English Proficiency (LEP) individuals in compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency. This plan was developed to help identify reasonable steps to provide language assistance for LEP persons to participate in the transportation planning process. The following Four Factor Analysis was conducted to ensure meaningful and appropriate access for LEP individuals identified in the Kingsport TN/VA Urbanized Area.

FOUR FACTOR ANALYSIS

Factor 1: Number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the grantee.

According to the US Census Bureau American Community Survey 5-year Estimates (2015-2019), approximately 2.8% of the Kingsport TN/VA Urbanized Area population speaks a language other than English at home with the majority of those households (1.6%) speaking Spanish. A total of 0.7% of the population age 5 and over speak English less than “very well”. The following tables provide the racial makeup and the language spoken at home for the Kingsport TN/VA Urbanized Area.

| Race (including Hispanic or Latino Origin) | Kingsport, TN/VA Urbanized Area | |
|---|---------------------------------|---------------|
| | Value | Percent |
| Total: | 105755 | 100.00% |
| Not Hispanic or Latino: | 103769 | 98.12% |
| White alone | 98386 | 93.03% |
| Black or African American alone | 2139 | 2.02% |
| American Indian and Alaska Native alone | 88 | 0.08% |
| Asian alone | 851 | 0.80% |
| Native Hawaiian and Other Pacific Islander alone | 125 | 0.12% |
| Some other race alone | 21 | 0.02% |
| Two or more races: | 2159 | 2.04% |
| Two races including Some other race | 81 | 0.08% |
| Two races excluding Some other race, and three or more races | 2078 | 1.96% |
| Hispanic or Latino: | 1986 | 1.88% |
| White alone | 1201 | 1.14% |
| Black or African American alone | 29 | 0.03% |
| American Indian and Alaska Native alone | 42 | 0.04% |
| Asian alone | 0 | 0.00% |
| Native Hawaiian and Other Pacific Islander alone | 21 | 0.02% |
| Some other race alone | 437 | 0.41% |
| Two or more races: | 256 | 0.24% |
| Two races including Some other race | 118 | 0.11% |
| Two races excluding Some other race, and three or more races | 138 | 0.13% |
| | | |
| Source: US Census Bureau, American Community Survey (2015-2019) | | |

| Language Spoken at Home | Kingsport TN/VA Urbanized Area | | | | | |
|---|--------------------------------|---------|---|---------|-------------------------------------|---------|
| | Total | | Speak English only or speak English "very well" | | Speak English less than "very well" | |
| Label | Value | Percent | Value | Percent | Value | Percent |
| Population 5 years and over | 100,329 | (X) | 99,631 | 99.3% | 698 | 0.7% |
| Speak only English | 97,543 | 97.2% | (X) | (X) | (X) | (X) |
| Speak a language other than English | 2,786 | 2.8% | 2,088 | 74.9% | 698 | 25.1% |
| SPEAK A LANGUAGE OTHER THAN ENGLISH | | | | | | |
| Spanish | 1,634 | 1.6% | 1,185 | 72.5% | 449 | 27.5% |
| 5 to 17 years old | 521 | 0.5% | 428 | 82.1% | 93 | 17.9% |
| 18 to 64 years old | 949 | 0.9% | 677 | 71.3% | 272 | 28.7% |
| 65 years old and over | 164 | 0.2% | 80 | 48.8% | 84 | 51.2% |
| Other Indo-European languages | 414 | 0.4% | 379 | 91.5% | 35 | 8.5% |
| 5 to 17 years old | 27 | 0.0% | 27 | 100.0% | 0 | 0.0% |
| 18 to 64 years old | 290 | 0.3% | 255 | 87.9% | 35 | 12.1% |
| 65 years old and over | 97 | 0.1% | 97 | 100.0% | 0 | 0.0% |
| Asian and Pacific Island languages | 591 | 0.6% | 386 | 65.3% | 205 | 34.7% |
| 5 to 17 years old | 48 | 0.0% | 48 | 100.0% | 0 | 0.0% |
| 18 to 64 years old | 480 | 0.5% | 290 | 60.4% | 190 | 39.6% |
| 65 years old and over | 63 | 0.1% | 48 | 76.2% | 15 | 23.8% |
| Other languages | 147 | 0.1% | 138 | 93.9% | 9 | 6.1% |
| 5 to 17 years old | 39 | 0.0% | 39 | 100.0% | 0 | 0.0% |
| 18 to 64 years old | 108 | 0.1% | 99 | 91.7% | 9 | 8.3% |
| 65 years old and over | 0 | 0.0% | 0 | - | 0 | - |
| CITIZENS 18 YEARS AND OVER | | | | | | |
| All citizens 18 years old and over | 84,219 | (X) | 83,974 | 99.7% | 245 | 0.3% |
| Speak only English | 82,712 | 98.2% | (X) | (X) | (X) | (X) |
| Speak a language other than English | 1,507 | 1.8% | 1,262 | 83.7% | 245 | 16.3% |
| Spanish | 799 | 0.9% | 664 | 83.1% | 135 | 16.9% |
| Other languages | 708 | 0.8% | 598 | 84.5% | 110 | 15.5% |
| | | | | | | |
| Source: US Census Bureau, American Community Survey (2015-2019) | | | | | | |

Factor 2: The frequency with which LEP individuals come into contact with the program, activity, or service.

The Kingsport MTPO staff assessed, as accurately as possible, the frequency with which LEP individuals come in contact with any programs, activities, or services that have been provided by the MTPO in the past. To date, there have been no requests, formal or otherwise, by LEP individuals seeking the translation of documents or interpreters at public meetings. To date, MTPO staff have not encountered a situation with any individual who did not speak English very well.

Factor 3: The nature and importance of the program, activity, or service provided by the Kingsport MTPO to the community.

Transportation is vital to many people's lives. The Kingsport MTPO uses federal funds to plan transportation projects. The MTPO seeks to include all segments of the population, including LEP individuals, in the transportation planning and decision making process. The steps that are taken for public

outreach are detailed in the Public Participation Plan, which can be found on our website www.kptmtpo.com and in the Kingsport MTPO office.

Factor 4: The resources available to the Kingsport MTPO and costs.

The Kingsport MTPO ensures that efforts are made to include LEP individuals and provide them with the opportunity to be involved in the transportation planning process. These services are provided at no cost to the LEP individual. Resources that are currently provided for language assistance and the estimated costs to the Kingsport MTPO are:

- Telephone interpreter service is available, provided by Worldwide Interpreters, with a language identification guide available to MTPO staff to assist with identifying the LEP individual's native language. (Cost is 0.65 cents per minute.)
- Document translation as requested. (Cost varies per document.)
- The City of Kingsport/Kingsport MTPO website meets all standards when it comes to translating content for viewers who prefer a language other than English. The Wordpress Content Management System (CMS) that the site is built upon easily allows browsers and operating systems to translate the page into another language. (Included with website fees – no additional cost.)

Other services can be provided; however, the cost of such service would have to be considered. Funds available to the MTPO for LEP services would be derived entirely from existing operating budgets and compete with other operational requirements on an annual basis.



Guide to Effectively Working with our Interpreters

Convenience and efficiency are two great advantages to working with interpreters from WorldWide Interpreters.

Our remote interpreters are aptly trained in cultural dynamics to partner with you in meeting all the needs of your non-English speaking clients.

Thank you for choosing to partner with WorldWide Interpreters!

Over 150 Languages.

For customer service
please contact
WorldWide Interpreters
866-967-5313

- To reach an interpreter dial 1-800-207-1424. You will be prompted to enter your Personal PIN. There may be a few seconds of silence before you hear the Greeting.
- At the end of the initial greeting, Press 1, or say "Spanish", for a Spanish interpreter; Press 2, or say "Operator", for any other language.
- If not using a speakerphone, inform the interpreter that you will be passing a phone back and forth between yourself and the non-English speaker.
- Speak in short phrases, pausing to allow for the interpretation.
- Ask one question at a time.
- Use simple language to express your meaning. Remember that slang does not translate.
- Explain complex terms when necessary.
- Don't say anything that you do not want interpreted.
- Allow the interpreter to stop you and seek an explanation when necessary.
- Allow the interpreter to repeat back to you all critical information.

- | | | |
|--------------------------|---|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | 1. Arabic |
| <input type="checkbox"/> | Խոսողո՞ւմ ե՞ս, և՛ խոսում կատարե՞ք այս քանակություն, եթե խոսում կամ կարդում ե՞ք հայերեն: | 2. Armenian |
| <input type="checkbox"/> | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | 3. Bengali |
| <input type="checkbox"/> | ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | 4. Cambodian |
| <input type="checkbox"/> | Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro. | 5. Chamorro |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。 | 6. Simplified Chinese |
| <input type="checkbox"/> | 如果你能讀中文或講中文，請選擇此框。 | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | 8. Croatian |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | 9. Czech |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | 10. Dutch |
| <input type="checkbox"/> | Mark this box if you read or speak English. | 11. English |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید. | 12. Farsi |

| | | |
|--------------------------|--|--------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français. | 13. French |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. | 14. German |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. | 15. Greek |
| <input type="checkbox"/> | Make kazye sa a si ou li oswa ou pale kreyòl ayisyen. | 16. Haitian Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। | 17. Hindi |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob. | 18. Hmong |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérte vagy beszéli a magyar nyelvet. | 19. Hungarian |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. | 20. Ilocano |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano. | 21. Italian |
| <input type="checkbox"/> | 日本語を読んだり、話せる場合はここに印を付けてください。 | 22. Japanese |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. | 23. Korean |
| <input type="checkbox"/> | ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ. | 24. Laotian |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish |

| | | |
|--------------------------|--|----------------|
| <input type="checkbox"/> | Assinale este quadrado se você lê ou fala português. | 26. Portuguese |
| <input type="checkbox"/> | Însemnați această casuță dacă citiți sau vorbiți românește. | 27. Romanian |
| <input type="checkbox"/> | Пометьте этот квадратик, если вы читаете или говорите по-русски. | 28. Russian |
| <input type="checkbox"/> | Обележите овај квадратик уколико читате или говорите српски језик. | 29. Serbian |
| <input type="checkbox"/> | Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky. | 30. Slovak |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español. | 31. Spanish |
| <input type="checkbox"/> | Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. | 32. Tagalog |
| <input type="checkbox"/> | ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย. | 33. Thai |
| <input type="checkbox"/> | Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga. | 34. Tongan |
| <input type="checkbox"/> | Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою. | 35. Ukranian |
| <input type="checkbox"/> | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔ | 36. Urdu |
| <input type="checkbox"/> | Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. | 37. Vietnamese |
| <input type="checkbox"/> | באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש. | 38. Yiddish |

Appendix E – Title VI Nondiscrimination Assurances for FHWA

Kingsport Metropolitan Transportation Planning Organization (MTPO)
TITLE VI / NONDISCRIMINATION ASSURANCE
(DOT Order No.1050.2A)

The **Kingsport MTPO**, (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation – Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurance

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program")

conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The **Kingsport MTPO** in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the **Kingsport MTPO** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FHWA or the Virginia Department of Transportation (VDOT)** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by **FHWA or VDOT**. You must keep records, reports, and submit the material for review upon request to **FHWA or VDOT**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The **Kingsport MTPO** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the **Federal-Aid Highway Program**. This ASSURANCE is binding on the **Commonwealth of Virginia**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the **Federal-Aid Highway Program**.

Kingsport Metropolitan Transportation Planning Organization

by



William A. Albright, Kingsport MTPO Manager

DATED

11/1/2019

APPENDIX A
Contractor/ Consultant/Supplier Agreement: U.S. DOT 1050.2A -- Appendix A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the ***Kingsport MTPO*** will accept title to the lands and maintain the project constructed thereon in accordance with the Virginia General Assembly, the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the ***Federal Highway Administration*** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the ***Kingsport MTPO*** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the ***Kingsport MTPO*** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the ***Kingsport MTPO***, its successors and assigns.

The ***Kingsport MTPO*** in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the ***Kingsport MTPO*** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C
CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER
THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the ***Kingsport MTPO*** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the ***Kingsport MTPO*** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the ***Kingsport MTPO*** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the ***Kingsport MTPO*** and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D
CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER
THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the ***Kingsport MTPO*** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the ***Kingsport MTPO*** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the ***Kingsport MTPO*** will there upon revert to and vest in and become the absolute property of the ***Kingsport MTPO*** and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

Contractor/ Consultant/Supplier Agreements: U.S. DOT 1050.2A -- Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

Appendix F – Title VI Certifications and Assurances for FTA

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision. Refer to FTA's accompanying Instructions document for more information.

Text in italics is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

animals held for research, teaching, or other activities supported by this award of assistance.

- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
- (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
- (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, particularly 2 CFR §§ 200.317–200.326 “Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.

The applicant certifies that, to the maximum extent possible, and consistent with the Consolidated Appropriations Act, 2021 (Public Law 116–260):

- (a) Funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 CFR § 673.11(d). This certification is required by 49 CFR § 673.13.

This certification does not apply to any applicant that receives financial assistance from FTA exclusively under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs.

If the applicant is an operator, the applicant certifies that it has established a public transportation agency safety plan meeting the requirements of 49 CFR Part 673.

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

- (a) It has drafted a public transportation agency safety plan for each small public transportation provider within the State, unless the small public transportation provider provided notification to the State that it was opting-out of the State-drafted plan and drafting its own public transportation agency safety plan; and
- (b) Each small public transportation provider within the state has a public transportation agency safety plan that has been approved by the provider’s Accountable Executive

(as that term is defined at 49 CFR § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. E, title VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 4. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant’s lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or

an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

4.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

5.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

5.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other

use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it is in compliance with 49 CFR Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

7.1. Rolling Stock Buy America Reviews.

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

7.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for

Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;
- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least

- 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
- (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
 - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
 - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
 - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
 - (2) It has determined that otherwise eligible local transit needs are being addressed.

**CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE
EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS
PILOT PROGRAM.**

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

**CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO
EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.**

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).

Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, this certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4).

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent

transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks (“SIB”) Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA’s Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA’s regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 659.43, 672.31, and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 659, “Rail Fixed Guideway Systems; State Safety Oversight”;
- (b) Compliant with the requirements of 49 CFR Part 672, “Public Transportation Safety Certification Training Program”; and
- (c) Compliant with the requirements of 49 CFR Part 674, “State Safety Oversight”.

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 18. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 19. CONSTRUCTION HIRING PREFERENCES.

If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. L, title I, § 199(b).

The applicant certifies the following:

- (a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
- (b) That the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and
- (c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

CATEGORY 20. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

CATEGORY 21. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).


Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing.

Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 200, for Awards made on or after December 26, 2014,
 - (2) It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
 - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
 - (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),
 - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
 - (4) Category 09 (Formula Grants for Rural Areas),
 - (5) Category 15 (Alcohol and Controlled Substances Testing), and
 - (6) Category 17 (Demand Responsive Service).

Patricia W. Shull
Mayor, City of Kingsport

ATTEST:

APPROVED AS TO FORM:
J. Michael Bly
CITY ATTORNEY



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- System Requirements
- News & Information
- Contact DRPT

[Home](#) > [Grants](#) > [Certifications / Assurances](#)

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By pinning this agreement, you are certifying that the appropriate parties have read this agreement, and that the Grantee agrees to comply with all provisions (Categories 01-21) of the FTA Fiscal Year 2021 Certifications and Assurances.

Certified By Patrick Shull on 03/15/2021

[Return](#)