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**STATE DEPARTMENT OF HIGHWAYS  
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March 27, 1990

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CONTACT:

Section 16b(2) Grant Program  
Application Procedures

D-11  
(512) 483-3654  
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Hector P. Garcia, M.D.  
American G.I. Forum of the U.S.  
1315 Bright Street  
Corpus Christi, TX 78405

Dear Dr. Garcia:

As discussed with Mr. Ed Collins of this office, we are sending you the application procedures for the Section 16b(2) Grant Program. The Section 16b(2) grant is provided to private nonprofit organizations that provide transportation services to elderly and/or handicapped citizens. The funding for this program is 80% Federal and 20% Local.

Unfortunately, the program does not provide funding for the operation of the vehicles. Therefore, you may want to contact either Mr. Ronnie Gipson of the Texas Department on Aging at (512) 444-2727 or Mr. Jim Allison of the Texas Department of Human Services at (512) 338-6572 to discuss the possibilities of their assistance with the operating costs.

Mr. John Stringer of our Corpus Christi District Office will be your contact person for all phases of the grant process. Mr. Stringer can be reached at (512) 855-8281.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard G. Christie".

Richard G. Christie  
Director, Public Transportation

GW/kac

Attachments

cc: Mr. Ronnie Gipson  
Mr. Jim Allison

STATE OF TEXAS  
 HANDICAPPED AND ELDERLY TRANSPORTATION  
 SECTION 16b(2) GRANT PROGRAM APPLICATION PROCEDURES

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SECTION I. - INTRODUCTION

## STATE OF TEXAS

## SECTION 16b(2) CAPITAL ASSISTANCE PROGRAM

## SECTION I - INTRODUCTION

## A. Statutory Authority

Section 16 of the Urban Mass Transportation Act (UMT Act) declares it to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation should contain provisions implementing this policy. Section 16 has two parts. Section 16b(1) authorizes the Secretary of Transportation to make grants to States and local bodies to carry out this policy. The provisions of Section 16b(1) are incorporated into Section 3/Section 9 capital grant program requirements and objectives. Consequently, no funds have been set-aside or obligated specifically for Section 16b(1). Section 16b(2) authorizes the Secretary to make grants to private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly and handicapped persons for whom urban mass transportation services are unavailable, insufficient or inappropriate.

## B. Goals and Objectives

The goal of the Section 16b(2) program is to provide assistance in meeting the transportation needs of elderly and handicapped persons where public transportation services are unavailable, insufficient or inappropriate. The Section 16b(2) program is designed to supplement the Urban Mass Transportation Administration's (UMTA) other capital assistance programs by funding transportation projects for the elderly and handicapped in all areas--urbanized, small urban, and rural. Although grant recipients are private nonprofit organizations which usually have specific clientele, transportation services funded under this program may be open to all elderly and handicapped persons once the immediate transportation needs of the grant recipient's organization are satisfied.

Objectives for the program in Texas are as follows:

1. To expand Section 16b(2)-funded transportation services to all areas of the State where local support and the demand for those services exist.
2. To fully integrate the Section 16b(2) program with other funding sources including, but not limited to, Titles III (elderly) and XIX (Medicaid).
3. To increase elderly and handicapped transportation ridership by 10% per year without an increase in funding levels for Section 16b(2) operators.
4. To improve the efficiency of the program by monitoring performance measures such as cost/vehicle mile.
5. To improve the effectiveness of the program by monitoring performance measures such as passengers/mile.
6. To limit administrative expenses of all Section 16b(2) funded systems to no more than 30% of total system costs.
7. To increase the revenues of each system (and reduce the deficits) by encouraging the operators to collect amounts equal to at least 30% of total costs from farebox and subscription service revenue.
8. To utilize the private sector in the provision of goods and services in an amount equal to at least 10% of non-capital funding.
9. To enhance the safety of all elderly and handicapped systems through the provision of a full curriculum of training courses.

Applications for Section 16b(2) funding will be evaluated on the basis of these goals and objectives. Further, the performance of all Section 16b(2) systems will be monitored to measure the achievement of program goals and objectives.

#### C. Grant Administration

The State Department of Highways and Public Transportation has been designated by the Governor to administer the Section 16b(2) program in Texas on behalf of the Urban Mass Transportation Administration. Interested parties should contact the nearest SDHPT District Office for additional information.

#### D. Federal Matching Requirements

The federal share of eligible capital costs will not exceed 80 percent of the net cost of the program. The local share of the eligible capital costs shall be no less than 20 percent of the net cost of the program. All of the local share must be provided from sources other than Federal funds. The only exceptions are Federal revenue sharing funds, Appalachian Regional Commission funds, and Housing and Urban Development (HUD) Community Development Block Grant funds, which may be treated as local funds. The 20% local match share must be paid in cash by the private nonprofit organization. No refund or reduction of the amount of the required local contribution may be made at any time without a proportionate refund or reduction of the amount of the Federal grant.

##### 1. Eligible Capital Expenses

Funds for the Section 16b(2) program are available for capital expenses only, to support the provision of transportation services to meet the special needs of elderly and handicapped persons.

Due to the overwhelming need to transport the elderly and handicapped in Texas, only buses, vans or other paratransit vehicles are eligible for funding.

#### E. Use of Vehicles

Vehicles purchased under this program may be used only in the following ways:

1. By the private nonprofit organization as described in the application;
2. By private nonprofit organizations in coordinated services for a variety of elderly and/or handicapped persons. However, please keep in mind that the service proposed in the application must be provided.
3. By a private for-profit operator, by lease or other contractual agreement with the private nonprofit organization only for the services identified in the grant application. Vehicles acquired by private nonprofit agencies may be leased to private for-profit companies where such companies could not otherwise provide required services and where such arrangements result in more efficient and effective service for elderly and handicapped persons.

When vehicles or other equipment are operated by any agent other than the private nonprofit organization named in the grant application, control and responsibility for the operation of the

vehicles or other equipment must remain with the private nonprofit organization that was the original recipient unless transfer of the control and responsibility is to another eligible private nonprofit organization that has been authorized by the designated State agency.

#### F. The Grant Process

Prospective applicants should first contact their SDHPT District Office. District personnel will be able to give you certain pointers on the application process based on their past experience. Completing the application is the first phase of the grant process and that will be explained in more detail in the following sections. However, a flow chart is included in the Appendix to give you an idea of what steps you will have to take after the application is complete. Again, your District grant manager will be able to provide valuable assistance during all phases of the grant, so it is extremely important that you maintain close contact with that individual.

After you have completed the application, it will be placed in the program of projects (POP) which is prepared by the State once a year and becomes the basis for UMTA approval of the Statewide Section 16b(2) program for that year. The POP includes three categories:

Category A - Projects which have met all the requirements and which are ready to be funded.

Category B - Projects which have been identified but which have not met all the requirements.

Category C - Projects not yet identified; Category C also serves as a contingency fund for overruns on approved projects.

Once UMTA approval of the annual POP has been obtained and the UMTA/State contract signed, the SDHPT merely notifies UMTA when a project is advanced to Category A. The SDHPT then prepares the necessary contract between the State and the local grant recipient. If sufficient funds are available at the time of application, this process can be accomplished within several weeks.

However, the demand for Section 16b(2) funds has been so great in recent years that most of the projects are already listed in Category A when UMTA approves the annual program. This means that there is very little money available for other projects for the balance of the year. New applicants may consequently have to wait for nine months or more until Congress appropriates another year's funding for the Section 16b(2) program. The SDHPT District Offices will be able to tell a prospective applicant if a long wait is anticipated or if immediate approval is possible.

SECTION II - INSTRUCTIONS FOR PREPARING THE APPLICATION

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SECTION II - INSTRUCTIONS FOR PREPARING THE  
APPLICATION FOR A SECTION 16b(2) GRANT

PLEASE READ THIS ENTIRE PACKAGE BEFORE BEGINNING WORK ON YOUR PROPOSAL.

If at any time during the preparation of these forms you have a question, please contact your local District Grant Manager:

Name of District Grant Manager \_\_\_\_\_  
State Department of Highways & Public Transportation  
Address \_\_\_\_\_  
Phone ( ) \_\_\_\_\_

- A. CERTIFICATION OF PRIVATE NONPROFIT STATUS-- as stated on the form, if you cannot sign the form for any reason, do not continue with the application. This grant is made to Private Nonprofit Organizations ONLY.
- B. GENERAL INFORMATION
1. Type in the legal name and address of your organization. This will be the name that appears on your charter or Articles of Incorporation.
  2. This should be the contact person for the grant in case there are questions, etc.
  3. The Vendor Identification Number - You must apply for this 14-digit number, using your Federal Employer's ID No. if you do not already have one. In order to receive reimbursement you must have this number. You may check with the Comptroller of Public Accounts to see if your agency already has one. Check your local phone book to see if there is a local office, if not, you may call (512) 463-3660 and ask them to check for you. If your agency does not have this number, you must apply for it. In most areas, the State Department of Highways and Public Transportation District Accounting Office will have these forms; therefore, check with your District Grant Manager to see if the forms are available. If the District Office does not have them, call the number above or write to:

Comptroller of Public Accounts  
Revenue Accounting Division  
111 E. 17th Street  
Austin, TX 78774

Attention: Vendor File Section

4. An urbanized area is any city that has 50,000+ population according to the latest census. If your agency is in an urbanized area, place an "X" in the blank and add the name of the city.

If your agency is in a nonurbanized area (which is defined as any area outside of an urbanized area) place an "X" in the blank and add the name of the urbanized area nearest your location.

5. Break down, by category, the people you serve. You may check more than one. If you mark "Other" please specify what the category should be.
6. Use the latest U.S. Census information in filling out this section. Insert the total population of your project area in the first blank. Then, break down the total population of your area into the categories shown, by percent of each.
7. The information in this section pertains to the people you serve. How many people do you serve in your area? Place that number in the first blank. Break down your participants by the categories given, by percent.

C. PROPOSED TRANSPORTATION PROJECT:

1. Include all the towns and counties that your organization serves.
2. Vehicle Information:
  - a. How many vehicles are you proposing to purchase under this grant? What type of vehicle(s) are these? You will need to get the SDHPT specifications from the District grant manager.
  - b. List all the vehicles that your agency presently operates and especially the funding source(s) of those vehicles.
  - c. How many of your participants require an accessible vehicle? That means a vehicle that either has a wheelchair lift or a wheelchair ramp.
  - d. How many person trips (one-way) per month are required by a vehicle that has a wheelchair lift or ramp?
3. Break down (by percentage) which types of services you will provide.

4. How will the vehicles you are proposing to purchase under this grant be used in your services (i.e. to replace, expand or start a new system)?

D. SERVICES OF APPLICANT AGENCY:

1. List all the services, other than transportation, that you provide.
2. What kind of transportation services do you currently provide? You should include the days and hours of service, how often each day, destinations of trips and if you charge a fare. Attach additional sheets if necessary.
3. How will you use the proposed vehicles? Add additional sheets if necessary.
4. What are the advantages/benefits of this proposed grant for your participants?
5. Have you checked into other funding sources for this transportation? If so, please explain the results.

E. ESTIMATED CAPITAL BUDGET FOR TRANSPORTATION PROJECT:

1. This is a very important part of the application. At this time, you will need information from the District grant manager to help you decide which type of vehicle your agency needs. The grant manager will supply you with the appropriate specifications for the vehicle type you will need. Behind the budget page you will find a brief description of each type of vehicle.

It is true that we are asking for an estimated cost; however, we want to avoid problems we have encountered in the past (i.e. unrealistic prices of equipment/vehicles). Therefore, we have been keeping track of the bids awarded. You may get a copy of the Purchase Orders Awarded report from the District grant manager. Keep in mind that the costs for tax, title and license fees are not included in the costs on the report; therefore, you will need to estimate this cost and add it to the vehicle estimate, if you expect to be reimbursed for them.

Estimated Cost of Other Equipment - At this time we are not allowing the purchase of the following: computers, mobile radios or shelters. The need for transportation for the elderly and handicapped is so great that we will be purchasing only vehicles until further notice.

Multiply the total estimated cost by 5% (.05) to get the contingencies. This amount is a cushion and will be used only if the costs exceed those estimated. Add that amount to the total estimate of costs to get the total estimated cost of the project.

Take the total estimated cost of the project and multiply it by 80% (.80) to get the amount of money you are requesting from the grant program. Likewise, take the total estimated cost of the project and multiply it by 20% (.20) to get the amount of cash you will need when the vehicle is delivered.

2. If your other funding sources will supply, or help supply, the 20% match for the vehicle(s) or assist in the operating expenses, you must attach a letter from each source stating that their funds can be used for these expenses. (See Samples 1 and 1A.) The SDHPT believes it is important that all funding sources be advised of the proposed usage of their monies in conjunction with the Section 16b(2) program and then asked to provide the required match documentation letter. Also, the SDHPT needs to be assured that the necessary local contribution is available to the applicant and must also know if there are time limits on those funds. With respect to the latter point, the Department would need to alert a prospective applicant if it appeared that grant equipment could not be obtained before a match deadline expired. Some grant recipients obtain matching funds from individuals who wish to remain anonymous. The applicant agency can certify the availability of the local share in such cases.
3. It will be necessary for you to break down your annual administrative and operating costs to fill in these spaces. This will be the expenses related to the vehicle(s) obtained through this grant.

Even if your drivers are volunteers, you will need to place a dollar value on their services.

#### F. PLANNING REVIEW

1. Applicants located in metropolitan areas (50,000 population or greater) must comply with Federal planning requirements. The Governor's Office has designated a Metropolitan Planning Organization (MPO) in each of those areas to oversee the planning process. The MPO develops, in conjunction with other interested parties, a Transportation Improvement Program (TIP) which describes the various transportation activities to be carried out over a multi-year period. This includes highway projects, city street improvements and public transportation grants. Before a Section 16b(2) application can be approved, the project must be listed in the Annual Element of the TIP. This assures UMTA that all

planning requirements have been met. Applicants who are not familiar with the MPO's procedures for updating the TIP may contact the SDHPT District Office for further information. However, it is the applicant's responsibility to work with the MPO staff to complete this requirement. (NOTE: If you are outside the metropolitan area, an area of less than 50,000 population, this requirement will not apply to you.)

2. All Section 16b(2) grant applications must be submitted for Texas Review and Comment System (TRACS) evaluation by the regional clearinghouse. (This formerly was known as the A-95 review.) In most areas, the Councils of Governments perform the regional TRACS review. The regional clearinghouse will inform all other interested agencies or local governments, examine the project from the comprehensive planning point of view and arrange for any necessary follow-up conferences with the applicant and interested agencies or local governments. The purpose of this requirement is to avoid duplication of service and insure that all publicly funded services are consistent with areawide plans.

You must notify the TRACS clearinghouse of your intention to apply for Section 16b(2) funding and transmit all information necessary for the review. Do this well in advance as the TRACS meetings are usually scheduled for a particular time each month and you need to be aware of any deadlines. Your final application must include copies of the comments and/or recommendations received from the regional TRACS clearinghouse.

#### G. EVALUATION DATA SHEET

A formal evaluation process has been developed for the Section 16b(2) program. Your application will be automatically disqualified if you do not provide all of the information requested on this data sheet. Item 1 should be self-explanatory. If you will be selling old equipment which was purchased with Federal funds originally, be sure you note the Federal participation but list the full market value. The price estimates from other transportation operators (item 2) is explained more fully in the section dealing with Private Sector Involvement.

On item 3, use your total system miles and not just the mileage for which you carried passengers. (Some systems keep track of their loaded vs. unloaded mileage. To be sure the comparisons are all done using the same basis, include total mileage, i.e. loaded + unloaded miles.) Contact your District grant manager if you do not understand any of these questions because this is a very important part of the application.

## H. ATTACHMENTS TO THE APPLICATION

All of the standard assurances you (or an authorized official of your organization or legal counsel) will have to sign have been grouped together in the second section of the application. The SDHPT must have the original signatures on the application and attachments. Also be sure each assurance is dated.

### 1. LOCAL CIVIL RIGHTS ASSURANCE

This is very similar to the first assurance and is necessary because you will be a local recipient of Federal financial assistance.

### 2. SECTION 504 ASSURANCE

In this assurance, you agree to operate your programs in such a way as to provide equal access to handicapped persons. If you are familiar with the Section 504 regulations, this assures your compliance with those rules.

### 3. PUBLIC INVOLVEMENT

Applicants for Section 16b(2) are required to provide an opportunity for comment by the public. This means publishing two notices, a week apart, in area newspapers giving interested parties a chance to comment (see Sample 2). Public notices should be published in the newspaper(s) having general circulation in the vicinity of the proposed project and a copy (as published) must be furnished to the SDHPT District Office at the time of publication.

If no comments are received in response to the notices, you should include a signed statement to that effect in your application (see Sample 3). The deadline for submission of comments may not be less than 21 days after the date of publication of the first notice and no less than 14 days after the date of publication of the second notice.

### 4. PRIVATE SECTOR PARTICIPATION

Federal guidelines state that applicants for Section 16b(2) funds must notify private sector transportation operators (taxicab companies and intercity bus lines) as well as private nonprofit operators of the proposed service and obtain their views. The objective is to use the private sector whenever possible and either avoid spending public funds altogether or to channel those funds to the private sector when it is feasible.

There is sometimes a reluctance on the part of organizations who serve handicapped persons or others who require special assistance to use local taxicab companies or bus lines. Indeed, this may not always be the appropriate method of transportation. However, all applicants for Section 16b(2) funding must make a good faith effort to work with the private sector (and human service transportation providers).

The first step in this process is to compile a listing of all private and public transportation operators; check with your SDHPT District grant manager to see if you have overlooked any known systems. Then you must mail each of those operators a certified letter with a copy of the "Bid Form for Private Sector/Private Nonprofit Operators" (Samples 4 and 5). You are required to mail this material to every bus (intercity and intracity), taxicab and nonprofit organization in your proposed service area. The certified letter gives you proof that you mailed the required notice to all transportation operators in case there is a question in the future.

You must complete a portion of the Bid Form before you mail it. Put the name of your organization in the blank at the top and be sure to list the name of the contact person in your agency as well as a telephone number. Attach detailed information on the type of services you intend to provide so that each bidder can prepare an estimate of what it would cost their firm/agency to provide the same services. In order to encourage private sector participation, you may want to divide your current/proposed service by County (or other unit) and request bids on that basis. Another option would be to identify fixed-route services that might be more efficiently provided by a private operator. Indicate in your description if bids will be accepted on portions of your total service plan. You must also complete the address of the SDHPT District Office as that is where the completed bids will be mailed (the District grant manager will provide you copies of all bids received). Finally, include a deadline date which gives potential bidders at least 20 working days to respond.

It is your responsibility to fully describe any special requirements your prospective riders may have (such as lift-equipped vehicles or a particular schedule for work trips). You must understand that if a private sector firm (or a human services transportation provider) indicates that they can operate the system for a lower cost than your organization, you may be required to subcontract with that bidder as a condition of any Section 16b(2) grant. You may appeal that decision in the following way:

- The first level of appeal consists of a review by a local body. Various options include (1) the local Texas Review and Comment System (TRACS) agency; (2) a designated arbitrator available thru organizations such as the Better Business Bureau; and (3) a special committee representing

both public and private sector interests. The SDHPT District Office, in consultation with the parties to the appeal, will select the most appropriate appellate body. If all parties are in agreement after the first level of appeal, the application will then be processed in accordance with the recommendations of the appellate body.

--If all parties are not satisfied with the first level recommendation, the matter will then be referred to the chairmen of the SDHPT's four advisory committees and a staff member of the Transportation Planning Division (D-10). The advisory committees represent the (1) municipal transit systems, (2) taxicab industry, (3) intercity bus operators and (4) non-urbanized/elderly and handicapped transportation systems. If all parties are in agreement after the second level of appeal, the application will then be processed in accordance with the recommendations of the appellate body.

--The Urban Mass Transportation Administration (UMTA) will entertain complaints from private enterprise organizations only upon procedural grounds based on the following claims: (1) that the local project development process has not established procedures for the maximum feasible participation of private transportation providers consistent with the spirit of the Federal policy; or (2) that the local procedures were not followed; or (3) that the State hearing and appeals procedures do not provide for fair resolution of local disputes. The UMTA will not review disputes concerning the substance of local decisions regarding service or who should provide the service. Nor will UMTA entertain procedural protests prior to a disposition of complaints at the local and State levels.

Documentation for this attachment will be the bids received from the private sector/nonprofit operators along with any additional narrative you wish to provide. Any appeals should be documented by the body which is considering the appeal; this material must also be included in this section.

##### 5. FISCAL AND MANAGERIAL CAPABILITY CERTIFICATION

The chairperson, or an official authorized to make this certification for the organization, must sign this form.

##### 6. VERIFICATION

The chairperson, or an official authorized to make the verification, must sign this form.

SECTION III. - APPLICATION FOR CAPITAL ASSISTANCE

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SECTION III. - SECTION 16b(2) GRANT PROGRAM APPLICATION FOR CAPITAL ASSISTANCE

A. CERTIFICATION OF PRIVATE NONPROFIT STATUS

The following definitions were taken from the U. S. Department of Transportation, Urban Mass Transportation Administration Circular UMTA C 9070.1A dated May 14, 1985:

PRIVATE - means nonpublic, to wit: bodies which are not municipalities or other political subdivisions of States; are not public agencies or instrumentalities of one or more States; are not Indian tribes (except private nonprofit corporations formed by Indian tribes); are not public corporations, boards, or commissions established under the law of any State; or are not subject to control by public authority, State or municipal.

NONPROFIT ORGANIZATION - means a corporation or association determined by the Secretary of the Treasury to be an organization described by 26 U.S.C. Section 501(c) which is exempt from taxation under 26 U.S.C. Section 501(a) or Section 101 or one which has been determined under State law to be nonprofit and for which the designated State agency has received documentation certifying the status of the nonprofit organization.

In other words, a private nonprofit organization is not subject to control by public authority, State or municipal and it has been designated by the Secretary of the Treasury or by State law to be a nonprofit organization.

I hereby certify that \_\_\_\_\_ (Organization Name) is a private nonprofit organization as defined above. I understand that if, in the future, it is found that this organization is not a private nonprofit organization, \_\_\_\_\_ (Organization Name) is liable for all costs incurred.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Person authorized to sign)

\_\_\_\_\_  
(Name of Organization)

NOTE: If you cannot sign this form for any reason, do not continue with the application.