

## What changes did FTA make between the 2018 and 2019 versions of the annual certifications?

With the 2019 version of the Certifications and Assurances, FTA has endeavored to reduce the burden on applicants by making FTA’s certifications a more efficient document and eliminating certain certifications that were not absolutely necessary. The result is a significant reduction in length. In addition, FTA has made a point, for each certification, to state clearly why FTA must require applicants to make the certification, along with citation to any statute or regulation that requires the certification.

Most of the changes FTA made were to the form in which the certifications are presented, and did not change the substance of the legal obligations FTA’s applicants undertake. FTA reduced redundancy in the certifications and consolidated some certifications that were similar. (For example, in 2018, the certification that an applicant had the financial capability to carry out its award appeared 16 separate times. In 2019, this certification appears in the “Category 1” certifications every applicant must make, and thereafter appears only twice.)

FTA also eliminated some certifications that were not legally necessary. *Note* that an applicant must still comply with any substantive requirements underlying these eliminated certifications; FTA only eliminated the requirement to certify compliance pre-award. The certifications FTA eliminated or consolidated into other certifications were:

2018 certification 1.A, “Certifications and Assurances of Authority of the Applicant and its Authorized Representative”	Some text in this certification was consolidated into the applicant’s other standard certifications. The authorized representative’s certification to his or her own authority was redundant with the “signature page” language. Furthermore, FTA separately requires applicants to submit documentation evidencing the authority of their authorized representatives.
2018 certification 1.C, “Intergovernmental Review Assurance”	TrAMS separately asks about Executive Order 12372 intergovernmental review elsewhere in the application process. This is consistent with OMB SF-424, which treats E.O. 12372 as an application question, not a certification
2018 certification 3.A, “Private Property Protections”	This certification was meant to satisfy FTA’s obligations under 49 U.S.C. § 5323(a), which allows FTA to award funds to a public entity to acquire the assets of, or operate in competition with, a private entity engaged in public transportation only after making certain findings. However, this statute requires FTA to make

	findings; it does not require the applicant to make a certification.
2018 certification 6, “Intelligent Transportation Systems”	The applicant’s project still must conform to any ITS architecture, if applicable. However, a pre-award certification to this effect was unnecessary.
2018 certification 7.B, “Acquisition of Capital Assets by Lease”	This certification was required by FTA’s former capital leasing regulation, 49 C.F.R. part 639, which FTA repealed in 2018.
2018 certification 8.B, “Public Transportation Safety Program”	On July 19, 2018, FTA published the final Public Transportation Agency Safety Plan rule, 83 Fed. Reg. 34418 (to be codified at 49 C.F.R. part 673). The rule becomes effective on July 19, 2019. The rule includes certification requirements for applicants, but those certifications are not required until one year after the effective date of the rule.
2018 certification 13.B, “Passenger Ferry Grant Program”	This is no longer a separate certification. Instead, FTA consolidated this certification so that in 2019 there is only one certification for the Section 5307 program.
2018 certification 16, “Tribal Transit Programs”	The Tribal Transit Program does not require Tribal applicants to make a separate certification from other Section 5311 applicants. The 2018 version of this certification incorporated by reference other certifications that an applicant may also have made directly.
2018 certification 18, “Public Transportation Emergency Relief Program”	While other certifications will apply to assistance awarded pursuant to FTA’s emergency relief procedures, this certification itself was not necessary.