

FTA FISCAL YEAR 2015 AGREEMENTS
COMPARED WITH
FTA FISCAL YEAR 2014 AGREEMENTS

Grant Agreement, Supplemental Agreement, and Cooperative Agreement

The new document numbers and dates are as follows:

1. Grant Agreement, FTA G-21, October 1, 2014,
2. Supplemental Agreement, Attachment to FTA G-21, October 1, 2014, and
3. Cooperative Agreement, FTA C-21, October 1, 2014,

Master Agreement

Below are the important changes to the Fiscal Year (FY) 2015 Master Agreement. We have not identified editorial, text changes, or minor changes to formats, headings, or provisions when the essential meaning is consistent with our previous requirements:

1. Throughout. We have made the following changes:
 - a. We have removed spaces between paragraphs and subparagraphs and have consolidated various terms that are frequently listed together, and
 - b. U.S. Office of Management and Budget (U.S. OMB) has issued its “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. part 200 (Super Circular), which directs Federal agencies to issue regulations implementing this U.S. OMB guidance; therefore, throughout the Master Agreement, we have stated that U.S. Department of Transportation (U.S. DOT) regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 C.F.R. part 1201, when effective, will supersede and apply in lieu of U.S. DOT’s common grant rules, 49 C.F.R. parts 18 and 19, and the Federal Cost Principles Circulars, 2 C.F.R. parts 220, 225, and 230,
2. Cover Page. The document number and date for the new Master Agreement is FTA MA(21), October 1, 2014,
3. Preface, Statutory Authorities. We have added references to:
 - a. The Highway and Transportation Funding Act of 2014, Pub. L. 113-159, August 8, 2014, and
 - b. The Continuing Appropriations Resolution, 2015, Pub. L. 113-164, September 19, 2014, and other Appropriations Acts or Continuing Resolutions funding the Department of Transportation during Fiscal Year 2015,
4. Section 1. We have made the following changes:
 - a. Subsection 1.y. When the “Recipient” is a multi-party entity, to the extent FTA approves, the multi-party entity team may include one or more members that will serve as a third party contractor or subcontractor, rather than as a recipient or

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- subrecipient, but each multi-party entity must have at least one member that serves as the “Recipient,” and
- b. Subparagraph 1.ee(2)(e). We have added “a partner in a joint development venture” as an example of a type of participant that may be eligible to participate in Recipient’s project,
5. Section 2. We have revised the order of the provisions of this “Project Implementation” section, with no substantive change, except to acknowledge that:
- a. New Subsection 2.a. We have created a separate subsection for the “Effective Date” provisions of former paragraph 2.a(2),
- b. New Subsection 2.b. We have created a separate subsection for the “Project Description” provisions of former paragraph 2.a(1),
- c. New Subsection 2.c. We have created a separate subsection for the “Project Implementation” provision of former paragraph 2.a(3),
- d. New Subsection 2.d. We have created a separate subsection for the “Project Completion Dates” provision of former paragraph 2.a(5),
- e. New Subsection 2.e. We have created a separate subsection for the “The Recipient’s Capacity” provisions of former paragraph 2.a(4),
- f. Transferred Subsection 2.f. We have made the following changes:
- (1) We have transferred former subsection 2.b, “U.S. DOT Administrative Requirements,” to subsection 2.f, and
- (2) We have indicated that U.S. DOT’s implementing regulations at 2 C.F.R. part 1201 will supersede 49 C.F.R. parts 18 and 19, when effective,
- g. Transferred Subsection 2.g. We have transferred former subsection 2.c, “Application of Federal, State, and Local Laws, Regulations, and Guidance,” to subsection 2.g, except for subparagraph 2.c(3)(g) “Conflicts Between Federal Requirements and State, Territorial, Local, or Tribal Requirements,” which we have transferred to new subsection to subsection 2.l,
- h. New Subsection 2.h. We have transferred former subsection 2.d, “The Recipient’s Primary Responsibility to Comply with Federal Requirements,” to subsection 2.h,
- i. New Subsection 2.i. We have transferred former subsection 2.e, “The Recipient’s Responsibility to Extend Federal Requirements to Third Party Participants,” to new subsection 2.i,
- j. New Subsection 2.j. We have added a new subsection, “Situations Requiring Prior FTA or Federal Approval in Writing,” to consolidate FTA’s prior concurrence requirements,
- k. New Subsection 2.k. We have made the following changes:
- (1) We have transferred former subsection 2.g, “Changes in Project Performance,” to new paragraph 2.k(1), and
- (2) We have transferred former subsection 2.h, “Notice of Changes in Project Performance,” to new paragraph 2.k(2),
- l. New Subsection 2.l. We have transferred former subparagraph 2.c(3)(g), “Conflicts Between Federal Requirements and State, Territorial, Local, or Tribal

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- Requirements,” to a new subsection 2.l, and
- m. New Subsection 2.m. We have transferred former subsection 2.f, “No Federal Government Commitment or Liability to Third Parties,” to subsection 2.m,
6. Section 5. We have made the following changes.
- a. New Subsection 5.c. We have consolidated the provisions of former subsection 5.c, “Permissible Sources of Local Share if FTA Approves in Writing,” with former subsection 5.d, “Restricted Sources of Local Share,”
- b. Subsection 5.c. We have added a provision explaining that:
- (1) Local share sources differ among FTA’s public transportation assistance programs, and
 - (2) FTA will identify the eligible sources of local share in applicable circulars or otherwise,
- c. Paragraph 5.c(1). We have added our policy that program income generally may not be used for the local share of the Underlying Agreement, but may be used for a separate Project,
- d. New Subsection 5.c(6). We have specified that transportation development credits (formerly toll revenue credits) may be used as a source of local share, to the extent approved by FTA, and
- e. Re-numbering. We have re-numbered former subsections 5.e through 5.h as subsections 5.d through 5.g, respectively,
7. Section 7. We have made the following changes:
- a. Paragraph 7.b(8). We have indicated that U.S. DOT is expected to issue new regulations, 2 C.F.R. part 1201, that when effective will supersede and apply in lieu of its common grant rules, 49 C.F.R. parts 18 and 19,
- b. Subparagraph 7.g(2)(b)2a. We have indicated that U.S. DOT is expected to issue new regulations, 2 C.F.R. part 1201, that when effective will supersede and apply in lieu of its common grant rules, 49 C.F.R. parts 18 and 19,
- c. Subparagraph 7.q(1) and (2). We have clarified the permissible uses of program income during and after the Award Period, and
- d. New Subsection 7.r, “Profits or Fees. We have made the following changes:
- (1) We have added a new subsection 7.r to state FTA’s position about incidental profits a Recipient or Subrecipient might receive as a result of its FTA funded project, and
 - (2) We have re-numbered former subsections 7.r through 7.s as subsections 7.s through 7.t, respectively,
8. Subsection 11.b. We have made the following changes:
- a. Subparagraph 11.b(1)(a)1c. We have indicated that U.S. DOT is expected to issue new regulations, 2 C.F.R. part 1201, that when effective will supersede and apply in lieu of its common grant rules, 49 C.F.R. parts 18 and 19,
- b. Subparagraph 11.b(2)(a). As required by U.S. OMB, the “Audit Requirements” of 2 C.F.R. part 200, subpart F, will apply to FTA and will apply to audits of

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- Recipients as of December 26, 2014, and
- c. Paragraph 11.b(3). We have indicated that U.S. DOT is expected to issue new regulations, 2 C.F.R. part 1201, that when effective will supersede and apply in lieu of its common grant rules, 49 C.F.R. parts 18 and 19,
9. Section 13. We have made the following changes:
 - a. Subparagraph 13.c(1)(b). We have added a reference to Executive Order 13672, “Further Amendments to Executive Order 11478, Equal Employment Opportunity in the in the Federal Government, and Executive Order 11246, Equal Employment Opportunity,” July 21, 2014,
 - b. Subparagraph 13.c(2)(a). We have added sexual orientation, gender identity, and status as a parent to the list of protected categories for purposes of Equal Employment Opportunity, the extent to which will be determined by U.S. Department of Labor regulations to be promulgated, and
 - c. Subparagraphs 13.g(2)(a), (b), and (d). Federal regulations, “Miscellaneous Civil Rights Amendments (RRR),” pertaining to nondiscrimination on the basis of disability within 49 C.F.R. Parts 27, 37, and 38 were published in 79 *Fed. Reg.* 21402, April 16, 2014,
 10. Section 14. We have made the following changes:
 - a. New Subparagraph 14.a(1)(c)1. We have added a new subparagraph 14.a(1)(c)1 to include the FTA “Policy Guidance on Metropolitan Planning Organization (MPO) Representation” that was published in 79 *Fed. Reg.* 31214, June 2, 2014, and
 - b. Re-numbering. We have re-numbered former subparagraphs 14.a(1)(c)1 through 3 as subparagraphs 14.a(1)(c)2 through 4, respectively,
 11. Section 17. We have made the following changes:
 - a. Subparagraph 17.a(2)(c). We have indicated that U.S. DOT is expected to issue new regulations, 2 C.F.R. part 1201, that when effective, will supersede and apply in lieu of its common grant rules, 49 C.F.R. parts 18 and 19, and
 - b. Subsection 17.j. We have alerted you to procedures FTA is using in administering force account matters,
 12. Subsection 18.b. We have added a requirement to obtain FTA written concurrence before participating in any type of lease involving innovative financing, as well as certificates of participation,
 13. Paragraph 19.c(2). The Super Circular did not retain the common grant rule provision that the Recipient has no obligation to the Federal Government with respect to program income earned from license fees and royalties for patents, patent applications, and inventions produced under the Project, apart from compliance with 35 U.S.C. §§ 200 *et seq.*, which applies to patent rights developed under a research project; therefore when 2 C.F.R. part 1201 becomes effective, that exception will no longer be in effect,

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14. Paragraph 20.f(2). The Super Circular did not retain the common grant rule provision that the Recipient has no obligation to the Federal Government with respect to program income earned from license fees and royalties for patents, patent applications, and inventions produced under the Project, apart from compliance with 35 U.S.C. §§ 200 *et seq.*, which applies to patent rights developed under a research project; therefore when 2 C.F.R. part 1201 becomes effective, that exception will no longer be in effect,

15. Section 21. We have made the following changes:
 - a. Paragraph 21.a(2). FTA issued FTA Circular 7050.1, “Federal Transit Administration Guidance on Joint Development, August 25, 2014, that has provisions addressing use of project property and other matters,
 - b. Paragraph 21(b)(1). We have indicated that U.S. DOT is expected to issue new regulations, 2 C.F.R. part 1201, that when effective will supersede and apply in lieu of its common grant rules, 49 C.F.R. parts 18 and 19,
 - c. Subparagraph 21.b(2)(b). We have indicated that U.S. DOT is expected to issue new regulations, 2 C.F.R. part 1201, that when effective will supersede and apply in lieu of its common grant rules, 49 C.F.R. parts 18 and 19,
 - d. Subparagraph 21.i(1)(c). We have indicated that U.S. DOT is expected to issue new regulations, 2 C.F.R. part 1201, that when effective will supersede and apply in lieu of its common grant rules, 49 C.F.R. parts 18 and 19, and
 - c. Subparagraph 21.l(1)(c). We have indicated that U.S. DOT is expected to issue new regulations, 2 C.F.R. part 1201, that when effective will supersede and apply in lieu of its common grant rules, 49 C.F.R. parts 18 and 19,

16. Subsection 23.a. We have alerted you to procedures FTA is using in administering flood insurance matters,

17. Section 29. We have made the following changes:
 - a. New Subparagraph 29.b(1)(a)2. We have added a reference to 23 U.S.C. § 139, “Efficient environmental reviews for project decision making,” and
 - b. New Subparagraph 29.b(2)(a). We have made the following changes:
 - (1) We have added a reference to the joint FHWA and FTA, “Interim Guidance on MAP-21 Section 1319 Accelerated Decisionmaking in Environmental Reviews,” January 14, 2013, and
 - (2) We have re-numbered former subparagraphs 29.b(2)(a) and (b) as subparagraphs 29(2)(b) and (c), respectively,

18. Subsections 46(a)(1). We have changed this provision to recognize that FTA expects to adopt a new electronic award and management system in Fiscal Year 2015,

19. Section 57. We have made the following changes:
 - a. Subsection 57.c. We have clarified that the JARC program covers nonurbanized areas as well as urbanized areas,

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- b. New Subsection 57.d. We have listed the types of projects eligible for funding under the JARC Program,
 - c. New Subsection 57.e. We have listed the types of plans that apply to the Special Provisions for the JARC Program, and
 - d. Renumbering. We have re-numbered former subsection 57.e as subsection 57.f,
20. Section 63. We have made the following changes:
- a. Subparagraph 63.c(2)(a). FTA issued FTA Circular 9070.1G, “Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions,” on June 6, 2014,
 - b. New Paragraph 63.d(2). We have listed the types of projects eligible for funding under the Enhanced Mobility of Seniors and Individuals with Disabilities Formula Program,
 - c. New Paragraph 63.d(3). We have listed the types of plans that apply to the Special Provisions for the Enhanced Mobility of Seniors and Individuals with Disabilities Formula Program, and
 - d. Renumbering. We have re-numbered former paragraphs 63.d(2) through 63.d(5) as paragraphs 63.d(4) through 63.d(7), respectively,
21. Section 64. We have made the following changes:
- a. New Paragraph 64.d(2). We have listed the types of projects eligible for funding under the Formula Grants Program for the Special Needs of Elderly Individuals and Individuals with Disabilities,
 - b. New Paragraph 64.d(3). We have listed the types of plans that apply to the Formula Grants Program for the Special Needs of Elderly Individuals and Individuals with Disabilities, and
 - c. Renumbering. We have re-numbered:
 - (1) Former paragraphs 64.d(2) through 64.d(4) as paragraphs 64.d(4) through 64.d(6), respectively, and
 - (2) Former paragraph 64.d(6) as paragraph 64.d(7),
22. Section 65. We have made the following changes:
- a. New Subsection 65.d. We have listed the types of projects eligible for funding under the New Freedom Program,
 - b. New Subsection 65.e. We have listed the types of plans that apply to the New Freedom Program, and
 - c. Renumbering. We have re-numbered former subsection 65.d as subsection 65.f,
23. Section 66. We have made the following changes:
- a. New Paragraph 66.d(1). We have listed the types of projects eligible for funding under the Formula Grants Program for Rural Areas,
 - b. Paragraph 66.d(2). We have listed the types of plans that apply to the Special Provisions for the Formula Grants Program for Rural Areas,
 - c. New Paragraph 66.d(8). We have added Reporting requirements, and

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- d. Renumbering. We have re-numbered:
 - (1) Former paragraphs 66.d(2) through 66.d(6) as paragraphs 66.d(3) through 66.d(7), respectively, and
 - (2) Former paragraph 66.d(8) as paragraph 66.d(9),

- 24. Section 67. We have made the following changes:
 - a. Paragraph 67.d(1). We expanded the list of the types of projects eligible for funding under the Formula Grants for Other Than Urbanized Areas Program,
 - b. Paragraph 67.d(2). We have listed the types of plans that apply to the Special Provisions for the Formula Grants Program for Other Than Urbanized Areas, and
 - c. Renumbering. We have re-numbered former paragraphs 67.d(2) through 67.d(7) as paragraphs 67.d(3) through 67.d(8), respectively,

- 25. New Sections 80 and 81. We have separated the provisions for the two programs addressed in former Section 80 into two separate sections as follows:
 - a. Section 80 for the Technical Assistance and Standards Development Program, and
 - b. Section 81 for the Technical Assistance Program,

- 26. New Section 82. We have made the following changes:
 - a. We have added a section addressing the former Easter Seals program that had been inadvertently omitted in the former Master Agreement, and
 - b. We have re-numbered former sections 81 through 88 as sections 83 through 90, respectively,

- 27. Re-Numbered Subparagraph 86.b(1)(b). We have added a reference to 49 U.S.C. § 5330, which is repealed three (3) years after the effective date of the final FTA State Safety Oversight regulations required by 49 U.S.C. § 5329(e), as amended by MAP-21, and

- 28. Appendix B. We have added a new Appendix B that sets forth situations when prior FTA approval is required in writing.