

**FTA FISCAL YEAR 2017 AGREEMENTS  
COMPARED WITH  
FTA FISCAL YEAR 2016 AGREEMENTS**

Grant Agreement and Cooperative Agreement

The numbers and dates of the Fiscal Year 2017 Grant Agreement and Cooperative Agreement are as follows:

1. Grant Agreement, FTA G-23, October 1, 2016, and
2. Cooperative Agreement, FTA C-23, October 1, 2016.

Master Agreement

Following are the substantive changes to the Master Agreement:

1. Cover Page. The document number and date for the new Master Agreement is FTA MA(23), October 1, 2016.
2. Section 2, “Definitions.” We have made the following changes:
  - a. We have substituted the term “Major Credit Agreement” for “Federal Credit Instrument,” but the provisions of the definitions are identical and unchanged.
  - b. We have included the term “Direct Recipient” within the definition of “Recipient,” and have stated that a private for-profit entity may be a “Recipient.”
3. Section 3, “Implementation.” We have made the following changes:
  - a. We have added a subparagraph explaining that FTA is applying the standards of U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. part 1201, and Subparts A through E of U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. part 200, to private for-profit entities, except to the extent FTA determines otherwise in writing.
  - b. We have stated that unless FTA determines otherwise in writing, the Cost Principles of subpart 31.2 of the Federal Acquisition Regulation, which permits the payment of profits or fees for work under procurement contracts, will not apply to private for-profit entities.
  - c. We have expanded the provision exempting 49 U.S.C. § 5307 a designated recipient from responsibility for assuring compliance with federal requirements when an entity other than that designated recipient applies for and is awarded section 5307 funds. Now any designated recipient as defined under 49 U.S.C. § 5302 is exempted from responsibility for assuring compliance with federal requirements when other than that designated recipient applies for and is awarded funding under any section of 49 U.S.C. chapter 53.
4. Section 4, “Ethics.” We have added new subsections pertaining to a recipient’s tax liability, if any, and felony convictions, if any.

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5. Section 7, “Payments to the Recipient.” We have added a provision stating that applicable guidance may in some cases constrain the Recipient or Subrecipient’s use of profits it may earn after the period of performance of its Award has been completed.
6. Section 8, “Records and Reports Related to the Award and Underlying Agreement.” We have added a reference to FTA regulations, “Transit Asset Management; National Transit Database,” 49 C.F.R. parts 625 and 630.
7. Section 12, “Civil Rights.” We have added:
  - a. Gender identity to the list of prohibitions against discrimination in federal public transportation programs, as provided under 49 U.S.C. § 5332,
  - b. A reference to the latest edition of FTA Circular 4704.1, “Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients,” and
  - c. A reference to FTA Circular 4710.1, “Americans with Disabilities Act: Guidance.”
8. Section 16, “Procurement.” Throughout this section, we have added clauses required by 2 C.F.R. part 200, appendix II to be included in the procurement provisions of third party contracts. These include:
  - a. Violations or Breaches of Third Party Contracts Exceeding the Simplified Acquisition Threshold (now set at \$150,000),
  - b. Termination.
  - c. Equal Employment Opportunity
  - d. Davis-Bacon Act,
  - e. Contract Work Hours and Safety Standards Act,
  - f. Rights to Inventions Made Under a Contract or Agreement,
  - g. Clean Air Act,
  - h. Debarment and Suspension,
  - i. Byrd Anti-Lobbying Amendment, and
  - j. Solid Waste Disposal and Resource Recovery..
9. Section 18, “Rights in Data and Copyrights.” Pursuant to the “Financial Assistance Policy and Oversight Division DOT Dash 2016-03, Date: April 12, 2016,” we have added the following provisions:
  - a. Provisions required by the U.S. DOT Public Access Plan requiring specific provisions in Grant Agreements and Cooperative Agreements providing license rights to U.S. DOT in data developed under those Grant Agreements or Cooperative Agreements, and
  - b. Provisions explaining that U.S. DOT may be required to release data in accordance with the U.S. Public Access Plan.

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10. Section 19, “Use of Real Property, Equipment, and Supplies.” We have added a reference to FTA regulations, “Transit Asset Management; National Transit Database,” 49 C.F.R. parts 625 and 630.
11. Section 20, “Transit Asset Management.” We have added a reference to FTA regulations, “Transit Asset Management; National Transit Database,” 49 C.F.R. parts 625 and 630.
12. Section 24, “Employee Protections.” We added a reference to U.S. DOL regulations, “Recording and Reporting Occupational Injuries and Illnesses,” 29 C.F.R. part 1904; “Occupational Safety and Health Standards,” 29 C.F.R. part 1910.
13. Section 25, “Early Systems Work Agreement.” We have restored this section to the Master Agreement.
14. Section 26, “Environment.” We have added references to:
  - a. Executive Order No. 11990 relating to “Protection of Wetlands,” and
  - b. FTA’s Final Guidance on the Application of 49 U.S.C. § 5323(q) to Corridor Preservation for a Transit Project, October 17, 2014.
15. Section 32, “Public Transportation Safety.” We have added a reference to FTA regulations, “State Safety Oversight,” 49 C.F.R. part 674, effective April 15, 2016, and information about when those regulations will apply to specific Recipients.
16. Section 44, “Special Provisions for All Public Transportation and Innovation, Technical Assistance, and Workforce Development Programs.” We have changed the headings of FTA’s “research-type” programs for consistency with FTA’s latest enabling legislation, the Fixing America’s Surface Transportation (FAST) Act.