

REPORT TO SHASTA COUNTY RTPA

SUBJECT	MEETING DATE	ITEM NUMBER
Job Access Reverse Commute/New Freedom (JARC/NF) Delegation Of Authority	12/18/2007	4-4

RECOMMENDATION

It is recommended that the Board:

1. Authorize the Executive Director to sign a Memorandum of Understanding (MOU) with Caltrans (DOT) for FTA Section 5316 and 5317 Urbanized Area Formula Program Funds; and
2. Authorize the Executive Director to sign the 2008 FTA Certifications and Assurances.

SUMMARY

The Federal Transportation Authorization Act - SAFETEA-LU, provides for two new transit grant programs: Job Access and Reverse Commute (JARC) (49 U.S.C. 5316), and New Freedom (NF) (49 U.S.C. 5317). These programs authorize grants for access to jobs and public transportation alternatives which compliment Americans with Disabilities Act of 1990 (ADA) services.

DISCUSSION

Under the provisions set forth in SAFETEA-LU, JARC and NF grant programs were authorized. Statewide the allocations authorized for all small-urban areas is \$3 million for JARC, and \$1.6 million for NF grants from fiscal years 2006 through 2009.

Local government, non-profits, or public transportation services may apply for JARC and NF funds. JARC is designed to provide transportation to eligible low-income individuals to and from jobs and activities related to employment. Projects could include employer-provided transportation, purchase of transit vouchers, promoting public transportation for workers with nontraditional work schedules, and/or planning, capital, and operating costs to provide access to jobs.

NF projects must provide new public transportation to individuals with disabilities for commuting to and from jobs and employment support services. Typical projects could include; capital and operating assistance for new paratransit routes or stops, evening service to work sites, or vehicles to operate new services.

It is anticipated that Caltrans will initiate the JARC/NF process in January 2008. Caltrans has unobligated monies from FFY 2006 which expire in 2008. Caltrans will run its own statewide competitive process for these monies. Funds allocated to the RTPA will remain within the region. The RTPA will be responsible for conducting a local competitive selection process similar to the FTA 5310 process. Selected projects must be approved by the Board and derived from a locally developed Coordinated Human Transportation Plan. Projects must be programmed into the Federal Transportation Improvement Program (FTIP).

Caltrans administers these funds. The MOU establishes the responsibilities of the RTPA in conducting a competitive selection process for funding allocations. Caltrans is responsible for the final evaluation of recommended projects.

It is recommended that the Board authorize the Executive Director to sign all documents required to initiate these programs.

ALTERNATIVES

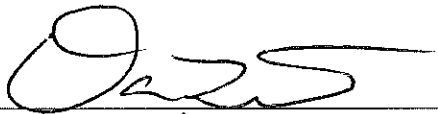
The Board could decide not to conduct the selection process. This is not recommended as it would result in lost federal transit funds.

OTHER AGENCY INVOLVEMENT

This process has been coordinated with Caltrans. The Technical Advisory Committee (TAC) concurs with the staff recommendation.

FINANCING

Adoption of the staff recommendation will provide additional funding for transit programs.



Daniel S. Little, AICP, Executive Director

DSL/SLC/jac

Attachments: Caltrans MOU
2008 FTA Certification and Assurances

Memorandum of Understanding

California Department of Transportation (Caltrans)
Division of Mass Transportation (DMT)

Delegation of the Statewide Small Urban Areas Competitive Selection Process for Federal Transit
Administration Section (FTA) 5316 - Job Access and Reverse Commute and
FTA Section 5317 - New Freedom Grant Funds

Overview

The Job Access and Reverse Commute (JARC) and the New Freedom programs are authorized under the provisions set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU), enacted on August 10, 2005, as codified at 49 U.S.C. 5316 and 5317. The provisions authorize grants to recipients for access to jobs and public transportation alternatives beyond those required by the American with Disabilities Act of 1990 (ADA).

On January 31, 2006, the Governor of California designated Caltrans to administer the JARC and the New Freedom grant programs for nonurbanized areas and small urban areas under 200,000 in population.

The Division of Mass Transportation (DMT) is the principal authority and has the responsibility for administering the Federal Transit Administration (FTA) Sections 5316 and 5317 transit grants funds as a component of the Department's competitive grant program. Applications for these competitive grants are awarded to regional and local agencies, private non-profit agencies, and public transit agencies based upon criteria specified in FTA Circulars 9040.1 and 9045.1, which was enacted on May 1, 2007.

This Memorandum of Understanding (MOU), entered into and effective this 18th day of December, 2007, by and between the State of California acting through its Department of Transportation, hereinafter referred to as Department, and Shasta County Regional Transportation Planning Agency, acting on behalf of the Department, as a designated Regional Agency, herein referred to as (Name SCRTPA), of the urbanized county (ies) of Shasta. This MOU will establish the responsibilities of the Local Agency and the Department in conducting a statewide competitive selection process for the small urban areas of California.

CHAPTER 1: THE COORDINATION PROCESS

- Cooperation and Coordination – The Local Agency will provide for the cooperation of, and coordination with, public and private transit and paratransit operators, private and non-profit organizations, local public works and planning departments, other federal agencies, as appropriate, and the Department.
- Competitive Selection Process – On behalf of the Department, the Local Agency shall conduct a competitive selection process for urbanized areas with a population of less than

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200,000. This competition is a process, which determines funding allocations to subrecipients to implement JARC and New Freedom projects. JARC and New Freedom funds may not be allocated without conducting a competitive selection process. The *LA* must demonstrate that the competition for JARC and New Freedom funds was an open and transparent process resulting in a fair and equitable distribution of funds.

CHAPTER 2: PARTNERSHIP/COORDINATION

Local Agency (LA) Role and Responsibilities

1. The *Local Agency*, in cooperation with Department, will be responsible for conducting a competitive selection process that is separate from, but coordinated with, the planning process. Selected projects must be derived from the locally developed coordinated plan and meet the intent of the JARC & New Freedom grants programs, as defined in FTA Circulars 9050.1 (JARC) and 9045.1 (New Freedom).
2. *Local Agency* will verify that each applicant meets all the federal requirements for each grant program.
3. The *Local Agency* shall request/ensure that all awarded projects be amended in a Federal Transportation Improvement Program (FTIP) in accordance with the requirements of the grant circulars.
4. Shasta County RTPA _____ is the primary (*Local Agency*) contact.

Department Role in Federal Requirements

1. Certify that each project selected for funding was derived from a locally developed, coordinated public transit-human services transportation plan.
2. Ensuring that all subrecipients comply with Federal requirements and that all selected projects are programmed in a federally approved FTIP amendment.
3. The department will be responsible for final evaluation of recommended projects, forwarding an annual program of projects (POP) and grant application to FTA, and reviewing and approving reimbursement requests.
4. The Chief, Office of Federal Transit Grants is the primary DMT contact.
5. As long as the federal government provides FTA 5316 and 5317 funds, (*the Local Agencies*) have the option of conducting the competitive grant process for the small urban area JARC & New Freedom grants programs.
6. Provide minimum grant selection criteria to *Local Agency* outlining eligible types of projects able to be funded with either FTA Section 5316 and or 5317 funds.
7. Manage all aspects of funding distribution and grant oversight for subrecipients receiving funds under the JARC and New Freedom programs.

8. Certify each coordinated plan was developed through a process that consist of representatives of public, private and non-profit transportation and human services providers with participation by the public.

Local Agency Final Products:

1. Submit project selection criteria documents for DMT review and comment.
 - (Public outreach documentation, application and guidance package, and scoring criteria).
2. Identify and document all public outreach efforts and processes.
3. Submit final project proposals and evaluations.

The MOU will take effect for the 2008 federal fiscal year.

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This MOU will be voided should the Department not receive annual FTA 5316 and 5317 grant funds from the federal government.

Either the *Local Agency* and / or DMT has the option of voiding or suspending this MOU at any time. Any suspension or cancellation of this MOU must be provided in writing to DMT Division Chief.

Approval:

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AICP

Executive Director,

Shasta County Regional Transportation Planning Agency

Date

Gale Ogawa, Chief

Division of Mass Transportation

Date

APPENDIX A

**FEDERAL FISCAL YEAR 2008 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: Shasta County Regional Transportation Planning Agency

The Applicant agrees to comply with applicable provisions of Categories 01 – 24. X
OR

The Applicant agrees to comply with applicable provisions of the Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	Assurances Required For Each Applicant.	_____
02.	Lobbying.	_____
03.	Procurement Compliance.	_____
04.	Protections for Private Providers of Public Transportation.	_____
05.	Public Hearing.	_____
06.	Acquisition of Rolling Stock for Use in Revenue Service.	_____
07.	Acquisition of Capital Assets by Lease.	_____
08.	Bus Testing.	_____
09.	Charter Service Agreement.	_____
10.	School Transportation Agreement.	_____
11.	Demand Responsive Service.	_____
12.	Alcohol Misuse and Prohibited Drug Use.	_____
13.	Interest and Other Financing Costs.	_____
14.	Intelligent Transportation Systems.	_____
15.	Urbanized Area Formula Program.	_____
16.	Clean Fuels Grant Program.	_____
17.	Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.	_____
18.	Nonurbanized Area Formula Program for States.	_____
19.	Job Access and Reverse Commute Program.	_____
20.	New Freedom Program.	_____
21.	Alternative Transportation in Parks and Public Lands Program.	_____
22.	Tribal Transit Program.	_____
23.	Infrastructure Finance Projects.	_____
24.	Deposits of Federal Financial Assistance to a State Infrastructure Banks.	_____

APPENDIX A

FEDERAL FISCAL YEAR 2008 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

PREFACE

In accordance with 49 U.S.C. 5323(n), the following certifications and assurances have been compiled for Federal Transit Administration (FTA) assistance programs. FTA requests each Applicant to provide as many certifications and assurances as needed for all programs for which the Applicant intends to seek FTA assistance during Federal Fiscal Year 2008. Category 01 applies to all Applicants. Category 02 applies to all applications for Federal assistance in excess of \$100,000. Categories 03 through 24 will apply to and be required for some, but not all, Applicants and projects. FTA's annual certifications and assurances permit the Applicant to select a single certification which can cover all the programs for which it anticipates submitting an application. FTA requests the Applicant to read each certification and assurance carefully and select all certifications and assurances that may apply to the programs for which it expects to seek Federal assistance.

FTA and the Applicant understand and agree that not every provision of these certifications and assurances will apply to every Applicant or every project for which FTA provides Federal financial assistance through a Grant Agreement or Cooperative Agreement. The type of project and the section of the statute authorizing Federal financial assistance for the project will determine which provisions apply. The terms of these certifications and assurances reflect applicable requirements of FTA's enabling legislation currently in effect.

The Applicant also understands and agrees that these certifications and assurances are special pre-award requirements specifically prescribed by Federal law or regulation and do not encompass all Federal laws, regulations, and directives that may apply to the Applicant or its project. A comprehensive list of those Federal laws, regulations, and directives is contained in the current FTA Master Agreement MA(14) for Federal Fiscal Year 2008 at the FTA website <http://www.fta.dot.gov/documents/14-Master.pdf>. The certifications and assurances in this document have been streamlined to remove most provisions not covered by statutory or regulatory certification or assurance requirements.

Because many requirements of these certifications and assurances will require the compliance of the subrecipient of an Applicant, we strongly recommend that each Applicant, including a State, that will be implementing projects through one or more subrecipients, secure sufficient documentation from each subrecipient to ensure compliance, not only with these certifications and assurances, but also with the terms of the Grant Agreement or Cooperative Agreement for the project, and the Master Agreement or an alternative Master Agreement for its project, if applicable, incorporated therein by reference. Each Applicant is ultimately responsible for compliance with the provisions of the certifications and assurances applicable to itself or its project irrespective of participation in the project by any subrecipient.

FTA strongly encourages each Applicant to submit its certifications and assurances through TEAM-Web, FTA's electronic award and management system, at <http://ftateamweb.fta.dot.gov>.

APPENDIX A

FEDERAL FISCAL YEAR 2008 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

Name of Applicant: Shasta County Regional Transportation Planning Agency

Name and Relationship of Authorized Representative: Daniel S. Little, AICP, Executive Director

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and directives, and with the certifications and assurances as indicated on the foregoing page applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2008.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances in this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2008.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature _____ Date: 12/18/07

Name Daniel S. Little
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Shasta County Regional Transportation Planning Agency

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature _____ Date: 12/18/07

Name Elizabeth W. Johnson
Attorney for Applicant

Each Applicant for FTA financial assistance and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.