

Certifications & Assurances

Fiscal Year 2021

For Federal fiscal year 2021, FTA made the following changes to the annual Certifications and Assurances. This document is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Added coronavirus relief and CARES Act certification

The Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Pub. L. 116–260, Div. M), requires that, to the maximum extent possible, funds made available under the Act and in title XII of division B of the CARES Act (Pub. L. 116–136) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation), unless the recipient certifies that it has not furloughed any employees.

Removed certification regarding restricted telecommunications and video surveillance equipment and services

The John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115–232, § 889 (Aug. 13, 2018), prohibits FTA from obligating or expending grant funds to acquire “covered telecommunications equipment or services” from companies based in the People’s Republic of China after August 13, 2020. For Fiscal Year 2020, FTA required applicants to certify that they would not use Federal funds to acquire the covered equipment or services after the effective date. The covered equipment and services still are ineligible for Federal funding, however, in August 2020, the U.S. Office of Management and Budget added a new regulation, 2 CFR § 200.216 (“Prohibition on certain telecommunications and video surveillance services or equipment”), rendering FTA’s certification unnecessary.

Updated certification regarding public transportation agency safety plans (PTASP)

For Fiscal Year 2020, FTA required this certification from each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 CFR § 673.11(d) by July 20, 2020. FTA updated the annotation before this certification to reflect that the effective date has passed and certification is required.



(Note: On April 22, 2020, FTA published a temporary Notice of Enforcement Discretion stating that, in light of the extraordinary operational challenges presented by the COVID-19 public health emergency, FTA would refrain from taking enforcement action until December 31, 2020, if an FTA recipient or subrecipient subject to the PTASP regulation is unable to certify that it has established an Agency Safety Plan that complies with the regulation. On December 11, 2020, FTA published a second Notice of Enforcement Discretion extending the period of nonenforcement to July 20, 2021.)

Added catch-all certification for Public Transportation on Indian Reservations Formula and Discretionary Programs (Tribal Transit Programs)

To reduce confusion and administrative burden on federally recognized Indian tribes, FTA created a catch-all certification for the Tribal Transit Programs. Tribal Transit Program applicants may certify to this catch-all Category and Category 1 (Certifications and Assurances Required of Every Applicant), and need not make any other certification to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.