



Metropolitan Planning Organization

DRAFT

Title VI

(Non-Discrimination in Federally Assisted Programs)

Adopted August 19, 2015

Amended February 12, 2021

Amended September 20, 2023 - Pending

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I. TITLE VI PROGRAM APPROVAL

<u>Title VI Adoption Date:</u>	September 20, 2023
<u>Adopted By:</u>	Nashua Regional Planning Commission (NRPC)
<u>Signature:</u>	<hr/> Jay Minkarah, Executive Director
<u>Documentation of Approval:</u>	Nashua Regional Planning Commission minutes of September 20, 2023 (included in Appendix E of this document)

II. TITLE VI POLICY STATEMENT

It is the policy of the Nashua Regional Planning Commission (NRPC) Metropolitan Planning Organization (MPO) to effectuate Title VI of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all Federal programs and activities. Pursuant to this obligation, no person shall, on the grounds of race, color, national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity carried out by the MPO. The MPO will also monitor and enforce statutory requirements imposed on its sub-recipients and participants of federally assisted programs and projects. The MPO further assures that every effort will be made to ensure nondiscrimination in all its programs and operations, regardless of funding source.

The NRPC MPO operates without regard to race, color, or national origin. MPO meetings are held in accessible locations, and reasonable accommodation is made for individuals with disabilities upon request within a reasonable advance notice period (usually two weeks or 10 business days). If you would like accessibility or language accommodation for any NRPC MPO meeting, please contact NRPC at 603-417-6570.

If you feel you have been discriminated against based on your race, color, national origin, you may file a complaint following the NRPC MPO Title VI Complaint Form (included as Appendix C). If you cannot download the document or need additional information, please feel free to contact the Nashua Regional Planning Commission (NRPC) at 603-417-6570.



Jay Minkarah, Executive Director

September xx, 2023

Date

This document was prepared in cooperation with the NHDOT and financed in part through grant(s) from the USDOT, FHWA and FTA. The contents of this document do not necessarily reflect the official views or policy of those agencies.

III. OBJECTIVES

The Nashua Regional Planning Commission (NRPC) Metropolitan Planning Organization (MPO) has in place a Program based on Title VI of the Civil Rights Act of 1964 (42 U.S. Code Section 2000d) and U.S. Department of Transportation Regulation 49 CFR Part 21 "Nondiscrimination in Federally Assisted Programs of the Department of Transportation". The Program is based on Federal Transit Administration Circular FTA C 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," (October 1, 2012).

The objectives of the program are as follows:

- 1) To ensure that the level and quality of transportation service is provided without regard to race, color, or national origin.
- 2) To promote the full and fair participation of all affected populations in transportation decision-making.
- 3) To prevent the denial, reduction or delay in benefits related to programs and activities that benefit traditionally underserved populations; and
- 4) To ensure meaningful access to programs and activities by persons with limited English proficiency.

IV. REQUIREMENTS

As part of the Nashua Regional Planning Commission (NRPC) Metropolitan Planning Organization (MPO) Title VI Program, the MPO maintains certain reporting requirements and provides the New Hampshire Department of Transportation (NHDOT), Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) the following information regarding these reporting requirements. In addition to the general requirements required of all recipients of Federal aid, Metropolitan Planning Organizations must respond to additional requirements related to planning of federally funded transportation projects, and program administration.

1. Requirement to Provide Title VI Assurances

In accordance with the provisions of U. S. DOT order No. 1050.2A and (49 CFR 21.7a), the NRPC is required to assure that its programs will be conducted in compliance with the Title VI regulations. The NRPC will remain in compliance with this requirement by annual submission of *Certifications and Assurances* as required by the New Hampshire Department of Transportation.

The NRPC acts as the Lead Agency for the administration of FTA Section 5310 Purchase of Service and Formula Funds on behalf of the Region 7 Coordinating Council for Community Transportation. The current subrecipients of this funding are the Nashua Transit System, Catholic Charities New Hampshire (d.b.a. Caregivers), and the Souhegan Valley Transportation Collaborative. The NRPC will collect Title VI assurances from subrecipients prior to passing through FTA funds.

The MPO will submit its Title VI Assurance as part of its Certifications and Assurances submission to NHDOT, FHWA and FTA. A copy of the Title VI Assurance included in the Annual Certifications and Assurances

submission to NHDOT, FHWA and FTA is included in Appendix A.

2. Requirement to Prepare and Submit a Title VI Program

This document constitutes the Title VI Program for the Nashua Regional Planning Commission (NRPC) Metropolitan Planning Organization (MPO).

Demographic Profile

In addition to the general requirements for all recipients of federal aid, MPOs are also required to provide a demographic profile of the metropolitan area that includes identification of the locations of minority populations. The following pages summarize Census data on minority and Limited English Proficiency (LEP) populations for the thirteen communities that currently make up the MPO planning area.

Data on the racial and ethnic makeup and languages spoken at home in American Community Survey (ACS) 2017-2021 5-year estimates. While the ACS data provide useful annual snapshots at the national, state and county levels, they contain high margins of error for small geographies, and especially for small sub-populations within towns. However, they represent the best available data for these measures. NRPC will continue to collect, tabulate and monitor applicable data from the American Community Survey between decennial censuses.

Tables 1, 2 and 3, and Maps 1 and 2 on the following pages show data at the municipal level.

Minority Population

Table 1 identifies the percentages of racial and ethnic minority residents for each municipality within the MPO region. Region-wide, minorities make up approximately 16.9% of the population. Nashua, the region's largest community and the state's second largest city, has the highest percentage of minorities, at 26.8%. This value contributes significantly to the regional average; excluding Nashua, the regional minority percentage is 9.7%, with individual community percentages ranging from 2.5% to 13.6%. Statewide, members of racial and ethnic minority groups make up 11.1% of the population.

The 2017-2021 ACS data shows an increase in the regional minority population, as compared to 2010 Census data, which showed approximately 12.6% of the region classified as a minority. The data suggests that the percentage of Black people was unchanged, and the percentage of Asians went up 1.0%; the Hispanic population increased by 2.0%. (*Note: How the Census asks about race and ethnicity has evolved throughout the decades and may contribute to some of the increase in minority population*).

Map 1 displays the minority population as a percentage of total population at the Census tract level with projects identified in the MPO 2019-2045 Long Range Metropolitan Transportation Plan and NHDOT 2023 – 2032 Ten Year Plan superimposed. The highest concentrations of minority populations in the region are in downtown Nashua, (surrounding NH 111), southeast Nashua (surrounding the F. E. Everett Turnpike and Daniel Webster Highway), west Nashua along NH101A, and in eastern Milford (along NH101A).

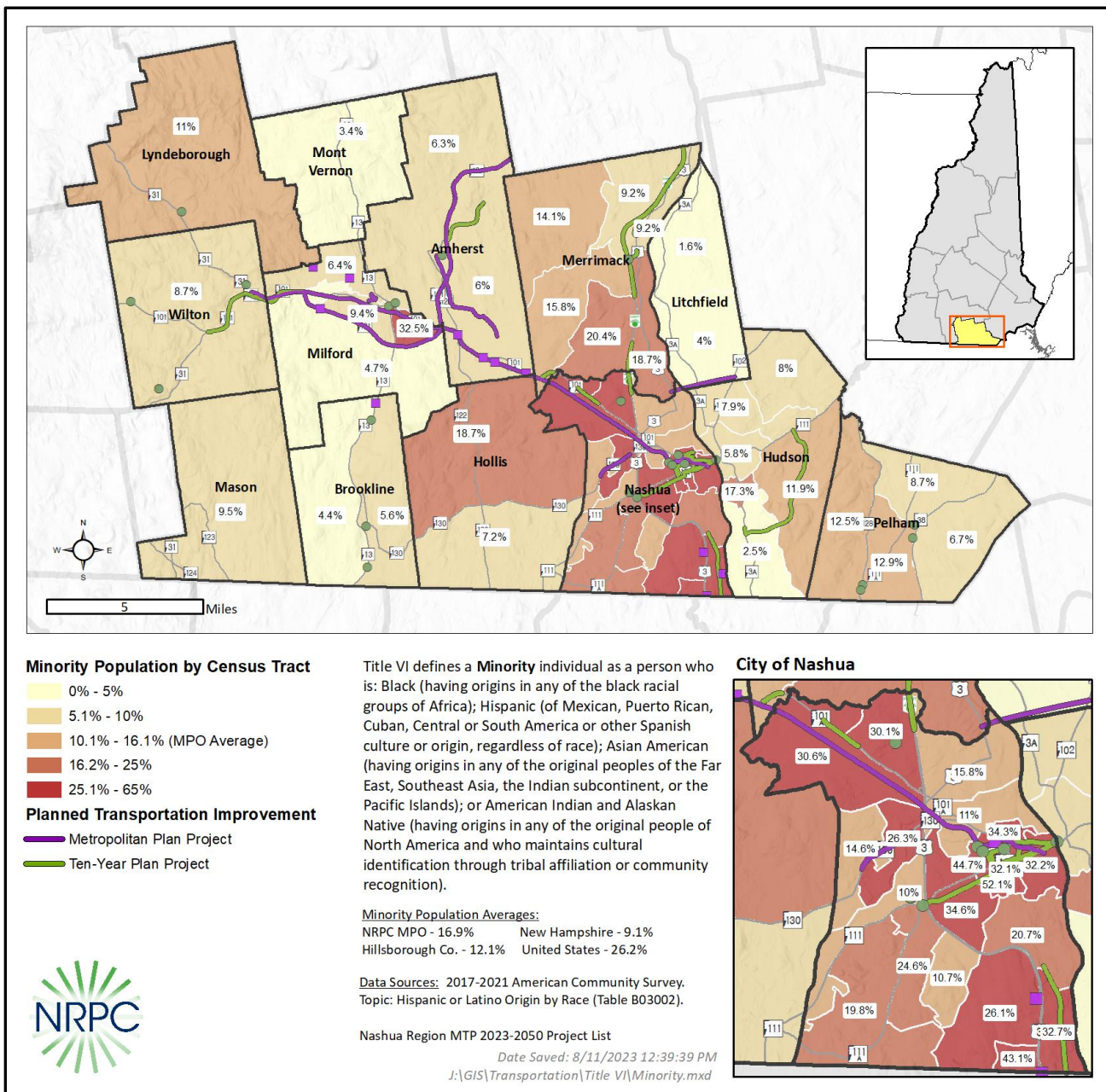
The distribution of transportation projects does not suggest that communities with larger minority populations are subject to a disproportionate share of either benefits or adverse impacts from transportation projects.

Table 1: Minority Populations in the NRPC MPO Region by Community

MPO Community	Total Population	Not Hispanic						Hispanic	Total Minority Population
		Black	American Indian	Asian	Hawaiian	Other	2+ Races	All Races	
Amherst	11,712	0.0%	0.0%	1.6%	0.0%	0.0%	1.7%	2.9%	6.2%
Brookline	5,591	0.6%	0.0%	0.4%	0.0%	0.0%	2.2%	1.9%	5.1%
Hollis	8,324	1.1%	0.1%	2.6%	0.0%	0.5%	6.8%	2.3%	13.6%
Hudson	25,314	1.0%	0.0%	2.4%	0.0%	0.3%	1.6%	3.0%	8.4%
Litchfield	8,467	0.0%	0.3%	0.3%	0.0%	0.0%	1.1%	0.8%	2.5%
Lyndeborough	1,643	1.0%	0.0%	0.0%	0.0%	0.0%	8.2%	1.8%	11.0%
Mason	1,474	0.0%	0.0%	1.2%	0.0%	0.0%	1.0%	7.3%	9.5%
Merrimack	26,762	1.1%	0.0%	4.4%	0.0%	0.4%	2.7%	5.0%	13.6%
Milford	16,041	0.3%	0.1%	3.1%	0.0%	0.0%	6.6%	2.5%	12.6%
Mont Vernon	2,580	0.6%	0.1%	0.0%	0.0%	0.0%	1.8%	1.0%	3.4%
Nashua	90,659	2.2%	0.1%	8.0%	0.0%	0.2%	3.1%	13.2%	26.8%
Pelham	14,099	1.3%	0.1%	2.2%	0.0%	0.0%	2.0%	4.1%	9.8%
Wilton	3,888	0.0%	0.0%	0.7%	0.0%	0.0%	4.6%	3.3%	8.7%
MPO Region	216,554	1.4%	0.1%	4.8%	0.0%	0.2%	3.1%	7.4%	16.9%
Hillsborough County	420,504	2.2%	0.1%	4.2%	0.0%	0.2%	3.0%	7.4%	17.1%
New Hampshire	1,372,175	1.4%	0.1%	2.7%	0.0%	0.2%	2.6%	4.1%	11.1%
United States	329,725,481	12.2%	0.6%	5.6%	0.2%	0.4%	3.2%	18.4%	40.6%

Source: American Community Survey 5-Year Estimates, 2017-2021 (Table - B03002)

Map 1: Minority Populations and Planned Transportation Improvements in the Nashua Metropolitan Planning Area



Limited English Proficiency

The 2017 – 2021 ACS estimates that the percentage of people 5 years and older who speak a language other than English at home in the MPO region is 13.8%, which is consistent with Hillsborough County as a whole (14.0%). The estimate for the state of New Hampshire is lower, at 8.0%. Excluding English, the predominant language spoken at home in New Hampshire is Spanish, spoken by approximately 2.1% of the MPO region's population 5 years and older and by about 2.4% of the state. The City of Nashua has the region's highest percentages of those who speak a language other than English (22.8%) and the region's highest percentage of those who speak Spanish (4.4%). The southern portion of New Hampshire is home to the state's two largest cities – Manchester and Nashua. These cities have a more diverse mix of races and ethnicities than the remainder of the state, and that is reflected in the language data collected by the US Census Bureau.

The federal interagency website on Limited English Proficiency (LEP) (www.lep.gov) states: Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." This includes people who reported to the US Census Bureau that they speak English less than very well, not well or not at all. These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter.

Table 2 is a summary of the estimated percentages of regional residents who have Limited English Proficiency and Table 3 identifies which language groups have the highest percentages of its population that speaks English less than very well. Region-wide, approximately 4.4% of the population has a limited ability to read, speak, write, or understand English. Nashua has the highest percentage of its population deemed LEP, at 8.4%. As with the minority population, Nashua contributes significantly to the regional average; excluding Nashua, the regional percentage of LEP residents is 0.9%, with individual community percentages ranging from 0.0% to 3.1%. Statewide, about 2.17% of the population is limited English proficient ([NH Judicial Branch Language Access Plan, 2023](#)).

The Safe Harbor Threshold for requiring translation is based on the threshold of 5% or 1,000 persons that speak English less than well based on the 2017-2023 ACS table. It can be seen in Table 3 (highlighted in yellow) that the region exceeds the threshold for *Spanish LEP* (4,386 people) and *Other Indo-European Languages* (1, 518 people).

Map 2 displays the estimated percentage of the population classified as LEP at the Census tract level together with projects identified MPO 2018-2045 Long Range Metropolitan Transportation Plan and NHDOT 2023 – 2032 Ten Year Plan. The tracts with the highest percentages of low-income families are those located in Nashua east of the FE Everett Turnpike, along NH 111. The distribution of projects in the MPO and NHDOT transportation plans does not suggest that areas within the region with a higher percentage of low-income residents are subject to a disproportionate share of either benefits or adverse impacts from highway projects.

Table 2: Limited English Proficiency in the NRPC MPO Region by Community

MPO Community	Total Population*	Speak Only English	Speak English Very Well**	Speak English Less than Very Well (LEP)
Amherst	11,056	94.5%	4.2%	1.3%
Brookline	5,301	94.9%	4.9%	0.2%
Hollis	8,006	93.5%	5.1%	1.4%
Hudson	24,409	91.7%	6.4%	1.9%
Litchfield	7,950	93.8%	5.5%	0.6%
Lyndeborough	1,554	96.2%	3.6%	0.2%
Mason	1,375	95.2%	4.8%	0.0%
Merrimack	25,373	92.6%	5.9%	1.5%
Milford	14,935	88.3%	8.6%	3.1%
Mont Vernon	2,454	94.9%	4.8%	0.3%
Nashua	85,712	77.2%	14.4%	8.4%
Pelham	13,528	93.3%	5.0%	1.7%
Wilton	3,649	94.5%	4.6%	0.9%
MPO Region	205,302	86.2%	9.4%	4.4%
Hillsborough County	398,961	86.0%	8.8%	4.7%
New Hampshire	1,308,666	92.0%	5.6%	2.3%
United States	310,302,360	78.3%	13.2%	7.9%

Source: American Community Survey 5-Year Estimates, 2017-2021 (Table -C16001)

*Age 5 years and older

**among those who speak another language at home

Map 2: Limited English Proficiency and Planned Transportation Improvements in the Nashua Metropolitan Planning Area

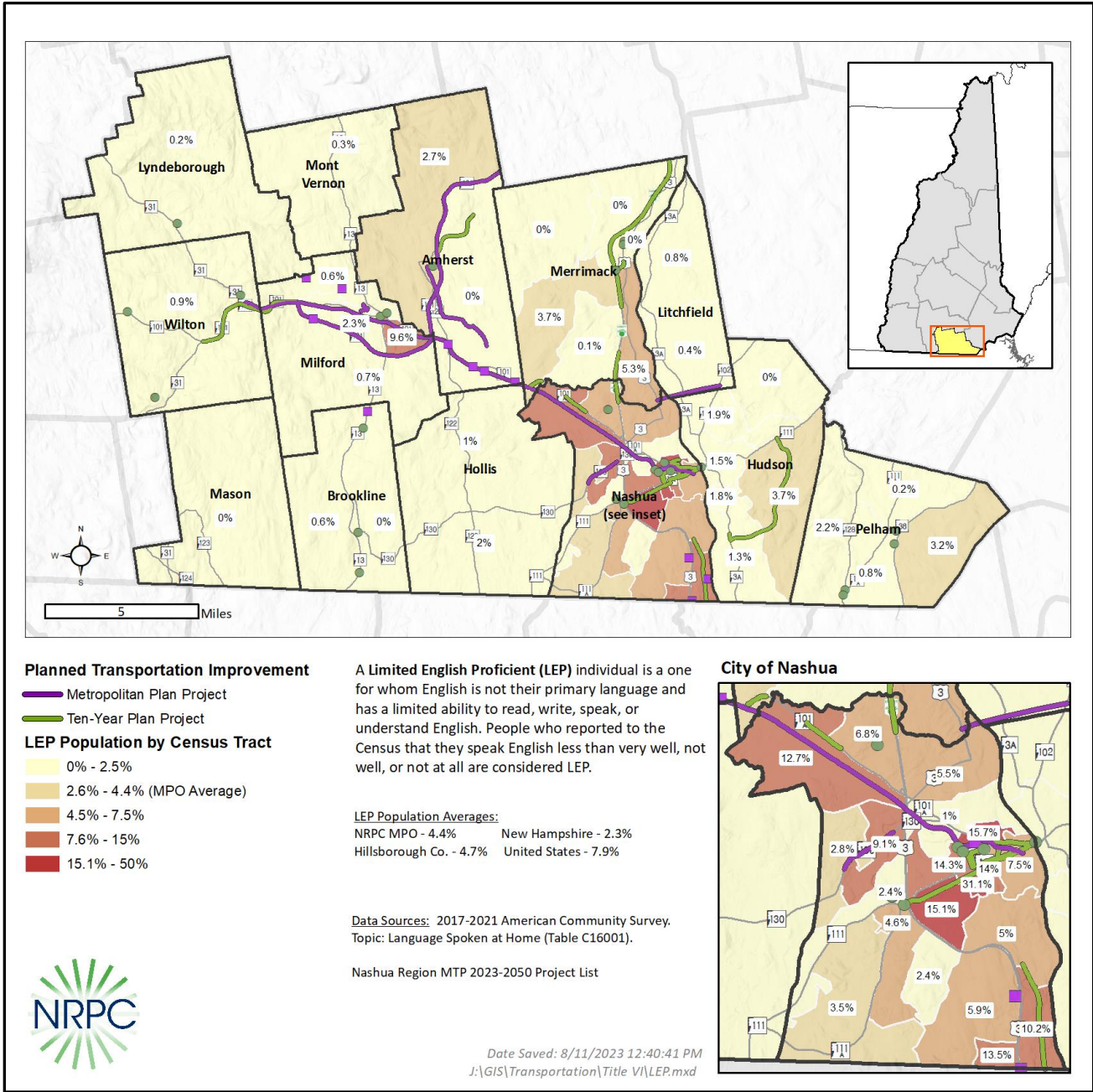


Table 3: Language Spoken by those who speak English Less than Very Well

Municipality	Total Population (Age 5+)	Total LEP Population		Spanish LEP		French, Haitian, or Cajun LEP		German / West Germanic LEP		Russian, Polish, or other Slavic LEP		Other Indo-European LEP		Korean LEP		Chinese (incl. Mandarin, Cantonese) LEP		Vietnamese LEP		Tagalog (incl. Filipino) LEP		Other Asian & Pacific Island LEP		Arabic LEP		Other and unspecified LEP	
Amherst	11,056	145	1.3%	104	0.9%	11	0.1%	0	0.0%	0	0.0%	9	0.1%	0	0.0%	14	0.1%	0	0.0%	0	0.0%	0	0.0%	7	0.1%	0	0.0%
Brookline	5,301	13	0.2%	13	0.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Hollis	8,006	114	1.4%	53	0.7%	0	0.0%	0	0.0%	0	0.0%	61	0.8%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Hudson	24,409	465	1.9%	77	0.3%	175	0.7%	14	0.1%	18	0.1%	141	0.6%	0	0.0%	40	0.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Litchfield	7,950	49	0.6%	0	0.0%	0	0.0%	0	0.0%	13	0.2%	23	0.3%	0	0.0%	13	0.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Lyndeborough	1,554	3	0.2%	0	0.0%	3	0.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Mason	1,375	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Merrimack	25,373	375	1.5%	217	0.9%	0	0.0%	0	0.0%	0	0.0%	1	0.0%	129	0.5%	10	0.0%	17	0.1%	0	0.0%	0	0.0%	0	0.0%	1	0.3%
Milford	14,935	470	3.1%	127	0.9%	33	0.2%	0	0.0%	52	0.3%	145	1.0%	0	0.0%	11	0.1%	43	0.3%	43	0.3%	16	0.1%	0	0.0%	0	0.0%
Mont Vernon	2,454	8	0.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	8	0.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Nashua	85,712	7,189	8.4%	3,775	4.4%	557	0.6%	162	0.2%	133	0.2%	1,035	1.2%	57	0.1%	439	0.5%	121	0.1%	22	0.0%	762	0.9%	42	0.0%	84	1.2%
Pelham	13,528	231	1.7%	7	0.1%	70	0.5%	0	0.0%	0	0.0%	95	0.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	59	0.4%	0	0.0%	0	0.0%
Wilton	3,649	34	0.9%	13	0.4%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	21	0.6%	0	0.0%	0	0.0%
MPO Region	205,302	9,096	4.4%	4,386	2.1%	849	0.4%	176	0.1%	216	0.1%	1,518	0.7%	186	0.1%	527	0.3%	181	0.1%	65	0.0%	858	0.4%	49	0.0%	85	0.9%

Data Sources: 2017-2021 American Community Survey (Language Spoken at Home Table C16001)

3. Requirement to Notify Beneficiaries of Protection Under Title VI

The NRPC MPO has established methods for notification to the public regarding its Title VI obligations, how to get more information regarding the MPO's non-discrimination obligations, and procedures for filing a discrimination complaint against the MPO. The public notice is included in Appendix B.

The public notice is also posted at the MPO offices and is accessible on the MPO website at www.nashuarpc.org. The MPO meets the Safe Harbor Threshold for Spanish and Other Indo-European Languages. Below are English and Spanish versions of the NRPC MPO's Notification of Protection. Versions in Other Indo-European languages will be made available in the event the MPO receives a request:

English

The NRPC MPO operates without regard to race, color, or national origin. MPO meetings are held in accessible locations, and reasonable accommodation is made for individuals with disabilities upon request within a reasonable advance notice period (usually two weeks or 10 business days). If you would like accessibility or language accommodation for any NRPC MPO meeting, please contact the NRPC Title VI Coordinator at 603-417-6570, or by email: titlevi@nashuarpc.org

If you feel you have been discriminated against based on your race, color, or national origin you may file a complaint following the NRPC MPO Title VI Complaint Form. If you cannot download the document or need additional information, please feel free to contact the Nashua Regional Planning Commission (NRPC) at 603-417-6570.

Spanish

La Comisión de Planificación Nashua Organización de Planificación Metropolitana opera sin distinción de raza, color, origen nacional. Las reuniones de MPO se llevan a cabo en lugares accesibles y razonables se hacen para las personas con discapacidad que lo soliciten dentro de un plazo de preaviso razonable (generalmente dos semanas o 10 días hábiles). Si desea alojamiento accesibilidad o el idioma para las reuniones de MPO y NRPC, por favor póngase en contacto con el Title VI Coordinadora de NRPC en 603-417-6570, o por correo electrónico: titlevi@nashuarpc.org.

Si usted siente que ha sido discriminado por su raza, color, origen nacional, sexo, edad, credo, discapacidad o estado de ingresos, usted puede presentar una queja siguiendo la forma de MPO NRPC queja del Título VI. Si usted no puede descargar el documento o necesita información adicional, por favor no dude en ponerse en contacto con la Comisión de Planificación en Nashua en 603-417-6570.

4. Requirement to Develop Title VI Complaint Procedures and Complaint Form

The NRPC MPO has developed procedures for investigating and tracking Title VI complaints that may be filed against the MPO and for making these procedures available to members of the public upon request. NRPC subrecipients are required to have their own NHDOT-approved complaint investigation and tracking procedures.

A copy of the NRPC MPO's Title VI Complaint Procedures is included in Appendix C. The Title VI complaint procedures were adopted by the NRPC MPO on August 19, 2015. The NRPC MPO Title VI Coordinator is:

Title VI Coordinator
Nashua Regional Planning Commission
30 Temple Street, Suite 310
Nashua, NH 03060
Email: titlevi@nashuarpc.org

5. Requirement to Record and Report Title VI Investigations, Complaints, and Lawsuits

In compliance with 49 CFR Section 21.9(b), the NRPC MPO (and any sub-recipient) shall prepare and maintain a list of any active investigations conducted by entities other than the FTA or FHWA, lawsuits, or complaints naming the NRPC MPO (or sub-recipient) alleging discrimination on the basis of race, color, or national origin. This list shall include the date the investigation, lawsuit, or complaint was filed and received by the MPO, a summary of the allegation(s), the status of the investigation, lawsuit or complaint, and actions taken by the MPO (or sub-recipient) in response to the investigation, lawsuit, or complaint.

The NRPC MPO's form for recording this information is included in Appendix C. The list shall comprise all the records of active investigations, lawsuits, and complaints recorded on these forms. During the processing of active investigations, lawsuits, or complaints, the Title VI Coordinator shall update the record form as necessary. Upon resolution and closure of an investigation, lawsuit or complaint, the Title VI Coordinator shall record such closure on this form.

The NRPC Metropolitan Planning Organization (MPO) was designated by Governor Meldrim Thomson as the MPO for the Nashua-Hudson Urbanized area in 1973. Since the designation of the MPO there have been no Title VI complaints, investigations, or lawsuits filed against the MPO.

6. Requirement to Promote Inclusive Public Participation

The content and considerations of Title VI, the Executive Order on Limited English Proficiency (LEP), and the US DOT LEP Guidance are integrated into the NRPC MPO's Public Involvement Process for Transportation Planning (June 2019).

The principal objectives of the NRPC's public involvement processes are:

- to seek input from a wide variety of individuals, groups and organizations affected by the transportation system.
- to establish public involvement early in the planning process, before key decisions are made; and
- to develop transportation plans, programs and projects which reflect local, regional, and state priorities and consider a range of transportation options.

Throughout the regional transportation planning process, the NRPC MPO and partner agencies will consider the three federally established fundamental environmental justice principles:

- to avoid, minimize or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, of transportation plans, programs and policies on minority populations and low-income populations.
- to ensure full and fair participation by all potentially affected communities in the transportation decision-making process, and,
- to prevent the denial of, reduction in, or significant delay in the receipt of transportation benefits by minority and low-income populations.

The MPO actively seeks to solicit comments and engage the interests of the public through the participation process. As part of comprehensive, cooperative, and continuing effort with the NH Department of Transportation, the MPO strives to balance the public's needs and desires with resources available to address those needs and desires.

The MPO employs various techniques to provide information and solicit public input throughout its planning practices. In addition to required public hearings, such activities may include targeted neighborhood meetings; discussions and partnerships with special interest/community organizations; workshops that encourage public input, involvement, and feedback; in-person interviews, paper survey mailings, professionally administered surveys, and web-based questionnaires; and use of the agency's website and social media pages to disseminate information.

The Nashua Regional Planning Commission has proactively sought to include underrepresented populations in our meetings, outreach, and planning activities . Specific outreach efforts designed to gather input on the needs of underrepresented populations in the MPO region in recent years include, though are not limited to, the following:

- Active collaboration with underrepresented communities through the City of Nashua Public Health Department, especially with their Hispanic and Portuguese outreach workers. Spanish and Portuguese language brochures can be found in Appendix C.
- Monthly attendance at the Cultural Connections Committee, and assumption of a leadership role with our mobility manager as the Chair of the Committee . The purpose of the Committee is to facilitate communication between the ethnic community and City government.
- Active participation in the Continuum of Care. The general purpose of the Continuum is to apply to address homelessness and many clients are People of Color.
- Actively participating in planning the Nashua Multicultural Festival.
- Provided Spanish and Portuguese translation at the United Way Baby Shower Event and produced a Spanish flyer for the United Way.
- Provided Spanish and Portuguese translation of the Ledge Street (Nashua) Safe Routes to School survey.
- Participation at the Hope Center Homeless Shelter for Women which serves many

People of Color.

- Attend the NAACP Annual Meeting and NAACP members have attended multiple Nashua (Region 7) Regional Coordinating Council for Community Transportation meetings.
- Multiple meetings with the English as a Second Language Chairperson at the Nashua Community College.
- Participating in special interest groups such as the Nashua Transit System Transit Matters group. The group discusses Nashua Transit System services from the perspective of the public.
- Technical assistance with route mapping for the Nashua Transit System, including translation to Spanish.
- Technical assistance with surveys of riders of the Nashua Transit System, the regional public transit system serving portions of the NRPC region.
- During the development of the Locally Coordinated Plan for Community Transportation, interviews with regional non-profit health and human service agencies regarding the transportation needs of the client populations with whom they work. A survey was also distributed to traditionally underserved populations as part of the planning process and nearly three hundred responses were received.
- Recruiting advocates to participate in the transportation planning process.

The MPO seeks to reduce or eliminate language, mobility, temporal, and other obstacles that may prevent minority, disability, low-income and other under-represented populations from fully participating in the metropolitan planning process. It is the policy of the MPO to locate all public meetings in facilities that are ADA accessible. MPO meetings are typically held at the NRPC offices in Nashua, New Hampshire; on occasion, municipal offices are used to hold meetings, with the alternative location well-publicized. Only the City of Nashua is served by public transportation, and as such, MPO meetings are accessible by public transit for Nashua residents only.

7. Language Assistance Plan Requirement to Provide Meaningful Access to LEP Persons

Consistent with Title VI of the Civil Rights Act of 1964, the US DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), the NRPC MPO will take responsible steps to ensure meaningful access to benefits, services, information, and other important portions of its programs and activities for individuals who have Limited English Proficiency (LEP).

A four-factor analysis of LEP populations is described in the Federal Transit Administration LEP Handbook titled "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers" (April 2007) and are described as follows:

- Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population.
- Factor 2: The Frequency with which LEP Individuals Come into Contact with your programs, activities, and services.

Factor 3: The Importance to LEP Persons of Your Program, Activities and Services.

Factor 4: The Resources Available to the Recipient and Costs.

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

A demographic profile of the NRPC MPO region is included in this plan under Section 2 above. The languages spoken in the thirteen (13) NRPC communities were identified and the estimated percentage of residents with Limited English Proficiency and their distribution by language group were summarized. Table 3 includes data from the 2017 - 2021 ACS regarding language spoken at home as well as Limited English Proficiency for the communities in the MPO planning region.

Factor 2: Determine the frequency with which LEP individuals come in contact with the program.

Key points of contact between the MPO and members of the public in the MPO region include the following: public hearings, other public meetings, the MPO website, inquiries with the MPO office and staff regarding local or regional project needs, and local or regional surveys.

During the past ten years there have been no inquiries with MPO staff by residents of the region regarding the availability of interpretation services for meetings, or documents in translation to other languages to benefit LEP individuals.

NRPC Log of LEP Encounters

Date	Time	Language Spoke By Individual (if available)	Name & Phone Number of Individual (if available)	Service Requested	Follow up Required	Staff Member Providing Assistance	Notes
None	None	None	None	None	None	None	None

Factor 3: Define the nature and importance of the program, activity, or service provided by the recipient to people's lives.

An MPO's regional planning activities impact every person in the MPO region to one degree or another. Projects reviewed by the MPO and recommended to NHDOT for funding impact the safety and travel time for all members of the travelling public. Similarly, MPO work to develop regional coordinated public transit and human service transportation plans helps to address mobility and access needs for a range of transit dependent populations, which may include LEP persons as well as seniors, individuals with disabilities, youth, and traditionally underserved populations.

The NRPC is committed to providing meaningful access and will provide written translation for any of its documents, when reasonable, effective and with reasonable resources. The NRPC will evaluate its programs, services, and activities to ensure that persons with Limited English Proficiency are always provided meaningful access.

The NRPC's Title VI notice to the Public are available in English and Spanish and can be provided in other languages upon request.

Factor 4: Describe the resources available to the recipient and costs.

The NRPC MPO has consulted with several agencies to identify common practices in New Hampshire for working with LEP populations, including the NH Department of Transportation, the Nashua Transit System (NTS), and the City of Nashua Community Development Division. The Uniform Planning Work Program (UPWP) would be the main source of financial resources available to the MPO for expanding language access. Web-based technologies such as Google Translate will make the costs of document translation modest. Live interpretation services are typically more costly and could be provided if a specific event warranted the service. There is currently an MPO staff person who is fluent in Spanish and Portuguese and who provides translation in those languages. The MPO will continue to identify strategies for expanding access to language assistance as well as key MPO documents for LEP individuals, with an emphasis on the Spanish speaking population and Other Indo-European languages-speaking population.

8. Minority Representation on Planning and Advisory Bodies

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

The key advisory and policy-making bodies for the MPO are the MPO Transportation Technical Advisory Committee (TTAC) and the Nashua Regional Planning Commission (NRPC). The TTAC is made up of one technical or staff-level representative from each of the MPO member municipalities plus representation from the Nashua Transit System, the New Hampshire Department of Transportation (NHDOT), the New Hampshire Department of Environmental Services (NH DES), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). The NRPC consists of commissioners appointed by each member community, as well as one representative each from the NHDOT, FHWA and FTA. The individuals representing each of these municipalities or agencies are selected by those entities and are not chosen at the discretion of the MPO or its staff. Appendix D includes the makeup of the MPO and TTAC members.

9. Providing Assistance to Subrecipients

The NRPC MPO is itself a sub-recipient of Federal assistance, with the NH Department of Transportation serving as the primary recipient and passing through FTA Section 5303 and FHWA PL metropolitan planning funding to the region.

The NRPC acts as the lead agency for the administration of FTA 5310 funding on behalf of the Nashua (Region 7) Regional Coordination Council for Community Transportation. In this capacity, the NRPC currently has three subrecipients of this funding: Nashua Transit System, Souhegan Valley Transportation Collaborative, and Catholic Charities (d.b.a. Caregivers).

Beyond the subrecipient oversight role, the NRPC provides Title VI related technical assistance upon request to the region's public transportation and human service transportation agencies, including the Nashua

Transit System and the Souhegan Valley Transportation Collaborative in developing demographic analysis in support of their Title VI and Disadvantaged Business Enterprise (DBE) program development.

The MPO also enters into contracts with municipalities and private consulting firms involving Federal funding. In all cases these contracts incorporate standard Certifications and Assurances related to Title VI Civil Rights responsibilities.

10. Monitoring Subrecipients

The NRPC recognizes its obligation to ensure that subrecipients are in compliance with Title VI requirements, and will carry out the following activities to ensure that compliance:

- a) Document the process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.
- b) Collect Title VI Programs from subrecipients and review programs for compliance.
- c) At the request of a State or Federal regulatory agency, in response to a complaint of discrimination, request that subrecipients who provide transportation services verify that their level and quality of service is provided on an equitable basis.

11. Determination of Site or Location of Facilities

Title 49 CFR Section 21.9(b)(3) states, “In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.” Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, “The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.”

Per FTA Circular 4702.1B: For the purposes of this requirement, “facilities” does not include bus shelters, which are transit amenities covered under the requirements for fixed route transit providers, nor does it include transit stations, power substation, etc, as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc.

The NRPC is not typically involved with site selection for projects of this sort. The NRPC has not built any such facilities.

Should it at some point in the future be involved with this sort of support facility development, the NRPC acknowledges its responsibility to complete a Title VI equity analysis during the planning stage regarding where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. This process would include outreach to people potentially impacted by the siting of facilities.

The Title VI equity analysis would compare the equity impacts of various site alternatives and would occur before the selection of the preferred site.

12. Requirement to Provide Additional Information Upon Request

The MPO will provide information other than that required by Circular 4702.1B to FTA upon request, should it be necessary to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

V. REQUIREMENTS FOR METROPOLITAN PLANNING ORGANIZATIONS

In addition to the above requirements of all recipients of Federal funding, FTA Circular 4702.1B identifies the following requirements for Metropolitan Planning Organizations.

1. Requirement that Metropolitan Planning Activities Comply with Title VI

The NRPC MPO recognizes that all metropolitan transportation planning activities must comply with 49 U.S.C. Section 5303, Metropolitan Transportation Planning, as well as subpart C of 23 CFR part 450, Metropolitan Transportation Planning and Programming. In its regional transportation planning capacity, the MPO will submit to the State as the primary recipient, FTA and FHWA:

- a) Documentation of compliance with the general Title VI requirements for all recipients of Federal funding.
 - This Title VI Program serves as the referenced documentation.
- b) A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate.
 - Analysis of minority and Limited English Proficiency (LEP) populations in the NRPC region is addressed in Section 7 above.
- c) A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process.
 - A summary of MPO public participation procedures designed to gather information on the mobility needs of traditionally underserved populations is described in Section 6 above.
- d) Where necessary, provide member agencies with regional data to assist them in identifying minority populations in their service area.
 - All NRPC member communities and agencies are provided demographic analyses of minority and other populations in the Coordinated Public Transit/Human Services Transportation Plan covering the NRPC region. As noted above, the NRPC also provides technical assistance to the Nashua Transit System and Souhegan Valley Transportation Collaborative in developing its Title VI demographic analyses.

2. Requirements for Program Administration

The Executive Director of the Nashua Regional Planning Commission is responsible for ensuring the NRPC fulfills its Title VI obligations through effective management and implementation of this program. The Title VI Coordinator is responsible for providing direct oversight in implementing the Title VI program and ensuring enforcement measures are carried out as appropriate in accordance with the Standard Assurances.

In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, the NRPC recognizes its responsibility to document that, if Federal funds under any FTA or FHWA programs are passed through to subrecipients, this is done without regard to race, color, or national origin; and to assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

As noted above, the NRPC is itself a sub-recipient of Federal funding passed through the NH Department of Transportation. While the MPO plays a role in prioritizing projects at the regional level for the TIP or specific funding programs such as Congestion Mitigation and Air Quality (CMAQ), actual programming authority is maintained by the NH Department of Transportation. However, should occasions arise where the NRPC does take on programming authority or otherwise pass through Federal funds to municipalities or other subrecipients, the NRPC will prepare and maintain the following information, and report it to NHDOT, FTA or FHWA if requested:

- a) A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b) A description of how the NRPC develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c) A description of the NRPC's criteria for selecting entities to participate in an FTA grant program.

APPENDIX A

TITLE VI CERTIFICATIONS & ASSURANCES

FFY 2023 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

**FEDERAL FISCAL YEAR 2023 CERTIFICATIONS AND ASSURANCES FOR FTA
ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: Nashua Regional Planning Commission

The Applicant certifies to the applicable provisions of all categories: (*check here*) X.

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	_____
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	_____
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____

- 12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs
- 13 State of Good Repair Grants
- 14 Infrastructure Finance Programs
- 15 Alcohol and Controlled Substances Testing
- 16 Rail Safety Training and Oversight
- 17 Demand Responsive Service
- 18 Interest and Financing Costs
- 19 Cybersecurity Certification for Rail Rolling Stock and Operations
- 20 Tribal Transit Programs
- 21 Emergency Relief Program

CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

AFFIRMATION OF APPLICANT

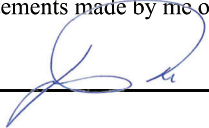
Name of the Applicant: Nashua Regional Planning Commission

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in the federal fiscal year, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

The Certifications and Assurances the Applicant selects apply to each Award for which it now seeks, or may later seek federal assistance to be awarded by FTA during the federal fiscal year.

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

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

Signature  _____ Date: 2/6/2023

Name Jay Minkarah, Executive Director _____ Authorized Representative of Applicant

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.

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

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

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

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

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

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

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

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

1.2. Standard Assurances: Additional Assurances for Construction Projects.

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

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

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

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.325, 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 §§ 200.317–200.327 “Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

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

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

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

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

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

The applicant certifies:

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

1.6. American Rescue Plan Act Funding.

The applicant certifies:

- (a) Funds made available by Section 3401(a)(2)(A) of the American Rescue Plan Act of 2021 (Public Law 117-2) shall be directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a Public Transportation Agency Safety Plan on behalf of a Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) pursuant to 49 CFR § 673.11(d).

This certification is required by 49 U.S.C. § 5307(c)(1)(L), 49 U.S.C. § 5329(d)(1), and 49 CFR § 673.13. This certification is a condition of receipt of Urbanized Area Formula Grants Program (49 U.S.C. § 5307) funding.

This certification does not apply to any applicant that only receives financial assistance from FTA 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, unless it operates a rail fixed guideway public transportation system.

If the applicant is an operator, the applicant certifies that it has established a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673; including, specifically, that the board of directors (or equivalent entity) of the applicant has approved, or, in the case of an applicant that will apply for assistance under 49 U.S.C. § 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under 49 U.S.C. § 5329(d)(5), followed by the board of directors (or equivalent entity) of the applicant has approved, the Public Transportation Agency Safety Plan or any updates thereto; and, for each recipient serving an urbanized area with a population of fewer than 200,000, that the Public Transportation Agency Safety Plan has been developed in cooperation with frontline employee representatives.

If the applicant is a State that drafts and certifies a Public Transportation Agency Safety Plan on behalf of a public transportation operator, the applicant certifies that:

- (a) It has drafted and certified a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673 for each Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) in 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 that opts to use a State-drafted Public Transportation Agency Safety Plan has a plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 CFR § 673.5), Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5), and, if the Small Public Transportation Provider serves an urbanized area with a population of 200,000 or more, the safety committee of the Small Public Transportation Provider established under 49 U.S.C. § 5329(d)(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, 2023, Pub. L. 117-328, div. E, tit. VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT

Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

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

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

CATEGORY 4. LOBBYING.

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

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

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

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

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and

contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

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

4.2. Statement for Loan Guarantees and Loan Insurance.

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

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

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

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

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

5.1. Charter Service Agreement.

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

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

5.2. School Bus Agreement.

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

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

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

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

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

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

7.1. Rolling Stock Buy America Reviews.

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

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

7.2. Bus Testing.

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

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

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;

- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
 - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

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

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

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

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

The applicant certifies that it:

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

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

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants), subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants), subsection (b) (bus and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

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

If the applicant will receive a competitive award under subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) related to zero emissions vehicles or related infrastructure, it must make the following certification. This certification is required by 49 U.S.C. § 5339(d).

The applicant will use 5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) to fund workforce development training as described in section 49 U.S.C. § 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient's plan to address the impact of the transition to zero emission vehicles on the applicant's current workforce; or the applicant certifies a smaller percentage is necessary to carry out that plan.

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

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

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

The applicant certifies that:

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

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, the asset management certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4). The certification with regard to acquiring restricted rail rolling stock is required by 49 U.S.C. § 5323(u)(4). Note that this certification is not limited to the use of Federal funds.

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

If the applicant operates a rail fixed guideway service, the applicant certifies that, in the fiscal year for which an award is available to the applicant under the State of Good Repair Grants Program, 49 U.S.C. § 5337, the applicant will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in 49 U.S.C. § 5323(u)(1).

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

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

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

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

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

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

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

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

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

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

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

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

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

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

CATEGORY 18. INTEREST AND FINANCING COSTS.

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

The applicant certifies that:

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

CATEGORY 19. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

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

CATEGORY 20. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).

Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing. Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

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

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost

- Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, for Awards made on or after December 26, 2014,
- (2) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
- (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
 - (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),
 - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
 - (4) Category 09 (Formula Grants for Rural Areas),
 - (5) Category 15 (Alcohol and Controlled Substances Testing), and
 - (6) Category 17 (Demand Responsive Service).

CATEGORY 21. EMERGENCY RELIEF PROGRAM.

An applicant to the Public Transportation Emergency Relief Program, 49 U.S.C. § 5324, must make the following certification. The certification is required by 49 U.S.C. § 5324(f) and must be made before the applicant can receive a grant under the Emergency Relief program.

The applicant certifies that the applicant has insurance required under State law for all structures related to the emergency relief program grant application.

**FEDERAL FISCAL YEAR 2023 CERTIFICATIONS AND ASSURANCES FOR FTA
ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: Nashua Regional Planning Commission

The Applicant certifies to the applicable provisions of all categories: (*check here*) X.

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	<hr/>
02 Public Transportation Agency Safety Plans	<hr/>
03 Tax Liability and Felony Convictions	<hr/>
04 Lobbying	<hr/>
05 Private Sector Protections	<hr/>
06 Transit Asset Management Plan	<hr/>
07 Rolling Stock Buy America Reviews and Bus Testing	<hr/>
08 Urbanized Area Formula Grants Program	<hr/>
09 Formula Grants for Rural Areas	<hr/>
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	<hr/>
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	<hr/>

- 12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs
- 13 State of Good Repair Grants
- 14 Infrastructure Finance Programs
- 15 Alcohol and Controlled Substances Testing
- 16 Rail Safety Training and Oversight
- 17 Demand Responsive Service
- 18 Interest and Financing Costs
- 19 Cybersecurity Certification for Rail Rolling Stock and Operations
- 20 Tribal Transit Programs
- 21 Emergency Relief Program

CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

AFFIRMATION OF APPLICANT

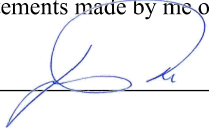
Name of the Applicant: Nashua Regional Planning Commission

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in the federal fiscal year, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

The Certifications and Assurances the Applicant selects apply to each Award for which it now seeks, or may later seek federal assistance to be awarded by FTA during the federal fiscal year.

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

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

Signature  _____ Date: 2/6/2023

Name Jay Minkarah, Executive Director _____ Authorized Representative of Applicant

APPENDIX B

TITLE VI NOTICE TO THE PUBLIC

Title VI Notice to Public

It is the policy of the Nashua Regional Planning Commission (NRPC) Metropolitan Planning Organization (MPO) to effectuate Title VI of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all Federal programs and activities. Pursuant to this obligation, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity carried out by the MPO. The MPO will also monitor and enforce statutory requirements imposed on any sub-recipients and participants of Federally assisted programs and projects. The MPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and operations, regardless of funding source.

English

The NRPC MPO operates without regard to race, color, or national origin. MPO meetings are held in accessible locations, and reasonable accommodation is made for individuals with disabilities upon request within a reasonable advance notice period (usually two weeks or 10 business days). If you would like accessibility or language accommodation for any NRPC MPO meeting, please contact the NRPC Title VI Coordinator at 603-417-6570, or by email: titlevi@nashuarpc.org

If you feel you have been discriminated against based on your race, color, or national origin you may file a complaint following the NRPC MPO Title VI Complaint Form. If you cannot download the document or need additional information, please feel free to contact the Nashua Regional Planning Commission (NRPC) at 603-417-6570.

Spanish

La Comisión de Planificación Nashua Organización de Planificación Metropolitana opera sin distinción de raza, color, origen nacional. Las reuniones de MPO se llevan a cabo en lugares accesibles y razonables se hacen para las personas con discapacidad que lo soliciten dentro de un plazo de preaviso razonable (generalmente dos semanas o 10 días hábiles). Si desea alojamiento accesibilidad o el idioma para las reuniones de MPO y NRPC, por favor póngase en contacto con el Title VI Coordinadora de NRPC en 603-417-6570, o por correo electrónico: titlevi@nashuarpc.org.

Si usted siente que ha sido discriminado por su raza, color, origen nacional, sexo, edad, credo, discapacidad o estado de ingresos, usted puede presentar una queja siguiendo la forma de MPO NRPC queja del Título VI. Si usted no puede descargar el documento o necesita información adicional, por favor no dude en ponerse en contacto con la Comisión de Planificación en Nashua en 603-417-6570.

APPENDIX C

TITLE VI COMPLAINT AND TRACKING LOG

Nashua Regional Planning Commission Metropolitan Planning Organization Title VI Complaint Procedure

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the Nashua Regional Planning Commission Metropolitan Planning Organization.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the NRPC MPO may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a written complaint to the Title VI Coordinator at the following address:

Title VI Coordinator
Nashua Regional Planning Commission
30 Temple Street, Suite 310
Nashua, NH 03060
Phone: (603) 417-6570 ext. 6571
Email: titlevi@nashuarpc.org

The following measures will be taken to resolve Title VI complaints:

1. A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her/their representative, and will include the complainant's name, address, and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.
2. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
3. When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) days by registered mail.
4. The MPO will notify the New Hampshire Department of Transportation of all formal complaints within five (5) business days of receiving a complaint.

5. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided sixty (60) business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
6. Within fifteen (15) business days from receipt of a complete complaint, the MPO will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Executive Director or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of the MPO's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
7. When the MPO does not have sufficient jurisdiction, the Executive Director or his/her/their authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
8. If the complaint has investigative merit, the Executive Director or his/her/their authorized designee will assign an investigator. A complete investigation will be conducted, and an investigative report will be submitted to the Executive Director within 60 days of receipt of the complaint. The report will include a narrative description of the incident, summaries of all the people interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the investigator will notify the appropriate authorities, and an extension will be requested.
9. The Executive Director or his/her/their authorized designee will issue letters of finding to the Complainant and Respondent within 90 days from receipt of the complaint.
10. If the Complainant is dissatisfied with MPO resolution of the complaint, he/she has the right to file a complaint with the New Hampshire Department of Transportation at the following address:

Title VI Coordinator
 New Hampshire Department of Transportation
 P.O. Box 483, 7 Hazen Drive
 Concord, NH 03302-0483
 Phone: (603) 271-2467
 TTY Access: (800) 735-2964
titlevi@dot.nh.gov

Nashua Regional Planning Commission Metropolitan Planning Organization Title VI Complaint Form

The purpose of Title VI, and its amendments, is to ensure that no person in the United States shall, on the grounds 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 from the U.S. Department of Transportation. The NRPC MPO's Title VI Civil Rights Program's objectives are to prevent the denial, reduction or delay of benefits to minority and low income populations, ensure full and fair participation by affected populations in transportation decisions, and ensure that policies and programs of the NRPC MPO avoid producing disproportionately negative effects on minority and traditionally underserved populations.

If you wish to file a complaint, please complete the form below and explain as clearly as possible what happened and why you believe you were discriminated against.

Name:		
Address:		
Telephone (Home):	Telephone (Work):	
E-Mail Address:		
Representative Name (If Applicable)	Relationship to Complainant:	Telephone:
Mailing address, City, State, Zip Code:		
Date of Alleged Discrimination (Month, Day, Year): _____		
You were discriminated against based on (check all that apply):		
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
Please explain as clearly as possible what happened and how you were discriminated against. Indicate all who were involved and be sure to include how other people were treated differently than you. Please attach any written material pertaining to your case.		
Signature:		Date:

List of Transit Related Title VI Investigations, Complaints and Lawsuits

The Nashua Regional Planning Commission maintains a list or log of all Title VI investigations, complaints, and lawsuits, pertaining to its transit-related activities.

Check One:

- ☒ There have been no investigations, complaint and/or lawsuits filed against us since the last plan submission.
- ☐ There have been investigations, complaints and/or lawsuits filed against us. *See list below. Attach additional information as needed.*

	Date (Month, Day, Year)	Summary (Include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

APPENDIX D
NASHUA REGIONAL PLANNING COMMISSION MPO POLICY COMMITTEE &
TRANSPORTATION TECHNICAL ADVISORY COMMITTEE MAKEUP

Metropolitan Planning Organization (MPO) Policy Committee	Transportation Technical Advisory Committee (TTAC)
<u>Voting Members</u>	<u>Voting Members</u>
Town of Amherst	Town of Amherst
Town of Brookline	Town of Brookline
Town of Hollis	Town of Hollis
Town of Hudson	Town of Hudson
Town of Litchfield	Town of Litchfield
Town of Lyndeborough	Town of Lyndeborough
Town of Mason	Town of Mason
Town of Merrimack	Town of Merrimack
Town of Milford	Town of Milford
Town of Mont Vernon	Town of Mont Vernon
City of Nashua	City of Nashua:
Town of Pelham	Department of Public Works, Engineering
Town of Wilton	Department of Public Works, Traffic
NH Department of Transportation	Community Development Division, Planning
NH Department of Environmental Services	Town of Pelham
Nashua Transit System	Town of Wilton
Souhegan Valley Transportation Collaborative	NRPC
	Nashua Transit System
	NH Department of Transportation Bureau of Planning and Community Assistance
	NH Department of Environmental Services, Air Resources Division
<u>Non-Voting Members</u>	<u>Non-Voting Members</u>
FHWA	
FTA	
	FHWA
	FTA

APPENDIX E

MPO ADOPTION MEETING MINUTES

SEPTEMBER 20, 2023