

New River Valley Metropolitan Planning Organization

AGENDA

2:00 PM

November 7, 2019

I. DECLARATION OF A QUORUM AND CALL TO ORDER

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES OF MAY 2, 2019 (Attachment # 1)

IV. SELECTION OF REGULAR MEETING DATE

V. PUBLIC ADDRESS

- A. Each speaker is limited to five minutes with a total of thirty minutes maximum for public address.

VI. OLD BUSINESS -none

VII. NEW BUSINESS –

A. Approval of updated Safety Performance Measures

The Safety Performance Measures are updated annually. The NRV MPO has been utilizing the State Performance Measures as developed by VDOT instead of creating their own. The 2020 updated measures have been finalized by VDOT. The TAC has reviewed the updates and recommends approval. (Updated NRV MPO Performance Measures, the letter that needs to be submitted to VDOT and a suggested resolution are in Attachment # 2.)

B. Title VI/Nondiscrimination Assurance

As a sub-recipient of federal funds, the MPO is required to certify annually that all relevant sections of the Title VI of the Civil Rights Act of 1964, 49 C.F.R. Part 21, and 28 C.F.R. section 50.3 are followed. (Letter from VDOT requesting Assurance with the above sections, the letter that needs to be signed, and a suggested resolution are in Attachment # 3.)

VIII. EXECUTIVE DIRECTOR REPORT

- A. VDOT update – Ken King
- B. Smart Scale update
- C. Development of 2045 Long Range Plan update
- D. Bikeshare update – Tom Fox (Attachment # 4)
- E. Valley to Valley Trail update

IX. OTHER BUSINESS

X. INTO CLOSED MEETING

PROPOSED RESOLUTION:

BE IT RESOLVED, The MPO Policy Board hereby enters into Closed Meeting for discussing the following:

Section 2.1-3711 (1) Discussion, Consideration, or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Personnel Matter

XI. OUT OF CLOSED MEETING

PROPOSED RESOLUTION:

BE IT RESOLVED, The MPO Policy Board hereby ends their Closed Meeting to return to Regular Session.

XII. CERTIFICATION OF CLOSED MEETING

WHEREAS, The MPO Policy Board has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Policy Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, The MPO Policy Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as identified in the motion conveying the closed meeting were heard, discussed or considered by the Policy Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

XIII. ANNUAL PERFORMANCE REVIEW OF EXECUTIVE DIRECTOR AND AMENDMENT TO EMPLOYMENT AGREEMENT (Attachment # 5)

XIV. NEXT SCHEDULED MEETING

The next scheduled meeting is December 5, 2019 at 2:00 PM in the Montgomery County Government Center.

X. ADJOURNMENT

**New River Valley
Metropolitan Planning Organization
755 Roanoke Street
Christiansburg, VA 24073**

Minutes

May 2, 2019

MEMBERS

PRESENT:

Craig Meadows	-Montgomery County
Mary Biggs	-Montgomery County
Michael Barber	-Town of Christiansburg
Randy Wingfield	-Town of Christiansburg
Anne McClung	-Town of Blacksburg
Tom Fox	-Blacksburg Transit
Monica Musick	-Pulaski Transit
Ken King	-VDoT
David Clarke	-VDoT
Becca Sial	-DRPT
Kevin Byrd	-NRVRC
Mike Dunn	-Virginia Tech
James Perkins	-Radford University
Dan Brugh	-NRV MPO
Randal Gwinn	-Recording Secretary

ABSENT:

Michael Sutphin	-Town of Blacksburg
David Horton	-City of Radford
Melissa Skelton	-City of Radford
Jonathan Sweet	-Pulaski County
Joe Guthrie	-Pulaski County
Lisa Morris	-VA Tech
Kevin Jones	-FHWA
Trevor Sakry	-Radford Transit
Fritz Streff	-New River Community College
Tony Cho	-Federal Transit Administration-Region 111
Michael St. Jean	-VA Tech/Montgomery Regional Airport Authority

DECLARATION OF A QUORUM AND CALL TO ORDER

Chairman Craig Meadows declared a quorum, and called the meeting to order at 2:00 P.M.

APPROVAL OF AGENDA

Craig next asked for comments on or changes to the proposed agenda and hearing none, he asked to hear a motion for approval of the agenda.

On a motion by Mike Barber seconded by Mary Biggs and carried unanimously, the proposed meeting agenda was approved.

APPROVAL OF MINUTES OF THE MARCH 7, 2019 MEETING

Craig then asked for discussion of or corrections to the meeting Minutes from the March 7, 2019 Policy Board meeting which were included in the agenda packet. Hearing none, he called for a motion to approve the Minutes.

On a motion by Anne McClung seconded by Mary Biggs and carried unanimously, the Minutes dated March 7, 2019 were approved.

PUBLIC ADDRESS

There were no citizens from the public seeking to address the Policy Board.

OLD BUSINESS

There were no items of old business to discuss.

NEW BUSINESS

Approval of the 2019-20 Unified Planning Work Program (UPWP)

Dan presented the draft UPWP that is the annual budget for fiscal year 2019-20 as developed by the TAC. The budget for this year contains only a slight increase in funding for PL funds and Transit Planning Funds.

The focus in this year's plan is development of the LRP (long range plan) update, which is being done for the MPO by the NRV Regional Commission. Most of the work on the update will be done in this fiscal year, as we must have the plan approved in November 2020. The expense of updating the LRP will be \$110,000. The task order for the update is significantly smaller than what we had in the last update done five years ago. Our day-to-day operational expenses will consume the remainder of our budget.

The draft was advertised for comments in the Roanoke Times, the News Journal, and the News Messenger and was also posted on the MPO website and sent by email to the MPO Interested Parties and Regulatory Agency lists. No public comments were received.

The TAC now recommends approval of the 2019-20 UPWP along with its supporting resolutions that are needed annually as well. The supporting resolutions authorize the MPO Chairman and/or the Executive Director to execute the annual agreements with VDOT and VDRPT, execute the annual Certifications and Assurances for FTA, execute the annual FTA Pass Through resolution,

execute the authorizing resolution to file with VDRPT for grants of federal funds under FTA Section 5303, execute the annual Self Certification Statement, and execute the Designation Resolution. Copies of all the resolutions are included in the meeting packet.

Dan completed his comments and there was no discussion on the topic.

Craig then asked for a motion on the suggested resolution in the meeting materials.

On a motion by Mike Barber seconded by Mary Biggs and carried unanimously, the suggested resolution approving the 2019-20 UPWP and its supporting resolutions were approved as a group and follow in their entirety:

***New River Valley
Metropolitan Planning Organization***

May 2, 2019

Resolution approving the NRV MPO FY 2019-20 Unified Planning Work Program

On a motion by Michael Barber seconded by Mary Biggs and carried unanimously,

WHEREAS, the 2019-20 Unified Planning Work Program (UPWP) will serve as the basis for all Federal (FHWA, FTA) funding participation and will be included in all requests for transportation planning funds, and

WHEREAS, the UPWP details all transportation and transportation related planning activities anticipated in the upcoming fiscal year; and

WHEREAS, the Request for Comment was advertised in The Roanoke Times, The News Journal, and News Messenger for thirty days; and

WHEREAS, comments were also solicited from the MPO Email list, the MPO Interested Parties, and the Governmental Regulatory Agencies; and

WHEREAS, no comments were received, and

WHEREAS, the Technical Advisory Committee recommends approval.

NOW, THEREFORE, BE IT RESOLVED, that the New River Valley Metropolitan Planning Organization Policy Board hereby approves the FY 2019-20 Unified Planning Work Program and authorizes the Executive Director to make any administrative changes as requested by the Federal Highway Administration, Federal Transit Administration, VDRPT, or VDOT.

F. Craig Meadows, Chairman

***New River Valley
Metropolitan Planning Organization***

May 2, 2019

Designation Resolution

On a motion by Michael Barber seconded by Mary Biggs and carried unanimously,

BE IT RESOLVED, that the New River Valley Metropolitan Planning Organization authorizes the New River Valley Metropolitan Planning Organization Policy Board Chairperson to authorize the Town of Blacksburg and City of Radford as the designated recipients for the receipt and eligible use of available FTA and VDRPT Operating and Capital Funds.

Certification

The undersigned duly qualified and acting as authored officials of the New River Valley Metropolitan Planning Organization certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Policy Board of the New River Valley Metropolitan Planning Organization on May 2, 2019.

F. Craig Meadows, Chairman

J. Dan Brugh, Executive Director

***Blacksburg/Christiansburg/Montgomery Area
Metropolitan Planning Organization***

May 2, 2019

Pass/Through Resolution

On a motion by Michael Barber seconded by Mary Biggs and carried unanimously,

WHEREAS, the Blacksburg/Christiansburg/Montgomery Area Metropolitan Planning Organization anticipates receipt of Fiscal Year 2019 Federal Transit Administration (FTA) Section 5303 Planning and Technical Studies Grant; and

WHEREAS, Blacksburg Transit, a department of the Town of Blacksburg, could use the FTA Section 5303 grant funds to conduct eligible planning activities and technical studies.

NOW, THEREFORE, BE IT RESOLVED, that the New River Valley Metropolitan Planning Organization authorizes the Executive Director to contract with Blacksburg Transit for the receipt and eligible use of the FTA Section 5303 grant funds that may be received by the New River Valley Metropolitan Planning Organization, noting that the City of Radford, the Towns of Blacksburg and Christiansburg, and the Counties of Montgomery and Pulaski will commit the equal funding of the local match for the aforementioned grant.

BE IT FURTHER RESOLVED, that the New River Valley Metropolitan Planning Organization authorizes the Metropolitan Planning Organization Executive Director, in conjunction with the Transit Director of Blacksburg Transit, to submit a FTA Section 5303 grant application and to contract with the Virginia Department of Rail and Public Transportation for the receipt of said FTA funds as is necessary; and including the compliance with applicable laws, regulations, guidelines, and assurances of the United States and the Commonwealth of Virginia, and for the state portions of the matching funds as necessary.

Certification

The undersigned duly qualified and acting as authorized officials of the New River Valley Metropolitan Planning Organization certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Policy Board of the New River Valley Metropolitan Planning Organization on May 2, 2019.

F. Craig Meadows, Chairman

J. Dan Brugh, Executive Director

***New River Valley
Metropolitan Planning Organization***

May 2, 2019

Resolution authorizing the filing of an application with the Virginia Department of Rail and Public Transportation, for grants of federal funds under the Federal Transit Act Section 5303 program and state matching funds.

On a motion by Michael Barber seconded by Mary Biggs and carried unanimously,

WHEREAS, the contract for financial assistance will impose certain obligations upon this Body, including the provision of the local funds to support project costs; and

WHEREAS, a recipient of Federal Transit Administration Funding is required to provide certifications and assurances that all pertinent Federal statutes, regulations, executive orders and directives will be obeyed and it is the intent of this Body to comply fully with all required certifications and assurances; and

WHEREAS, it is the goal of this Body that minority business enterprises (disadvantaged business enterprise and Women business enterprise) be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority business shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services:

NOW THEREFORE, BE IT RESOLVED BY THE NEW RIVER VALLEY METROPOLITAN PLANNING ORGANIZATION,

- A. That the Chairperson of the Policy Board is authorized to prepare and file an application on behalf of New River Valley Metropolitan Planning Organization with the Virginia Department of Rail and Public Transportation for federal and state financial assistance under the Federal Transit Administration Section 5303 Program and State Aid Program.
- B. That the Chairperson of the Policy Board is authorized to execute and file with such application all necessary certifications and assurance or any other document required by Virginia Department of Rail and Public Transportation in connection with the application or the project.
- C. That the Chairperson of the Policy Board is authorized to set forth and execute Minority business enterprise (disadvantaged enterprise business and woman enterprise) policies and procedures in connection with procurements under this project.
- D. That the Chairperson of the Policy Board is authorized to execute a grant agreement on behalf of the New River Valley Metropolitan Planning Organization, with the Virginia Department of Rail and Public Transportation to aid in the financing of the project.
- E. That the Chairperson of the Policy Board hereby certifies that the local share of the project costs identified in the application shall be made available to the project from resources available to this Body.

The undersigned duly qualified and acting Executive Director of the New River Valley Metropolitan Planning Organization Policy Board certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the New River Valley Metropolitan Planning Organization held on May 2, 2019.

F. Craig Meadows, Chairman

***New River Valley
Metropolitan Planning Organization***

May 2, 2019

Resolution to authorize the Executive Director/ Chairman to execute annual FTA Certifications and Assurances.

On a motion by Michael Barber seconded by Mary Biggs and carried unanimously,

WHEREAS, the MPO receives funding from FTA for expenditures made for MPO activities; and

WHEREAS, the MPO needs to annually certify that the MPO is adhering to all Federal Regulations.

NOW, THEREFORE, BE IT RESOLVED, the MPO Policy Board authorizes the Executive Director/Chairman to execute the annual Certifications and Assurances for FTA.

F. Craig Meadows, Chairman

***New River Valley
Metropolitan Planning Organization***

May 2, 2019

Resolution to authorize the Executive Director/ Chairman to execute annual agreements with VDoT, VDRPT, and Montgomery County

On a motion by Michael Barber seconded by Mary Biggs and carried unanimously,

WHEREAS, the MPO receives funding from VDoT for expenditures made for MPO activities; and

WHEREAS, the Policy Board has approved the Unified Planning Work Program (UPWP) for 2019-20; and

WHEREAS, an agreement needs to be executed for expenditure of these funds.

NOW, THEREFORE, BE IT RESOLVED, the MPO Policy Board authorizes the Executive Director/Chairman to execute agreements with VDoT, VDRPT, and Montgomery County as fiscal agent, subject to approval by Montgomery County, the Montgomery County Attorney, the MPO Chairman and the MPO Executive Director.

F. Craig Meadows, Chairman

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

This certification appears 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 C.F.R. 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 C.F.R. 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 C.F.R. 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 C.F.R. 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 C.F.R. 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.
 - (k) 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.

- (l) 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).
- (m) 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.
- (n) 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.).
- (o) 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.
- (p) 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.
- (q) 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.
- (r) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 C.F.R. Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 C.F.R. Part 1201.
- (s) 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.

- (t) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

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

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

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

1.3. Procurement.

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

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R. Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost

Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. Part 200, particularly 2 C.F.R. §§ 200.317–200.326 “Procurement Standards;

- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 C.F.R. 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 C.F.R. § 180.300. Additionally, each applicant must disclose any information required by 2 C.F.R. § 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.

CATEGORY 2. TAX LIABILITY AND FELONY CONVICTIONS.

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. As prescribed by U.S. DOT Order 4200.6, FTA requires each 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 3. 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 C.F.R. § 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 C.F.R. Part 20.

3.1. 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.

3.2. 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 4. 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.

4.1. 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 C.F.R. § 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 C.F.R. Part 604, the terms and conditions of which are incorporated herein by reference.

4.2. 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 C.F.R. § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 C.F.R. § 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 C.F.R. § 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 5. 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 has, or will develop, a transit asset management plan in compliance with 49 C.F.R. Part 625.

CATEGORY 6. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

6.1. 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 C.F.R. § 663.7.

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

6.2. 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 C.F.R. § 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 C.F.R. 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 7. 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 8. 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 9. 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 10. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 7 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).

Making this certification will incorporate by reference the applicable certifications in Category 7 or Category 8.

CATEGORY 11. 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 7 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 7, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 7 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 7, 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 12. STATE OF GOOD REPAIR GRANTS.

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

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

CATEGORY 13. 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 7 for the Urbanized Area Formula Grants Program, Category 9 for the Fixed Guideway Capital Investment Grants program, and Category 12 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 7, 9, and 12 by reference.

CATEGORY 14. 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 C.F.R. § 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 C.F.R. Part 655.

CATEGORY 15. 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 C.F.R. §§ 659.43, 672.31, and 674.39.

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

- (a) Compliant with the requirements of 49 C.F.R. part 659, "Rail Fixed Guideway Systems; State Safety Oversight";
- (b) Compliant with the requirements of 49 C.F.R. part 672, "Public Transportation Safety Certification Training Program"; and
- (c) Compliant with the requirements of 49 C.F.R. part 674, "State Safety Oversight".

CATEGORY 16. 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 C.F.R. Part 37, it must make the following certification. This certification is required by 49 C.F.R. § 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 17. 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 18. CONSTRUCTION HIRING PREFERENCES.

If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Consolidated Appropriations Act, 2019, Pub. L. 116-6, div. G, title I, § 191.

The applicant certifies the following:

- (a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
- (b) That the applicant will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

- (c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

FTA FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2019 CERTIFICATIONS AND ASSURANCES FOR FTA ASSISTANCE PROGRAMS

(Signature pages alternate to providing Certifications and Assurances in

TrAMS.) Name of Applicant: _____

The Applicant certifies to the applicable provisions of categories 01–18. _____

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 Tax Liability and Felony Convictions	_____
03 Lobbying	_____
04 Private Sector Protections	_____
05 Transit Asset Management Plan	_____
06 Rolling Stock Buy America Reviews and Bus Testing	_____
07 Urbanized Area Formula Grants Program	_____
08 Formula Grants for Rural Areas	_____
09 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
10 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____
11 Enhanced Mobility of Seniors and Individuals with Disabilities Programs	_____
12 State of Good Repair Grants	_____
13 Infrastructure Finance Programs	_____
14 Alcohol and Controlled Substances Testing	_____
15 Rail Safety Training and Oversight	_____
16 Demand Responsive Service	_____
17 Interest and Financing Costs	_____
18 Construction Hiring Preferences	_____

FEDERAL FISCAL YEAR 2019 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2019)

AFFIRMATION OF APPLICANT

Name of the Applicant: _____

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 federal fiscal year 2019, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2019.

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: _____

Name _____ Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

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

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: _____

Name _____ Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

Approval of Amendment # 3 to the 2018 – 2021 TIP

Dan presented Amendment # 3 to the 2018-21 TIP and explained that it is needed in order to make some changes to Transit funding.

On page 30 funding for construction of Blacksburg Transit's Operations and Maintenance Facility has been split into two projects, BBT0040 for construction and BBT0041 for A&E. The funding year was also changed to FY2021 for BBT0040.

On page 31 for CRAD001, for the City of Radford, added funding for operating assistance to FY20.

On page 31 for CRAD004, for the City of Radford, the funding for replacement of buses was moved from FY20 to FY21.

On page 33 a new project, CRAD012, was added to provide funding for spare bus parts for Radford Transit.

Also on page 33 increased funding for Paratransit Vehicles was shown in FY20 for the New River Valley Community Services under project NRVC001.

Dan completed his comments by reporting that the draft was advertised in the Roanoke Times, the News Journal, and the News Messenger, posted on the MPO website and sent to the MPO Interested Parties and Regulatory Agency lists. No public comments were received and the TAC has reviewed and recommends approval. A copy of the 2018-21 TIP with Amendment # 3 and a suggested resolution is in attachment # 3 of the meeting packet.

Dan completed his comments and again there was no discussion on the topic.

Craig then asked to hear a motion on the suggested resolution in the meeting materials.

On a motion by Michael Barber seconded by Randy Wingfield and carried unanimously, the suggested resolution approving the Amendment # 3 of the 2018-21 TIP was approved and follows in its entirety:

New River Valley Metropolitan Planning Organization

May 2, 2019

Resolution Approving Amendment #3 for the 2018-21 TIP

On a motion by Michael Barber seconded by Randy Wingfield and carried unanimously,

WHEREAS, the MPO approved the 2018-2021 Transportation Improvement Program (TIP) on May 17, 2017, and

WHEREAS, additional funding was found by VDRPT that could be utilized by Blacksburg Transit, Radford Transit, and New River Valley Community Services, and this additional funding needs to be included in the MPO TIP, and

WHEREAS, Amendment #3 was advertised for public comment, sent to the MPO email list, posted on the MPO website, and sent it to the MPO Interested Parties and Governmental Review Agencies, and

WHEREAS, no comments were received,

WHEREAS, the TAC recommends approval.

NOW, THEREFORE BE IT RESOLVED that the New River Valley Metropolitan Planning Organization approves Amendment # 3 to the 2018-21 TIP.

F. Craig Meadows, Chairman

EXECUTIVE DIRECTOR'S REPORT

VDOT update – Ken King

Ken commented on the funding for improvements to I-81 and other interstate roads in Virginia that were recently adopted by the General Assembly and signed by the Governor. Funding for two billion dollars' worth of improvements recently identified by the Commonwealth Transportation Board will now be available due to revenues from recently imposed taxes. Distribution of funds statewide will be based on truck miles traveled which equates to 41 % going to I-81, 18 % to I-95, 13 % to I-64 and 19 % to various others interstate corridors in the state including I-77. An oversight committee of fifteen voting members will be formed and will consist of five Planning District Commission Chairs from the Districts bordering I-81, four House of Delegate members, three Senate members, and the three Commonwealth Transportation Board members from the Bristol, Salem and Stanton districts. The VDOT Commissioner and DRPT Director will both serve as ex-officio members. Once formed, it is planned that this committee will meet four times annually. These details are included in the Bill for those who wish to review them; however, there are many details to be worked out. How incoming revenues will be distributed is unclear at this time. Typically revenues generated by taxes within a Planning District's boundary get spent within that boundary, however these revenues will be spent on I-81 so it is not yet clear how the funds will be distributed. The CTB will have oversight and actually allocate funds to specific projects. There will be more to follow as things such as project lists and schedules develop however in our district we are already preparing to move forward at the first of the fiscal year with enhancements to safety service patrols as well as improved equipment and methods to monitor and more rapidly clear accidents out of traffic lanes when they do occur. VDOT is looking to move quickly on the easier logistical ITS items while awaiting the others projects to be scheduled. In addition, there is a project in the Roanoke Valley, auxiliary lane improvements for I-81 from Exit 141 to Exit 143,

that will go out to bid this fall since it was already funded under Smart Scale and the construction is slated to begin next spring.

Mary asked Ken if there has been any discussion on the topic of traffic rerouting in the event of an accident disrupting normal traffic flow on I-81. Ken responded that parallel route enhancements have certainly been included in development of recommendations for the overall operational investment. They are, however, probably twelve to twenty-four months out at this time as discussions need to occur with the communities in our district that fall along I-81.

Dan expressed concern that the small amount of funding currently allocated for development of parallel routes would not accomplish much of anything. Certainly something such as signal systems in the City of Salem and the Town of Christiansburg that would assist in keeping the traffic flowing through during an event would be desirable. We hope that there is flexibility that allows for moving funding around to support this sort of project early on as such improvements will also be very helpful during any construction of I-81 in the district as well as critical to keeping traffic moving in the event of an accident.

Ken replied that the initial study had to be put together very quickly and logistically it was not feasible to coordinate with all the various local entities to come up with true committed plans to program projects with dollar figures attached from the onset. The initial study essentially is recognition that funding needed to be identified, there will have to be studies, evaluations, and discussions of what is possible based on the level of support available from the communities. There will be a revisiting of numerous items and it is possible that these type of improvements could end up being a component part of the construction projects going forward.

Ken then gave a brief update on VDOT's ongoing activities in the Salem District:

The New River Bridge replacement progress continues but is a little behind schedule due to the weather. It is hoped that traffic will be switched to the new bridge this fall or early winter months of this year and the northbound access at exit 105 will again become available at that time.

The Exit 114 Bridge Replacement project now has a July 2021 planned completion date and the signals at the base of the ramps should go live by next Thursday, May 9th although there remains a good bit of work to do on them.

Notice to award has been given for the 460 Cambria Street Exit Ramp Project and that project has an anticipated completion date of May 2020. Just upstream of that is the Loop Ramp Addition that goes from Rt. 460 to the Hobby Lobby area came online in mid-March and turned out really well. There are still ongoing efforts to add lighting to that ramp to make it consistent with the lighting in the overall area and VDOT is exploring strategies for funding that effort.

The Prices Fork Turn Lane Project, which is a revenue sharing project, is going to extend beyond its scheduled completion date of July 3, and the last mile of the improvement projects to the Yellow Sulphur Road will be advertised late this fall.

Smart Scale has a balance of \$3.5 million that has not been allocated to projects yet and each district will get some additional funds. This is due to Danville getting funds from the Rt. 58 Corridor Development Fund rather than using funds from Smart Scale for their project on Rt. 58.

At this point Dr. Smoot has decided to wait for public comments before deciding where to allocate the Salem Districts share of the available funds. There are some projects that were relatively competitive in the Smart Scale rankings, the Rt. 8 Riner project being one that certainly is an attractive project. The Six Year Plan Public Hearing is Tuesday of next week at the Holiday Inn Tanglewood at 4:00 pm. There will be a VTRANS 2020 open house meeting at 3:00 pm with a public comment period following at 4:00 pm. Please encourage those that you know to show up and advocate for those projects they would like to see receive funding. Please remember that the scoring is meant to inform the CTB however the CTB has the discretion to choose projects without being constrained by the scoring.

Valley to Valley Trail update

Dan reported on the progress of the Valley-to-Valley Trail initiative. The request for a study has been submitted to VDOT and there will be a meeting in the next few weeks to discuss the next steps to take. Ken commented that the next thing needing done is to get the right people around the table to develop the scope of the project before submitting it to the VDOT Central Office.

Constrained Long Range Plan Update

Dan reported that an online survey is being developed by the Regional Commission and should be online in a couple of weeks. The survey will be left open online until next Fall prior to the November 2020 due date. When the the survey has been developed, it will be distributed.

Smart Scale update on MPO projects

Dan reviewed the MPO projects we have for submission in the next round of Smart Scale.

Becca also commented briefly on the efforts being made by DRPT and the VDOT Central Office to assist The MPO in justifying a Park & Ride lot at the I-81 Exit 114.

Route 11 in Montgomery County - Christiansburg Reversible Lane STARS study by VDOT

Dan reported on this study and personally views the northbound detour as problematic due to trucks coming out of the quarry utilizing the one northbound lane coming up the mountain and creating a bottleneck. Mary agreed with Dan on this and David commented that the final report is anticipated in August.

Other items

There were no other items discussed.

OTHER BUSINESS

There was no other business to discuss.

NEXT SCHEDULED MEETING

The next scheduled meeting is June 6, 2019 at 2:00 PM at the Montgomery County Government Center.

AJOURNMENT

There being no further agenda items to discuss, Craig adjourned the meeting at 2:45 PM.

Attest: _____
F. Craig Meadows, Chairman



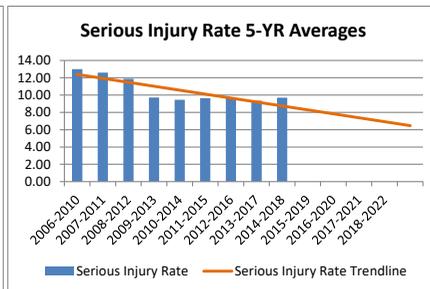
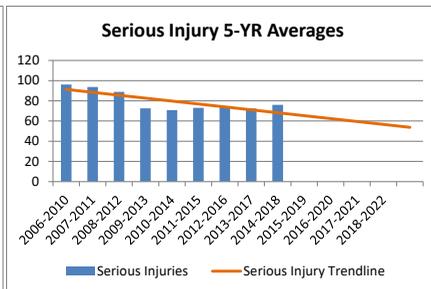
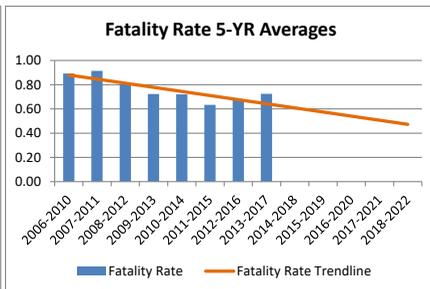
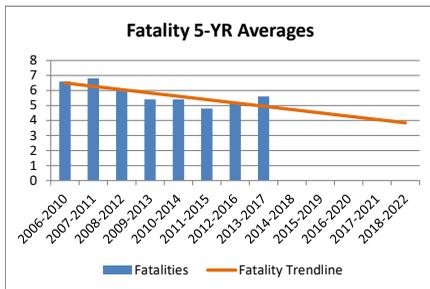
Directions:

View data in tables and graphs. Set goal percent reductions and resulting targets in **yellow cells**.

[Click here for more information.](#)

Historical Crash Data	Crash Year	FARS Non-											Injury Crashes	VMT (100 Million)
		FARS Fatal People	Motorist Fatal People	A People	B People	C People	Persons Injured	K Crash	A Crash	B Crash	C Crash	PDO Crash		
<p>Notes: The Fatality Analysis Reporting System (FARS), created by the National Highway Traffic Safety Administration (NHTSA), is used to report fatalities. FARS data is available through 2017.</p> <p>The Department of Motor Vehicles (DMV) crash data is used to report injury (Types A, B, and C) and property damage only (PDO) crashes. DMV data is available through 2018.</p> <p>All fatality and injury totals are based on the most recent MPO boundary.</p>	2006	1	0	86	58	169	313	2	60	42	107	430	209	7.3
	2007	9	0	119	71	176	366	8	85	50	114	407	249	7.4
	2008	10	2	143	169	391	703	5	114	138	262	1,051	514	7.4
	2009	3	3	77	154	371	602	3	65	111	252	1,055	428	7.4
	2010	10	0	56	157	334	547	11	53	130	213	944	396	7.5
	2011	2	0	74	160	314	548	3	61	135	207	977	403	7.5
	2012	5	1	94	434	209	737	6	74	328	108	1,099	510	7.5
	2013	7	2	62	455	163	680	7	46	337	86	985	469	7.4
	2014	3	1	68	406	179	653	4	55	317	103	931	475	7.5
	2015	7	1	67	496	225	788	6	55	374	133	1,080	562	7.9
	2016	4	0	81	469	371	921	4	63	361	221	1,046	645	7.9
	2017	7	0	84	463	360	907	7	72	357	219	946	648	8.0
	2018	--	--	80	480	333	893	9	63	348	195	984	606	7.9

Calculated Five-Year Averages	Five-Year Period	Fatalities	% Change	Fatality Rate	% Change	Serious Injuries	% Change	Serious Injury Rate	% Change
<p>Notes: This table contains the five-year averages based on the historical crash data. Fatality data is available up through the 2013-2017 five-year period. Serious injury data is reported up through the 2014-2018 five-year period.</p>	2006-2010	7	--	0.89	--	96	--	13.00	--
	2007-2011	7	3.0%	0.91	2.4%	94	-2.5%	12.60	-3.1%
	2008-2012	6	-11.8%	0.80	-12.1%	89	-5.3%	11.89	-5.7%
	2009-2013	5	-10.0%	0.72	-10.0%	73	-18.2%	9.71	-18.3%
	2010-2014	5	0.0%	0.72	-0.2%	71	-2.5%	9.45	-2.7%
	2011-2015	5	-11.1%	0.63	-12.0%	73	3.1%	9.64	2.0%
	2012-2016	5	8.3%	0.68	7.3%	74	1.9%	9.73	0.9%
	2013-2017	6	7.7%	0.72	6.4%	72	-2.7%	9.36	-3.8%
	2014-2018	--	--	--	--	76	5.0%	9.70	3.6%



Projected 5-Yr Average Based on Historical Trendline	Description	2018	2019	2020	Yearly Change	Average Percent Reduction*
<p>Notes: This table projects the five-year average for future years based on the historical trendline.</p>	Fatalities	5	5	5	0.02	4.6%
	Fatality Rate	0.64	0.61	0.57	0.00	5.4%
	Serious Injuries	--	65	65	0.98	4.2%
	Serious Injury Rate	--	8.74	8.29	0.02	5.2%

*A negative number represents a percent increase

Goal Percent Reductions	Description	Statewide Percent Reduction	Goal Percent Reduction*
Instructions: Enter a goal percent reduction in the yellow cells. The goal reductions will be used to develop the 2020 MPO safety targets in coordination with historical data in the table below. The statewide percent reductions are provided for reference. The MPO may adopt the statewide percent reductions if desired.	Fatalities	-4.29%	-4.29%
	Serious Injuries	0.58%	0.58%
	VMT	-1.70%	-1.70%

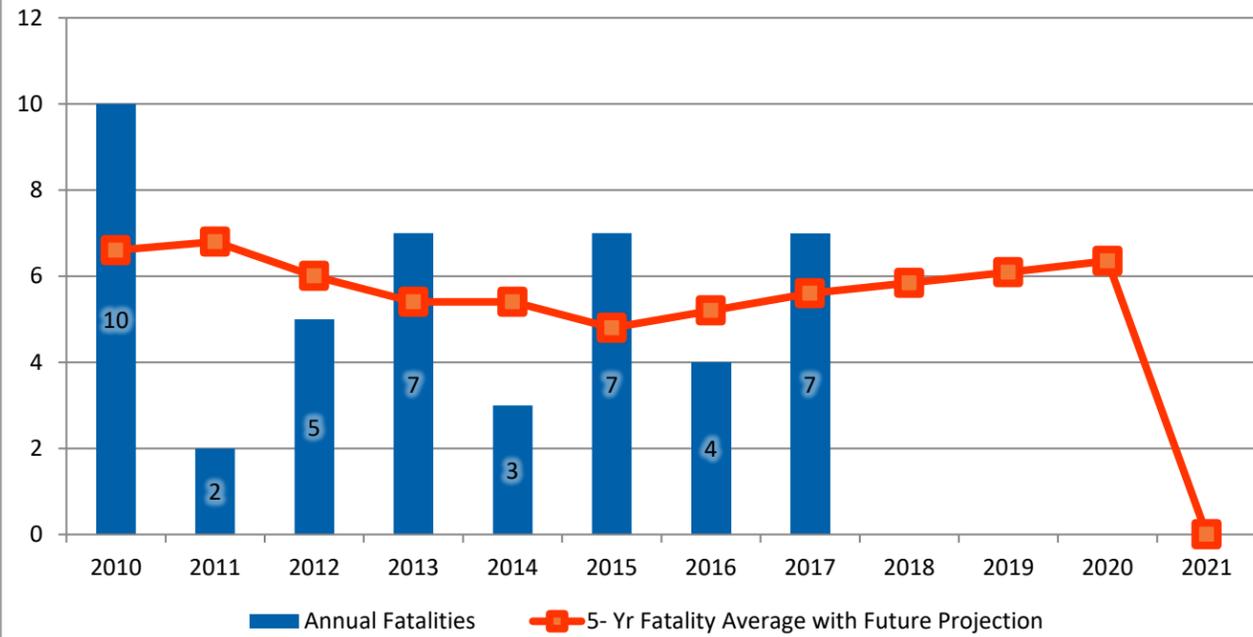
*A negative number represents a percent increase

Projected 5-Yr Average Based on Goal Reductions and Projected VMT Change	Description	2018	2019	2020
Instructions: This table projects the five-year average for future years based on the most recent five-year averages and the goal percent reductions. Graphs for this data are shown in the <i>Graphs_Fatal_SI</i> tab.	VMT (100 Million)*	7.91	8.04	8.18
	Fatalities	6	6	6
	Fatality Rate	0.74	0.76	0.76
	Serious Injuries*	76	76	75
	Serious Injury Rate*	9.70	9.40	9.19

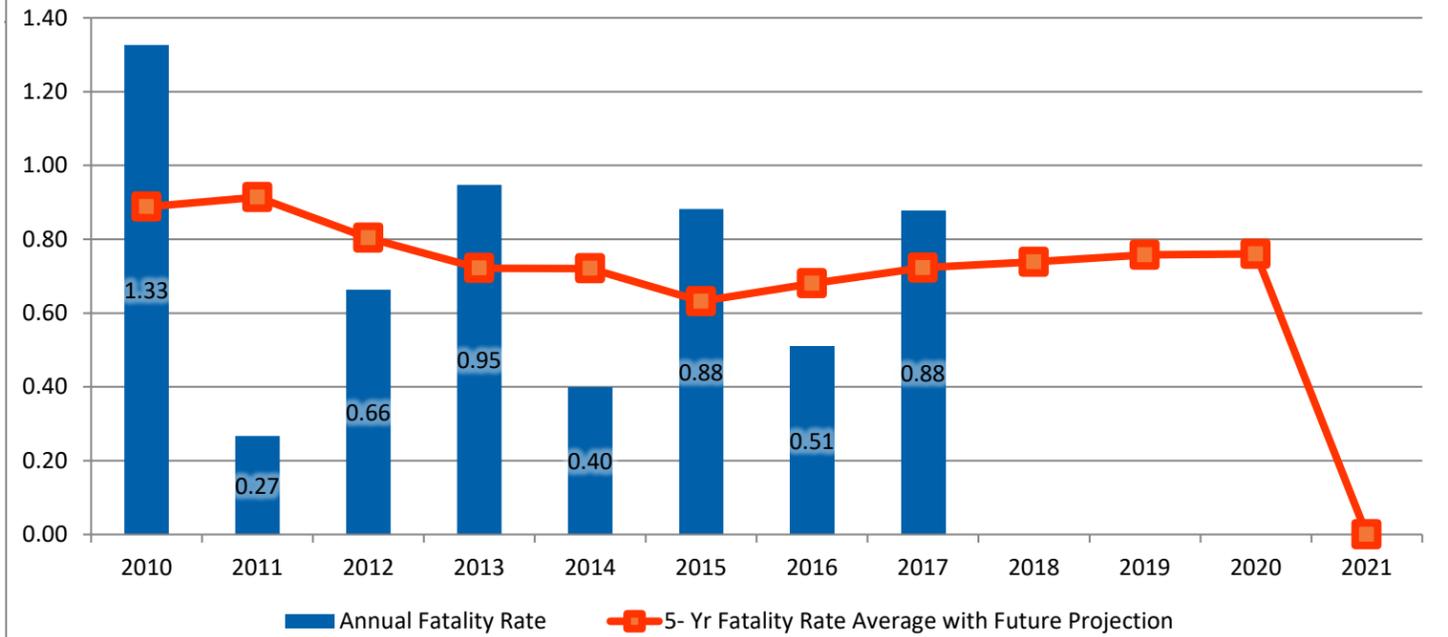
*Historical data provided for 2018. Projections reported for 2019-2020

2020 MPO Targets	Description	2020
Instructions: Once goal percent reductions have been agreed upon, enter the resulting 2020 5-year average target values (from the table above).	Fatalities	
	Fatality Rate	
	Serious Injuries	
	Serious Injury Rate	

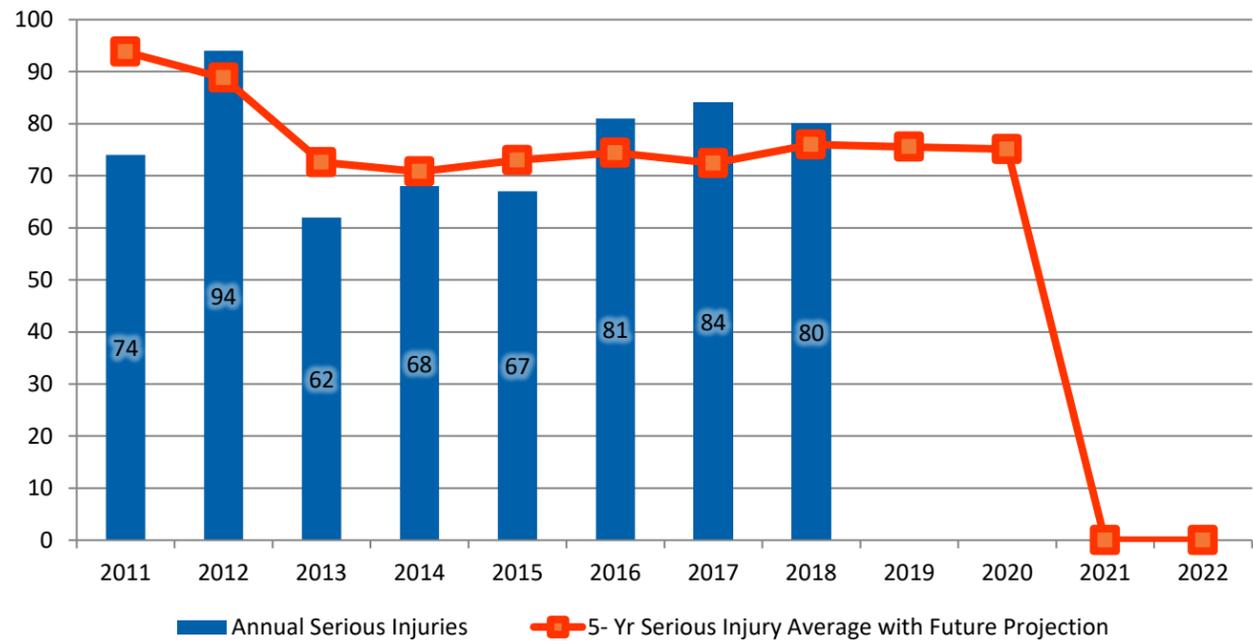
Annual Fatalities and 5-Year Avg Fatalities



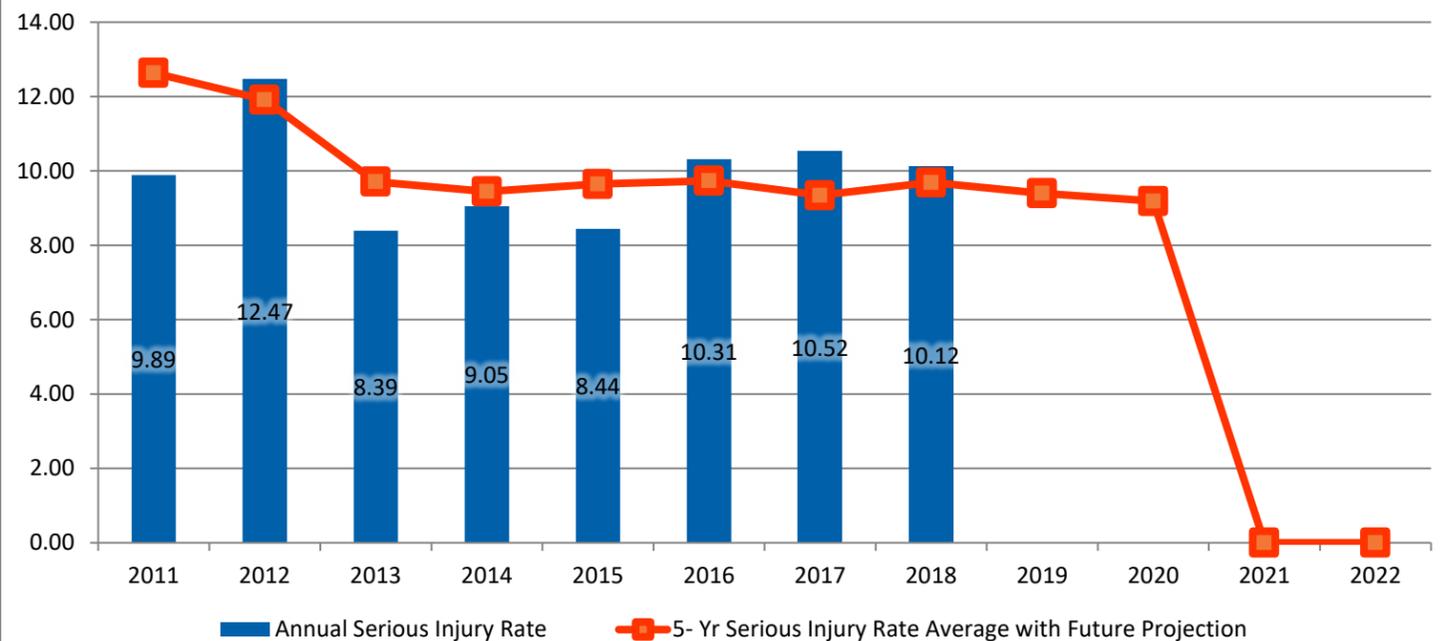
Annual Fatality Rate and 5-Year Avg Fatality Rate



Annual Serious Injury and 5-Year Avg Serious Injury



Annual Serious Injury Rate and 5-Year Avg Serious Injury Rate



Projected 5-Yr Average Based on Historical Trendline	Description	2018	2019	2020	Yearly Change	Average Percent Reduction
Notes: This table projects the five-year average for future years based on the historical trendline.	Non-Motorized Fatalities + Serious Injuries	12	12	13	-0.08	-0.9%

*A negative number represents a percent increase

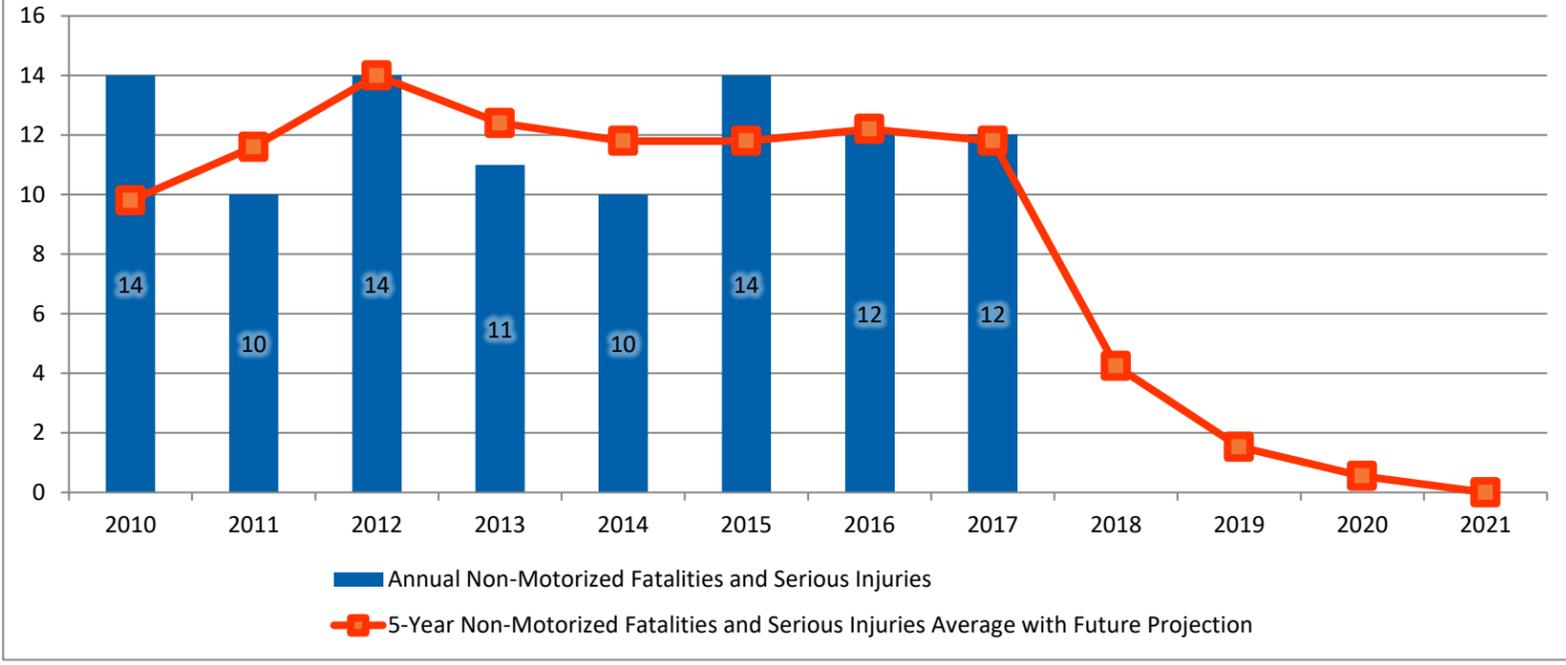
Goal Percent Reductions	Description	Statewide Percent Reduction	Goal Percent Reduction*
Instructions: Enter a goal percent reduction in the yellow cells. The goal reductions will be used to develop the 2020 MPO safety targets in coordination with historical data in the table below. The statewide percent reductions are provided for reference. The MPO may adopt the statewide percent reductions if desired.	Non-Motorized Fatalities + Serious Injuries	0.64%	64.00%

*A negative number represents a percent increase

Projected 5-Yr Average Based on Goal Reductions and Projected VMT Change	Description	2018	2019	2020
Instructions: This table projects the five-year average for future years based on the most recent five-year averages and the goal percent reductions. Graphs for this data are shown in the <i>Graphs_Bike_Ped</i> tab.	Non-Motorized Fatalities + Serious Injuries	4	2	1

2020 MPO Targets	Description	2020
Instructions: Once goal percent reductions have been agreed upon, enter the resulting 2020 5-year average target values (from the table above).	Non-Motorized Fatalities + Serious Injuries	

Annual Non-Motorized Fatalities and Serious Injuries



KABCO Scale: A functional measure of the injury severity for any person involved as determined by law enforcement at the scene of the crash.

Injury Type	Common Identification	Full Definition
K	Fatal Injury	A fatal injury is an injury that results in death within 30 days after the motor vehicle crash in which the injury occurred.
A	Incapacitating Injury	Injury = Suspected Serious Injury which is any injury other than fatal, resulting in one or more of the following: a. Severe laceration resulting in exposure of underlying tissues, muscle, organs, or resulting in significant loss of blood b. Broken or distorted extremity (arm or leg) c. Crush injuries d. Suspected skull, chest, or abdominal injury other than bruises or minor lacerations e. Significant burns (second and third degree burns over 10 percent or more of the body) f. Unconsciousness when taken from the crash scene g. Paralysis
B	Non-incapacitating Injury	Minor/Possible Injury = Other Visible Injury, as Bruises, Abrasions, Swelling, Limping, etc.
C	Possible Injury	No Apparent Injury = No Visible Injury, But Complaint of Pain, or Momentary Unconsciousness
PDO Crash	Property Damage Only	Crash resulting in property damage of at least \$1500 to the motor vehicle or other property but without injury to any occupants or non-motorists. The damage amount prior to 2009 is \$1,000.

November 8, 2019

Mr. Raymond Khoury, P.E.
State Traffic Engineer
Traffic Engineering Division
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219

Dear Mr. Khoury:

Insert MPO Name submits this letter to the Virginia Department of Transportation (VDOT) to fulfill the March 2016 FHWA final rulemaking (23 CFR 490) for National Performance Measures for the Highway Safety Improvement Program (HSIP) target setting requirements. The Safety Performance rulemaking requires MPOs to agree to contribute to meeting the State DOT safety targets or to establish safety targets for each of the five safety measures including number of fatalities, rate of fatalities per 100 million vehicle miles traveled (VMT), number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and non-motorized serious injuries.

The selected methodology and selected targets are outlined below acknowledging acceptance to support the VDOT target, to set a numerical target for each performance measure specific to the MPO planning area, or any combination of these two methods for all five safety performance targets.

By supporting any of the VDOT targets we agree to plan and program projects to contribute toward achieving the State target, and must not only consider safety, but increase the safety of the transportation system. Details of the methodology used to estimate VMT for our MPO area within Virginia for establishing our rate targets is provided in the additional information section below.

Methodology Summary

	VDOT	MPO	If MPO, applicable data analysis method
Number of fatalities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Choose an item.
Rate of fatalities per 100 million vehicle miles traveled (VMT)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Choose an item.
Number of serious injuries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Choose an item.
Rate of serious injuries per 100 million VMT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Choose an item.
Number of non-motorized fatalities and non-motorized serious injuries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Choose an item.

Additional Information on Methodology

Enter data analysis and summary information here if other method was selected above.



Selected Targets

Future Target Annual Percent Reductions

The MPO may adopt the statewide percent reductions for 5-year averages if desired.

Target Description	*Statewide Target Annual Percent Reduction	*MPO Target Annual Percent Reduction
Fatalities	-4.29%	-4.29%
Serious Injuries	0.58%	0.58%
Non-Motorized Fatalities and Serious Injuries	0.84%	0.84%
Vehicle Miles Traveled (VMT)	-1.70%	-1.70%

*A positive value represents a reduction and a negative value represents an increase.

2020 Safety Performance Targets

The following target values were calculated using the target annual percent reductions:

Target Description	Target Value
Fatalities	6
Fatality Rate	.76
Serious Injuries	75
Serious Injury Rate	9.19
Non-Motorized Fatalities and Serious Injuries	13

We acknowledge MPO targets are reported to VDOT and will be made available to FHWA upon request. Our 2020 safety targets are submitted for each performance measure on all public roads within 180 days after the VDOT reported its statewide targets, which falls on January 27, 2020.

For questions or comments, please contact me at brughjd@montgomerycountyva.gov and 540-394-2145.

Respectfully,

Dan Brugh
Executive Director
New River Valley MPO

*New River Valley
Metropolitan Planning Organization*

November 7, 2019

Resolution Approving Safety Performance Measures for the NRV MPO

On a motion by _____ seconded by _____ and carried unanimously,

WHEREAS, all MPOs are required to set performance measures by FhWA, and

WHEREAS, MPOs can either set their own measures or adopt the performance measures set by the State, and

WHEREAS, the NRV MPO elected to adopt the Performance Measures developed for the State, and

WHEREAS, the NRV MPO adopted Safety Performance Measures for the MPO in November, 2017, and

WHEREAS, the targets need to be updated annually, and

WHEREAS, the State has updated the targets for the Safety Performance Measures, and

WHEREAS, the TAC recommends approval.

NOW, THEREFORE BE IT RESOLVED that the New River Valley Metropolitan Planning Organization adopts the updated Safety Performance Measures and targets set by the State.

AND FURTHER, that the NRV MPO Executive Director is authorized to send a letter to VDOT with the NRV MPO updates.

F. Craig Meadows, Chairman



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

Stephen C. Brich, P.E.
COMMISSIONER

October 22, 2019

Mr. Dan Brugh
Executive Director
New River Valley MPO
100 E. Main Street
Christiansburg, VA 24073

Re: **Title VI Assurances**

Dear Mr. Brugh:

To ensure VDOT and our sub-recipients remain in compliance with the requirements of 23 CFR 450.336 and 49 CFR 21.7, the VDOT Civil Rights Division requests your review, completion and submittal of the **United States Department of Transportation (USDOT) Standard Title VI/Nondiscrimination Assurances (USDOT Order 1050.2A)** by your Executive Director or authorized designee.

Attached to this transmittal please find a copy of the USDOT 1050.2A document to be filled out and returned to the Civil Rights Division by **November 22nd, 2019**. For your convenience, the document is in a fillable word format. Upon completion, please email a scanned copy of the signed assurance to Corina.Herrera@vdot.virginia.gov

Please note that the signed Title VI assurances will be collected every four (4) years to coincide with the VDOT STIP Development Process. However, should a new Executive Director come on board, or the authorized designee who signed the document were to leave your organization, please notify us so we can assist you with the steps for the submittal of an updated document.

Mr. Dan Brugh
October 22, 2019
Page 2

Thank you for your attention to this request and your cooperation in working with us to keep in compliance with the stated requirement. If you have any questions, please do not hesitate to contact Ms. Herrera or me at Sandra.Norman@vdot.virginia.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sandra", with a large, sweeping flourish extending to the right.

Sandra D. Norman
Civil Rights Division Administrator / Title VI Coordinator

Attachment

Cc: Wendy Thomas, VDOT - FPMD Division Administrator
Marsha Fiol, VDOT - TMPD Division Administrator

New River Valley Metropolitan Planning Organization
TITLE VI / NONDISCRIMINATION ASSURANCE
(DOT Order No.1050.2A)

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

Statutory/Regulatory Authorities

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

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

General Assurance

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

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

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

Specific Assurances

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

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

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

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

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

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

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

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

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

New River Valley MPO

by _____

F. Craig Meadows, Chairman

DATED _____

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

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

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

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

APPENDIX B
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

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

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

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

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *Click here to enter name of PDC or MPO* pursuant to the provisions of Assurance 7(a):

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

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

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *Click here to enter name of PDC or MPO* pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the *Click here to enter name of PDC or MPO* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the *Click here to enter name of PDC or MPO* will there upon revert to and vest in and become the absolute property of the *Click here to enter name of PDC or MPO* and its assigns.*

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

APPENDIX E

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

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

Pertinent Nondiscrimination Authorities:

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

***New River Valley
Metropolitan Planning Organization***

November 7, 2019

**Resolution to authorize the Executive Director/ Chairman to execute annual FTA
Certifications and Assurances.**

On a motion by _____, seconded by _____ and carried unanimously,

WHEREAS, the MPO receives funding from FhWA through VDOT for expenditures made for MPO activities; and

WHEREAS, the MPO needs to annually certify that the MPO is adhering to all Federal Regulations.

NOW, THEREFORE, BE IT RESOLVED, the MPO Policy Board authorizes the Executive Director/Chairman to execute the Assurances for VDOT and FhWA.

F. Craig Meadows, Chairman

We made
through our
first year!
Now What?



July 21st, 2018 – July 20th, 2019



MEMBERSHIP

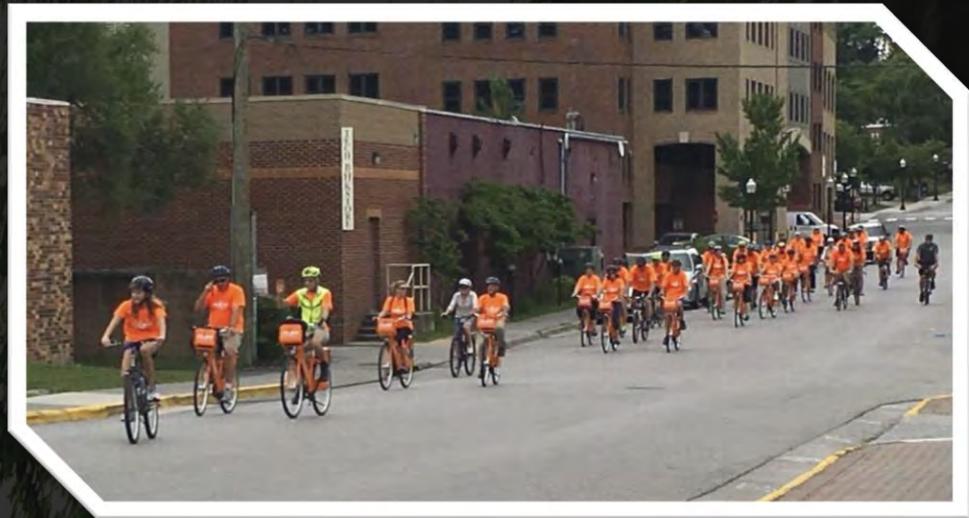
2,827 All Time Members

2,676 New Signups

2,289 Active Members



- **8,337** Trips Taken
- **806,534** Calories Burned
(Equal to about 7,000 donuts!)
- **17,780.42** Pounds of Carbon Reduced
(The average CO2 emissions per passenger vehicle per year is 4.75 metric tons)
 - **\$11,694.00** Saved
(The average U.S. American spends about \$2,000 a year on gas)

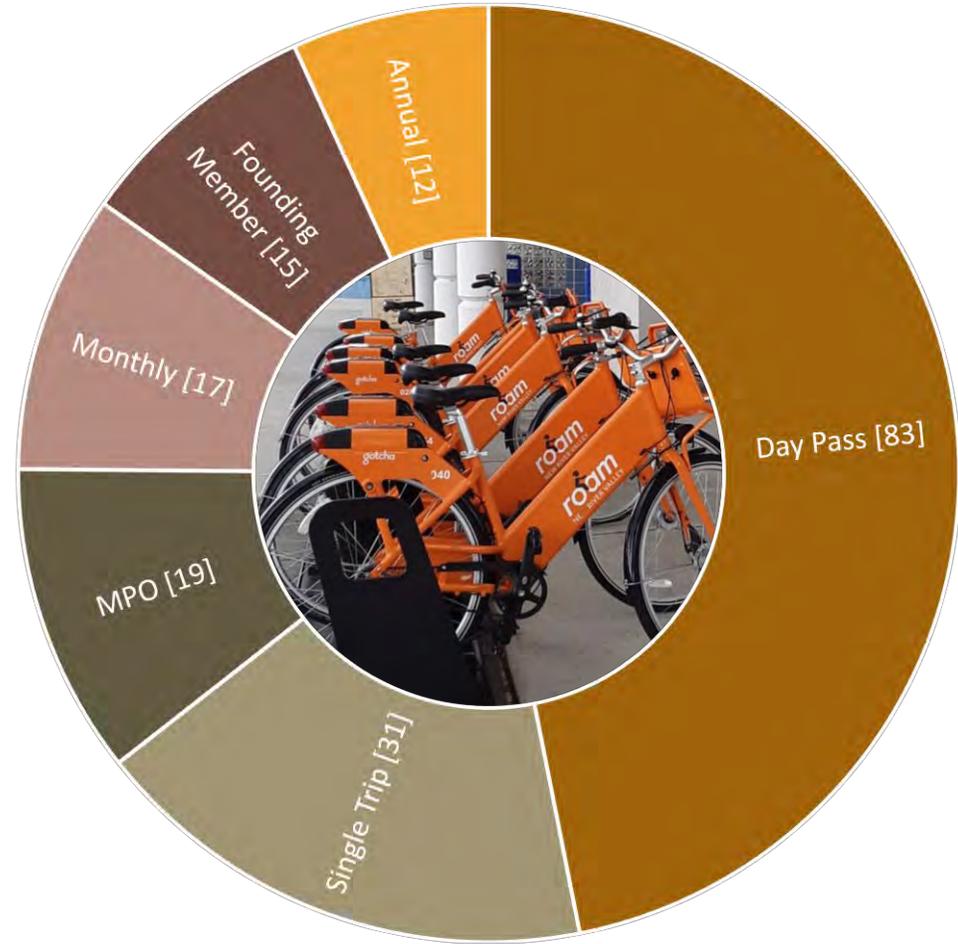


- 20,163.36 miles biked
Ave Trip Distance: 2.2 miles
- 3,915 hours 16 minutes
Average Trip Duration: 29 minutes
Average Rental Time: 9:55

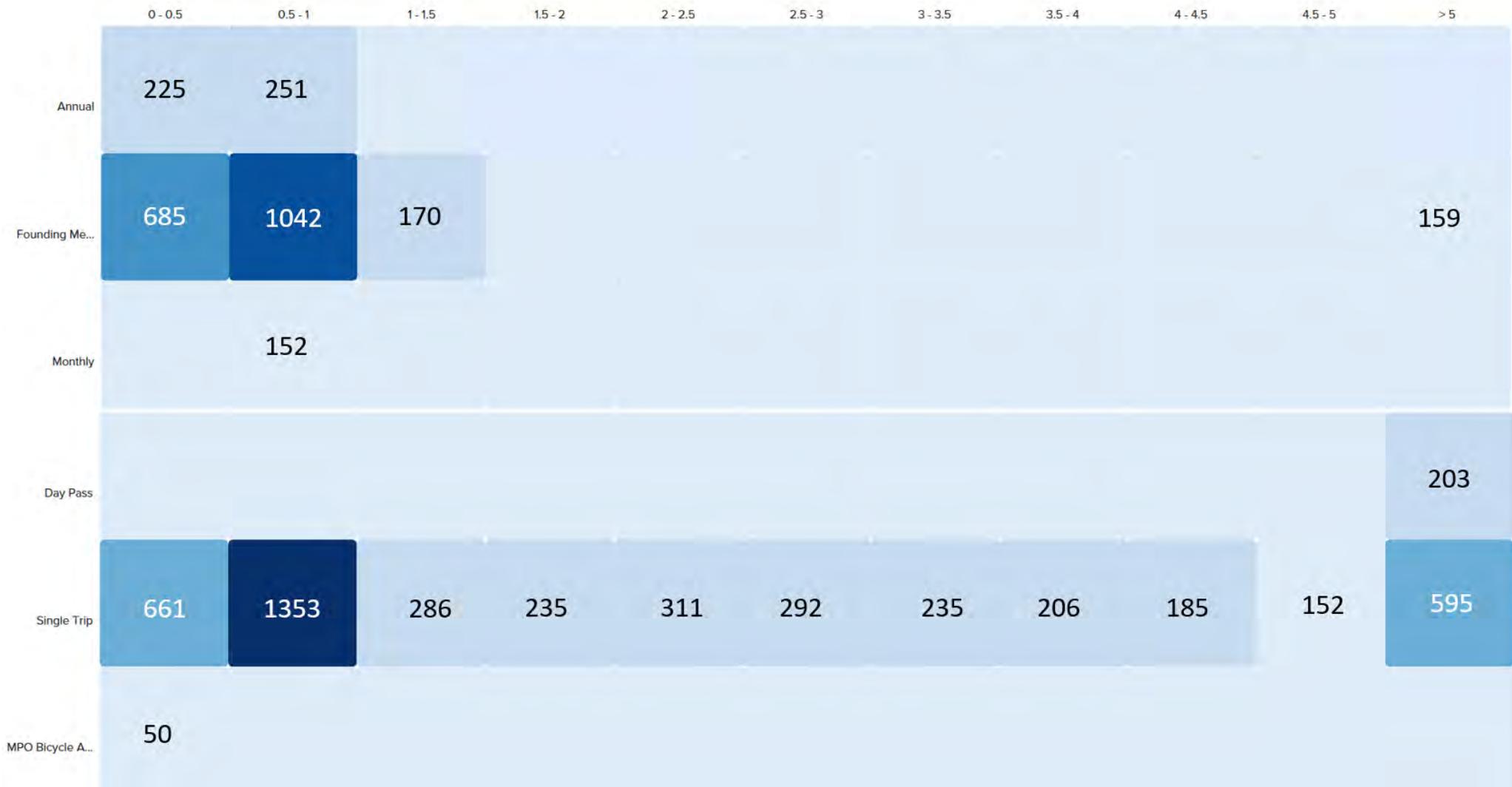
Average Trips Distance [miles]



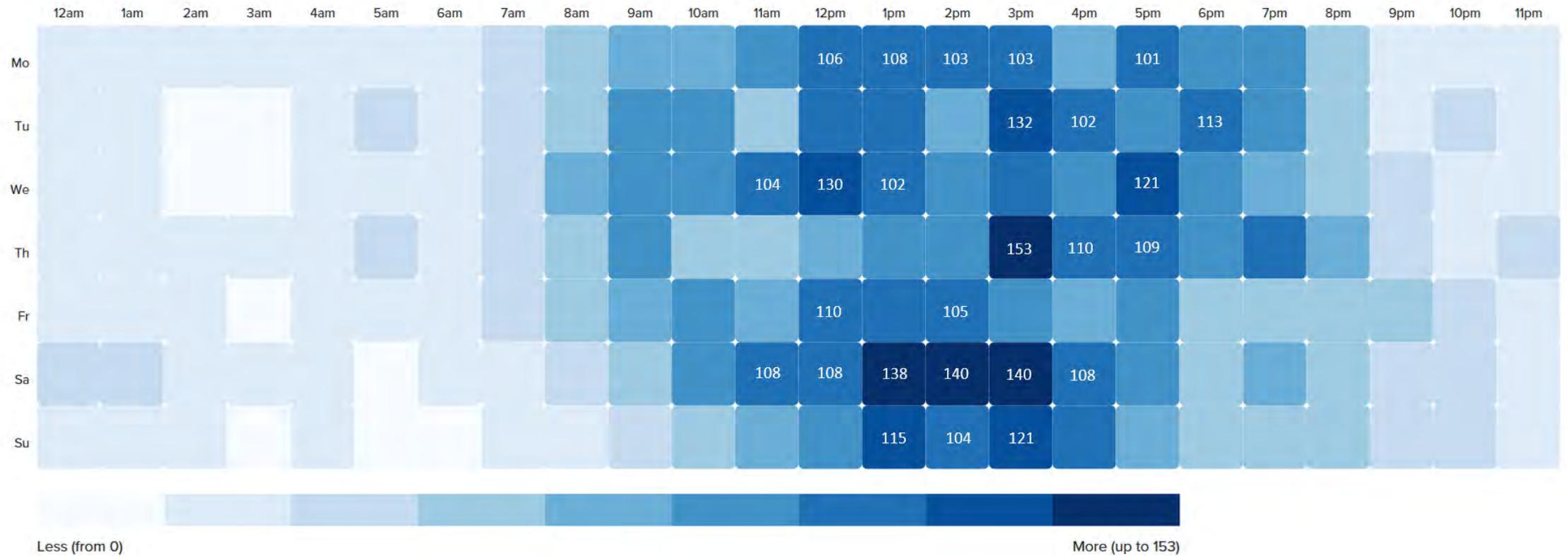
Average Trips Duration [minutes]



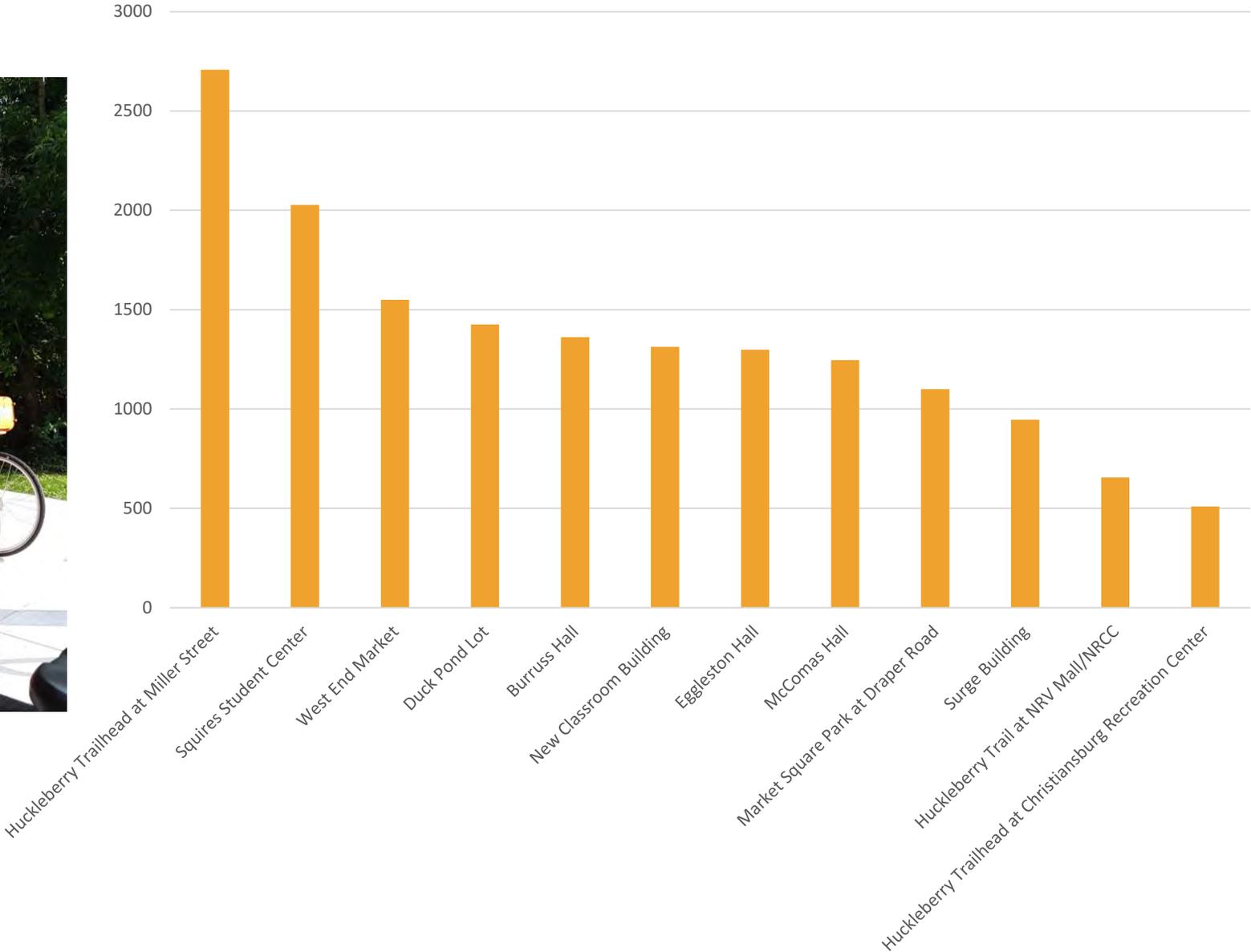
TRIPS AMOUNT PER DISTANCE (DISTANCE IN MILES)



Overall Trips Frequency



Most Popular Hubs



Memberships

- Overall membership went down 27.17%
- Total Monthly Sign-ups: 301 (last year) vs. 229 (this year)
- Out of the four types of memberships the Single Trip consistently remains the highest used option (2,156 total for year 1): 189 vs. 207
- Single Trip use increased by 9.09%

Trips

- Total trips taken increased by 54.31%
- Total Monthly Trips: 397 (last year) vs. 693 (this year)

Bike Maintenance

- Bike availability for last year was 88.46% and 83.13% this year
- Maintenance issues reported: 12 (last year) vs. 22 (this year)

Hubs

- Last year: the Huckleberry Trailhead at Miller St., Squires, and Eggleston Hall were the busiest
- This year: the Huckleberry Trailhead at Miller St. and Squires, as well as Burruss Hall and West End Market were the busiest hubs

Snapshot: July 2018 vs. 2019

Memberships

- Overall membership went down 80.6%
- Total Monthly Sign-ups: 510 (last year) vs. 217 (this year)
- Out of the four types of memberships the Single Trip consistently remains the highest used option (2,156 total for year 1): 236 vs. 192
- Single Trip use decreased by 20.96%

Trips

- Total trips taken decreased 80.86%
- Total Monthly Trips: 1,537 (last year) vs. 652 (this year)

Bike Maintenance

- Bike availability for last year was 91.97% and 84.32% for this year
- Maintenance issues reported: 40 (last year) vs. 16 (this year)

Hubs

- Last year: the Huckleberry Trailhead at Miller St., Squires, McComas Hall, and New Classroom Bldg. were the busiest during 2018
- This year: same as July

Snapshot: August 2018 vs. 2019

WHEREAS, The MPO Policy Board has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Policy Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, The MPO Policy Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as identified in the motion conveying the closed meeting were heard, discussed or considered by the Policy Board.

VOTE:

AYES: Craig Meadows, Mary Biggs, Kali Casper, Michael Sutphin, Randy Wingfield, Melissa Skelton, and David Clark.

NAYS: None

ABSENT DURING VOTE: Michael Barber and Joe Guthrie

ABSENT DURING MEETING: Michael Barber and Joe Guthrie

**ANNUAL PERFORMANCE REVIEW OF EXECUTIVE DIRECTOR AND
AMENDMENT TO EMPLOYMENT AGREEMENT**

Based on Dan's annual performance review a one-time bonus of 3% was recommended.

**New River Valley
Metropolitan Planning Organization
755 Roanoke Street
Christiansburg, VA 24073**

July 26, 2018

Amendment to Employment Agreement

By Consensus of the Policy Board a one-time bonus of 3% will be awarded to Mr. Brugh for his performance for the period of July 1, 2017 through June 30, 2018.

BE IT RESOLVED, By the MPO Policy Board that Section (4)1 of the Employment Agreement between John Daniel Brugh and the ~~Blacksburg/Christiansburg/ Montgomery Area~~ New River Valley Metropolitan Planning Organization dated July 22, 2003 is hereby amended effective July 26, 2018 as follows:

(4) COMPENSATION

1. Salary

The MPO shall pay Brugh an annual salary rate of ~~\$48,000 \$48,960 \$51,408 \$53,464 \$55,600 \$58,380 \$59,548, \$61,334, \$66,057~~(5.7% retirement adjustment, 2% performance), ~~\$68,039, \$69740, \$72,530, \$74,706, \$76,574~~, annual salary shall be paid to Brugh in a manner applicable to the fiscal agent for the MPO. The MPO and Brugh may mutually agree to adjust the salary of Brugh during the term of this Agreement. Any adjustment made during the life of this agreement shall be in the form of an amendment and become part of this agreement, but it shall not be deemed that MPO and Brugh have entered into a new agreement. It is agreed that MPO shall review Brugh's performance June of each calendar year.

Attest: _____
F. Craig Meadows, Chairman